

**2019 HOUSE POLITICAL SUBDIVISIONS**

**HB 1229**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

1/24/2019

HB 1229

Job # 31456

☐ Subcommittee

☐ Conference Committee

Committee Clerk: Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to county notification requirements

### Minutes:

1,2,3,4,5,6,7,8,9,10,11,12,13
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**Chairman J. Dockter:** Opens the hearing on HB 1229.

**Vice Chairman Pyle:** (Handouts 1,2,3,4,5,6) Introduced HB 1229 and read her testimony.

**Rep. Longmuir:** What is the projected savings if you do this?

**Vice Chairman Pyle:** I am going to have other people respond to this. I do know it's at least \$1000 per month for the bigger cities.

**Rep. Ertelt:** How do you deal with a situation where the information is not available on line? How long is the information to be kept?

**Vice Chairman Pyle:** They could be printed off the website. As far as the notice on the website for an ordinance change if you look at small town ordinance books they shove them in the back of a binder. It takes a lot to revamp an entire ordinance book. To put it in a chapter format it takes months.

**Rep. Magrum:** Do you know if they are archiving information through the web so people can find this information later?

**Vice Chairman Pyle:** That is always a possibility. As technology improves everything is going digital communication style. That would be something I would recommend League of Cities or Association of Counties to have their auditors start looking at.

**Donnell Preskey:** ND Associations of Counties (Handouts 7,8). She read her testimony.

**Rep K. Koppelman:** The interim judiciary committee didn't recommend this bill, correct? This was something you advanced as a result of that committee not forwarding a bill that would have removed the requirements for publication?

**Ms. Preskey:** Yes.

**Rep. Magrum:** Could you tell the committee what was forwarded from the interim committee study? What was in the bill and what was forwarded?

**Ms. Preskey:** In Senate bill 2035 are the notice of elections for commodity groups with county representatives. It's been the expense of the county to list that notice of the election and the proposal is to make that requirement to be paid for by the commodity group instead of the county. The other thing is changing a date for the notice of financial statements.

**Rep. Magrum:** Do you believe this would increase transparency in government or reduce it?

**Ms. Preskey:** That information is in the county auditor's office, it could be on line. As for listing every expense this would reduce transparency.

**(19:56) Michael Montplaisir:** Cass County Auditor; (Handout 9). Read his testimony.

**Rep. Johnson:** Can you export the check information?

**Mr. Montplaisir:** Yes.

**Erica Johnsrud:** Auditor and Treasurer in McKenzie County. In the past 5 months we have an average cost that print our minutes of \$800. About half of that is our bills. So over a year we are looking at \$4800 in savings. Our minutes in McKenzie County are available on line which include our bills from 1996 to current. We publish them on the website the day our minutes are approved. They are not available in our newspaper for at least another week.

**Rep. Ertelt:** How long are records required to be retained by the county in hardcopy?

**Ms. Johnsrud:** Our vouchers, which is the actual detail are required to be kept current year plus 3 years. Our minutes are required to be forever.

**Stephanie Dassinger:** Deputy Director and Attorney for League of Cities. (Handout 10). Read her testimony.

**Steve Andrist:** Executive Director if ND Newspaper Association. (Handout 11). Read his testimony.

**Rep. Johnson:** Regarding the first survey 70% would most likely not read public notice, was that coupled with the question are you interested in public notices? Maybe 70% would not read them at all no matter where they are published.

**Mr. Andrist:** The survey did not ask the question. We do not know at this point how many people read public notices. I can send it to you the details on that survey.

**Rep. Johnson:** The bill passed in Judiciary last week, what public notices?

**Mr. Andrist:** The bill specifies any public notices that are published in the newspaper needs to also be published to this site centralized website.

**Rep. Longmuir:** In your survey's did you do you anything age specific?

**Mr. Andrist:** We do have some age/sex data that is associated with the survey.

**Rep. Fegley:** How many newspapers have gone to electronic websites?

**Mr. Andrist:** There are 88 newspapers in the state and most of them have something on the website. Some more sophisticated than others.

**Rep. Magrum:** Could you explain the bill we passed through the house and what the newspaper association is planning on doing with that?

**Mr. Andrist:** The website is fully searchable that loads all public notices that are published in any newspaper in ND. If a newspaper publishes public notices it is required by state law to upload those notices onto this website. You can get this at [ndpublicnotices.com](http://ndpublicnotices.com)  
Left written testimony #12 from Terry Schwarzenberger.

