

2019 HOUSE JUDICIARY

HB 1117

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1117
1/15/2019
HB 1117

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to publication of legal notices in a newspaper and on the newspaper's website.

Minutes:

1, 2

Chairman K. Koppelman: Opened the hearing on HB 1117.

Rep Devlin: (Attachment #1) Read testimony.

Representative Jones: What about the last sentence on the bill. What does that mean?

Steve Andrist, Executive Director of ND News Paper Association: (Attachment #2) I would like to answer the previous question. Sometimes newspapers make mistakes so that is why the disclaimer is on there. That is a catch all.

Chairman K. Koppelman: Had you had any issues with that?

Steve Andrist: We do have a standard form letter from the Newspaper Association when we place public notice adds in multiple papers and one forgets and publishes on the wrong day so we tell them there was a mistake, but it is not fatal to the process so you are able under the law to go forward with the process. Read Testimony. (6:00-8:30)

Rep. Paur: Would it be wise to have them required to be posted on that site?

Steve Andrist: That would be a good idea. We do not have universal consciences on that so as a compromise to those people you can use the statewide website. It does require that if it is posted on a newspaper's individual website that it be put in front of a paywall and the place is accessible to anyone who wants to search it without cost. We will on our website link those sites can be found.

Rep. Rick Becker: Are you not able to do this now?

Steve Andrist: Yes we do this now. We don't have universal participation and we view this as a state law as a way to insure that we get as wide a distribution of this as we possibly can.

Rep. Rick Becker: I am surprised by that last sentence. If you make a mistake the hearing is still good? This is surprising that if you make a mistake it is still considered to be good? You said because it is not fatal it would still be considered good. Are there two tiers of mistakes?

Steve Andrist: There is still the decision of the publishing entity to decide that it is fatal; and if they chose to determine that it is a date of a meeting, yes we need to start this process over and redo it. If it is just a misspelling of a name; they would be held liable for doing it that way. It is just an out for a government entity.

Chairman K. Koppelman: The discussion has been that the long standing requirement be sent in a local newspaper. Some say they are a thing of the past. We have not changed the law in ND, but we are aware that the younger generation may read them on line so this is a response to that situation.

Steve Andrist: I agree.

Representative Jones: Sometimes the legal notices can get too lengthy. Is it going to be easy to go on the site and read it for just New Town and go quickly to the New Town portion and not have to read through everyone else's?

Steve Andrist: On the front page of the website there is a map and you can refine your search down and find it that way.

Rep. Vetter: Is there an amendment we can add to determine what is an acceptable error?

Steve Andrist: Yes we could look at that with the legislative counsel.

Chairman K. Koppelman: Maybe we can create a term and look at this. Rep. Paur said this website you can go to but when you want to know the location of a meeting in a county. This could be an issue in respect to the public getting the information. I think it would be in the interest of the association and newspapers in general if the goal is to keep newspapers as the gold standard with respect to public notices and the modernization of that is website presence it would make sense to be part of the game.

Steve Andrist: I do agree with you. I am more than willing to go back and to those who have resisted that the weight of the committee is against them and see if we can make some changes.

Donnell Preskey, NDAC: Support this bill. No counties have problems with this.

Opposition: None

Hearing closed

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1117
1/16/2019
30929

- Subcommittee
 Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to publication of legal notices in a newspaper and on the newspaper's website.

Minutes:

Chairman K. Koppelman: Opened the meeting on HB 1117. Discussed the one shop stop. Everyone should have a location to go to that central website to find that information. There is a push to do away with newspaper use altogether. This would be a great step forward providing this on the website. A probable amendment on line 9, if we were to eliminate the word either after notice; line 10 instead of the word or use and; and then on line 11 after the word public insert the words if the newspaper maintains such a website.

Rep. Paur: I brought this up but now I am having second thoughts. A lot of the smaller newspapers are doing well because they do not have a web presence. You have to get their newspaper because if they want the local news or you want the local postings. We would be hurting them is this because they would not have to buy a newspaper.

