

2025 SENATE STATE AND LOCAL GOVERNMENT

SB 2069

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2069
1/9/2025

Relating to publication requirements

11:30 a.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Maintain current requirements
- Enhancing public requirements
- Solution driven
- ND Nursing Association record

11:30 a.m. Sheri Haugen-Hoffart, Public Service Commission, testified in favor with testimony #28237.

11:38 a.m. Matt Fischer, Chief Examiner and Division Director of ND Insurance Department, testified in favor with testimony #28281.

11:40 a.m. Cecile Wehrman, ND Newspaper Association, testified in opposition with testimony #28268.

11:58 a.m. Dani Quissell, Water Resource Development, testified in opposition.

12:02 p.m. Sandy McMerty, Deputy Secretary of State, testified neutral.

12:08 p.m. Wayde Swenson, Office of Operations Director of the NDDOT, testified neutral with testimony #28241.

12:10 p.m. Sherry Nees, OMB, testified neutral.

12:12 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Senate Bill No. 2069

Presented by: Sheri Haugen-Hoffart, Commissioner
Public Service Commission

Before: Senate State and Local Government Committee
Honorable Kristin Roers, Chair

Date: January 9, 2025

TESTIMONY

Chair Roers and Committee members, thank you for the opportunity to testify today. My name is Commissioner Haugen-Hoffart, and I am here on behalf of the Public Service Commission (Commission) to express our support for Senate Bill 2069.

Senate Bill 2069 proposes a straightforward yet impactful change. It would require state agencies to publish notices with the Secretary of State whenever a unit of government is obligated by law to publish notices in a newspaper. Importantly, this bill does not alter existing newspaper publication requirements. Instead, it introduces an additional safeguard: if a newspaper fails to publish the required notice, the posting with the Secretary of State would satisfy the legal publication obligation.

This legislation achieves three key objectives:

1. **Maintaining Current Requirements:** It preserves all existing publication mandates, ensuring continuity with current public expectations.

2. **Enhancing Public Access:** By creating a centralized repository for state legal notices and potentially offering a subscription service for updates, it provides greater transparency and public accessibility to legal proceedings.
3. **Providing a Backstop:** It mitigates risks associated with publication failures, ensuring legal processes are not jeopardized.

For the Commission, the publication of legal notices¹ is critical to fulfilling statutory obligations, including administrative rulemaking, permitting coal mines, constructing energy infrastructure, extending utility services, and implementing rate changes. These notices establish jurisdiction for legal and regulatory proceedings.

Unfortunately, publication failures can have significant consequences. Over the past few years, such issues have forced the Commission to cancel and reschedule hearings, reissue notices, or seek legal opinions on compliance with rulemaking procedures. These situations impose substantial costs and delays for the Commission, stakeholders, and the public. Our staff has had to dedicate considerable time and resources to confirming or remedying publication errors for every proceeding. Additionally, we have strategically extended notice periods longer than the law requires in order to safeguard the applicant and the agency from publication errors. This has added delay to the process, agency decisions, and permitting.

¹ Notices required under North Dakota Century Code Sections 49-22-13(4), 49-22.1-10(4), 49-03-02(2), 49-03-06(4), 49-03.1-05, 28-32-10(b), etc.

Senate Bill 2069 addresses these challenges by offering a practical solution that enhances transparency and public participation while reducing the risks and burdens associated with failed publications. We believe this measure represents a necessary, common sense, practical and prudent step forward.

This concludes my testimony. Thank you for your time and I am available for questions.

**Senate Bill No. 2069****Senate State and Local Government**

Room 216 | January 9, 2025, 11:30 a.m.

Wayde Swenson, Office of Operations

Good morning, Chair Roers and members of the Committee. I'm Wayde Swenson, Office of Operations Director for the North Dakota Department of Transportation (NDDOT). I appreciate the opportunity to provide information regarding Senate Bill 2069.

SB 2069 proposes creating a new section to chapter 46-05, requiring a unit of government to publish notices with the secretary of state when it is required by law to publish in a newspaper.

The NDDOT publishes many notices, such as requests for bids on buildings, highways, and structures, as well as announcements for public input meetings.

The NDDOT has submitted SB 2062, which seeks to remove the requirement to advertise requests for bids in newspapers and shift to more modern and impactful communications methods. Regardless of that bill, the requirement that a unit of government publish notices with the secretary of state adds additional administrative work.

The NDDOT suggests an amendment to the bill.

A unit of government ~~shall~~ **may** file a published notice with the secretary of state whenever the unit of government is required by law to publish notice in a newspaper. Unless otherwise provided by law, a notice required by law which is filed and posted by the secretary of state fulfills publication requirements if a newspaper fails to publish the notice required by law.

This amendment gives units of government the option to advertise notices with the secretary of state.

This concludes my testimony. Thank you.

January 9, 2025

Senate State and Local Government Affairs Committee SB 2069
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MADAME CHAIRMAN ROERS AND COMMITTEE MEMBERS:

My name is Cecile Wehrman. I represent the North Dakota Newspaper Association and the state's 73 member newspapers. We oppose adoption of Senate Bill 2069.

The PSC is asking for a stop gap should a newspaper fail to publish a required notice, but based on our records, that's an incredibly rare occurrence that does not justify a special provision under state law.

We have not missed publication of a PSC notice since Sept. 2023.

Our record with other agencies is likewise excellent. Of 583 administrative rules placements in 2024, the attorney general's office found just 19 instances in which a newspaper notice did not run timely – **that's a .03 percent error rate.**

There already exists a process whereby the Attorney General's office can make a determination of substantial notice compliance should one of these rare instances occur. And there already exists a repository for published notices to which all newspapers are required by law to post called ndpublicnotices.com.

Senate Bill 2069 has disproportionate consequences based on the rarity of a notice failing to run. **For the first time ever, the legislature would be declaring publication of a notice on a government website as satisfactory on its own, severely undermining the role of newspapers as the conduit for public notice.**

This is the proverbial slippery slope, establishing a precedent of using government websites as adequate for public notice, when recent statewide research shows 8 out of 10 North Dakotans prefer delivery of public notice by an independent third party like newspapers rather than by government agencies on their websites.

NDNA has already implemented a more stringent process of notification to newspapers on all PSC hearings. This is why we haven't missed one of their publications in more than a year. We may have an occasional paperwork or billing issue as any organization would when coordinating as many as 5,000 public notice placements in an average year, but these do not impact the publication itself.

If any agency is unhappy with NDNA's performance they also have the option of dealing directly with each individual newspaper, giving the agency the ability to personally impress upon each publisher the importance of timely notice placement.

Thank you for your consideration and I would be happy to answer questions.

Government Websites vs. Newspapers

Eight out of 10 North Dakota adults (82%) believe that an independent third-party should deliver public notices versus having them only available on government websites

	North Dakota Adults
I think newspapers as an independent third-party source should deliver this important information to the public	82%
I think government can be trusted to be the only source of public notices	18%

Do you think state or local governments should stop publishing public notices in local newspapers/newspaper websites and only publish them on their websites?



NORTH DAKOTA
Insurance Department

TESTIMONY

John Arnold, Deputy Commissioner

Senate State and Local Government Committee

January 9, 2025

Good morning Chair Roers and members of the Senate State and Local Government Committee,

First, my apologies that I am not able to attend this morning's hearing in person. I truly wanted to testify in support of Senate Bill 2069 in person, but I trust that Matt Fischer, the Department's Chief Examiner and Division Director, will be able to answer any questions that you may have.

Secondly, I'd like to thank the Public Service Commissioner for submitting this bill for your consideration. The Insurance Department had also considered drafting similar legislation, and we feel that it is likely that many units of government will benefit from this proposal.

Twice in the current biennium, the Insurance Department has been impacted by notices that were not published in a timely manner. Once for the notification for a hearing considering the merger of two insurance companies, and again for a public hearing to received feedback on proposed administrative rules.

In the first instance, the notice was published far short of the scheduled hearing date, despite being given the notice approximately four weeks before the publication deadline, and only after we reached out to the Newspaper Association because we had not heard that the notice had been published. Since the companies involved in the merger also had to notify their members, the parties involved in the hearing agreed to the abbreviated notification timeline, and so the hearing was able to be held as scheduled. However, if the parties not come to an agreement this hearing would have been delayed a minimum of 4 weeks.

In the second instance, the notice for comment for a batch of administrative rules was published with the incorrect date, which was later than the deadlines that the Department must submit Administrative Rules for review. We had also published the correct date on both our website and the Secretary of State's public notice webpage. In consultation with Legislative Council, we held a first hearing as originally scheduled, and then held a second hearing on the date published in the newspapers. Since we received no feedback at either hearing, it was determined that we had meet the necessary timelines.

Admittedly, in both instances we were able to continue with minimal impact, but I'm sure that you can all understand the frustration and the quick work to make sure that that occurred.

Since I also have another example from prior employment with state government, I wanted to attempt to address the issue because I have to believe that it happens more than we are aware, but in those past experiences we were unable to come to agreement on a feasible proposal. I believe that the Public Service Commission has found a reasonable solution and would encourage a Do Pass recommendation on SB 2069.

Thank you.

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2069
1/9/2025

Relating to publication requirements

1:49 p.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Amendment introduction

1:53 p.m. Senator Walen moved to amend bill on line 8 to say "state unit of government".

1:54 p.m. Motion died for a lack of second.

1:55 p.m. Chair Roers closed the meeting.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

SB 2069
1/9/2025

Relating to publication requirements

2:29 p.m. Chair Roers called the meeting to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Cost to edit website
- Cost to replace website

2:29 p.m. Chair Roers reported findings on editing the website vs. replacement of website.

2:32 p.m. Chair Roers adjourned the meeting.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2069
1/23/2025

Relating to publication requirements

3:17 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Possible amendment
- Website challenges

3:22 p.m. Jon Arnold, Deputy Insurance Commissioner, testified in favor.

3:37 p.m. Sandy McMerty, Deputy Secretary of State, testified neutral.

3:44 p.m. Chair Roers adjourned the meeting.

Susan Helbling, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee Room JW216, State Capitol

SB 2069
1/30/2025

Relating to publication requirements

3:17 p.m. Chair Roers called the hearing to order.

Members Present: Chair Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

Discussion Topics:

- Public notice volume
- Establishing website

3:17 p.m. Chair Roers updated the committee on possible language changes.

3:28 p.m. Senator Walen moved Amendment LC #25.8065.01003.

3:28 p.m. Senator Barta seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

3:31 p.m. Senator Barta moved a Do Pass as Amended and rerefer to Senate Appropriations.

3:31 p.m. Senator Walen seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Roers will carry the bill.

Senate State and Local Government Committee
SB 2069
1/30/2025
Page 2

3:34 p.m. Chair Roers closed the hearing.

Susan Helbling, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

JB *1-30-25*
lab

SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

- 1 A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota
2 Century Code, relating to publication requirements; and to provide an appropriation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 46-05 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Government publication.**

- 7 A unit of government shall may file a published notice with the secretary of state whenever
8 the unit of government is required by law to publish notice in a newspaper. Unless otherwise
9 provided by law, a notice required by law which is filed and posted by the secretary of state
10 fulfills publication requirements if a newspaper fails to publish the notice required by law.

11 **SECTION 2. APPROPRIATION - SECRETARY OF STATE - WEBSITE - ONE-TIME**

- 12 **FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,
13 not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary,
14 to the secretary of state for the purpose of establishing a website for all required public notices,
15 for the biennium beginning July 1, 2025, and ending June 30, 2027. The website must be
16 accessible to the public and all notices must be archived. The funding included in this section is
17 considered a one-time funding item.

**REPORT OF STANDING COMMITTEE
SB 2069**

State and Local Government Committee (Sen. Roers, Chairman) recommends **AMENDMENTS** ([25.8065.01003](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

2025 SENATE APPROPRIATIONS

SB 2069

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

SB 2069
2/11/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements; and to provide an appropriation

8:30 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Law requirements for public notices and announcements
- Software supplement
- ND Newspaper survey

8:31 a.m. Randy Christmann, ND Public Service Commissioner, testified in favor.

8:38 a.m. Sandy McMerty, Deputy Secretary of State, testified neutrally.

8:41 a.m. John Arnold, Deputy Commissioner, ND Insurance Department, testified in favor.

8:50 a.m. Cecile Wehrman, Executive Director of ND Newspaper Association, testified in opposition and submitted testimony #36242 and #37153.

9:03 a.m. Victor Schock, Director of Public Utilities, ND Public Services Commission, testified in favor.

9:07 a.m. Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk



Cecile Wehrman, director@ndna.com 701-648-8697

Senate Appropriations Government Operations Division.

Sen. Terry Wanzek, Chairman

SB 2069 -- OPPOSED

CHAIRMAN WANZEK AND COMMITTEE MEMBERS:

My name is Cecile Wehrman, executive director of the North Dakota Newspaper Association (NDNA). We are **OPPOSED** to SB 2069.