**Paul Erdelt:** Editor and Publisher of Steele Ozone and Kidder County Press: (Handout 13).

**Rep K. Koppelman:** Is there any way to facilitate this in areas where it makes no sense because of the testimony we heard and preserve it in areas like yours where it may make some sense? Do you think the counties in your area would continue to publish because it does make sense?

**Mr. Erdelt:** I believe so. We get phone calls about public notices one a month which is significant.

**Chairman J. Dockter:** Closed the hearing



# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee

Prairie Room, State Capitol

HB 1229  
1/24/2019  
Job # 32025

- ☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature	Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to county notification requirements

### Minutes:

**Chairman J. Dockter:** Opened for committee work.

**Rep. Longmuir:** Made a do not pass motion.

**Rep. Simons:** Second the motion.

**Rep. Longmuir:** A majority of my constituents are not computer people nor have access to get to websites. In elections whether to publish minutes in the paper carries by over 85% of the people. In my district they would then lose the benefit of knowing what is happening.

**Rep. Guggisberg:** I am going to resist this motion, I realize in some communities it might be important to them and if they decide to they can still continue to do this but by putting this type of law in state statute it's an unfunded mandate. We are telling them what to do and not providing resources for it.

**Vice Chairman Pyle:** It's an option and it's not mandated that it has to be one of the other, it can be both.

**Rep K. Koppelman:** It is a revenue source for the newspapers. But should the state be forcing tax dollars to help private businesses thrive?

**Rep. Ertelt:** There are constituents that don't use on line services. This is a transparency issue and it's less than \$10,000 per county to publish this information.

**Rep. Guggisberg:** This is the state telling them they have to do something without the state providing resources. If we were to put an appropriation on to the counties and cities to pay for it, I would be fine with it.

**Vote: yes 6, no 8, absent 0. Failed**

**Rep. Johnson:** Made a do pass motion.

**Rep. Adams:** Second the motion.

**Rep. Simons:** I ran to make government more transparent, but my constituents will not understand.

**Rep. Magrum:** I represent the most elderly population in the state and they do read the minutes. In the newspaper it's printed and archived. This is the way of the future but we are not there yet.

**Chairman J. Dockter:** This bill gives them an option. So if people in your areas want to have them published they can, but it's an option.

**Vote yes, 9, no 5, no 0.**

**Rep. Adams:** Will carry the bill.

Date: 2-1-19  
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1229**

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. Longmuir Seconded By Rep. Simone

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:		/			
Vice Chairman Pyle:		/			
Rep. Ertelt:	/				
Rep. Fegley:		/			
Rep. Hatlestad:		/			
Rep. Johnson	/	/			
Rep K. Koppelman:		/			
Rep. Longmuir	/				
Rep. Magrum:	/				
Rep. Simons:	/				
Rep. Toman:	/				
Rep. Strinden:		/			
Rep. Adams:		/			
Rep. Guggisberg		/			

Total (Yes) 6 No 8

Absent 0

Floor Assignment \_\_\_\_\_

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

Date: 2-1-19  
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1229

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. Johnson Seconded By Rep. Adams

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:	/				
Rep. Ertelt:		/			
Rep. Fegley:	/				
Rep. Hatlestad:	/				
Rep. Johnson	/				
Rep K. Koppelman:	/				
Rep. Longmuir		/			
Rep. Magrum:		/			
Rep. Simons:		/			
Rep. Toman:		/			
Rep. Strinden:	/				
Rep. Adams:	/				
Rep. Guggisberg	/				

Total (Yes) 9 No 5

Absent 0

Floor Assignment Rep. Adams

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

**REPORT OF STANDING COMMITTEE**

**HB 1229: Political Subdivisions Committee (Rep. Dockter, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

**2019 TESTIMONY**

**HB 1229**

#1  
1-24-19

Testimony HB 1229  
Political Sub  
1.24.17

Good afternoon Chairman Dockter and Political Subdivisions committee. For the record my name is Brandy Pyle and I represent district 22. I am here today to present HB 1229 for your consideration. HB1229 would change language in chapter 11-11-35 to allow the option for counties not to publish the orders and vouchers for payment of moneys in the official news paper if it is made available otherwise on the County's official website.

In your packet you will see scans of the orders and vouchers also known as the bills for payment. This is an excerpt from the City of West Fargo, but illustrates how the orders and vouchers are printed.

The bill also amends chapter 16.1 15-32 adds language for the county to publish the vote by precincts for each officer and proposition voted for any primary, special or general election on the official county website. I have also passed out the Cass County results of the 2018 election.