Chairman K. Koppelman: The legal notices are a good source of money for a newspaper. General public does not do that. Discussed pros and cons on this change and how it would affect all newspapers. The day will come where the state law changes and says you don't have to publish in your local newspaper. The city could have a website and then they bypass the newspapers altogether.

Rep. Paur: But now I can go to the Forum and probably look up the legal, but I can't do this for Northwood?

Motion Made to move the amendment by Rep. Hanson on line 9, eliminate the word either after notice; line 10 change the word or to and; on line 11 after the word public insert the words if the newspaper maintains such a website. Seconded by Vice Chairman Karls.

Discussion:

Voice Vote Carried.

Discussion:

Do Pass as Amended Motion Made by Rep. Magrum; Seconded by Vice Chairman Karls

Discussion:

Rep. Vetter: I do not like that you can have an error but it doesn't really matter.

Do Pass as Amended Motion Made by Rep. Magrum; Seconded by Vice Chairman Karls- withdrawn

Chairman K. Koppelman: The discussion was that intent was to say if there is a minor error that someone's name is spelled wrong that it not be considered an ineffective notice. Obviously if you put the wrong time down then that is a serious matter and you have to fix that. If we were to say a non-substantial error that they aren't going to have to pay for it.

Motion Made to Amend by Rep. Vetter if a non-substantial be inserted after an before error on line 11; Seconded by Rep. Rick Becker.

Rep. Magrum: Newspapers now make mistakes, but they fix it later. There is no penalty on this now.

Representative Jones: Non-fatal to the process. Discussed that.

Voice vote carried.

Do Pass as Amended Motion Made by Rep. Magrum; Seconded by Vice Chairman Karls.

Rep. Magrum: Discussed the increased cost that the News Paper Association would have due to the legal notices. If it is in the archived in the newspapers, and that is a good thing. The small newspapers knew all about this and think it is a good thing.

Chairman K. Koppelman: it is a service they are providing to their members that help them. So if they don't have a website they don't have to have one.

Roll Call Vote: 12 Yes 1 No 1 Absent Carrier: Rep. Magrum

Closed.

DA 1/16/19

19.0772.01001
Title.02000

Adopted by the Judiciary Committee

January 16, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1117

Page 1, line 2, remove "on the newspaper's"

Page 1, line 3, replace "website" with "online"

Page 1, line 9, remove "either"

Page 1, line 10, replace "or" with "and"

Page 1, line 11, after the underscored comma insert "if the newspaper maintains a website,"

Page 1, line 11, after "an" insert "insubstantial"

Renumber accordingly

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1117**

House Judiciary Committee

Subcommittee

Amendment LC# or Description: **on line 9, eliminate the word either after notice; line 10 change the word or to and; on line 11 after the word public insert the words if the newspaper maintains such a website.**

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 Representative Hanson Seconded By Vice Chairman Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Representative Magrum

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

Voice Vote Carried.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1117**

House **Judiciary** Committee

Subcommittee

Amendment LC# or Description: **if a non-substantial be inserted after an before error on line 11;**

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 Representative Vetter Seconded By Rep .Becker

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment Representative Magrum

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

Voice Vote Carried.

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB 1117**

House Judiciary Committee

Subcommittee

Amendment LC# or Description: 19.0722.01001.02000

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 Representative Magrum Seconded By Rep. Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	X		Rep. Buffalo	X	
Vice Chairman Karls	X		Rep. Karla Rose Hanson	X	
Rep. Becker	X				
Rep. Terry Jones	X				
Rep. Magrum	X				
Rep. McWilliams	X				
Rep. B. Paulson	X				
Rep. Paur		X			
Rep. Roers Jones	X				
Rep. Satrom	abst				
Rep. Simons	X				
Rep. Vetter	X				

Total (Yes) 12 No 1

Absent 1

Floor Assignment Representative Magrum

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

REPORT OF STANDING COMMITTEE

HB 1117: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "on the newspaper's"

