

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

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*La Costa Rickford*  
Operator's Signature

*10/3/03*  
Date

2003 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1305

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10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1305

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1-24-03

Tape Number	Side A	Side B	Meter #
2	x		51.1-end
2		x	0-24.4
Committee Clerk Signature <i>Judy Runke</i>			

Minutes: Chairman Klein: opened the hearing on HB 1305. All committee members were present.

Representative Glassheim: appeared in support of the HB 1305 and stated the intention of 1305 is to close what seems to be a small loop hole but a loop hole none the less in our whole system of open meetings laws. Representative Glassheim passed out newspaper clippings on the sunshine laws. Representative Glassheim stated that the sunshine laws give residents access to all governments records and meetings unless otherwise specified by statute. These laws also give the press the freedom to keep the public informed and our government accountable for its actions. In ND thanks to our sunshine laws we re-enforce who really works for whom. In the second item North Dakotans are lucky because of sunshine laws by Mike Jacobs. Government meetings are opened to the public so are government records, boards and commissions on every level must make agendas available for their meetings and keep complete accurate minutes, record every members vote.

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*Lu Costa Rickford*  
Operator's Signature

*10/2/03*  
Date

Page 2

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1305

Hearing Date 1-24-03

Sunshine laws actually help public officials, these laws mean that rumors about government have only a short life. They also protect public officials reputations. The origin of this bill seems fairly simple to me. Basically the purpose of the sunshine laws is that the public and the press can have access to meetings.

Representative Amerman: How would this work with counties are school districts that co-op or have something together, how could they vote?

Representative Glassheim: My feeling seems to me that if you have joint powers in place then your jurisdiction is that joint powers agreement. But I don't want the vote on the joint powers agreement to be held in some other jurisdiction, but be in your home jurisdiction.

Chairman Klein: I think you bring up an interesting item for discussion, I have some concerns when you mention when you have these joint areas of power, where do you go when you vote. I think you brought up a good point.

Jack McDonald, ND Newspaper Association, ND Broadcasters Association: appeared in favor of HB 1305 and presented written testimony (SEE ATTACHED TESTIMONY). we support the bill for some of the same reasons you have been discussing. We did have some concerns that I have stated in my testimony. We feel that this is a good bill and a good idea there maybe some amendments you could make that would make it a little more workable.

Wade Williams, ND Association of Counties: I want to testify in favor of 1305, many counties are being advised by their states attorneys and auditors that they need to hold any substantial votes in their commission chambers. In situations where counties have joint boards they would be according to there jurisdictions of the joint powers.

Page 3

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1305

Hearing Date 1-24-03

Bev Nielsen, ND School Board Association: appeared in opposition of HB 1305. There are some concerns of ours. It seems a little over broad to us to take care of people who willfully abuse this current law. There is some confusion among board members and we try to educate them as best we can, when we had the big open meetings push as you recall 6 or so years ago when we re wrote the whole open meeting thing. And it became evident to us that we had to train our board members where 2 or more are gathered, watch out what you talk about. If you have a majority of your board coming to the school board convention, if you want to be safe, tell the public that the board is going to be in Bismarck. We also educated them that when you do these things, you have to publicly notice that you are going to have a committee meeting. We also train them that you don't do business, your just notifying that some of you are together, more then 1 of you are together. If a sports co-op become a public entity, then their borders define where they can have their meetings, we have to be clear, are you talking just about the school board meet within their district boundries or does xyz sports co-op become a public entity in and of themselves, does the special ed. board, does the vo-tech board, they take in serveral school districts, we have some concern because they vote. Some school districts share a Superintendent so what do you do about them, these also raise some concerns.

Representative Meier: would you object to tape recording these meetings?

Bev Nielson: I guess if the law said if you are meeting outside the bounds of your district you should record the conversations, I suppose we wouldn't object to that. If every co-op meetings and every other meeting related to them, we prefer to see that joint powers, co-op agreements with boundries are drawn for the participants that both be considered a public entity and they would meet within the boundries of those combined districts.