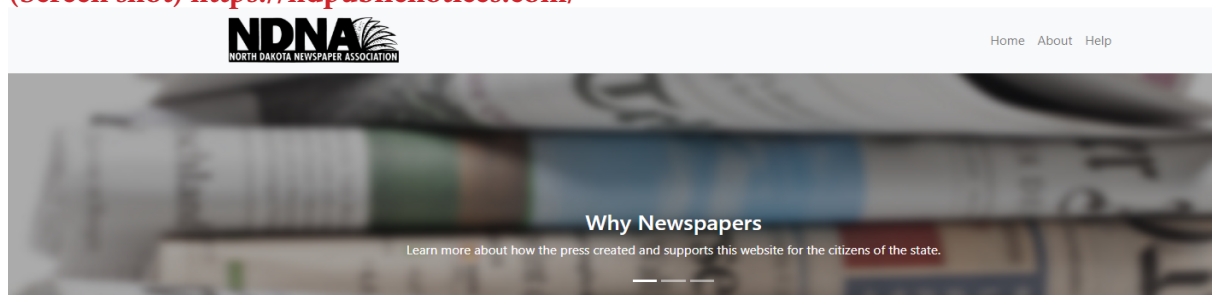
SB 2069 seeks to solve a very rare problem with an expensive solution.

NDNA has operated a statewide public notice website since 2013. All newspapers are already required, according to state law, to post all public notices on the website. It is searchable using an interactive map by county and by city (using search terms). There is NO COST to government or consumers.

Failure to publish notices is EXTREMELY rare. For instance, we haven't missed a PSC publication since September 2023. Of 583 administrative rules notices placed last year, only .03 percent had any issue with timing and all were found substantially compliant by the Attorney General.

We have offered a solution to deal with extremely time sensitive PSC notices so they have a direct upload at the time hearing notices are placed with newspapers. We urge you to deny an appropriation that would duplicate services already available.

(Screen shot) <https://ndpublicnotices.com/>



Search for:

Common Phrases:

County:

City:

Publication:

Search Date: -

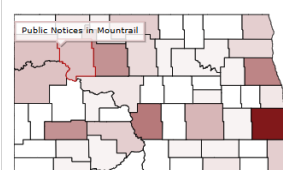
Welcome

This website hosts public and legal notices published in newspapers across North Dakota. Here you can perform refined searches of notices made available to the public through newspapers of record.

This website is provided by North Dakota's newspapers as a free service for the purpose of informing and engaging the citizens and maximizing the availability of this information.

To search the notices, simply input the parameters you wish to query. Then click the 'Search' button at the bottom of the form to begin. The process may take a few seconds to display your results.

Notices by County



The North Dakota State Study

**Consumer Insights from the
North Dakota Newspaper Association**



Survey Methodology

- The North Dakota Newspaper Association commissioned Coda Ventures, an independent research and consulting firm, to conduct a survey among North Dakota adults, age 18+.
- The survey was designed to measure the demographics, media behavior and purchase intentions of respondents for specific product categories.
- The survey was fielded online, and respondents were screened by zip code to ensure an accurate representation of urban, suburban and rural communities. Additional quotas were set for age, gender, education and race to match the demographic composition of the population.
- The data was weighted and projected to the most recent ESRI census estimates.
- The survey was fielded from February 12 - March 19, 2024.
- At the close of the survey, a total of 405 adults participated. (Margin of Error: +/- 4.9%)



Public Notices

83%

Of North Dakota adults
read **public notices** in
print or digital **newspapers**

Usually	22%
Sometimes	35%
Seldom	26%
Never	17%



85%

Believe that publishing
public notices in newspapers
should be **required**

Yes	85%
No	15%

How often do you or other members of your household read public notices in a newspaper, on a newspaper's website or on the free statewide newspaper public notices website, regarding such issues as: tax/rate changes, zoning changes, abandoned properties, changes to the state constitution, bids on government contracts, etc.?

When state and local government agencies publish public notices, they pay for that publication, which amounts to less than 1% of their budget. Knowing this, do you believe that state and local government agencies should be required to publish such public and legal notices in newspapers and on their websites as a service to the community?

Citizens Speak Out about Public Notices

"I think the government should realize obviously that it's very important for public notices to be in newspapers and that's why it's been going on for over 200 years. To try and change it now would be ridiculous."

"I believe public notices in newspapers are important and should continue."

"I feel information that should be public should be easily accessible to all and reported on by multiple different agencies especially outside of the government itself."

"Public notices should appear on both state websites and in newspapers as not everyone gets online and not everyone wants to use online to read this important information. Citizens should know everything that's going on especially if they pay for it with our tax money."

"State sites are ok if you are looking for notices, but local papers will let you know about them without having to search. Most of the time you do not look for these things, so the local papers print them, and you will see them."

"I trust the local newspaper more than I do the government and state."

"They have always been in newspapers, and I feel they should continue to be in newspapers. They should be available as many places as possible."

Citizens Speak Out about Public Notices

"Sometimes it is very difficult to find public notices online. Do you look on the city site, county site, state site...so many sites."

"I think a large majority of people will follow their local newspaper for info instead of a county or state website."

"If info is available in the newspaper we don't have to search and dig on city and county websites for news and information."

"A third party, like a newspaper, is best for presenting the information and retaining historical information."

I feel that a local third party like a newspaper has no conflict of interests as opposed to government owned entities."

"The fact is there are still citizens who don't regularly use the internet. Citizens have the right to use whatever source they choose, and the government has an obligation to provide it."

"There should be access to information for all people to see, and therefore the information should be shared in several forms."

Opinions About Sources of Public Notices

Local newspapers/newspaper websites are a more reliable, appropriate and transparent medium for public notices than state, city or county websites

Local newspapers are also more concerned with the community

	Local Newspapers/ Websites	State Websites	City/County Websites
Concerned about the local community	<u>68%</u>	8%	24%
Appropriate location for public notices	55%	18%	26%
Reliable	53%	30%	17%
Transparent	53%	29%	19%

When thinking of the following sources for public notices, which do you feel is the most...

Government Websites vs. Newspapers

Eight out of 10 North Dakota adults (82%) believe that an independent third-party should deliver public notices versus having them only available on government websites

	North Dakota Adults
I think newspapers as an independent third-party source should deliver this important information to the public	82%
I think government can be trusted to be the only source of public notices	18%

Do you think state or local governments should stop publishing public notices in local newspapers/newspaper websites and only publish them on their websites?

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

SB 2069
2/11/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements; and to provide an appropriation

10:46 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Secretary of State announcement site
- Public announcement site goals
- ND Newspaper's public announcement site

10:46 a.m. Senator Roers, District 27, testified in favor and answered questions.

10:59 a.m. Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations - Government Operations Division Red River Room, State Capitol

SB 2069
2/11/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements; and to provide an appropriation

11:15 a.m. Chairman Wanzek opened the meeting.

Members present: Chairman Wanzek, Vice-Chair Dwyer, Senator Burckhard, Senator Erbele, and Senator Sickler.

Discussion Topics:

- Newspaper website upgrade
- Secretary of State website link

11:18 a.m. Senator Sickler moved to amend SB 2069 to remove the appropriation.
Senator Dwyer seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	N
Senator Michael Dwyer	Y
Senator Robert Erbele	Y
Senator Jonathan Sickler	Y

Motion passed 4-1-0

11:21 a.m. Senator Sickler moved a Do Pass as Amended for SB 2069.
Senator Dwyer seconded the motion.

Senators	Vote
Senator Terry M. Wanzek	Y
Senator Randy A. Burckhard	N
Senator Michael Dwyer	Y
Senator Robert Erbele	N
Senator Jonathan Sickler	Y

Motion passed 3-2-0

Senator Sickler will carry the bill.

11:25 a.m. Chairman Wanzek closed the meeting.

Carol Thompson, Committee Clerk

2025 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

SB 2069
2/13/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements; and to provide an appropriation.

11:18 a.m. Chairman Bekkedahl opened the hearing.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Thomas, Wanzek.

Discussion Topics:

- Newspaper Notices Timeliness
- Publication Requirements with Secretary of State

11:18 a.m. Senator Sickler introduced the bill, the amendment LC 25.8065.02001, and submitted testimony #37627.

11:21 a.m. Senator Sickler moved amendment LC 25.8065.02001.

11:21 a.m. Senator Wanzek seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	N
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	Y
Senator Terry M. Wanzek	Y

Motion Passed 15-1-0.

11:22 a.m. Senator Sickler moved a Do Pass as Amended.

11:22 a.m. Senator Dwyer seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	N
Senator Randy A. Burckhard	N
Senator Sean Cleary	N
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	N
Senator Jeffery J. Magrum	N
Senator Tim Mathern	N
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	N
Senator Terry M. Wanzek	Y

Motion Passed 9-7-0.

Senator Sickler will carry the bill.

11:26 a.m. Chairman Bekkedahl closed the hearing.

Elizabeth Reiten, Committee Clerk

February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

HD
2/13/25
Pg 1 of 1

ENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

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10 fulfills publication requirements if a newspaper fails to publish the notice required by law.

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12 ~~**FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,~~
13 ~~not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary,~~
14 ~~to the secretary of state for the purpose of establishing a website for all required public notices,~~
15 ~~for the biennium beginning July 1, 2025, and ending June 30, 2027. The website must be~~
16 ~~accessible to the public and all notices must be archived. The funding included in this section is~~
17 ~~considered a one-time funding item.~~

**REPORT OF STANDING COMMITTEE
ENGROSSED SB 2069**

Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS** ([25.8065.02001](#)) and when so amended, recommends **DO PASS** (9 YEAS, 7 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2069 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

25.8065.02001
Title.

Prepared by the Legislative Council
staff for Senate Appropriations -
Government Operations Division
Committee

February 11, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

- 1 A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota
- 2 Century Code, relating to publication requirements; ~~and to provide an appropriation.~~

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- 4 **SECTION 1.** A new section to chapter 46-05 of the North Dakota Century Code is created
- 5 and enacted as follows:

6 **Government publication.**

- 7 A unit of government may file a published notice with the secretary of state whenever the
- 8 unit of government is required by law to publish notice in a newspaper. Unless otherwise
- 9 provided by law, a notice required by law which is filed and posted by the secretary of state
- 10 fulfills publication requirements if a newspaper fails to publish the notice required by law.

- 11 ~~— **SECTION 2. APPROPRIATION – SECRETARY OF STATE – WEBSITE – ONE-TIME**~~
- 12 ~~**FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,~~
- 13 ~~not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary,~~
- 14 ~~to the secretary of state for the purpose of establishing a website for all required public notices,~~
- 15 ~~for the biennium beginning July 1, 2025, and ending June 30, 2027. The website must be~~
- 16 ~~accessible to the public and all notices must be archived. The funding included in this section is~~
- 17 ~~considered a one-time funding item.~~

2025 HOUSE POLITICAL SUBDIVISIONS

SB 2069

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2069
3/14/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements.

8:59 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

Discussion Topics:

- Publication of legal notices
- Penalties for failing to publish public notices
- Publication of notices on the Secretary of State's website
- Number of notices in public newspapers

9:01 a.m. Sheri Haugen-Hoffart, Commissioner of the Public Service Commission, testified in favor and provided testimony #41476.

9:11 a.m. Victor Schock, Director of Public Utilities for the North Dakota Public Service Commission, testified in favor and provided testimony #41504.

9:29 a.m. Jonathan Fortner, Vice President of Government Relations at Lignite Energy Council, testified in favor and provided testimony #41446.

9:31 a.m. Jean Schafer, Basin Electric Power Cooperative, testified in favor and provided testimony #41480.

9:37 a.m. Dennis Pathroff, Power Companies of North Dakota, testified in favor and provided testimony #41546.

9:39 a.m. Kory Peterson, North Dakota League of Cities, testified in favor and provided testimony #41467.

9:42 a.m. John Arnold, Deputy Commissioner of North Dakota Insurance Department, testified in favor and provided testimony #41475.

9:54 a.m. Cecile Wehrman, Executive Director of the North Dakota Newspaper Association, testified in opposition and provided testimony #41400.

10:23 a.m. Michael Howe, North Dakota Secretary of State, testified in opposition and provided testimony #41535.

10:33 a.m. Katie Winbauer, Lobbyist and Attorney for the North Dakota Newspaper Association, testified in opposition and provided testimony #41429.

10:38 a.m. Allison Olimb, President of the North Dakota Newspaper Association, testified in opposition and provided testimony #41431, #41432.

10:41 a.m. Mary Kelsch, Assistant Attorney General testified in opposition.

Additional written testimony:

In Favor:

#40246

In Opposition:

#41032, #41181, #41333, #41345, #41346, #41357, #41371, #41402, #41405, #41428, #41477, #41463

10:48 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk



**NORTH DAKOTA
PLANNING ASSOCIATION**
Serving North Dakota since 1973

NDPA Board

Rachel Laqua – President
Andrea Edwardson - Vice President
John Van Dyke - Past President
Daniel Nairn - Treasurer
Will Hutchings - Secretary
Maegin Elshaug – At Large
David Sweeney – At Large

March 10, 2025

Committee Hearing: **SB2069**

Political Subdivisions

Representative Longmuir and Committee Members,

The North Dakota Planning Association respectfully requests a PASS recommendation on Senate Bill 2069 relating to Publication Requirements.