You will also see in the email that I sent the committee the link to the Cass County orders and Vouchers. This website offers more information regarding the expenses than that what is printed in a newspaper, and the information is available for a longer period.

With the ever-changing way people choose to inform themselves, and our local governments working to lower property taxes, this change in legislation will benefit the residents of our cities and counties.

I also have an amendment that I have passed out that would include cities in these proposed changes.

Thank you, chairman and members of the committee. I stand for questions.



## North Dakota Public Notices

[illegible]

## North Dakota Public Notices

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TO CITY OF WEST FARGO 272.00; 1 L.G.

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LEH 2020 98, PRINCE GBAGBE TOWIN

[illegible]

0.00: ELECTRIC PUMP, INC. BERTON

[illegible]

WORK EQUIPMENT 1279.00

[illegible]

#2  
HB 122  
-24-10



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3  
HB1  
1-2







PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "16.1-15-32" insert ", and 40-01-13"

Page 1, line 2, replace "county" with "political subdivision"

Page 2, after line 2, insert:

**"SECTION 3. AMENDMENT.** Section 40-01-13 of the North Dakota Century Code is amended and reenacted as follows:

**40-01-13. Payment of accounts by municipality.**

No account or claim ~~shall~~may be paid by a municipality unless the ~~same account or claim~~ same account or claim has been audited and allowed by the governing body thereof. Approval by the governing body ~~shall~~must be recorded in the record of its proceedings ~~and this shall be,~~ which is sufficient to indicate approval without requiring a majority of the members of the governing body to sign or initial the voucher or order for payment. No moneys ~~shall~~may be drawn from the treasury of a municipality except upon a warrant from the auditor ~~thereof, which is~~ signed by the executive officer of the municipality and attested by ~~its~~the municipality's auditor or clerk. Accounts or claims for payment of moneys from the treasury are not required to be published in the minutes or report of the official proceedings if otherwise made available on the municipality's official website."

Renumber accordingly

#10  
1-24-19  
HB 1229

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "16.1-15-32" insert ", and 40-21-13"

Page 1, line 2, after "county" insert "and city"

Page 2, after line 2, insert:

**"SECTION 3. AMENDMENT.** Section 40-21-13 of the North Dakota Century Code is amended and reenacted as follows:

**40-21-13. Municipal elections to be governed by rules applicable to county elections - Absent voting.**

The manner of conducting, voting at, keeping poll lists, and canvassing votes at municipal elections, recounts, and contests of the results of the elections is governed, as nearly as possible and except as otherwise provided in this chapter, by the laws of this state applicable to elections and contests in the case of county officers. Absent voters' ballots must be available in municipal elections in accordance with chapter 16.1-07. If a municipality is required to publish election results in a newspaper under this section, the municipality may satisfy the requirement by publishing the election results on the official website of the municipality."

Renumber accordingly

#7  
1-24-19

Testimony Prepared for the  
**House Political Subdivisions**  
January 23, 2019  
By: Donnell Preskey, NDACo



**RE: Support for HB 1229**

Good morning Chairman Dockter and committee members, I'm Donnell Preskey with the North Dakota Association of Counties. In that capacity, I serve as Executive Director for the Auditors and Treasurers Associations which are in support of this bill.

This bill comes before you today as a result of discussion initiated from the interim during the Interim Judiciary committee's work studying publication requirements. During this, we were requested to provide information regarding publication requirements. We identified 142 various notices, documents and listings which counties are required to publish (generally in their official county newspaper) as mandated by state law. After surveying our counties on their 2018 budget for publications, we estimate \$450,000 was spent by counties in 2018 on meeting publication requirements.

HB 1229 represents two items identified by County Auditors as some of the most concerning that should be addressed which are: the listing of expenditures and the publication of official election results.

The biggest chunk of the cost to publish minutes is the inclusion of checks & expenditures. 11-11-37 in the Century Code is where counties are mandated to publish minutes. A 2012 Attorney General's opinion cites that expenditures are part of the minutes and therefore counties should publish the expenditure report. Our auditors question whether the listing of this information is truly meaningful. I can tell you that the expenditure data is available to citizens who want it. In fact, some counties have made it very available to them online through the use of transparency portals. Five of our counties are using Open Gov or Socrata which is essentially an open checkbook for citizens to view expenditures and budget information via the county's website.

