2017 SENATE POLITICAL SUBDIVISIONS

SB 2171

2017 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Red River Room, State Capitol

SB 2171
1/26/2017
Job # 27426

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature	

Explanation or reason for introduction of bill/resolution:

Relating to the notice requirements for the sale of property at a public sale

Minutes:

Written attachment #1 Senator Burckhard Written attachment #2 Donnell Preskey Hushka

Chairman Burckhard opened the hearing for SB 2171. All senators were present.

Chairman Burckhard prime sponsor of this bill. District 5, Minot. The bill I have for you today is SB 2171, and it relates to notice requirements for the sale of property at public sales. Under current law when they counties want to sell property, at a public sale, they must publish their notice of their property to be sold along with when and where the sale is taking place, once a week for three weeks. This bill reduces the requirement to publish that for one a week for two weeks. This change puts this requirement in line with other bid let requirements, for instance, to put just fuel at least once each week, for two successive weeks in the official newspaper. To put just Counties must advertise as provided by law for county supplies two times. To contract for road construction, counties must advertise as provided by Section 11-11-26 and 11-11-27 two times. So it's really just kind of getting more consistent with other events. So, I will take any easy questions you have.(attachment #1)

Senator Judy Lee: I remember in earlier years we talked about the need to have the option for them to also advertise electronically because a lot of these things are done through electronic, and that may not be your gig. It doesn't mean that it shouldn't be in the paper but we need to also consider as official perhaps publishing online. I know for construction projects there are websites upon which contractors will go to see if their projects coming up. So I just wonder if we might want to, if you thought about that or if it might be something you want to make sure we can permit to be done, in addition. The paper association wouldn't like it if we pulled it out of the paper, but up to show that is considered notice too.

Chairman Burckhard: That is the topic that we will have had before, is it not? I don't know whether bill can be amended to suggest that but, I don't know that it isn't already done, I will track it but I don't know that for sure.

Senator Judy Lee: I don't mean that it should be replace the newspaper notifications, but my question will be whether or not it could be considered as a part of an acceptable notice in addition to the newspaper.

Chairman Burckhard: I think that is a good idea actually. I think it is already but if it isn't it should be digital as well as analog.

Senator Diane Larson: I am just wondering about that. This bill wouldn't prevent it from being electronically published as well, in case someone would like more people to have access to the information and get a broader group of people to bid. I mean saying it would be done this way, doesn't or wouldn't prevent from being published electronically somewhere.

Vice Chairman Anderson: I don't believe it would prevent it from being able to take place. In this world of anything being digital, I would think it would be a good way to get the word out especially amongst those who are younger than myself, they are very digital.

Donnell Preskey Hushka, ND Association of Counties. Written attachment #2.

Chairman Burckhard: On your list of other county publishing requirements, so for example, pick one and explain how that works. For instance, talk about preliminary budgets, is that a 2 week notice as well or what would you say?

Donnell Preskey Hushka: I don't have the details on these. I would have to go back and do the research and get it to you. I more than happy to give you some. I do know like for instance addressing the NDSU Quarterly notices. We just got that bill passed in the House to eliminate that. What that was NDSU Extension is required by law to advertise in our county newspaper and then the county pays for half of that cost. So, we have a bill introduced to repeal that section of code.

Chairman Burckhard: So Donnell will the newspapers have a little heartburn with this do you know, because it is a little less revenue for them?

Donnell Preskey Hushka, With that particular bill or this bill? **Chairman Burckhard**: This bill, the two-week bill. **Donnell Preskey Hushka**: You may hear from them. I guess this just reduced one add, it's not. I don't know what the fiscal note on something like that would be. I think than anything it's just making it consistent with other requirements.

Chairman Burckhard closed the hearing on SB2171.

Senator Judy Lee, I move Do Pass on 2171.
2nd Senator Diane Larson
Roll call vote: 6 Yea, 0 No, 0 Absent
Carrier: Senator Diane Larson

Committee Clerk: **Senator Dotzenrod** what do you vote for SB 2171.
Senator Dotzenrod: Voted Yes

Date: 1.26.17
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2171

Senate Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. Judy Lee Seconded By Sen. Diane Larson

Senators	Yes	No	Senators	Yes	No
Chairman Randy Burckhard	✓		Senator Jim Dotzenrod	✓	
Vice-Chairman Howard Anderson	✓				
Senator Jordan Kannianen	✓				
Senator Diane Larson	✓				
Senator Judy Lee	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Diane Larson

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

REPORT OF STANDING COMMITTEE

SB 2171: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Eleventh order on the calendar.

2017 HOUSE POLITICAL SUBDIVISIONS

SB 2171

2017 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Prairie Room, State Capitol

SB 2171
3/9/2017
Job # 28968

☐ Subcommittee
☐ Conference Committee

Carmen Hickle

Explanation or reason for introduction of bill/resolution:
Relating to the notice requirements for the sale of property at a public sale

Minutes: 1

Chairman Klemin: Opened the hearing on SB 2171.

Donnell Preskey:(Testimony #1) (Time :25 to 1:14 Inaudible)

Rep. Simons: What was the reasoning that you decided this would be an important bill?

Ms. Preskey; (Inaudible)

Rep K. Koppelman: What kind of property are we talking about that would be the subject of these kinds of sales? Would it be property that has been ceased or returned to the county for back taxes?

Ms. Preskey: I believe what this relates to county owned property and equipment. (Inaudible)

Rep. Simons: Have you talked with a sheriff's department?

Ms. Preskey: I do know the sheriff's department take in different property. I can look into it and let the committee know. (Inaudible)

Rep. Pyle: Sometimes they do send a notice to the cities for sheriff action for vehicles.