Allowing political subdivisions to post notices in a statewide database, in addition to newspapers, is a positive step in the direction of modernizing public notice requirements. One of the primary roles of professional planners in North Dakota is to thoroughly involve the public in community planning and development activities. We use a variety of methods to communicate, and statutory requirements should be updated to align with how people receive information in today's world.

Similar to state agencies, our local government members have experienced errors in newspaper publication. Such errors have occurred even since this legislation was introduced at the beginning of 2025. A missed or delayed notice can legally invalidate scheduled hearings, resulting in project delays and potential for public confusion. Senate Bill 2069 is a practical solution to this immediate problem.

Over time, North Dakota citizens will become more familiar with this source and trust its content. The public would have access to tools that are not currently available for legal notices, such as the ability to subscribe to an email alert for public meetings of interest. As this website is enhanced in the future, North Dakotans will have an even greater ability to find the information they seek.

A central online database will help political subdivisions across the state. In rural communities, the official newspaper may only be published monthly with notices due well in advance of publication dates. This slows down the development entitlement process. Larger communities publish many advertisements at significant taxpayer expense – over \$100,000 per year for some cities. As such, publication requirements amount to an unfunded mandate.

We support statewide mandatory notice requirements, and many of our communities have their own standards that go above and beyond. Passage of SB2069 is a step in the right direction of collaboration between state agencies and political subdivisions to meet this critical need.

Thank you,

North Dakota Planning Association Board
Rachel Laqua, President

DAILY NEWS

March 12, 2025

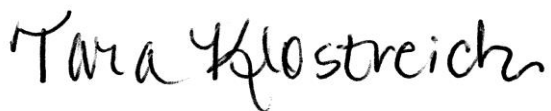
I am writing in opposition of SB 2069

The Daily News and News Monitor place approximately 1,500 public notices each year in the Daily News and News Monitor. In the past five years, not one notice has been missed. In discussion with our readers and communities they want to see the notices in our newspapers, not on government websites.

We take our responsibility for keeping citizens information seriously, including a timely publication of all notices.

We believe that the appropriate backstop for web publication of notices is ndpublicnotices.com

Thank you for your consideration of a vote no.



Tara Klostreich
Publisher

DAILY NEWS **southern valley**
NEWS MONITOR LIVING

Do NOT Pass - SB 2069

Dear Chairman Longmuir and members of the House Political Subdivisions Committee,

My name is Connie Hoffman, a lifelong resident of North Dakota, growing up in rural North Dakota and currently residing in Fargo, ND.

I write in opposition to SB 2069, related to publication requirements of public notices.

The public is used to the current process of publication of required public notices in their local newspaper. I personally appreciate being able to easily locate public notices in my newspaper. Passing this bill would create an undue burden on residents of North Dakota who do not have access to the internet or a computer to access notices on a government web site.

I stand with the local newspapers who reliably publish public notices. This bill has the appearance of making the process of locating public notices more difficult for the residents of North Dakota.

Vote do NOT pass SB 2069.

Thank you.
Connie Hoffman
Fargo, ND 58104
District 10

March 13, 2025

SB 2069 Testimony

Terry Schwartzberger - Owner and Publisher Napoleon Homestead

Chairman and members of the committee:

Thanks for allowing me to address SB 2069. As being in the newspaper industry for 40+ years and a second-generation owner, I've seen a variety of attempts to eliminate the need to publish legal notices in newspapers.

I am urging a no vote on SB 2069. This bill would open a door to have all public notices published on a government web site, eliminating the need to publish notices in newspapers. For more than 100 years newspapers have been the source of news, advertising and legal notices. Newspapers have been the go-to medium as a recent poll shows 85% of those surveyed said legal notices should be required to be published in newspapers. And of those surveyed, 83% said they read newspapers. This is an overwhelming majority of North Dakotans who continue to look to newspapers, to be the provider of information. Notices can be easily found in the pages of each issue as well as on the ND Newspaper Association website (ndpublicnotices.com).

In the four plus decades of being able to publish public notices in the pages of this weekly paper, known to those in the south-central part of the state as the Napoleon Homestead, I've heard from readers that they are glad to read about the happenings of their local government entities in their local newspaper.

It has been my privilege and honor to be able to provide a service to rural North Dakota citizens who are the individuals footing the tax bill for their political subdivisions. Taxpayers want to know and have a right to know what their local government agencies are doing, and newspapers have been providing that source of information and would like to continue to provide that service.

The median age of a resident in Logan County is 49.2 (according to 2022 data). Many of the Logan County folks are older and live without internet access or don't have any knowledge about using the internet and will not be able to access public notices on-line.

I believe SB 2069 is a bill that should receive a DO NOT pass vote as it takes away the citizens right in Logan County and all of North Dakota the ease of access to official government public notices.

Thank for your time and consideration.

Terry Schwartzberger

Publisher/Owner – Napoleon Homestead

701-321-2338

March 13, 2025

I am writing in opposition of SB 2069

I am the owner/publisher of The Gleaner newspaper in Northwood, ND. Mine is the official newspaper of Northwood Public School, City of Northwood, Hatton Eielson Public School, City of Larimore, Larimore Public School, and Emerado Public School, who all place their legal notices in The Gleaner. The Gleaner is an integral part of our community and the surrounding communities.

I take the responsibility of keeping citizens informed seriously, including a timely publication of all notices. I have not missed a publication in my 20+ years.

Voters have overwhelmingly voted to publish notices and minutes in the newspaper. They appreciate the transparency and the ability to keep up with the goings on. Our readers and communities want to see the notices in newspaper, not on government websites.

I publish The Gleaner weekly. I also uploads each edition to ndpublicnotices.com, for free, for nonsubscribers to find notices, an archive for myself, and an appropriate backstop for web publication of notices.

Thank you for your consideration of a vote no.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Johnson", with a stylized, flowing script.

Beth Johnson

Mountrail County Promoter, Inc.

***PO Box 99 – 117 Main Street, Stanley, ND
(701) 628-2333***

March 13, 2025

HOUSE Political Subdivisions Committee

Rep. Don Longmuir, Chairman

SB 2069 -- OPPOSED

I am writing in opposition to SB 2069.

As a weekly newspaper, we know that our readers and citizens are in favor of public notices in their newspapers. They count on us to keep them informed and we take pride in our ability to do so.

As an official county newspaper and official newspaper for the cities and schools in our county, we have the responsibility of making sure that public notices are printed. We serve the many attorneys that have cases in District Court requiring publication and have established good working relationships with them.

As a newspaper that has used the ndpublicnotices.com since its inception, we have been uploading our public notices weekly and have also directed others to that website when they are looking for a notice.

While I understand that you are considering a website to post notices, I would note that I think a second website doing the same thing is a duplication of a service we as newspapers are already providing.

Mary Kilen
Publisher/Editor
Mountrail County Promoter, Inc.
PO Box 99
Stanley, ND 58784-0099
(701) 628-2333

THE WALSH COUNTY **RECORD**

March 13, 2025

The Walsh County Record has been publishing public notices for our subscribers since I became publisher of the paper over 40 years ago. I can attest to the fact that the public continues to consume their news through print media. We officer public notices in every issue, every week and every year.

News sources have changed with social media, but transparency is only possible when using all available sources. Confining public notices to government websites will decrease transparency and jeopardize the public's trust. NDNA currently offers web web publication of notices on ndpublicnotices.com in addition to print media.

I urge you to vote NO on SB2069 as it will undermine public trust and limit access to public notices. An informed public is a trusting public.

Thank you for your consideration.

Jackie L. Thompson

Publisher, The Walsh County Record



Written Testimony for the House Political Subdivisions

March 13, 2025

Kelsey Majeske, Publisher

RE: Opposition for SB 2069

Good afternoon, Chairman and members of the House Political Subdivisions Committee,

My name is Kelsey Majeske, and I serve as the Publisher for the 10 community newspapers across North Dakota. As a community newspaper we take public notices very seriously and I firmly believe that printed notices in the newspaper that cannot be altered is the most effective and reliable way to inform the public; while an online backstop is a nice failsafe, that is all an online database should be. It is our experience that in our small communities' people prefer to read the notices in their weekly papers as notices come up rather than putting in the effort to dig for the notice online.

We have successfully been participating in the ndpublicnotices.com website and strongly feel this is the best option for an online backstop as it is already established and easily searchable for the public when the need arises. Muddying the waters with a second site that would require funding and labor time would be redundant when a site and process that another entity takes responsibility for is already in place.

Thank you for your consideration of a NO vote on SB 2069.

**MCLEAN COUNTY INDEPENDENT | LEADER NEWS | CENTRAL MCLEAN NEWS JOURNAL |
BEULAH BEACON | HAZEN STAR | CENTER REPUBLICAN | CASS COUNTY REPORTER |
RANSOM COUNTY GAZETTE | SARGENT COUNTY TELLER | EMMONS COUNTY RECORD**



Cecile Wehrman, director@ndna.com 701-648-8697

HOUSE Political Subdivisions Committee

Rep. Don Longmuir, Chairman

SB 2069 -- OPPOSED

CHAIRMAN LONGMUIR AND COMMITTEE MEMBERS:

My name is Cecile Wehrman, executive director of the North Dakota Newspaper Association (NDNA). Our association of 73 North Dakota newspapers are **OPPOSED** to SB 2069.

SB 2069 as written offers too broad a solution to solve what remains a rare problem. It's also duplicative of NDNA's existing public notice website -- a website that is free to the public and requires no state investment.

TOO BROAD: When SB 2069 was introduced, it changed from applying only to PSC notices to **ALL UNITS OF GOVERNMENT**. That's cities, counties, schools, townships, park, fire, water and ambulance districts, zoning boards and more. **PUBLIC NOTICE** encompasses any type of publication required under state law not just hearing notices. That's meeting minutes, budget hearing notices, notices of equalization, tax increase notices, election notices, notice of tax delinquencies, surplus property sales, publication of new municipal ordinances, water quality reports, special meeting notices, and on and on. Many of these public notices are not tied to the kind of specific time constraints PSC hearing notices must meet. And while the bill makes posting on a government website optional now, discussion in the Senate Committee hearing this bill revealed on the part of some legislators a clear agenda: developing a government website robust enough to handle all public notices so that newspapers can be cut out of the process in the future.

TOO EXPENSIVE: An initial request of \$150,000 was attached to this bill on the Senate side and rejected. \$150,000 is just an estimated initial cost. Websites come with the need for maintenance and updates, too – it's not a one time cost. The request for appropriation also did not speak to the labor time by public employees to upload these notices.

Meanwhile, NDNA has maintained its own statewide public notice website since 2013 at no cost to government. This website has been stable over a dozen years, is the number one result on Google and operated by a company specializing in public notice services. Analytics from the website show 13,000 members of the public visited the site to view nearly 30,000 notices posted there last year.

NDNA is already able to immediately post any time-sensitive notice at ndpublicnotices.com, even before the notice appears in the newspaper. With an

emergency clause recognizing that website as the back stop if a newspaper fails to publish, those posts could start counting as legal notices if ndpublicnotice.com is designated as the official backstop. This would require no costly web update for the Secretary of State's meeting notice site, no additional cost for publication of the notice, and no cost for consumers.

DUPLICATIVE: A second public notice website will create confusion. Every printed notice is already required by state law to be displayed on ndpublicnotices.com. With immediate posting of time sensitive notices and the ability to transition to a system where agencies can upload directly, we can close the loop on this process and keep all public notices in one place. We offered these solutions to the PSC in an email on Jan. 21.

Before I conclude my testimony at the hearing, I would like to demonstrate a few features at ndpublicnotices.com, so you can see how it can be searched, both by key words and other parameters, as well as with the assistance of an interactive map.

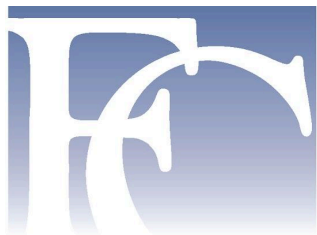
-----Website Demo-----

In conclusion, missed publications are still exceedingly rare. The PSC placed 140 notices with NDNA for publication in North Dakota Newspapers last year, each in multiple newspapers, amounting to hundreds of potential fail points. In 2024 we didn't fail to print a single one.

Given that we already have a solution to fix the problem this bill was written to address, I urge you to vote no on SB 2069.

Last, I want to remind you of the research we shared with your committee earlier this session which showed the overwhelming preference for public notices in newspapers and newspapers websites over government websites. Citizens want a trusted third party to oversee government notice placements. If we're going to move in the new direction of allowing a website-only notice to qualify as sufficient legal notice, those notices belong on a website maintained by newspapers.

Thank you for your consideration.