HB 1229  
#7 1-24-19

We support the clarification that is provided in this bill and the option to publish this information online instead of in a newspaper. Often times this information is in very minute print and takes up a large amount of space making it a very expensive publication and one that is of interest to very few citizens. We know of papers who do not wish to publish this information due to the space it would require. This bill would allow for a county to avoid publishing this information online if it is available on the county's website.

As for publishing election results – Auditors say by the time the official election results are printed in the paper, they already known by the general public. Elections are news worthy at all levels and the results are available and reported by the media and the Secretary of State's Election website. Often times, the official results appear in the daily papers weeks after the election. Therefore, we support at the very least the repeal of this requirement, if counties list the results on their websites.

It is important to note that advertising rates are negotiated and set every biennium by OMB. Although this mechanism is efficient, local governments have little direct control of this cost.

During our last survey of our 53 counties, only six do not have websites.

Also, Mr. Chairman for your information, the interim judiciary did move forward a bill that addressed two of our concerns brought forward during the review of the publication requirements. SB 2035 addresses the notice of elections for commodity group's county representatives and the date for notice of financial statements. That has passed the senate unanimously.





Dakota Public Notices

[illegible]

250-45 CHRISTOPHER P. LEVY  
 250-46 JAMES J. KOSKOFF  
 250-47 SCALAMIA/STANWICK/796539  
 250-48 SHARON L. GIBSON  
 250-49 JAMES J. GIBSON  
 250-50 JIMMY D. TAYLOR & SUELLING  
 250-51 JAMES L. GILBERT  
 250-52 MONTAGNAPLANE 726-16 15797 J  
 250-53 JAMES L. GILBERT  
 250-54 JIMMY D. TAYLOR & SUELLING  
 250-55 M. MURPHY 250-453, MARY C.  
 250-56 JIMMY D. TAYLOR & SUELLING  
 250-57 JAMES L. GILBERT  
 250-58 JAMES L. GILBERT  
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 250-100 JIMMY D. TAYLOR & SUELLING

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H. HANSON 1234 SE. AUSTIN  
 ST. LOUIS 42, FRANK P. HANSEL,  
 TRACY J. HANSEN 164-73  
 E. HEMMONS 120614, DYLAN J.  
 I 137153, SHERIDA A. HEDS  
 KYLE B. HERRINGS 0549 25  
 WILSON 1204-57 AMPL. 5  
 87284, JUDY B. HILLS 192  
 I. HIRSH 108-1405  
 C. HITE 100-43, H. HOGAN  
 805-07, IRAN J. P. JAHRES  
 H. (H. JONES) 100-43  
 JOHNSON 1125-58, JOSEPH E.  
 JOHNSON 100-43, KYLE JOHNSON  
 THOMAS J. JOHNSON 1873-24  
 JONES A. JONES 1401-21, J.  
 JOHNSON 177-1401  
 K. KADAMAS 200-75, R.  
 A. KANE 166-72, BARBARA E.

continued on E6

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Written Testimony To  
THE HOUSE POLITICAL SUBDIVISIONS COMMITTEE  
January 24, 2019 by  
Michael Montplaisir, Cass County Auditor  
Cass County Government

#9  
1-24-19

REGARDING HOUSE BILL 1229

Mr. Chairman and members of the House Political Subdivisions Committee, I am Michael Montplaisir, Cass County Auditor. House Bill 1229 removes some publishing requirements for bills approved by the County Commission and for publishing of the tabular Election Abstract if these items are available on the county's website.

Publishing Bills

We publish minutes from each County Commission meeting in the legal section of our official newspaper, and we publish our agendas as a display ad before each meeting. Publishing the minutes is required by law, but we also publish the agendas because we want to alert county citizens about items on our agenda. Our publishing bill for minutes is around \$10,000 a year and our publishing bill for agendas is around \$6,500. These costs, we believe, are reasonable and necessary expenses to keep our citizens abreast of county business. The county, while including the bills as an attachment to the board minutes, has not published the bills.

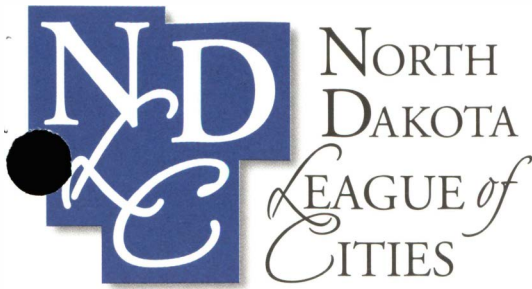
Publishing a detailed listing of bills would be extremely costly – the cost to publish the bills would greatly exceed the cost to publish the minutes. The listing of bills that the County Commission reviews and approves at each meeting can exceed 80 pages. A quick download of transactions for the month of December 2018 showed that we had about 1,800 bills for the month. This information is readily available on our web site; agendas on our web site include a listing of bills. The subsequent minutes also includes a listing of the bills, and we have all of our detail transactions on our OpenGov site.