Page 1, line 3, replace "website" with "online"

Page 1, line 9, remove "either"

Page 1, line 10, replace "or" with "and"

Page 1, line 11, after the underscored comma insert "if the newspaper maintains a website,"

Page 1, line 11, after "an" insert "insubstantial"

Renumber accordingly

2019 SENATE POLITICAL SUBDIVISIONS COMMITTEE

HB 1117

2019 SENATE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Red River Room, State Capitol

HB1117
3/1/2019
Job # 33034

- Subcommittee
 Conference Committee

Committee Clerk: Mary Jo Wocken

Explanation or reason for introduction of bill/resolution:

Relating to publication of legal notices in a newspaper and online.

Minutes:

Written attachment #1 Rep. Devlin
Written attachment #2 Mr. Steve Andrist

Chairman Burckhard opened the hearing on HB1117. All senators are present.

Representative Bill Devlin introduced HB 1117. He is in support of the bill. **Written attachment #1.** (0-3:33)

Mr. Steve Andrist, Executive Director of the North Dakota Newspaper Association, represent the 78 weekly newspapers and 10 daily newspapers across the state of North Dakota. **Written attachment #2.** (4:00-6:18)

Senator Diane Larson: This sounds like a really great idea. What kind of or how will you get this information, this web-site information out to people? Is that going to be in your printed newspapers or something like that so that more people know that they can access this information this way?

Mr. Steve Andrist: You're right. Having the information online is only half the battle. The other half is telling people that it's there so they know where to look for it. We will do a campaign within our newspapers to promote it that way. The website actually exists now. But it is the voluntary sort of thing. So we'll also do some public service type of announcements to try to make it available. We will put it on our social media, as well as in our newspapers.

Senator Anderson: Do you think there's a problem with telling these private businesses that they have to do something and they can't charge for it?

Mr. Steve Andrist: Our members agree that this is an important thing to do, and they are willing to do it. For them just to give you a little background, it requires them to post these notices so it's something that each newspaper has to do on its own. But it's going to take them probably 10 minutes a week to do it. So we really have seen no objection to it from our members.

Senator Anderson: Maybe next session somebody will come forward and say that because it's a public spirited thing that people need to know they should publish the notices in the newspaper but they shouldn't charge for it.

Mr. Steve Andrist: We realize that might be something that someone would suggest and we are willing to do it in that way as soon as the IT services and the other services that are purchased by the state are offered free of charge.

Senator Dotzenrod: There's a reference in here to their own newspapers website if the newspaper maintains a website. I don't suppose we can assume that every of your 78 members that they all have websites. I would think that most of them would.

Mr. Steve Andrist: Most do, but not all. There are still some that don't have websites and there are still some that believe they're market is in print and not online.

Senator Dotzenrod: You have 78 members, are there newspapers in North Dakota that are not members?

Mr. Steve Andrist: No there are none, that I know of.

Senator J. Lee: So this isn't going to be an option for the newspaper is it? It is going to be something that they will all be expected and required to do? So if I run the ABC Judy Lee newspaper I don't have to do it or do I have to do it?

Mr. Steve Andrist: You would be required under the law to do it.

Senator J. Lee: I know for sure that there are newspapers that don't have a website because every once in a while, as one of the rural papers that I occasionally read there will be something that I like to save and I can't get it. So I wish that they would have a website.

Mr. Steve Andrist: The key for us really is to have a centralized website the NDNA so that it's in one central location. The House decided to add as an amendment the section that says "and in the newspapers website if it has one". So we have no objection to that, so that is where that amendment came from.

Chairman Burckhard closed the hearing on HB1117.

Senator Diane Larson moved a do pass on HB1117.

Senator Jim Dotzenrod moved a 2nd.

