

OPINION  
75-30

April 28, 1975 (OPINION)

Mr. Richard P. Gallagher

City Attorney

City of Mandan

110 Collins Avenue

Mandan, ND 58554

Dear Mr. Gallagher:

This is in response to your letter of 9 April 1975, with regard to the official newspaper for your city.

You inform us that recently the official newspaper of your city ceased publication and at present there is no newspaper published within your city.

You indicate that a newspaper published in a neighboring county has an estimated 3,500 subscribers within the corporate limits of your city.

You indicate that you would appreciate our opinion as to whether we concur that your city does have authority to designate the newspaper published in the neighboring county with the 3,500 subscribers in your city as official newspaper of your city.

We note that the first sentence of Section 40-01-09 of the 1973 Supplement to the North Dakota Century Code provides that the official newspaper chosen by the electors of the county shall be the official newspaper of the city in which it is published. While we note from the yellow pages of the regional telephone book other newspapers apparently are published in your county, and would therefore presumably be appointed to the position of official county newspaper (see Section 46-06-08), there is no indication that either of same is published in your city.

On such basis, under the other provisions of said Section 40-01-09, your governing body is required to, by resolution at its first meeting in May, or as soon thereafter as practicable, designate a newspaper which is "circulated" in the municipality as the official newspaper of such municipality. It is our opinion that the newspaper you mention meets all of the qualifications specified in the statutes and we therefore do concur with your opinion.

We hope the within and foregoing will be sufficient for your purposes.

Sincerely yours,

ALLEN I. OLSON

Attorney General