Forum Communications Company

March 13, 2025

Forum Communications Company respectfully submits the following written testimony in opposition to Senate Bill 2069.

Forum Communications Company is the owner and operator of four prominent newspapers in North Dakota: *The Forum of Fargo-Moorhead*, *The Grand Forks Herald*, *The Jamestown Sun*, and *The Dickinson Press*. Collectively, these publications, along with their affiliated websites, disseminate thousands of public notices each year, with the sole objective of ensuring the public is informed about significant actions occurring within their respective communities.

In addition to the broad reach provided by these newspapers and their digital platforms, Forum Communications Newspapers also submits all public notices to the statewide public notice website, ndpublicnotices.com, which was established in 2013 at no additional cost to the government. This initiative further underscores our commitment to public transparency and information accessibility.

We sincerely appreciate your thoughtful consideration and respectfully urge you to cast a "No" vote on SB 2069.

Sincerely,

Aaron Becher

Vice President of Newspapers

t: 701.241.5454 | c: 701.371.3959 | e: abecher@forumcomm.com

Forum Communications Company

101 5th St. N, Fargo, ND 58102

Forum Communications Company

Testimony on SB 2069
House Political Subdivisions Committee
Steve Andrist, Bismarck, ND
March 14, 2025

Chairman Longmuir and members of the committee:

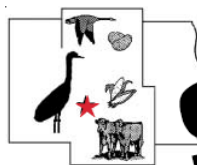
Senate Bill 2069, in effect, represents a massive response to a tiny problem, and I hope you will consider opposing it in order to achieve a more proportional and appropriate response.

It is true that newspapers, like everyone else, make occasional mistakes. And often those mistakes need to be corrected. SB 2069 proposes to build out an entirely new feature on the Secretary of State's web site, at significant public expense, when an appropriate method to correct those mistakes, at no public expense, is already in place.

This anticipated web site would be a place where the Public Service Commission could post time-sensitive public notices as a hedge against a newspaper "missing" publication of a notice. The thing is, there already is a statewide public notice website, and state law already requires that public notices be posted to it.

It makes no sense to duplicate this web site, and I respectfully request your "Do Not Pass" vote on 2069.

Thank you for your consideration.



Steele Ozone & Kidder County Press

I am writing in opposition of SB 2069

Living in a rural community, we know we can count on our local newspaper to deliver the area news, tell us about what our kids are doing in school, how our local teams are doing, and what our local governments are doing or plan to do. Most local newspapers have been doing this for over a hundred years. In those years, where were the public notices and legals? They were in the local newspaper. Where are they now? They are still in the local newspapers and on the paper's websites. To keep up with the times, they are even posted to ndpublicnotices.com, a venture sponsored by the North Dakota Newspaper Association and its papers. When something is not broken, it doesn't need fixing.

Please keep things as they are, and vote no

Paul Erdelt
Editor/Owner
Steele Ozone &
Kidder County Press

115 1st Ave SW - Steele, ND
701.475.2513 | steeleozone.com

March 14, 2025

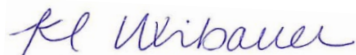
SB 2069 – House Political Subdivisions

Chair Longmuir and committee members:

Attached to my testimony is a friendly amendment to SB 2069. Although the North Dakota Newspaper Association **opposes** SB 2069, the association is amenable to a solution that would address the concerns of the Public Service Commission. Therefore, we wanted to propose a potential amendment to the bill for the committee's consideration, should the committee desire to take action other than recommending a do not pass.

Thank you for your time and consideration.

NORTH DAKOTA NEWSPAPER ASSOCIATION



Katie L. Winbauer
Lobbyist and Attorney

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota
2 Century Code, relating to publication requirements.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 46-05 of the North Dakota Century Code is created
5 and enacted as follows:

6 ~~Government~~Public service commission publication.

7 ~~A unit of government shall file a published notice with the secretary of state whenever the~~

8 ~~unit of government is required by law to publish notice in a newspaper.~~ The public service

9 commission may cause to have published a notice at www.ndpublicnotices.com whenever the

10 agency is required by law to publish notice in a newspaper. Unless otherwise provided by law,

11 a notice required by law which is filed and posted ~~by the secretary of state at~~

12 www.ndpublicnotices.com fulfills publication requirements if a newspaper fails to publish the

13 notice required by law.

March 13, 2025

House Political Subdivisions
SB 2069

CHAIRMAN LONGMUIR AND COMMITTEE MEMBERS

My name is Allison Olimb. I am the editor of the Walsh County Press in Park River, N.D., and currently serve as the President of the North Dakota Newspaper Association.

I would like to offer my testimony IN OPPOSITION to SB 2069.

I have concerns regarding this bill and how it handles public notices. The wording, as presented, is vague and potentially devastating. Respectfully, this is not the government's job. This is our job and our responsibility. We listened to the Senate committee work, and we can see the writing on the wall. There was no love for North Dakota's newspaper community there.

Next week is Sunshine Week across the country. Sunshine Week is a nonpartisan collaboration among groups in the journalism, civic, education, government and private sectors that shines a light on the importance of public records and open government. Sunshine Week is a celebration of a system that heralds government transparency and accountability. We are not working against you. We are working with you and for you.

North Dakota is, in fact, one of the states that is leading the way in transparency and accountability with a newspaper association-led public notice website. According to the Public Notice Resource Center, 20 states require newspapers that qualify to publish notices to publish those same notices on their website and/or on their state press association's statewide public notice website, these web posting laws exist for Alabama, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Texas, Utah, Virginia, and Wisconsin.

<https://www.pnrc.net/subscribers/statutes-comparative-by-state/statutes-requiring-web-posting/>

Though the bill we are discussing today has largely been billed as a backstop to the failure of a newspaper to print a notice, the implications in Senate committee work have been that this failure has been the rule rather than the exception. That is not true. While occasional errors occur, the system overwhelmingly works as intended.

If you look at the search results on <https://ndpublicnotices.com/> and see notices handled by the 73 newspapers across the state, you will see that this is not a small task.

The state of North Dakota has demonstrated little to no research on the potential fiscal impacts not only related to the work of setting up a website but the labor involved in uploading those notices. Committee discussion demonstrated a clear need for an appropriation until it went to the floor under the assumption that good enough was good enough, but this is a slippery slope that leads to more government control and more government spending.

A fiscal impact statement filed in connection with a similar bill in Indiana reports that “the cost to implement a public notice website/database could require \$315,000 to \$475,000 in FY 2026 and between \$225,000 and \$325,000 in FY 2027. Additionally, Indiana Office of Technology could require between 1 to 4 additional staff members to help with on boarding and general upkeep after the on boarding process. A single ongoing staff member would require expenditures of \$104,800 including base salary and fringes. Whether current IOT staffing would be sufficient for the additional responsibility would depend on the existing staff’s current workload levels.”

We don’t need to go down this path.

The appropriate place for these notices is in the hands of the local people. The appropriate place for these notices online is in the name -- ndpublicnotices.com.

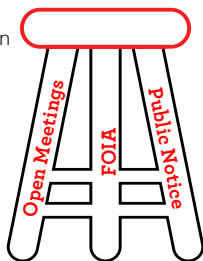
We should not be at odds. We should be supporting each other to promote informing the local people. North Dakota is a better place when we celebrate Sunshine.

I urge you to reject SB 2069 and support a system that has long ensured transparency and accessibility for North Dakotans. Thank you.

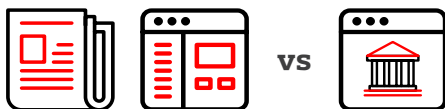
Why Public Notice Should Remain in Newspapers

Along with open meeting and freedom of information laws, public notice is an essential element of the

three-legged stool of government transparency



Newspapers remain the primary vehicle for public notice in **all 50 states**



This is not about “newspapers vs the internet”.

It’s newspapers and newspaper websites vs government websites

and newspaper websites have a much larger audience. Moving notice from newspapers to government websites would **reduce the presence of public notices on the internet**

Since the first U.S. Congress, public officials have understood that newspapers are the best medium to notify the public about official matters because they contain the

essential elements of public notice:



Accessibility



Independence

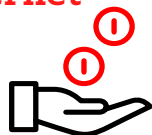


Verifiability



Archivability

Publishing notices on the internet is neither cheap nor free





Newsprint is inherently superior to the internet for public notice
because reading a newspaper is a serendipitous process.

We find things in newspapers we weren't expecting to see. On the internet, we search for specific information and ignore everything else.



Citizens continue to learn about vital civic matters from newspaper notices.

Documented examples of people taking action and alerting their community after reading a newspaper notice are reported on a regular basis. (See page 10)

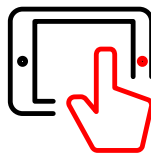
Verifying publication is difficult-to-impossible on the web.

That's why the courts subject digital evidence to far greater scrutiny than evidence published in newspapers



Significant numbers of people in rural areas still lack high-speed internet access.

Those who are older than 65 or who have lower incomes or lack high-school diplomas are also cut off from the internet in far higher numbers than the average.



Moreover, the real digital divide for public notice is growing

due to the massive migration to smartphones and other small-screen digital devices



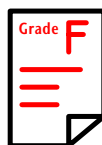
Requiring independent, third-party newspapers to ensure that public notices run in accordance with the law helps

prevent government officials from hiding information

they would prefer the public not to see

Governments aren't very good at publishing information on the internet. Unlike newspaper publishers,

public officials aren't compelled by the free market to operate effective websites.





March 14, 2025

Chairman Longmuir and members of the House Political Subdivision Committee,

The Lignite Energy Council (LEC) appreciates the opportunity to provide testimony in support of SB 2069. This bill is necessary to improve the efficiency and reliability of the public notice process for advancing critical energy infrastructure projects in North Dakota.

The development of energy projects, including transmission lines and generation facilities, requires careful planning and coordination with regulatory agencies. A key component of this process is the scheduling of public hearings by the Public Service Commission (PSC). Unfortunately, delays in meeting statutory public notice requirements have resulted in avoidable setbacks for projects that are essential to ensuring a reliable and affordable energy supply.

Currently, notice of public hearings for transmission line permits must be published twice in official newspapers of affected counties. While well-intended, this requirement has proven vulnerable to administrative errors and publication issues beyond the control of project developers and the PSC. A single missed notice can force the cancellation and rescheduling of hearings, causing delays that extend permitting timelines, increase costs, and jeopardize project schedules.

For energy projects operating on tight construction windows, even a short delay can have significant consequences. Missing a construction season due to a rescheduled hearing can push projects back by a year or more, leading to unnecessary financial burdens and potential disruptions to grid reliability. SB 2069 provides a commonsense solution by offering an alternative method to satisfy statutory notice requirements. Ensuring that public notice obligations can be met in a more flexible and dependable manner will prevent unnecessary project delays while maintaining transparency and public engagement in the regulatory process.

We also recognize that implementation of this change requires updates to the existing online notice system and support the necessary appropriation to the Secretary of State's office to facilitate this improvement. The Lignite Energy Council urges your support with a "Do Pass" recommendation for SB 2069 to provide a more efficient permitting process for energy infrastructure projects in North Dakota. Thank you for your time and consideration.

Sincerely,
Jonathan Fortner
Vice President of Government Relations and External Affairs
Lignite Energy Council

1016 E. Owens Ave. | PO Box 2277 | Bismarck, ND 58502

701.258.7117

www.lignite.com

LEC@lignite.com

March 14, 2025
House Political Subdivisions Committee
SB 2069

Good morning Chairman Longmuir and Members of the Committee:

My name is Amy Wobbema, and I'm the publisher of two official county newspapers in central North Dakota, the Foster County Independent and the New Rockford Transcript.

I'm before you today in opposition of SB 2069, the bill that opens the door to allowing public entities to post any public notice on a government website instead of in newspapers.

Giving state and local governments the option to only post their notices on a website makes vital public information less accessible, easier to alter and more prone to online hacks. And most importantly, it also goes against the wishes of North Dakota voters.

In a demographically weighted survey conducted in 2024, eight out of 10 North Dakota adults – 82 percent – said public notices belong in newspapers over government websites. In addition, only 18 percent said governments can be trusted to be the only source of public notices.

Yes, we are keenly aware that not all North Dakotans read newspapers, and that once in a while we make a mistake and fail to publish a public notice. For those instances we have a statewide public notice website, ndpublicnotices.com. The site is free to access with no subscription required and includes all notices published in newspapers. This website is the solution to the backstop requested by our state agencies when we fail to publish.

In my testimony I want to address the former, the people who don't subscribe to newspapers. When they want to know where to find information about an upcoming hearing or bid opening, what are they likely to do? Well, Google it, of course!

I did a series of simple Google searches last night for various notices in several North Dakota counties to see what the average citizen would uncover online. Here's what I found:

For "Hearing Notice Walsh County," the No. 1 result on Google was the Walsh County Record, the official newspaper for the county, and right behind at No. 2 was the statewide public notice website, ndpublicnotices.com.