In Costa Rickford  
Operator's Signature

10/3/03  
Date

Page 4

House Government and Veterans Affairs Committee

Bill/Resolution Number HB 1305

Hearing Date 1-24-03

Representative Haas: stated that we need to clarify and have some definitions of just what we are talking about.

Mary Wahl, ND Council of Educational Leaders: appeared in opposition of HB 1305. We share many of the concerns of the previous speakers. I also agree with Representative Haas and he made a valid point. There are all kinds of arrangements that consist out there and perhaps just what this law is trying to do to each of those entities is what needs to happen. My point is that it would appear that the people out there in the school districts, or city jurisdictions or whatever might be are not particularly worked up about this situation that this bill is trying to address, and so I think that if we could come to some good definitions with regard to jurisdiction and authority when you have to vote, I think the matter could be solved.

Representative Klein: I would like to form a committee and take a look at this bill and I would like Representative Devlin to a look at this bill and see if there is any method to fixing it.

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10/3/03  
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1305

House Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 1-31-03

Tape Number	Side A	Side B	Meter #
2	x		53.1-end
2		x	0-6.5
Committee Clerk Signature <i>Joey Burke</i>			

Minutes: Chairman Klein: reopened the hearing on HB 1305. All committee members were present.

Representative Meier: moved to **AMEND** HB 1305 as presented.

Representative Haas: **SECOND** the amendment.

All in favor.

Representative Winrich: Moved to **DO PASS** as amended on HB 1305.

Representative Meier: **SECOND** the motion.

**VOTE: 14 YES 0 NO 0 ABSENT.**

**Motion carried.**

Representative Devlin: will carry the bill to the floor.

Meeting adjourned.

Thursday, January 30, 2003  
Rep. Devlin

PROPOSED AMENDMENTS TO HB 1305

Page 1, line 18, remove the underlined period and replace with "; does not hold substantive discussions on matters of its public business at that meeting; and records the meeting electronically or on audiotape or videotape. This recording shall be a public record. For purposes of this subsection, the jurisdiction will include that of any of the public entities that may enter into cooperative agreements or agreements to share personnel or other services.

Renumber accordingly



30024.0201  
Title.0300

Adopted by the Government and Veterans  
Affairs Committee  
January 31, 2003

VR  
1/31/03

HOUSE AMENDMENTS TO HOUSE BILL NO. 1305 GVA 2-03-03

Page 1, line 18, after "meeting" insert "does not hold substantive discussions on matters of its public business at that meeting; and records the meeting electronically or on audiotape or videotape. This recording is a public record and must be retained for at least one hundred twenty days. For purposes of this subsection, the jurisdiction includes any of the public entities that enter a cooperative agreement to share personnel or other services"

Renumber accordingly

Page No. 1

30024.0201

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Operator's Signature

*La Costa Rickford*

10/3/03

Date

Date: 1-31-03

Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1305

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Move to Amendment to HB 1305

Motion Made By Rep Meier Seconded By Rep. Haas

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	X		B. Amerman	X	
Vice Chairman B.B. Grande	X		L. Potter	X	
W.R. Devlin	X		C. Williams	X	
C.B. Haas	X		L. Winrich	X	
J. Kasper	X				
L.R. Klemm	X				
L. Meier	X				
M. Sitte	X				
W.W. Tieman	X				
R.H. Wikenheiser	X				

Total (Yes) 14 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 1-31-03  
Roll Call Vote #: 1305

**2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

House GOVERNMENT AND VETERANS AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30024.0201

Action Taken DP AS amended

Motion Made By Rep. Winrich Seconded By Rep. Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman M.M. Klein	✓		B. Amerman	✓	
Vice Chairman B.B. Grande	✓		L. Potter	✓	
W.R. Devlin	✓		C. Williams	✓	
C.B. Haas	✓		L. Winrich	✓	
J. Kasper	✓				
L.R. Klemin	✓				
L. Meier	✓				
M. Sitte	✓				
W.W. Tieman	✓				
R.H. Wikenheiser	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Devlin

If the vote is on an amendment, briefly indicate intent:

Sal Costa Rickford  
Operator's Signature

10/3/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
February 3, 2003 8:46 a.m.