Election Abstract

Publishing the election abstract is not a great expense but the timing of the publication makes it old news. On election night, election results are uploaded to the Secretary of State's Office by every county. Individuals and the media use the Secretary of State site on election night and the days after to review and analyze the election results.

Six days after the election, the County Canvassing Board meets and counts any uncounted absentee ballots, and the county again uploads the additional results to the Secretary of State web site so updated results are available to both individuals and the media. We also create an abstract in an Excel spreadsheet and post that to our web site either the day of the County Canvassing or the following day. The earliest the publication would be in our official newspaper would be 13 days after the election, and in some cases it would be 20 days following the election.

I urge you to support and give a Do Pass recommendation to HB 1229.



# 10  
1-24-19  
HB 1229

January 24, 2019

House Political Subdivisions Committee

HB 1229

Chairman Dockter and members of the committee, my name is Stephanie Dassinger and I am the deputy director and attorney for the North Dakota League of Cities. I appear before you today to express the League's support of HB 1229 with the offered amendments.

Under NDCC 40-01-09.1 city electors vote every four years on whether a city should publish its minutes in the city's official newspaper. Most cities are required to publish their meeting minutes each month. One of the items that cities are required to include in their minutes is a list of the checks. I have attached a few examples of published city minutes that include this list of checks.

Placing a list of these expenditures online for citizens to review would be a more accessible and useful way to provide citizens with information about city expenditures and that is precisely what this bill does.

Under the offered amendments to HB 1229 a city could place a list of its checks online, in lieu of printing them in the newspaper. Please note, if a city does not have a website, the city would still be required to print the list of checks in its minutes.

The League of Cities respectfully requests a DO PASS recommendation on HB 1229.



#B1229 1-24-9 #10

## PUBLIC NOTICE

IN THE DISTRICT COURT OF BURLEIGH COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of Jeanne C. Perus, Deceased

Probate No. 08-2018-PR-292

NOTICE IS HEREBY GIVEN, that the undersigned, having been appointed personal representative of the above estate. All persons having claims against the said deceased are required to present their claims within three months after the date of the first publication or failing of the notice or said claims will be forever barred. Claims must either be presented to Juana Perus, personal representative of the estate, at 6025 28th Ave SE, Lincoln, ND 58504, or filed with the Court.

Dated this 26th day of December, 2018.

/s/ Juana Perus

Personal Representative

6025 28th Ave SE,

Lincoln, ND 58504

First publication on the 1st day of January, 2019.

1/1, 8 & 15 - 20958522

Name, Address and Telephone No. of Attorney

Ryan Gellert #06992

MACMASTER, GELTTEL, & SIEWERT, LTD.

123 East Broadway

P.O. Box 547

Williston, ND 58901

701-572-8121

ryan@gellertlaw.com

Attorneys for Personal Representative

IN THE DISTRICT COURT OF BURLEIGH COUNTY, STATE OF NORTH DAKOTA

In the Matter of the Estate of HELEN LOUISE NIELSEN, deceased

Probate No. 08-2018-PR-0287

NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the above estate. All persons having claims against said deceased are required to present their claims within three months after the date of the first publication or failing of this notice or said claims will be forever barred. Claims must be presented to Frances Stewart, personal representative of the estate, or filed with the Court. DATED this 31st day of December, 2018.

/s/Frances Stewart

Frances Stewart

Personal Representative

Ryan Gellert #06992

MACMASTER, GELTTEL, & SIEWERT, LTD.

PO Box 547

Williston, ND 58901

Attorney for Personal Representative

First publication on the 8th day of January, 2019.

1/8, 15 & 22 - 20959098

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

DISTRICT COURT

SOUTH CENTRAL JUDICIAL DISTRICT

The Printers, Inc.,

Plaintiff,

vs.

Mario Hunte-Beaubrun,

Defendant.

CASE NO. 08-2018-CV-01400

ORDER TO SHOW CAUSE

The following publication informs the Defendant, Mario Hunte-Beaubrun that she must appear personally on the 29th day of February, 2019 at 3:30 p.m. before the Honorable Judge James Hill on this Order to Show Cause at the District Court Chambers in the County of Burleigh, City of Bismarck, North Dakota and show cause why she has failed to answer the interrogatories that were served on her on the 5th day of July, 2018.