Roll call vote: 6-0-0

Carrier: Senator Burckhard

Date: 3.1.2019
Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. H.B. 1117**

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. Lusa Seconded By Sen. Dotzenrod

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee	X				
Sen. Jordan Kannianen	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Burkhard

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

REPORT OF STANDING COMMITTEE

HB 1117, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1117 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1117

#1
HB1117
1-15-19
pg 1

Good Morning Chairman Koppelman and esteemed members of the House Judiciary Committee.

For the Record, I am Rep. Bill Devlin, from District 23 and live in Finley

I am here today to testify in favor of HB1117, which I am introducing on behalf of the newspapers in across our state and the North Dakota Newspaper Association. They will follow me with more detailed information.

I am excited about HB 1117 because it offers increased transparency in Government with not one more dollar of increased costs to the tax payers. Under this bill, if a legal notice is required to be published in a newspaper in North Dakota it will be published on a website free of charge.

When I have reviewed the use of public notices in our state every survey I have ever seen supports the publication of those notices in newspapers. But that doesn't mean there might not be some people who would like to see it appear on a web-site. For our citizens who would like to see their local governments notices on a web-site, this bill makes it happen at no increased costs to anyone.

It is a win-win for everyone as HB 1117 provides the increased transparency that everyone wants for no additional costs.

Rep. Koppelman and members of the committee I hope you will give this bill a quick do-pass and send it to the house floor. I am certainly willing to answer any questions but believe it would be a more efficient use of your time to save your questions for the experts to follow me.

Thank you Chairman Koppelman and members of the committee for allowing me to present this bill to you this morning.

Testimony of Steve Andrist
Executive Director, North Dakota Newspaper Association
Before the North Dakota House Judiciary Committee
In Support of HB 1117

Chairman Koppelman and members of the committee: My name is Steve Andrist, and as executive director of the North Dakota Newspaper Association I represent the 78 weekly and 10 daily newspapers in the state.

HB 1117 has been endorsed by the board of directors of NDNA because we believe good citizenship requires that the people be informed about the workings of their government entities.

While our research shows that most people prefer to get public notices in the newspaper, we realize that not everyone reads a newspaper these days. This bill ensures all citizens have access to public notices. Importantly, 1117 ensures that most notices are available at a searchable site that aggregates notices from across the state and is operated by a third party that doesn't have a vested interest in any particular notice.

NDNA has recently updated its public notice web site, www.ndpublicnotices.com, to make it more user friendly and more easily searchable. It provides a "one-stop shop" where users can find public notices from across the state, so they don't have to search through hundreds of government web sites to find what they're looking for.

By the way, our research also shows most North Dakotans wouldn't read public notices if they had to browse a government web site to find them. But realizing that "most" isn't "all," we ask for your support of HB 1117.

I'd be happy to try to answer any questions you might have about this bill or about our statewide public notice web site.

Thank you.

H.B. 1117
3.1.2019
att #1

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I am excited about HB 1117 because it offers increased transparency in Government with not one more dollar of increased costs to the tax payers. Under this bill, if a legal notice is required to be published in a newspaper in North Dakota it will be published on at least one website free of charge. The way it is written now it will be published on the Newspaper Association Website and the local newspaper website, if it is a free site.

When I have reviewed the use of public notices in our state every survey I have ever seen supports the publication of those notices in newspapers. But that doesn't mean there might not be some people who would like to see it appear on a web-site. For our citizens who would like to see their local governments notices on a web-site, this bill makes it happen at no increased costs to anyone.

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H.B. 1117
3.1.2019
Att #2



Testimony of Steve Andrist
Executive Director, North Dakota Newspaper Association
Before the North Dakota Senate Political Subdivisions Committee
In Support of HB 1117

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NDNA has recently updated its public notice web site, www.ndpublicnotices.com, to make it more user friendly and more easily searchable. This is where public notices will be posted if this bill passes. It provides a "one-stop shop" where users can find public notices from across the state, so they don't have to search through hundreds of government web sites to find what they're looking for.

By the way, our research also shows most North Dakotans wouldn't read public notices if they had to browse a government web site to find them. But understanding that "most" isn't "all," we ask for your support of HB 1117.

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Thank you.