For "Notice of Bid Golden Valley County, ND" ndpublicnotices.com comprised the first three search results.

Even for "public notice Burleigh County," the newspaper's statewide public notice website was indexed on the first page of search results.

In fact, out of the first dozen searches I conducted, ndpublicnotices.com was listed on the front page in the top 10 search results every single time, and in many cases a North Dakota newspaper website was also in top results.

You might be wondering how the Secretary of State's online portal for public meeting notices fared in my search. I was too, because this is the website that N.D. senators proposed to upgrade at a cost of \$150,000 in a previous version of SB 2069. The reality: out of the first 10 searches I conducted, in all corners of the state, the SOS website only showed up on the first page of results ONE time. That was for "public notice Burleigh County," and in that case it was listed below the ndpublicnotices.com website.

Further, I want to point out that the ND public notice website is referenced in the state's century code, Chapter 46-05-09, which states that whenever publishing a public notice, the newspapers "shall publish the notice on a statewide legal notices website maintained by the North Dakota newspaper association." This was a proposal that North Dakota newspapers took the lead on several sessions ago, which the legislature agreed to and codified into law.

For these reasons and more, I believe ndpublicnotices.com already is and should continue to be the online source for public notices in our state.

Newspapers, both print and online, are the voice for North Dakota residents, as well as their eyes and ears on the actions of the government.

I urge a "DO NOT PASS" on SB 2069 as written, and I encourage you to consider the amendment NDNA has proposed. It's a solution that both provides a backstop for the rare instance when a newspaper fails to publish as proposed by the PSC and keeps public notice publication where voters overwhelmingly say it belongs: in newspapers, both in print and online.

Thank you for your time, and I am willing to stand for questions.

Amy Wobbema, Publisher
Transcript Publishing
817 Central Ave
New Rockford, ND 58356
(701) 947-2417
amyw@transcriptpublishing.com



March 14, 2025

House Political Subdivisions

SB 2069

Representative Donald Longmuir, Chair

For the record, my name is Kory Peterson. I am appearing before you today on behalf of the North Dakota League of Cities, in support of SB 2069. Prior to working with the North Dakota League of Cities, I was the Mayor of Horace for 8 years, from June 2016 to July 2024.

The League of Cities is in favor of allowing the option to send a copy of any legal notices to the Secretary of States office to act as a back stop in case a legal notice doesn't get published in a timely manner.

There was another recent case where the North Dakota Public Service Commission had to postpone a hearing for a proposed power line in northwest North Dakota. The hearing had to be postponed because a public notice failed to run in one of the official county newspapers.

This is a concern for cities that need to publish legal notices in the paper of record, especially when it comes to planning and zoning notices. These notices are timed carefully to coincide with projects that will need to be vetted through a public hearing. Having to postpone these meetings because of a missed publication leads to confusion with the public and added expense to the city for the rescheduling of the event. This also will cause the petitioner to Planning and Zoning to have to reschedule their time and efforts, which can add extra costs.

We understand that the frequency of missing published legal notice is low, but it does happen. This legislation allows a political sub to send the legal notices to the Secretary of State's website to cover itself if a missing published legal notice happens.

The political subs are NOT compelled to do this as of the last amendments and we feel this is a reasonable compromise. We feel this change will accomplish the original intent of the presented bill.

Cities are already facing the possibility of caps to their revenue streams because of pending legislation before the legislators this session. This legislation will help by not having to reschedule public hearings because of a missed publication.

The League recommends a Do Pass on SB 2069.

Thank you.

Kory Peterson



NORTH DAKOTA
Insurance Department

TESTIMONY

John Arnold, Deputy Commissioner

House Political Subdivisions Committee

March 14, 2025

Good morning, Chairman Longmuir and members of the House Political Subdivisions Committee,

I'd like to begin by thanking the Public Service Commission for submitting this bill for your consideration. The Insurance Department had also considered drafting similar legislation, and we feel that it is likely that many units of government will benefit from this proposal.

Twice in the current biennium, the Insurance Department has been impacted by notices that were not published in a timely manner. Once for the notification for a hearing considering the merger of two insurance companies, and again for a public hearing to received feedback on proposed administrative rules.

In the first instance, the notice was published far short of notification deadline for the scheduled hearing date, despite being given the notice approximately four weeks before the publication deadline and only learned this fact after we reached out to the Newspaper Association because we had not heard that the notice had been published. Since the companies involved in the merger also had to notify their members, the parties involved in the hearing agreed to the abbreviated notification timeline, and so the hearing was able to be held as scheduled. However, if the parties not come to an agreement this hearing would have been delayed a minimum of 4 weeks and negatively impacted the timeline for their merger.

In the second instance, the notice for comment for a batch of administrative rules was published with the incorrect date, which was later than the deadline by which the Department must submit Administrative Rules for review. We had also published the correct date on both our website and the Secretary of State's public notice webpage. In consultation with Legislative Council, we held a first hearing as originally scheduled and then held a second hearing on the date published in the newspapers. Since we received no feedback at either hearing, it was determined that we had meet the necessary timelines.

Admittedly, in both instances we were able to continue with minimal impact, but I'm sure that you can all understand the frustration and the quick work to make sure that that occurred, as well as the fact that there was a degree of luck involved in the negative impacts not being more extensive than frustration and quick work.

Additionally, I also have another example from prior employment with state government. Due to this, I wanted to attempt to address the issue because I must believe that it happens more than we are aware. This is why I was personally motivated to explore the possibility of drafting a bill, however, could not agree upon a proposal that I felt was feasible. I believe that the Public Service Commission has found a reasonable solution and so encourage a Do Pass recommendation on SB 2069.

Thank you.

Senate Bill No. 2069

Presented by: Sheri Haugen-Hoffart, Commissioner
Public Service Commission

Before: House Political Subdivisions Committee
Honorable Donald Longmuir, Chair

Date: March 14, 2025

TESTIMONY

Thank you for the opportunity to testify today. My name is Commissioner Sheri Haugen-Hoffart, and I am here on behalf of the Public Service Commission (Commission) to express our support for Senate Bill 2069.

Senate Bill 2069 proposes a straightforward yet meaningful change. In its current form, it would allow state agencies and local political subdivisions the option to meet its obligation to publish legal notices with the Secretary of State, in addition to existing requirements for newspaper publication.

The First Engrossment of SB 2069 provided an appropriation of \$150,000 to the Secretary of State for the purpose of establishing a web app for all required publication notices. This appropriation can pale in comparison to the cost of missed deadlines for developers, additional hearings, and state resources. It is important that, along with the new system, the appropriate funding be made available to accomplish the purpose of this task.

The Commission has an obligation to publish legal hearing notices or notices of opportunity for hearing in the official county newspaper for an impacted

area. This can span multiple counties. The newspaper association also posts the notice on the newspaper association website. If the newspaper fails to publish, it does not appear on the website. These legal notices are crucial to establish Commission jurisdiction to make decisions or issue permits. The Commission is also subject to open meeting laws. This requires the Commission to post meeting notices on the Secretary of State's website - which provides state agencies direct access to ensure its accuracy. Due to the overlap with open meeting requirements, many but not all legal notices are posted on the Secretary of State's open meeting web application.

Despite the Commission's considerable efforts to refine its procedures to ensure accuracy, transparency, and timeliness, we continue to experience publication errors. While not all errors require re-publication, even a single mistake can result in costly delays for infrastructure development and require extensive administrative work to correct. The issue is unique in that the failure of a single newspaper in the multiple counties of required publication can result in a failure to meet legal requirements, even though the mistake is subject to third-party error.

To illustrate the issue, the Commission recently issued a Notice of Filing and Notice of Hearing where we scheduled two hearings - one in Underwood on February 26, 2025, and another in Stanley on March 6, 2025. This notice was sent to the newspaper association 26 days prior to the first hearing and it was confirmed that it would be published in five official county newspapers twice (as required by law). However, after the Underwood hearing, the Commission

received notice that one newspaper failed to publish the second required notice in time, and we discovered that the subsequent Stanley hearing would also need to be canceled due to the same publication failure. As a result, both hearings must be rescheduled, delaying the decision by over a month, at a minimum. This delay comes at a considerable expense, not only in agency staff time and resources, but also to the applicant. North Dakota has a limited construction window due to our climate and frozen ground during colder seasons.

This isn't an isolated incident. Similar issues have led to missed substantial construction delays and delayed rulemaking proceedings. This has also occurred in many other proceedings, including rulemakings to implement legislation (which require publication in every county of the state). If you would like additional examples, we would be able to provide them to you.

Another concern is accessibility. Many frustrated landowners and residents have expressed that they are not local newspaper subscribers, and as a result, miss important notices about participation in Commission proceedings. Public participation is vital and required for our decision making, and it is far more difficult to address the concern after a project is permitted, constructed, and investment has been made.

Senate Bill 2069 offers a straightforward solution. If a newspaper fails to publish a required notice, posting with the Secretary of State would serve as a legal safeguard. **To be clear, we do not support eliminating newspaper publication – it remains a valuable tool for notifying the public.** However, we believe the additional option enhances transparency and accessibility.

During prior committee hearings, the newspaper association presented a survey on legal publication preferences. While the study supported continued newspaper publication, it also showed strong support for government website postings. When asked if notices should be published in newspapers AND on government websites, 85% of respondents agreed. Furthermore, some comments included:

- “I feel information that should be public should be easily accessible to all.”
- “Public notices should appear on both state websites and in newspapers.”
- “They should be available as many places as possible.”

We agree with the survey that additional transparency is better, and ideally that could be accomplished by utilizing a web app through the Secretary of State that would provide a repository of legal notices and provides searchability and subscription to notifications.

This legislation achieves three key objectives:

1. **Maintaining Current Requirements:** It preserves all existing publication mandates, ensuring continuity with current public expectations.
2. **Enhancing Public Access:** By creating a centralized repository for state legal notices and potentially offering a subscription service for updates, it provides greater transparency and public accessibility to legal proceedings.
3. **Providing a Backstop:** It mitigates risks associated with publication failures, ensuring legal processes are not jeopardized.

The publication of legal notices¹ is critical to fulfilling compliance with statutory obligations, including administrative rulemaking, permitting coal mines, constructing energy infrastructure, extending utility services, and implementing rate changes. These notices establish jurisdiction for legal and regulatory decisions. Publication failures can have significant consequences leading to rescheduled hearings, reissued notices, and legal reviews – causing significant costs and delays for stakeholders and the public.

Our staff has had to dedicate substantial resources to verifying and correcting publication errors, often extending notice periods beyond legal requirements as a precaution and already adding delays to projects. We have worked with the newspaper association for years to reduce and prevent publication errors, but they continue. This bill benefits the public, but we believe this will also ultimately provide a benefit to the individual newspapers that are already under immense pressure by limiting impacts when errors occur and ensuring our agency and the state are in control of the processes and procedures necessary to meet its legal obligations.

Senate Bill 2069 addresses these challenges by offering a practical solution that enhances transparency and public participation while reducing the risks and burdens associated with failed publications. We believe this measure represents a necessary and prudent step forward.

This concludes my testimony. Thank you for your time and attention. I am happy to answer any questions the committee may have.

¹ Notices required under North Dakota Century Code Sections 49-22-13(4), 49-22.1-10(4), 49-03-02(2), 49-03-06(4), 49-03.1-05, 28-32-10(b), etc.

We are writing in opposition to SB 2069.

After 35 years in the weekly newspaper business, we know first-hand that citizens do not trust the government to post public notices on government websites or other social media sites. They like the check-and-balance of having their hometown newspaper publish the notices in the newspaper, whether they be school board minutes or a county bid notice.

As part of that check-and-balance system, every public notice is placed by newspapers through their association, the North Dakota Newspaper Association, on a secure website, ndpublicnotices.com. That is in addition to appearing in the newspapers.

We do not want to see government over-reach and the reduction in transparency that would come with government control of how citizens can access public notices.

A NO vote on this bill would be appreciated.

Respectfully submitted,

Allan and Leah Burke
Linton, ND
701-321-0041

SB 2069
Jean Schafer - Basin Electric Power Cooperative, March 14, 2025
House Political Subdivisions Committee

Chairman Longmuir and members of the House Political Subdivision Committee:

For the record I am Jean Schafer, and I serve as the Senior Legislative Representative for Basin Electric Power Cooperative (Basin Electric).

Basin Electric is a regional, consumer-owned, generation and transmission cooperative. As of the end of 2023, Basin Electric has over 8,112 MW of electric generating capacity, utilizing coal, wind, and natural gas. It supplies 139 rural electric cooperatives with wholesale power, who, in turn, serve approximately 3 million member-owners in a nine-state region. In addition, Basin Electric owns and maintains more than 5,000 miles of high-voltage transmission lines.

We submit this testimony in support of SB 2069 from the Public Service Commission (PSC). Unfortunately, I am here today because Basin Electric is a prime example why this bill is necessary.