Module No: HR-20-1487  
Carrier: Devlin  
Insert LC: 30024.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**

**HB 1305: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1305 was placed on the Sixth order on the calendar.

Page 1, line 18, after "meeting" Insert "does not hold substantive discussions on matters of its public business at that meeting; and records the meeting electronically or on audiotape or videotape. This recording is a public record and must be retained for at least one hundred twenty days. For purposes of this subsection, the jurisdiction includes any of the public entities that enter a cooperative agreement to share personnel or other services."

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-20-1487

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*10/2/03*  
Date

2003 SENATE POLITICAL SUBDIVISIONS

HB 1305

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10/3/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1305

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date **March 14, 2003**

Tape Number	Side A	Side B	Meter #
1	X		4690 - 6232
		X	2,572 - 3780
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes

**CHAIRMAN COOK** called the committee to order. All members (6) were present.

**CHAIRMAN COOK** opened the hearing on HB 1305 relating to the location of public meetings.

**REPRESENTATIVE GLASSHEIM**, District 18, Grand Forks, introduced HB 1305. The origin on this bill is that the airport authority in Grand Forks had a public meeting which was advertised, but they had it up in Winnipeg. Citizens who were concerned about decisions made by the airport authority felt this was too far to expect them to go to be in attendance at an open public meeting even though it was advertised. That meeting was partially a retreat for general discussion and long range planning which he understood but he did not think they should be doing public business and taking final votes hundreds of miles from their home territory. There are some amendments that people were concerned about. There are still other concerns and will probably come in with other amendments, which is fine with him.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number HB 1305

Hearing Date March 14, 2003

**Jack McDonald**, dropped off testimony on behalf of the ND Newspaper Association and the ND Broadcasters Association in support of HB 1305 (See attached testimony)

**Testimony in opposition of HB 1305**

**Bill Wocken**, City Administrator, City of Bismarck, testified in a maybe category. Passed out amendments (See attached) The amendments are to solve a problem that he saw in Bismarck - Mandan and Burleigh County - Morton County. The problem is if they wanted to take an action at a joint meeting of our commission which does happen from time to time, that they would have to come back to our individual jurisdictions and say yes they will pass a motion to do what they talked about across the river.

**Connie Sprynczynatyk**, League of Cities, also has one foot in the neutral and one foot in the opposition category because of the concerns that Representative Glassheim suggested. If the bill is amended the way Bill Wocken presented they would certainly live with it. They started out with the stand that it was not necessary and that it was not possible to legislate a lack of common sense. They were not sure a legislative solution is necessary but if you chose to have this bill, they support it as amended. She would ask the committee not to put in a mileage restriction because that would cause additional problems.

**Ken Yantes**, ND Townships Association, appeared for the townships and said in the ND Century Code Chapter 58-04-01 it indicates what the townships allow as far as place, time and so forth.

**Bev Nellson** ND School Board Association, commented on the amendments that the committee is considering. She does not believe that lines 21 through 23 should be taken out. The school board sends representatives to the joint powers board which is an entity in its self. They would be a lot more comfortable if the language on those lines were included so it is very clear.

Page 3

Senate Political Subdivisions Committee

Bill/Resolution Number HB 1305

Hearing Date March 14, 2003

No further testimony on HB 1305.

**CHAIRMAN COOK** closed the hearing on HB 1305

Discussion:

**CHAIRMAN COOK** asked the committee if the committee took the amendments that were presented by Bill Wocken and eliminated what he was deleting at the end of the bill that everyone would be happy.

**SENATOR GARY LEE**, asked if that would fix the concerns of Ms Neilson.

**SENATOR COOK** answered that to fix her concerns, the last two lines of the amendment would have to be removed.

**SENATOR JUDY LEE** feels this bill could affect the Water Boards.

**SENATOR SYVERSON**, is curious of the real necessity of the bill.

**SENATOR GARY LEE** agreed with Senator Syverson.

**SENATOR COOK** suggested amending the bill to the best form they could.

**SENATOR JUDY LEE** said she would like to see the bill go away and feels it would be more likely to pass if amended.

**SENATOR CHRISTENSON** feels this is one of those things were you need to trust the entities involved, because she does not think anyone would deliberately go to a place that is unacceptable. This is going to get so complicated that the bill will wind up being worthless and cumbersome.