That Defendants failure to appear at the above place, time and date will result in a finding that Defendant is in civil contempt of court.

DATED this 3rd day of January, 2019.

BY THE COURT:

/s/James S. Hill

Judge/Judicial Referee of the District Court

1/8, 15 & 22 - 20959179

The North Dakota Private Investigation & Security Bureau will hold a special meeting on January 15th, 2019 at 11:00 a.m. The meeting will be a telephone conference to discuss a settlement proposal and to vote on whether to approve the settlement, concerning the Board's claims of violations against Advance Security. It is anticipated that the Board may go into executive session for attorney consultations to discuss the settlement proposal. There will be a speakerphone available for the public at the office located at 513 East Bismarck Expressway, Suite 105, Bismarck, North Dakota.

Date of Notice: 1/11/2019

By: John J. Shroy III

ND PISB

Executive Director

1/15 - 20959192

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## OFFICIAL NOTICE FOR IMMEDIATE RELEASE

The North Dakota Board of Dental Examiners will hold their Quarterly Meeting January 16, 2019 at 6:00 PM. The meeting location is 2900 East Broadway, Suite 3, Bismarck, ND 58501. The purpose of this meeting is to discuss business of complaints and legislative issues, and other business of the Board. Portions of the meeting may be held in Executive Session. For further information contact Rita Sommers, Executive Director (701) 833-8551.

By order of the President of the Board,

Bev Marsh, RDH

1/15 - 20959827

STATE OF NORTH DAKOTA

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

IN THE INTEREST OF J.R., A CHILD

State of North Dakota, )

Petitioner, )

-vs- )

J.R., Child; )

Mindy Messmer, Mother; )

Andrew Roberts, Father; )

Jim Jacobson, Guardian ad Litem, )

Executive Director ND DHS; )

Respondents. )

File No. 08-2018-JV-00363

SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED RESPONDENTS:

You are hereby summoned to appear personally at the Juvenile Court in the Burleigh County Courthouse, Bismarck, North Dakota, on February 26, 2019, at 9:00 a.m., for the purpose of hearing the Petition made and filed with this Court. The Petition claims the child is alleged to be a deprived child, as more fully appears from the Petition. A copy of the Court's order can be obtained at the Clerk of Court's office.

RIGHT TO HEARING BEFORE JUDGE

You are entitled to have the Petition Hearing heard by a Judge of the Juvenile Court, instead of by a Referee, by filing a written request for a Judge with the Clerk of this Court within seven (7) days after receiving this Summons.

RIGHT TO COUNSEL

You are not required to have an attorney in this case. If you desire the assistance of an attorney, and are unable without undue financial hardship to employ one, the Court, upon your request, will appoint an attorney for you.

Dated this 10th day of January, 2019.

/s/Pamela Nesvig

Judicial Referee

1/15, 22 & 29 - 20959784

NOTICE OF SALE

Civil No. 08-2018-CV-01681

Notice is hereby given that by virtue of a judgment of foreclosure by the District Court of the SOUTH CENTRAL JUDICIAL DISTRICT in and for the County of Burleigh and State of North Dakota, and entered and docketed in the Office of the Clerk of said Court on November 15, 2018 in an action wherein Lakeview Loan Servicing, LLC was Plaintiff and Barry E. Mayher, Ann E. Mayher, any person in possession; were Defendants, in favor of Plaintiff and against the Defendants for the sum of \$134,595.53, which judgment and decree, among other things, direct the sale by me of the real property hereinafter described, to satisfy the amount of said judgment, with interest thereon and the costs and expenses of such sale, or so much thereof as the proceeds of said sale will satisfy; and by virtue of a writ issued to me out of the office of the Clerk of said Court, I as Sheriff of Burleigh County, North Dakota, will sell the property described in the Judgment to the highest bidder for cash at public auction at the front door of the Courthouse in the County of Burleigh and State of North Dakota, on February 12, 2019, at 01:15 PM, to satisfy the amount due, with interest thereon, and the costs and expenses of such sale, or so much thereof as the proceeds of such sale will satisfy. The property to be sold is situated in the County of Burleigh and State of North Dakota and described as follows:

Lot 11, Block 17, Registers Second Addition to the City of Bismarck, Burleigh County, North Dakota

If the sale is set aside for any reason, the Purchaser at the sale shall be entitled only to a return of the deposit paid. The purchaser shall have no further recourse against the Mortgagee, the Mortgagee or the Mortgagee's attorney.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 28th day of December, 2018.