Starting in 2021, Basin Electric began planning for a 162-mile 345-kV transmission line connecting Basin Electric's existing Leland Olds substation near Stanton to an existing substation near Tioga. This project completes a 345-kV transmission loop throughout northwest and north-central North Dakota.

Fast forward to today and the project is now at the point for public hearings. Two PSC hearings were scheduled for this project: the first in Underwood on Feb. 26 and the second in Stanley on March 6.

As most state agencies, the PSC is responsible for providing public notice of hearings, and the permit applicant does not have a role in that process. For these newspaper notices the PSC coordinates with the North Dakota Newspaper Association (Newspaper Association).

On Jan. 31 the PSC staff sent the hearing notices to the Newspaper Association along with instructions on which papers to publish in and the timing of the notices. For five of the newspapers, PSC staff instructed that the notice be published in the next issue and again between Feb. 23 and March 1.

On Feb. 26, the Newspaper Association informed the PSC that one of the newspapers had missed publication of the second notice. Since this newspaper publishes weekly every Thursday, missing the Feb. 27 issue meant the notice could not be published until the following week on March 6 – the same day as the second hearing in Stanley. As a result, the statutory requirement to publish the notice twice before the hearing could not be met.

Due to the failure to publish the hearing notice, the PSC was forced to cancel the Stanley hearing less than a week before the scheduled date. This means the PSC must reschedule the Stanley hearing and schedule an additional hearing to repeat the hearing in Underwood.

Rescheduling hearings delay the permitting process by a month or more, and the hearing notice must go through the publication process again without error. Delays in permitting can, in turn, delay multi-billion-dollar projects. Missing a construction season in North Dakota could delay a project by a year or more. In this case, if a permit cannot be obtained in time to start construction by early summer, Basin Electric will face significant costs to contractors and additional project delays.

Basin Electric, the PSC, and other stakeholders invested significant time in preparing for the Underwood hearing. Four Basin Electric staff participated as witnesses. The PSC can provide details on its staff count as well as commissioners' time commitments. According to the Underwood attendance sheet, more than 30 members of the public attended the three-hour hearing with two providing comments – and now the process must be repeated.

Mr. Chairman and members of the committee, this situation is the very reason this bill is before you today – to allow an additional publication option to meet statutory requirements and prevent entirely avoidable delays.

We understand an appropriation to the Secretary of State's office is also needed to implement the required upgrades to the existing online process, and we want to express support for that appropriation as well. If a state agency is legally required to publish hearing notices, in addition to using newspapers, an online notice published on a state agency site serves as a proper backstop.

Thank you for the opportunity to share our experience and perspective on this important issue.

North Dakota Newspaper Association publication incident descriptions:

Prepared By: Victor Schock – Director of Public Utilities

The North Dakota Public Service Commission has and will continue to work with the North Dakota Newspaper Association on incidents such as those described below.

- On May 10, 2017, the North Dakota Public Service Commission (NDPSC) issued a notice of filing and notice of hearing, scheduling a public hearing on June 28, 2017, in Ashley, ND. At that time, North Dakota Century Code mandated that notices of hearings for siting applications must be published once at least 20 days prior to the hearing date and an additional time within 20 days prior to the hearing date. On May 11, 2017, the NDPSC contacted the North Dakota Newspaper Association (NDNA) requesting publication of the notice twice as mandated by the law. On May 12, 2017, the NDNA advised what the publication dates would be. On June 26, 2017, the NDPSC learned that one of the publications did not occur on the date that was advised by the NDNA, causing the hearing to be rescheduled to September 13, 2017.

Result: Hearing was rescheduled 2.5 months later than originally planned.

- On May 4, 2022, the NDPSC issued four separate notices that had multiple different publication requirements. On May 5, 2022, the NDPSC contacted the NDNA requesting publication of the notices. The following day the NDNA advised that many of the necessary publications would not be able to run for at least two weeks. This would have caused hearings to be rescheduled and/or new notices to be issued. After several days of back and forth the NDNA was able to cause the notices to be published on the originally requested schedule. While technically, none of the publications failed, this was an unnecessary drain on our limited resources.

Result: NDNA was able to have the publications completed as requested only after multiple emails back and forth.

- On April 13, 2022, the NDPSC issued a notice of intent to adopt and amend administrative rules and promptly submitted to the NDNA requesting publication in every official county newspaper in the state at least 20 days prior to May 26, 2022. On May 23, 2022, the NDNA advised that the Minot Daily news did not publish the notice as requested until May 13, 2022, which is only 13 days. Since the notice permitted comments until June 6, 2022, which is more than 20 days after the publication in the Minot Daily news, the Commission went ahead with the hearing as scheduled.

Result: No changes required, however we were forced to rely upon our backup position in the notice that permits comments to be received after the hearing date.

- On August 30, 2022, the NDNA advised the NDPSC of new publication deadlines, which are as long as two weeks in some instances.

Result: At that time the public utilities division began adding extra time to all notices issued to ensure that one publication failure would not be fatal to our notice requirements.

- On August 17, 2022, the NDPSC issued a notice of opportunity for hearing that expired on September 28, 2022. The following day, the NDPSC submitted a request for publication and received a response from NDNA that publication would occur the week of August 29, 2022. On September 2, 2022, the NDNA advised that publication did not occur in the Jamestown Sun on August 31, 2022, and would instead publish on September 7, 2022. While this provides for 21 days notice, which is within the requirement of at least 20 days, it was a near miss.

Result: Similar to other instances an unnecessary use of limited agency resources.

- On September 21, 2022, the NDPSC issued a notice of opportunity for hearing that expired on November 4, 2022. Two days later, the NDPSC requested publication and received a response from NDNA that publications would occur the week of October 3, 2022. On October 14, 2022, the NDNA advised the NDPSC that publication did not occur in the Cass County Reporter as planned on October 5, 2022, and would instead happen on October 19, 2022. Since that would not allow for at least 20 days notice, the NDPSC had no choice but to issue a new notice.

Result: Extending the notice period by over a month to December 12, 2022.

- On March 29, 2023, the NDPSC issued a notice of opportunity for hearing that expired on May 12, 2023. The following day, the NDPSC requested publication and received a response from NDNA that publication would occur on April 5, 2023. On April 18, 2023, the NDNA advised that publication did not occur in the Cavalier Chronicle as planned, which caused a new notice to be issued.

Result: Extending the notice period to June 10, 2023.

- On September 6, 2023, the NDPSC issued a notice of intent to adopt and amend administrative rules and promptly submitted to the NDNA requesting publication in every official county newspaper in the state at least 20 days prior to October 10, 2023. The publications in the Hazen Star and the Williston Herald failed to run at least 20 days prior to the hearing date. As a result, the Commission issued a new notice set to expire ten days after publication.

Result: Extending the notice period by over a month.

- On May 23, 2024, the NDPSC issued a notice of hearing for a hearing to take place on July 11, 2024. The notice was required to be published twice. On July 10, 2024, the NDNA advised the NDPSC that the Ashley Tribune failed to publish the second notice. Later that same day, the NDNA advised that the print edition of the Ashley Tribune did publish the notice, however it was not uploaded to the NDNA publication website.

Result: Similar to other instances an unnecessary use of limited agency resources, and confirmation that print publication does not guarantee simultaneous website posting.

- On January 30, 2025, the NDPSC issued a notice of filing and notice of public hearings for a large electric transmission line proposed by Basin Electric, scheduling two hearings to take place in Underwood on February 26, 2025, and in Stanley on March 6, 2025. On January 31, 2025, the NDPSC contacted the NDNA requesting publication in each of the five impacted county official newspapers twice prior to the hearings. After holding the first hearing in Underwood, the NDPSC was notified by the NDNA that the second publication in the Hazen Star failed to run prior to the Underwood hearing and would also not run prior to the Stanley hearing. As a result, the Stanley hearing was rescheduled to April 4, 2025, and a new hearing was scheduled in Underwood on March 31, 2025.

Result: Delaying the proceeding and introducing additional costs for both the applicant and the Commission.

While these are the issues that caused the most significant impacts to the NDPSC, we do also experience other inaccuracies in both publication and billing that do not directly impact our notices but still cause additional administrative burden on our process. Since we are entirely reliant upon a third party to ensure we are operating within the law, any inaccuracy or issue results in additional administrative review and unnecessary consumption of our limited resources.



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Common Phrases:

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Sargent

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Any

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Sargent County Teller 03/14/2025

Milnor, ND County: Sargent

14 • MARCH 14, 2025 • THE SARGENT COUNTY TELLER 515 5th, Ave.
NW Gwinner 3 BR/2 BA with spacious deck on

View



Sargent County Teller 03/14/2025

Milnor, ND County: Sargent

MARCH 14, 2025 • THE SARGENT COUNTY TELLER • 13 Lutheran
NORDLAND LUTHERAN Past. Julie Johnson, Rutland Sunday, March
16 9 a.m

View



Sargent County Teller 03/14/2025

Milnor, ND County: Sargent

12 • MARCH 14, 2025 • THE SARGENT COUNTY TELLER SHORTFOOT
CREEK WATERSHED PLAN PUBLIC MEETING NOTICE A public
scoping meeting will be

View

Public notices

A public notice is information informing citizens of government activities that may affect the citizens' everyday lives. Public notices have been posted in local newspapers, the trusted source for community information, for more than 200 years.

IN THE DISTRICT COURT, SOUTHEAST
JUDICIAL DISTRICT
STATE OF NORTH DAKOTA
COUNTY OF SHERIDAN
PUBLIC NOTICE
In the Matter of the Estate of Earl James
Muller, Deceased.

NOTICE TO CREDITORS
NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the said decedent are required to present their claims within three (3) months after the date of the first publication or mailing of this notice or such other date as may be ordered by the court in a hearing held in the County of Sheridan, North Dakota, on or before the 15th day of December, 2021.

Dated this 15th day of December, 2021.
Earl James Muller, Personal Representative.
By: J. J. Muller, Attorney.
Published: January 11, 2022.

IN THE DISTRICT COURT, SOUTHEAST
JUDICIAL DISTRICT
STATE OF NORTH DAKOTA
COUNTY OF SHERIDAN
PUBLIC NOTICE
In the Matter of the Estate of Earl James
Muller, Deceased.

NOTICE TO CREDITORS
NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the said decedent are required to present their claims within three (3) months after the date of the first publication or mailing of this notice or such other date as may be ordered by the court in a hearing held in the County of Sheridan, North Dakota, on or before the 15th day of December, 2021.

Dated this 15th day of December, 2021.
Earl James Muller, Personal Representative.
By: J. J. Muller, Attorney.
Published: January 11, 2022.

Timothy A. Richard, Notary Public,
My Notary Seal Expires
10/15/2022
1010 1st Ave. S.
Fargo, ND 58103
Phone: 701.223.0077
www.timothyarichard.com
Notary Public, State of North Dakota
Published: January 11, 2022.

**NOTICE OF PUBLIC
HEARING TO AMEND
NORTH DAKOTA
WORKFORCE SAFETY
& INSURANCE MEDICAL
FEE SCHEDULES**
Referring to Pharmacy.



Tammy Bernhardt
Financial Services Officer
tammy.bernhardt@myflccu.com

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ATHLETES OF THE WEEK



KJAR

Her favorite sports memory is when "we finally beat Lisbon in volleyball."

Her sports hero is Dennis Rodman.

From the Desk of Pat Olofson

SARGENT COUNTY MUSEUM MANAGER

This week I will be putting a few short lived post office areas into this article. Oella is the first. Oella was a rural post office on Sec. 15, Taylor Township established May 7, 1900, with Winifred S. Howard, postmaster. It was named for a nearby lake, which was named for Oella Parson who owned land surrounding the lake. Mail service was discontinued Aug. 24, 1903, and mail was sent to Havana.

Brookland was another. Brookland was named by Andrew Brooks who in 1888 homesteaded land in the SW 1/4 Sec. 30, Furman Township, where the Great Northern Railway station was established. Jacob Noteman was appointed postmaster of the office. It is unclear when it closed and mail was then sent to Cogswell. I have found several dates and not sure which is true at this writing. It looks like it was established on Feb. 15, 1890, but was formally Mohler which was established Sept. 13, 1888, till Feb. 14, 1890. Most possible date is that it closed Feb. 28, 1901.

Vernor, originally named Habcock, when this rural post office was established May 7, 1883, on NW 1/4 Sec. 29-131-58. When the township was named Vernor, so was the post office, both for Luther Habcock Vernor, an early settler. The post office was discontinued October 1896 and mail sent to Oakes in Dickey County.

Hamble, a rural post office, established Feb. 9, 1897, in the home of postmaster, Hannah S.E. (Mrs. Gus) Hamble on Sec. 30, Vermer Township, later named Hamble Township. Postal service was discontinued July 14, 1905, and mail sent to Oakes, Dickey County.

As you can see many of these did not last long. If someone has items or postcards from any of these long lost post offices please share them with us so we can share them at the museum and with the readers of this column.