**SENATOR JUDY LEE** moved a **DO NOT PASS** on HB 1305.

**SENATOR CHRISTENSON** seconded the motion.

Roll call vote: Yes 6 No 0 Absent 0



Page 4  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB 1305  
Hearing Date March 14, 2003  
Carrier: **SENATOR JUDY LEE**

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10/3/03  
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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL 1305

Page 1, line 16, delete "A public entity" and insert "Public entities" and delete "a meeting" and insert "meetings"

Page 1, line 17, delete "entity has" and insert "entities involved in the meeting have"

Page 1, line 18, delete "entity takes" and insert "entities take" and delete "does" and insert "do"

Page 1, line 20, delete "records" and insert "record"

Page 1, line 21, delete "For"

Page 1, delete lines 22 and 23

Renumber accordingly

Date: 3-14-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1305

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Senator Judy Lee Seconded By Senator Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
March 14, 2003 2:27 p.m.

Module No: SR-46-4841  
Carrier: J. Lee  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
HB 1305, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)  
recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1305 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-46-4841

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*10/2/03*  
Date

2003 TESTIMONY

HB 1305

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10/3/03  
Date

4A

THURSDAY, JANUARY 23, 2006

*"Seeking to find and publish the truth, that the people of a great state might have a light by which to guide their destiny."*

— Stella Mann,  
Tribune publisher, 1939

Julie Bechtel  
Publisher

Dave Bundy  
Editor

Ken Rogers  
Managing editor

Frederic Smith  
Opinion page  
editor

Kristin Wilson  
Retail advertising  
manager

# Sunshine laws put citizens in charge

Today is Sunshine Day, and in newspaper offices and lobbies across the state, the Tribune included, the citrus is flowing.

The oranges and juice being served by newspapers today serve as a reminder of the importance of our state's so-called "sunshine laws."

These laws dictate that within our borders, state and local governments, organizations supported by public funds

and contractors acting in the stead of government must conduct their business in public — out in the sunshine, as it were.

North Dakota's sunshine laws give residents access to all government records and meetings unless otherwise specified by statute. These laws also give the press the freedom to keep the public informed and our government accountable for its actions.

Combined with a civic-minded populace, sunshine laws ensure government by the people and for the people, rather than by politicians for themselves. There is an irony in the term "public servant" in some places. Not in North Dakota, thanks to our sunshine laws, which reinforce who really works for whom.

Sunshine laws don't eradicate cynicism toward or suspicion of government. But they give people who want to do more than simply gripe one tool to effect change.

Openness doesn't come naturally to governments. Citizen requests for information often are seen by officials as hindrances to, rather than part of, doing their jobs. That is wrong, but it's an understandable fact of life.

Officials can throw up roadblocks to our pursuit of facts, but we as citizens mustn't take no for an answer. The laws and exceptions are clear (check out the Web site of the Office of the Attorney General, [www.ag.state.nd.us](http://www.ag.state.nd.us)). We must be vigilant, persistent and vocal against an erosion of our rights.

But let us be clear: Government serves us, and serves us well in most instances. We're wrong to frame the conflict our sunshine laws address as being us versus the government. In North Dakota, more than most places, we are the government. In lots of cases, our legislators, our mayors and our commissioners are our family, friends and neighbors. Our sunshine laws allow us to build our relationship with government on a foundation of trust, not distrust.

So, if business brings you to the Tribune today, have an orange on us and savor the sweetness of an open society where government, by law, must serve the people.

— Dave Bundy for the Tribune



## YOUR OPINION

# North Dakotans are lucky because of 'sunshine' laws

By Mike Jacobs

**W**e North Dakotans are lucky. We know what's going on.

And it's not because we live in smallish towns and gossip over coffee.

No, it's because we have some of the strongest "sunshine" laws in the nation. That means that government at all levels must operate in public. Government meetings are open to the public. So are government records. Boards and commissions at every level must make agendas available before their meetings. They must keep complete and accurate minutes of their actions. They must record each member's vote on every issue of substance.