/s/ Pat D. Heintz

Sheriff of Burleigh County, North Dakota

By: Mackoff Kellogg Law Firm

3820 Second Avenue East

Dickinson, ND 58601

Attorneys for Plaintiff

1/15, 22 & 29 - 20959347

UNOFFICIAL MINUTES OF THE BISMARCK BOARD OF CITY COMMISSION

January 8, 2019

Unofficial) The Board of City Commission met in regular session on January 8, 2019 at the hour of 5:15 p.m. in the Tom Baker Meeting Room, City/City/County Office Building.

221 North Fifth Street, Bismarck, North Dakota. There were present: Commissioners Marquardt, Guy, Zenker, Oban, and President Bakken. Commissioner Marquardt moved to approve the minutes of the December 11, 2018 Special Commission meeting and the December 18, 2018 Regular Commission meeting. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Guy moved to remove item F5 for discussion and approve the remaining items of the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Oban aye, Bakken nay. M/C Voucher numbers: 1084908-1085102; Personnel actions; Administration Department: Appointment Rick Collin to the Dakota Media Access Board of Directors to the unexpired term through July 1, 2020. Gaming Site Authorization for Dakota Pheasants Forever at the Amvets Club 319, located at 2400 Railroad Avenue, Gaming Site Authorization for Bismarck Cancer Center at the Bismarck Moose Lodge #302 located at 312 N 20th St., Re-appoint Amy Ingersoll-Johnson and Krista Rausch for three year terms ending January 2022; to accept the resignations from Barb Strikes the Enemy, Barrie Botone, Karen Lofta Clayton, Lavonne Wohl, and Rissa Williams; and to fill the vacant positions. Bismarck-Burleigh Public Health Department: Authorize application for the North Dakota Breastfeeding Mini-Grant. Adjustments to the 2019 Public Health Fees & Charges. City Attorney: Release of the trucking certificates of deposit that were held with the curb and gutter certificates of deposit to the developers. Community Development Department: Introduction of and Call for a Public Hearing on Ordinance 6359, a request for the annexation of Lots 3-9, Block 1 and all of Blocks 2-8, Cottonwood Parkview Addition. The Planning and Zoning Commission recommends approval. Introduction of and Call for a Public Hearing on Ordinance 6360, a staff-initiated zoning change from the CG - Commercial zoning district to the C - Downtown Core zoning district for Tract 118 of part of Blocks 5 and 7, Original Plat and to the DF - Downtown Fringe zoning district for all of Blocks 49 and 51, Original Plat. The Planning and Zoning Commission recommends approval. Introduction of and Call for a Public Hearing on Ordinance 6361, a staff-initiated zoning ordinance text amendment relating to residential district setbacks. The Planning and Zoning Commission recommends approval. Introduction of and Call for a Public Hearing on a staff-initiated amendment to the Priority and Future areas of the Urban Service Areas Boundary and the Growth, Phasing Plan in the 2014 Growth Management Plan. The Planning and Zoning Commission recommends approval. Appointment of Dustin Gawaylow to the City of Bismarck Renaissance Zone Authority. Authorization to dispose of two paratransit vehicles. Engineering Department: North Dakota Department of Transportation Cost Participation and Maintenance Agreement. Finance Department - Assessing Division: Application for property tax abatement 2018, Disabled Veteran Credit, at 147 Lorrain Dr. Application for property tax abatement 2018, Disabled Veteran Credit, at 2025 Saint Benedict Drive. Application for property tax abatement 2018, reduction in value due to fire, at 604 Browning Avenue. Application for property tax abatement 2017 and 2018, Disabled Veteran Credit, at 1212 Automobile Ave. Public Works Service Operations Department: Authorization to solicit donations for the 2019 Public Works Week Celebration. Change order G009 for the Library Re-Roof and Window Repair Project with Industrial Enterprises, Inc. Public Works - Utility Operations Department: Change order FM03 for the Wastewater Treatment Plant Trickle Filters - Media Equipment with Enxco. Commissioner Guy moved to remove item F5 for discussion and approve the remaining items on the consent agenda. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker, Guy and Oban aye, Bakken nay. M/C Commissioner Guy moved to deny appointing Dustin Gawaylow to the Renaissance Zone Authority. Commissioner Oban seconded the motion. Upon a roll call vote, Marquardt, Zenker and Bakken aye, Guy and Oban nay. M/C REGULAR AGENDA Mayor Bakken provided a portfolio report. The Commission President called for the Public Hearing on a New Class O Alcohol License for Bird Dog Brewing, LLC, located at 931 S 9th St. Commissioner Marquardt moved to approve the request as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called for the Public Hearing on a transfer of a Class D Alcohol License from 1444 E. Bismarck Expressway to 900 43rd Ave. Commissioner Marquardt moved to approve the request as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called