VALLEY VIDEO GAMES CO-ED DARTS

**TEAM STANDINGS WEEK 13
(WIN %, GAMES, WINS, LOSSES)**
INSANE DART POSSE - 56.75, 117, 78, 39
MISFITS - 56.4%, 117, 66, 51
TONS OF BULL - 55.8%, 117, 58, 46
GAME OF THROWS - 47%, 117, 55, 62
FRAYED KNOTS - 35.5%, 117, 45, 72
DARTS OF HAZARD - 34.0%, 104, 36, 68
MOST IMPROVED PLAYER: XOI PATTY ESSIG (MISFITS)
ALL CRICKET TYLER KELLER (TONS OF BULL)

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION
Public Service Commission Case No. GS-21-442



Search for:

500 Results Found

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Common Phrases:

County:

Burleigh

City:

Any

Publication:

Any

Search Date:

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View

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH IN DISTRICT COURT SOUTH CENTRAL JUDICIAL DISTRICT Capital Credit Union, Plaintiff, v. Timothy A

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH IN DISTRICT COURT SOUTH CENTRAL JUDICIAL DISTRICT Capital Credit Union, Plaintiff, v. Susan Peterka

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

The annual meeting of the Bismarck Rural Fire Department will be held March 20, 2025, at 7:30 pm at the

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

The citizens of the Township of Long Lake in the County of Burleigh and State of North Dakota, who are qualified

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH IN DISTRICT COURT SOUTH CENTRAL JUDICIAL DISTRICT Capital Credit Union, Plaintiff, v. Khiry J

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

Name, Address and Telephone Number of Attorney: Micheal A. Mulloy MULLOY LAW 101 Slate Drive, Suite 7 Bismarck, ND 58503 Probate

✓ Bismarck Tribune 03/13/2025

View

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA COUNTY OF BURLEIGH IN DISTRICT COURT SOUTH CENTRAL JUDICIAL

Public and Legal Notice Website

Not secure | www.ndpublicnotices.com/nd=x.php/main/v=arch

NDNA

NORTH DAKOTA NEWSPAPER ASSOCIATION

Search for:

public service

Common Phrases:

County:

Burleigh

City:

Any

Publication:

Any

Search Date:

Search

Bismarck Tribune

02/26/2025

Bismarck, ND

X

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Otter Tail Power Company Case No. PU-25-63 Small Power Production / Cogeneration Rates NOTICE OF OPPORTUNITY FOR HEARING On January 31, 2025, Otter Tail Power Company (OTP) filed a request for approval of 2025 rates for small power production, cogeneration, and the renewable energy credit rider in addition to modifications to the tariff. The issues to be considered in this proceeding are: 1. Are the proposed tariff revisions just and reasonable? 2. Do the proposed rates comply with the tariff? 3. Are the proposed rates just and reasonable? Those interested are invited to comment on the application in writing. Persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing. Comments and requests for hearings must be received by April 7, 2025. If deemed appropriate, the Commission can determine the matter without a formal hearing. For more information contact the Public Service Commission, State Capitol, Bismarck, North Dakota 58505, 701-328-2400; or Relay North Dakota 1-800-366-6888 TTY. If you require any auxiliary aids or services, such as readers, signers, or Braille materials please notify the Commission. Issued: February 19, 2025 PUBLIC SERVICE COMMISSION Sheri Haugen-Hoffart Commissioner Randy Christmann Chair Jill Kringstad Commissioner 2/26 - COL-ND-1070

Close

Bismarck Tribune

01/15/2025

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Montana-Dakota Utilities Co. Case No. PU-24-388 Deferred Accounting - Congestion Litigation Application NOTICE OF OPPORTUNITY FOR HEARING

View

Bismarck Tribune

01/09/2025

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Falkirk Mining Company Case No. RC-24-261 Revision 44, Permit NAFK-8405 Application NOTICE OF PERMIT REVISION APPROVAL

View

Bismarck Tribune

01/08/2025

Bismarck, ND County: Burleigh

STATE OF NORTH DAKOTA PUBLIC SERVICE COMMISSION Montana-Dakota Utilities Co. Case No. PU-24-379 Electric Service Agreement-Dakota Prairie Refining Approval NOTICE OF OPPORTUNITY

View

Bismarck Tribune

01/08/2025

Bismarck, ND County: Burleigh

View

NORTH DAKOTA
SECRETARY OF STATE

SENATE BILL NO. 2069
MARCH 14, 2025

HOUSE POLITICAL SUBDIVISIONS COMMITTEE
REPRESENTATIVE DONALD LONGMUIR, CHAIR

TESTIMONY PRESENTED BY

MICHAEL HOWE, NORTH DAKOTA SECRETARY OF STATE

Chairman Longmuir and members of the committee, I'm Secretary of State Michael Howe. I am here in opposition to SB 2069.

Prior to this bill being introduced, I was contacted by the PSC related to their intent behind this bill. We had a neutral stance on the Senate side and simply testified that we could meet the requirements to host public notices, however we would need an appropriation of \$150,000 to support a new platform that would include both public meetings and public notice postings. Our current site, which is a public meetings notice site, was built in 2013 and is on the list of systems the agency must replace due to its age and the high costs of any changes to this existing system.

An appropriation was added to the bill by the Senate State and Local Government Committee but that was removed by the Senate Appropriations. We would be neutral on this bill if an appropriation was returned but would then seek further conversation on whether this bill is intended to impact just "agencies" or "all governments" as the law currently reads. As written, the changes would impact and require all governments – cities, counties, etc. – to also post public notices with us. I'm not sure if that was the intent of the bill sponsors.

However, we are proposing an amendment that we believe is an easier, ZERO COST solution, that would create clarity and make much more sense to individuals seeking public notice information. When a person seeks information about public notices outside of a newspaper listing, they would not intuitively go to the Secretary of State's website for information; they would typically go to that agency's or government's website for information. If the agency's website posting could be the backstop to a newspaper publishing their notice, it does three important things:

- 1) It puts information where the public would logically look for it if not in the newspaper.
- 2) It requires no one to change what they are doing currently.
- 3) It creates a ZERO COST solution to the problem faced by those here in support of this today and does not harm the newspaper relationship in the process.

We checked four of the agencies we know have public notices and all of them have websites that host this information.

- Public Service Commission
- Health and Human Services
- Insurance Commission
- Department of Transportation

Below you will find a proposed amendment that we hope you will consider as the best solution for this issue. Again, it is a zero cost, low impact solution that puts information where citizens will logically seek it. I'll stand for any questions.

25.8065.03000

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENT TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

- 1 A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota
- 2 Century Code, relating to publication requirements.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 46-05 of the North Dakota Century Code is created
- 5 and enacted as follows:

6 **Government publication.**

- 7 A unit of government must place ~~may file~~ a published notice on their website with the
 - 8 secretary of state whenever the
 - 9 unit of government is required by law to publish notice in a newspaper. Unless otherwise
 - 10 provided by law, a notice required by law which is ~~filed and~~ posted on their website by the
- secretary of state
- fulfills publication requirements if a newspaper fails to publish the notice required by law.

PROPOSED AMENDMENT

RED TAPE REDUCTION & EASE OF BACKSTOP

ZERO COST SOLUTION – CREATE CLARITY

- Public does not think – 

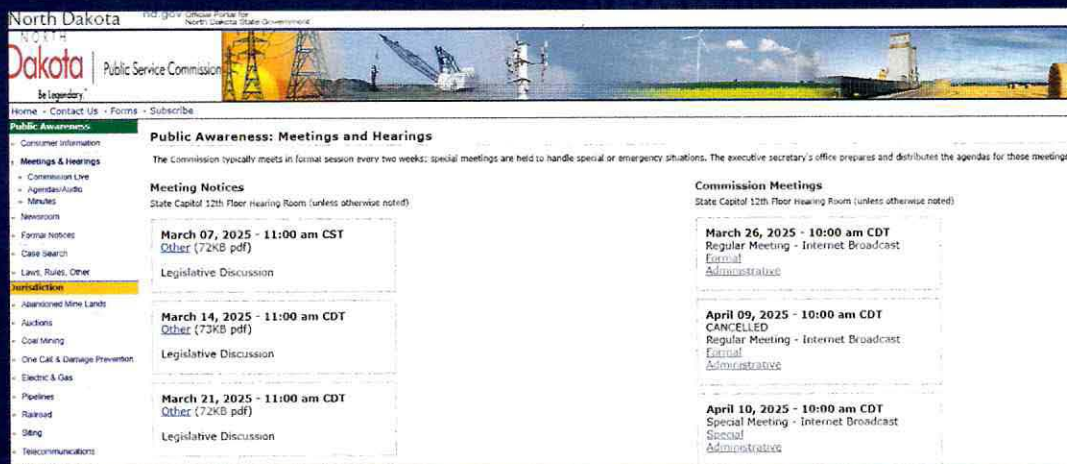
They go to the source: [INSERT AGENCY HERE.ND.GOV](https://insertagencyhere.nd.gov)

- Agency website already host places for public access to this
- Newspaper placement or agency website meet publishing requirement – simple backstop for issue at hand

1

PUBLIC SERVICE COMMISSION

WEB | PUBLIC AWARENESS: MEETINGS & HEARINGS



The screenshot shows the North Dakota Public Service Commission website. The header includes the North Dakota state logo and the text "Public Service Commission". The main content area is titled "Public Awareness: Meetings and Hearings" and includes a description of the commission's role. Below this, there are two columns of meeting notices. The left column lists "Meeting Notices" for March 07, 14, and 21, 2025, each with a time and a link to a PDF agenda. The right column lists "Commission Meetings" for March 26, April 09, and April 10, 2025, each with a time and a link to a PDF agenda. The April 09 meeting is marked as "CANCELLED".

Meeting Notices

March 07, 2025 - 11:00 am CST
[Other \(72KB pdf\)](#)
 Legislative Discussion

March 14, 2025 - 11:00 am CDT
[Other \(73KB pdf\)](#)
 Legislative Discussion

March 21, 2025 - 11:00 am CDT
[Other \(72KB pdf\)](#)
 Legislative Discussion

Commission Meetings

March 26, 2025 - 10:00 am CDT
 Regular Meeting - Internet Broadcast
[Formal](#)
[Administrative](#)

April 09, 2025 - 10:00 am CDT
 CANCELLED
 Regular Meeting - Internet Broadcast
[Formal](#)
[Administrative](#)

April 10, 2025 - 10:00 am CDT
 Special Meeting - Internet Broadcast
[Special](#)
[Administrative](#)

2

HEALTH & HUMAN SERVICES

WEB | PUBLIC NOTICES

The screenshot shows the official website of the North Dakota Health & Human Services department. The page is titled "Public Notices" and lists three notices:

- Public Notice - Medicaid State Plan Changes for January 1, 2025**
 Friday, January 25, 2025 at 10:00 am - Thursday, April 10, 2025 at 09:00 am
 Category: Public Notices
 Public Notice
 ND Medicaid Program
 Effective for dates of service on or after January 1, 2025, North Dakota Medicaid will be providing a 3.0% inflationary increase for all Nursing Facility services. Medicaid expenditures for these services are expected to increase \$2 million for a 12-month period.
- Public Notice - Public comment on five-year renewal Medicaid 1915(i) State Plan Amendment**
 Sunday, January 26, 2025 at 08:00 am - Friday, March 28, 2025 at 12:00 pm
 Category: Public Notices
 North Dakota Health and Human Services is seeking public comment on the five-year renewal of the State's Medicaid 1915(i) State Plan Amendment. The 1915(i) provides in-home and community-based behavioral health services and supports for qualifying individuals with behavioral health conditions.
- Special Meeting - Child Sexual Abuse Prevention Task Force Policy, Advocacy & Legislation Subcommittee (March 10, 2025)**
 Monday, March 10, 2025 at 09:00 am - 12:00 pm
 Category: Public Notices
 March 10, 2025 at 12:00 pm

3

INSURANCE COMMISSION

WEB | PUBLIC HEARINGS & MEETINGS

The screenshot shows the official website of the North Dakota Insurance Department. The page is titled "Public Hearings & Meetings" and includes the following information:

The North Dakota Insurance Department is committed to transparency. We invite the public to participate in public meetings and hearings that impact North Dakota's insurance industry.

Hearings are legal proceedings in which regulated entities appear before the Insurance Commissioner seeking approval to proceed with an action as the law requires. Hearings are also utilized during rulemaking and other activities where state law requires a public hearing.

Meetings include advisory committees, boards of directors, task forces or other meetings of public interest that the Department facilitates.

Sign up for email updates to get notified when public hearings are scheduled. Click [here](#) or to get notices sent right to your inbox.

Upcoming Public Meetings
 No Upcoming meetings.