There are exceptions of course, but these are few and North Dakotans have guarded them carefully.

Care is required.

For some reasons officials at every level seem eager to withhold information rather than share it. Perhaps it gives them a feeling of power.

Time after time, people who want access to information find themselves denied it. If they insist, officials give it up. Usually. When they don't, the

law allows any citizen to go to court to command officials to make information available.

What is the result of this?

North Dakotans have greater trust in their public officials than most other Americans. We also have the least corrupt public officials in the nation.

We're lucky.

Smart people don't rely on luck however. Smart people keep a close eye on what's important. That's what North Dakotans have done about sunshine laws. Attempts to amend the law come along every once in awhile, but lawmakers usually defeat them because they know their constituents want them to do business in public.

Sunshine laws actually help public officials. These laws mean that rumors about government have only a short life. The sunshine makes them evaporate. In the same way, sunshine laws protect public reputations. By acting in public, officials avoid any hint of suspicion about what they're up to.

The laws have another important impact. They contribute to the civil society that distinguishes North Dakota from other states. We take our business seriously here and we

do so with courtesy and respect for others. Knowing that the public is watching makes it easy to do it that way.

That hasn't always been the case. North Dakota's early years were marked by political shenanigans of a truly nasty kind. This contributed powerfully to the reform movement that gave North Dakotans a greater role in government than citizens of almost any other state through initiative, referendum and recall.

Sunshine is another legacy of those days. People got tired of how business was done by political bosses. They demanded to know what government was up to.

Their early efforts resulted in a tradition of openness and civil government that has become entrenched in our political life.

We're lucky - but we need to be alert as well. A civil society isn't something to take for granted. It's something to buttress with strong laws that let the sunshine in on every level of government.

Jacobs, a well-known writer of Stanley, N.D., is president of the North Dakota Newspaper Association and editor of the Grand Forks Herald. He wrote this piece for the state's newspaper observation of "Sunshine Week."

## YOUR OPINION

### Forum does harm with 'saying' series

In The Forum's Dec. 25 "Saying North Dakota" series on page A11, Editor Lou Ziegler's column has a paragraph that is attributed to "James."

"... I feel that sticking money into western North Dakota towns in order to keep a few leftovers from a dramatically changed farming system is a

Dakota produces food that feeds a hungry world which will disappear once you shut down western North Dakota and it becomes a grazing pasture for the prized buffalo.

"Unrealistic fantasyland." Not so many years ago the state production tax from western North Dakota oil was greater than the state's biennial general budget.

We in western North Dakota sincerely hope that Fargo's potential prosperity will be great

business, state not be required to operate a lottery, and stated would have up" to the ers were less.

Nothing the truth. statement false by

of promoting the lottery, stated that the state would be required to establish a lottery organization, that all ticket vendors re to do was to "hook multistate lottery. Voters persuaded that the lot- d be easy and harm-

could be further from All of Rep. Maragos' statements have been proved information learned by

Operator's Signature *Y. Costa Rickford*

Date *10/2/03*

Friday, January 24, 2003

HOUSE GOVERNMENT & VETERANS AFFAIRS COMMITTEE  
HB 1305

CHAIRMAN KLEIN AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We support the bill and urge that you give it a do pass.

This is a bill that just seems like good government. North Dakotans have always valued citizen participation and this bill makes that participation easier by assuring that local government will stay close to its constituents when doing its business.

This will not prevent various boards and commissions from holding retreats, or meetings at conventions and similar meetings. It just means they can't conduct official business while doing this.

My organizations also have a bit of a selfish reason to support this. Most North Dakota media have small staffs, and it is difficult at best to cover all of the government meetings in our area to get the necessary information to our readers and listeners. This bill will make that task a bit easier.

We respectfully urge your support.

If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

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Operator's Signature

10/3/03  
Date



Friday, March 14, 2003

SENATE POLITICAL SUBDIVISIONS COMMITTEE  
HB 1305

CHAIRMAN COOK AND COMMITTEE MEMBERS:

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