Ms. Preskey: Sheriff's departments do have auctions and sale seized property at one time. (Inaudible)

Rep. Ertelt: Do you know how often these notices are published?

Ms. Preskey: (Inaudible)

Rep. Ertelt: How frequently do they have to publish these notices? How many times in a year does a county on average publish a sale for property?

Chairman Klemin: I would say not too often. If they have some excess property that they need to get rid of.

Chairman Klemin: No additional testimony. Closed the hearing.

Rep. Maragos: Moved a do pass motion.

Rep. Zubke: Second the motion.

Rep. Simons: I don't see this saving a lot of money for another one week. I don't see the importance on the bill.

Rep. Pyle: I think it is a good idea, they put it out on the internet. Those ads depend on the property being sold is the size of the ad.

Rep. R. S. Becker: I believe she used consistency and that was the reason for the bill.

Rep K. Koppelman: There is a difference in advertising for bids versus selling something. When you are advertising for bids you are typically dealing with a community that bids on projects for political subdivisions and they know to watch the legals. I assume these are legal publications not display ads?

Rep. Pyle: That is correct.

Rep K. Koppelman: Do you make other efforts to let people know that there is something for sale on the internet or somewhere else?

Rep. Pyle: In my experience we created a Facebook page and we undated our website.

Rep. Maragos: There is nothing in here that says they can't go 3 weeks if they want to. If they want they can go to 4 weeks to advertise their sale in order to get the best return on that auction. This is trying to make consistent with other things in Code.

Chairman Klemin: The board of commissions would have a public meeting on this, they would have an agenda. They would need to do these things to adopt a resolution to sell the property to start with.

Do pass motion passed 11 yes, 2 no, 2 absent.

Rep. Maragos: Will carry the bill

Date: 3-9-17
Roll Call Vote: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2171

House Political Subdivisions Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☑ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Maragos Seconded By Rep. Zubke

Representatives	Yes	No	Representatives	Yes	No
Chairman Klemin	✓		Rep. Guggisberg	✓	
Vice Chairman Hatlestad	✓		Rep. Hanson	✓	
Rep. Beadle	—				
Rep. Becker	✓				
Rep. Ertelt		✓			
Rep. Johnson	—				
Rep. Koppelman	✓				
Rep. Longmuir	✓				
Rep. Maragos	✓				
Rep. Pyle	✓				
Rep. Simons		✓			
Rep. Toman	✓				
Rep. Zubke	✓				

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep. Maragos

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

REPORT OF STANDING COMMITTEE

SB 2171: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2171 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

SB 2171

SB2171
1.26.17
#1

Testimony for:
Senate Political Subdivision
1/26/17
Senator Randy Burckhard

SB 2171: Relating to Notice Requirements for Sale of Property at Public Sale

Under current law, when a county wants to sell county property at a public sale they must publish a notice of the property to be sold along with when and where the sale is taking place once a week for three weeks.

This bill reduces the requirement to publish to two weeks. This change puts this requirement in line with other bid notice requirements.

Such as:

- To purchase fuel counties must advertise "at least once each week for two successive weeks in the official newspaper" **11-11-26**
- To purchase road equipment counties must advertise "as provided by law for county supplies (2 times)" **24-05-04**
- To contract for road construction counties must "advertise as provided by section **11-11-26 and 11-11-27** (2 times)

SB2171
1.26.17
Written test #2

Testimony for:
Senate Political Subdivision
1/26/17
Donnell Preskey Hushka, ND Association of Counties

SB 2171: Relating to Notice Requirements for Sale of Property at Public Sale

Mr. Chairman and committee members, I'm Donnell Preskey Hushka with the North Dakota Association of Counties. I'm am testifying today on behalf of the state's 53 county auditors.

This bill is very simple, making publishing requirements for advertising the sale of county property consistent with other requirements of county publishing notices once a week for two weeks.

Other notices we are required to publish twice a week:

- To purchase fuel counties must advertise "at least once each week for two successive weeks in the official newspaper" 11-11-26
- To purchase road equipment counties must advertise "as provided by law for county supplies (2 times)" 24-05-04
- To contract for road construction counties must "advertise as provided by section 11-11-26 and 11-11-27 (2 times)

While we the counties have no quantitative data on what the cost is for what counties are required to publish; the list is quite extensive.

Other county publishing requirements:

- Preliminary Budget
- NDSU quarterly notices
- Minutes
- Election Notices
- Sample ballots
- Transfer of county property
- Sheriff sale of seized property
- Truth in Taxation
- Government restructuring
- Home rule charter amendments
- Culvert purchases
- Drainage maintenance
- Issuance of Bonds

SB2171 #1

Testimony for:
House Political Subdivisions
3/8/2017
ND Association of Counties

3-9-17
Donnell Preskey

SB 2171: Relating to Notice Requirements for Sale of Property at Public Sale

Mr. Chairman and committee members, this is an easy and sensible bill. Under current law when a county wants to sell county property at a public sale they must publish a notice of the property to be sold along with when and where the sale is taking place once a week for three weeks. This bill reduces the requirement to publish from three weeks to two weeks.

This change puts this requirement in-line with other bid notice requirements. We have listed those other publishing requirements below:

- To purchase fuel counties must advertise "at least once each week for two successive weeks in the official newspaper" **11-11-26**
- To purchase road equipment counties must advertise "as provided by law for county supplies (2 times)" **24-05-04**
- To contract for road construction counties must "advertise as provided by section **11-11-26 and 11-11-27** (2 times)