Upcoming Public Hearings
 There are currently no upcoming events listed. [View All Events](#)

4

DEPT. OF TRANSPORTATION

WEB | NEWS | FILTER BY PUBLIC MEETINGS

The screenshot shows the North Dakota Department of Transportation website. The header includes the logo and navigation links: Home, Driver, Motor Vehicle, Construction & Planning, Travel & Safety, News & Events, and About. The main content area is titled 'News' and features a filter for 'Public Meetings' under the 'News Category' dropdown. Two news items are displayed:

- NDDOT hosts public input meeting for I-94 project near Cleveland**
 Wednesday, February 26, 2025 at 01:57 pm
 Categories: Public Meetings
 Location: Bismarck, Valley City
 The North Dakota Department of Transportation (NDDOT) will host a public input meeting Wednesday, March 5 from 4 to 6 p.m. to discuss the proposed grade raise on I-94 at Runner Slough west of Cleveland.
- NDDOT seeks comments on 2025 STIP Amendment**
 Thursday, February 20, 2025 at 11:28 am
 Categories: Public Meetings
 BISMARCK, N.D. – The North Dakota Department of Transportation (NDDOT) is seeking comments on an amendment to the 2025-2028 State Transportation Improvement Program (STIP) to add three previously unpublished projects in 2025.

5

PROPOSED AMENDMENT

RED TAPE REDUCTION & EASE OF BACKSTOP

SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created and enacted as follows:

Government publication.

A unit of government must place ~~may file~~ a published notice on their website ~~with the secretary of state~~ whenever the unit of government is required by law to publish notice in a newspaper. Unless otherwise provided by law, a notice required by law which is ~~filed and~~ posted on their website ~~by the secretary of state~~ fulfills publication requirements if a newspaper fails to publish the notice required by law.

6



Good morning, Chairman Longmuir and members of the House Political Subdivisions Committee,

My name is Dennis Pathroff, and I am a lobbyist with the GA Group. I am here today on behalf of the Power Companies of North Dakota ("PCND") to express our strong support for SB 2069, with an important amendment.

PCND is a coalition of the state's leading shareholder-owned gas and electric utilities, including MDU Resources Group, Xcel Energy, Otter Tail Power Company, and ALLETE. Collectively, our member companies serve over 427,000 North Dakota customers, employ more than 1,200 North Dakotans, and maintain critical power generation and transmission infrastructure across our state.

SB 2069 provides an essential safeguard to ensure the timely publication of legal notices related to utility projects and regulatory proceedings. The bill continues the existing newspaper publication requirements and introduces a much-needed backstop – if a newspaper fails to publish a required notice, a posting with the Secretary of State would fulfill the legal obligation.

This safeguard is necessary because missed publications have resulted in costly project delays, regulatory setbacks, and additional burdens on utilities. One recent example of this issue occurred when a local newspaper failed to publish a notice for public hearing related to Basin Electric's Leland Olds Station-to-Tande 345-kV Transmission Project. A hearing originally held on February 26 will have to be redone and a hearing scheduled for March 6 was postponed. Fortunately, this appears to result in only a one-month delay. In another example, a local paper failed to publish a notice for the Merricourt Wind Project, forcing the originally scheduled June 28, 2017, hearing to be rescheduled. The hearing ultimately took place on October 6, 2017, causing a four-month delay and added costs.

While PCND fully supports the intent of SB 2069, we strongly urge an amendment to appropriate sufficient funds to the Secretary of State's office to cover administrative costs related to the required website. Without dedicated funding, the administrative burden could prevent the successful execution of this much-needed safeguard.

We urge this committee to issue a "Do Pass as Amended" recommendation.

Thank you, Chairman Longmuir and committee members, for your time and consideration. I am happy to answer any questions.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2069
3/14/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements.

11:18 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representative Davis

Discussion Topics:

- North Dakota Newspaper Association Competency
- State agencies required to provide public notice

11:18 a.m. Committee discussion on liability and penalties for failing to provide a public notice.

Additional written testimony:

Representative Lawrence Klemin, North Dakota Representative for District 47, submitted neutral testimony #41560.

11:30 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

Below is the text of North Dakota Century Code 46-05-09, as requested by Rep. Klemin.

46-05-09. Publication of legal notices on website.

When a legal notice is required by law to be published in a newspaper, the newspaper also shall publish the notice on a statewide legal notices website maintained by the North Dakota newspaper association and on the newspaper's website in a location open and free to the public, if the newspaper maintains a website, at no additional cost to the entity placing the notice. If an insubstantial error in the notice occurs as a result of placement on the website and the error is the fault of the newspaper, the error does not affect the validity and effectiveness of the notice.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2069
4/3/2025

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements.

10:09 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Affidavits of publication
- Newspaper publication costs

10:12 a.m. Representative Motschenbacher proposed Amendment LC:25.8065.03005, testimony # 44616 and #44618.

10:20 a.m. Representative Klemin moved Amendment LC:25.8065.03005, testimony #44618.

10:20 a.m. Representative Jonas seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

10:25 a.m. Motion passed 13-0-0

10:25 a.m. Representative Warrey moved a Do Pass as Amended.

10:25 a.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

10:26 a.m. Motion passed 13-0-0

10:27 a.m. Representative Motschenbacher will carry the bill.

10:27 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

Bill reconsidered on 04/10/25.

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

CO
4/13/25
10f2

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

1 A BILL ~~for an Act to create and enact a new section to chapter 46-05 of the North Dakota~~
2 ~~Century Code, relating to publication requirements.~~for an Act to amend and reenact section
3 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal
4 notices.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Government publication.~~

9 ~~A unit of government may file a published notice with the secretary of state whenever the~~
10 ~~unit of government is required by law to publish notice in a newspaper. Unless otherwise~~
11 ~~provided by law, a notice required by law which is filed and posted by the secretary of state~~
12 ~~fulfills publication requirements if a newspaper fails to publish the notice required by law.~~

13 **SECTION 1. AMENDMENT.** Section 46-05-09 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **46-05-09. Publication of legal notices on website.**

16 1. When a legal notice is required by law to be published in a newspaper, if the request
17 for publication is submitted to:

18 a. A newspaper. the newspaper also shall publish the notice on a statewide legal
19 notices website maintained by the North Dakota newspaper association and on
20 the newspaper's website in a location open and free to the public, if the

1 newspaper maintains a website, at no additional cost to the entity placing the
2 notice.

3 b. The North Dakota newspaper association, the association shall publish the notice
4 on a statewide legal notices website maintained by the North Dakota newspaper
5 association and provide an affidavit of publication.

6 2. If an insubstantial error in the notice occurs as a result of placement on the website
7 and the error is the fault of the newspaper, the error does not affect the validity and
8 effectiveness of the notice.

9 3. A notice required by law which is published on a statewide legal notices website
10 maintained by the North Dakota newspaper association or on a website maintained by
11 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
12 publish the notice required by law.

Introduced by

SB 2069

State and Local Government Committee

(At the request of the Public Service Commission)

A BILL for an Act to create and enact a new section to chapter 46-05 of the North Dakota Century Code, relating to publication requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created and enacted as follows:

~~Government publication.~~

~~A unit of government may file a published notice with the secretary of state whenever the unit of government is required by law to publish notice in a newspaper. Unless otherwise provided by law, a notice required by law which is filed and posted by the secretary of state fulfills publication requirements if a newspaper fails to publish a notice required by law.~~

State Agency Publication.

Publication by a state agency on a statewide legal notices website maintained by the North Dakota newspaper association or posted on a website maintained by the state agency fulfills publication requirements if a newspaper fails to publish the notice.

of what

25.8065.03005
Title.

Prepared by the Legislative Council
staff for Representative
Motschenbacher

April 2, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

1 A BILL ~~for an Act to create and enact a new section to chapter 46-05 of the North Dakota~~
2 ~~Century Code, relating to publication requirements for an Act to amend and reenact section~~
3 ~~46-05-09 of the North Dakota Century Code, relating to publication requirements for legal~~
4 ~~notices.~~

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Government publication:~~

9 ~~A unit of government may file a published notice with the secretary of state whenever the~~
10 ~~unit of government is required by law to publish notice in a newspaper. Unless otherwise~~
11 ~~provided by law, a notice required by law which is filed and posted by the secretary of state~~
12 ~~fulfills publication requirements if a newspaper fails to publish the notice required by law.~~

13 **SECTION 1. AMENDMENT.** Section 46-05-09 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **46-05-09. Publication of legal notices on website.**

16 1. When a legal notice is required by law to be published in a newspaper, if the request
17 for publication is submitted to:

18 a. A newspaper, the newspaper also shall publish the notice on a statewide legal
19 notices website maintained by the North Dakota newspaper association and on
20 the newspaper's website in a location open and free to the public, if the

1 newspaper maintains a website, at no additional cost to the entity placing the
2 notice.

3 b. The North Dakota newspaper association, the association shall publish the notice
4 on a statewide legal notices website maintained by the North Dakota newspaper
5 association and provide an affidavit of publication.

6 2. If an insubstantial error in the notice occurs as a result of placement on the website
7 and the error is the fault of the newspaper, the error does not affect the validity and
8 effectiveness of the notice.

9 3. A notice required by law which is published on a statewide legal notices website
10 maintained by the North Dakota newspaper association or on a website maintained by
11 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
12 publish the notice required by law.

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

SB 2069
4/10/2025

A BILL for an Act to amend and reenact section 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal notices.

8:59 a.m. Chairman Longmuir called the meeting to order.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Motschenbacher, Ostlie, Toman, Warrey

Members Absent: Representatives Heilman, Klemin

Discussion Topics:

- Time periods for legal notice requirements
- Committee action

9:01 a.m. Representative Motschenbacher motioned to reconsider.

9:01 a.m. Representative Ostlie seconded the motion.

9:01 a.m. Voice Vote - Motion passed

9:01 a.m. Representative Motschenbacher proposed Amendment LC: 25.8065.03006, testimony #44884.

9:02 a.m. Representative Motschenbacher moved to adopt amendment LC: 25.8065.03006.

9:02 a.m. Representative Ostlie seconded the motion.

9:03 a.m. Cecile Wehrman, Executive Director of the North Dakota Newspaper Association, answered committee questions.

9:04 a.m. Jack McDonald, North Dakota Newspaper Association, answered committee questions.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y

Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	A
Representative Lawrence R. Klemin	A
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:07 a.m. Motion passed 11-0-2

9:07 a.m. Representative Ostlie moved a Do Pass as Amended.

9:07 a.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	A
Representative Lawrence R. Klemin	A
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

9:08 a.m. Motion passed 11-0-2

9:09 a.m. Representative Motschenbacher will carry the bill.

9:10 a.m. Chairman Longmuir adjourned the meeting.

Wyatt Armstrong, Committee Clerk

April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

CO
4/10/25
1042

1 A BILL ~~for an Act to create and enact a new section to chapter 46-05 of the North Dakota~~
2 ~~Century Code, relating to publication requirements.~~ for an Act to amend and reenact section
3 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal
4 notices.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Government publication.~~

9 ~~A unit of government may file a published notice with the secretary of state whenever the~~
10 ~~unit of government is required by law to publish notice in a newspaper. Unless otherwise~~
11 ~~provided by law, a notice required by law which is filed and posted by the secretary of state~~
12 ~~fulfills publication requirements if a newspaper fails to publish the notice required by law.~~

13 **SECTION 1. AMENDMENT.** Section 46-05-09 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **46-05-09. Publication of legal notices on website.**

16 1. When a legal notice is required by law to be published in a newspaper, the newspaper
17 also shall publish the notice on a statewide legal notices website maintained by the
18 North Dakota newspaper association and on the newspaper's website in a location
19 open and free to the public, if the newspaper maintains a website, at no additional cost
20 to the entity placing the notice.

1 2. A state agency may request immediate publication of a notice on the North Dakota
2 newspaper association public notice website and the North Dakota newspaper
3 association must provide an affidavit of the posting. The posting is considered legal
4 notification if a newspaper fails to publish the legal notice in the newspaper.

5 3. If an insubstantial error in the notice occurs as a result of placement on the website
6 and the error is the fault of the newspaper, the error does not affect the validity and
7 effectiveness of the notice.

8 4. A notice required by law which is published on a statewide legal notices website
9 maintained by the North Dakota newspaper association or on a website maintained by
10 the proper governmental unit, fulfills the publication requirement if a newspaper fails to
11 publish the notice required by law in the newspaper.

**REPORT OF STANDING COMMITTEE
REENGROSSED SB 2069**

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **AMENDMENTS** ([25.8065.03006](#)) and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT OR EXCUSED AND NOT VOTING). Reengrossed SB 2069 was placed on the Sixth order on the calendar.

25.8065.03006
Title.

Prepared by the Legislative Council
staff for Representative
Motschenbacher
April 9, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2069

Introduced by

State and Local Government Committee

(At the request of the Public Service Commission)

1 A BILL ~~for an Act to create and enact a new section to chapter 46-05 of the North Dakota~~
2 ~~Century Code, relating to publication requirements.~~ for an Act to amend and reenact section
3 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal
4 notices.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 ~~SECTION 1. A new section to chapter 46-05 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~
8 ~~Government publication:~~
9 ~~A unit of government may file a published notice with the secretary of state whenever the~~
10 ~~unit of government is required by law to publish notice in a newspaper. Unless otherwise~~
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