

CHAPTER 46-05 NEWSPAPERS

46-05-01. Newspapers qualified to do legal printing - File copies with state historical society - Publishing notices in adjoining county.

1. As used in this section:
 - a. "E-edition" means a digital facsimile of a newspaper print edition which is substantially the same in both format and content as the print edition.
 - b. "Publish" means the dissemination in the print edition of a qualified newspaper or in the newspaper's e-edition if it has one, or in both.
2. Before a newspaper in this state is qualified to publish a legal notice or a matter required by law to be printed or published in a newspaper in the state, or any public notice for a political subdivision within this state, the newspaper must:
 - a. Have been established in a regular and continuous circulation of at least one year, with a bona fide subscription list of at least one hundred fifty regular subscribers;
 - b. Be nonsectarian and printed in English; and
 - c. Have been admitted to the United States mails and have complied with the requirements of the federal laws governing periodicals mailing privileges for at least one year.
3. The owner or publisher of each legal newspaper shall send to the state historical society, to the address designated by the director, one copy of each print and e-edition issue of the newspaper. In a county in which no newspaper is published, a notice required by law to be published may be published in a newspaper published in an adjoining county and having a general circulation in the county.

46-05-02. Publisher to file affidavit with county auditor.

Repealed by S.L. 2003, ch. 392, § 5.

46-05-03. Legal notices - Fees.

To effect uniformity, the office of management and budget may compute a standard price on those legal notices which are widely published such as ballots, insurance statements, and official proclamations. All newspapers must use the rates, type size, and column width as shown on its legal notice rate certification issued by the office of management and budget. Certifications must be issued within fifteen days after samples are submitted, or as soon thereafter as practicable.

The office of management and budget shall biennially review and adjust rates to reflect changes in economic conditions within the newspaper industry and the general economy, and those adjustments become effective on each July first following the review. These biennial changes may be percentage increases or decreases in the base rates, and they may incorporate revisions in the base rate structure. Whenever the office of management and budget considers an adjustment in the legal publication rates contained herein, it shall consult with representatives of the daily and weekly newspaper industry of the state and with representatives of state and local units of government.

46-05-04. Rates and methods of computation applicable to legal notices and publications generally.

The rates or compensation and the method of calculating the same provided for in section 46-05-03 apply in all cases in which publication of legal notices of any kind, proceedings of the board of county commissioners, reports, election returns, and other publications and reports are required and allowed by law.

46-05-05. Rates for political announcements - Labeling political matter - Penalty for violation.

Repealed by S.L. 2001, ch. 203, § 9.

46-05-06. Legal notices - Penalty for violations in printing.

Any person, association, corporation, or limited liability company publishing any legal notice or doing any public printing contrary to the provisions of this chapter shall be liable to a fine of not less than twenty-five dollars nor more than two hundred dollars and to a forfeiture of all pay for any such printing.

46-05-07. Publications of county meetings and notices.

In any county in which two or more newspapers having the qualifications prescribed in section 46-05-01 are published, the board of county commissioners, by resolution, may provide for publication of proceedings of the board of county commissioners and of notices and publications required by law to be published by any county officer in one or more of such newspapers in addition to the official publication in the official newspaper of the county. The provisions of section 46-05-03 do not apply to such additional publications.

46-05-08. Contents of real property notices.

Repealed by S.L. 1975, ch. 420, § 1.

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

1. 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.
2. A state agency may request immediate publication of a notice on the North Dakota newspaper association public notice website and the North Dakota newspaper association must provide an affidavit of the posting. The posting is considered legal notification if a newspaper fails to publish the legal notice in the newspaper.
3. 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.
4. A notice required by law which is published on a statewide legal notices website maintained by the North Dakota newspaper association or on a website maintained by the proper governmental unit, fulfills the publication requirement if a newspaper fails to publish the notice required by law in the newspaper.