for the Public Hearing on Ordinance 6355, relating to an amendment to the noise ordinance. Commissioner Guy moved to approve the second reading and final passage of Ordinance 6355, relating to an amendment to the noise ordinance. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called for the Public Hearing on Ordinance 6356, relating to design standards and operational practices for semi-public swimming pools. Commissioner Oban moved to approve the second reading and final passage of Ordinance 6356. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called for the Public Hearing on Ordinance 6357, a request for a zoning change from the RT-Residential and CG-Commercial zoning districts to the RT-Residential zoning district for part of Lot 5, Block 1, Wachtler's North Addition and Lot 5, Block 1, Pebble Creek Sixth Addition, requested by Evangel Assembly of God. Commissioner Zenker moved to approve the second reading and final passage of Ordinance 6357. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called for the Public Hearing on Ordinance 6358, a City-initiated request to create an Historic Preservation Commission. Bruce Whitley and Kate Herzog addressed the Commission in support of Ordinance 6358. Commissioner Guy moved to approve the second reading and final passage of Ordinance 6358. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission President called for the Public Hearing regarding Special Assessment revisions. Mark Swenson addressed the Commission in opposition of the elimination of the water and sewer special assessments as listed within the revisions being proposed. Commissioner Marquardt moved to approve the Special Assessment revisions as presented. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission reviewed and discussed the 2019 Legislative Report #1 presented by City Administrator Hunke. Commissioner Guy moved to support HB 1041. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Marquardt moved to support HB 1066. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Guy moved to support HB 1201. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Guy moved to monitor HB 1210. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Oban moved to support HB 1238. Commissioner Marquardt seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Oban moved to support HB 1297. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Oban moved to oppose HB 1307. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Marquardt moved to support HB 3010. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Marquardt moved to monitor HB 2040. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Oban moved to support HB 2060. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C Commissioner Zenker and Oban aye, Zenker and Bakken nay. M/C Commissioner Guy moved to support the Street Utility Tax House Bill. Commissioner Zenker seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Bismarck Airport of Kadmas Lee and Jackson Engineering for Airport Engineering Consultant Services and Environmental Consultant Services for up to 5 years. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Bismarck Airport for an Engineering Services Agreement with Kadmas, Lee & Jackson for the Taxiway C North Engineer Design Report. Commissioner Marquardt moved to approve the Engineering Services Agreement with Kadmas, Lee & Jackson as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Bismarck Airport for the food and beverage concessions contract with Faber, Coe & Gregg of Florida, Inc. Commissioner Marquardt moved to approve the selection committee recommendation of Faber, Coe & Gregg of Florida, Inc. The Junction Bismarck for airport food and beverage concession, and authorize airport staff and the City Attorney to work with Faber to complete the contract and have it signed by Mayor Bakken. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Engineering Department to join the North Dakota Department of Transportation Vision Zero Partner Network. Commissioner Guy

moved to approve the request as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Bismarck Event Center to award the bid for the Third Party Stage Show Labor. HB Sound was the only bid received. Commissioner Oban moved to award the bid to HB Sound. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Public Works Service Operations Department to award the bid and award the contract for Electronic Recycling. Commissioner Guy moved to approve the request as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Public Works Service Operations Department to award the bid and award contract for the HPS and LED Luminaires. There were five bids received. The Grabar proposal did not have a bid bond or certified check attached as we the general specifications, and the JDR Industries proposal did not meet specifications. The lowest bid was received from Dakota Supply Group in the amount of \$70,404. Other bids received were Border States \$70,778.12 and Wesco Distribution \$73,380. Commissioner Marquardt moved to award the bid to Dakota Supply in the amount of \$70,404 as the lowest bidder. Commissioner Guy seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Community Development Department for the Bismarck-Mandan Regional Freight Study. Commissioner Guy moved to approve the Bismarck-Mandan Regional Freight Study as presented. Commissioner Oban seconded the motion. Upon a roll call vote, all voted aye. M/C The Commission considered the request for approval from the Community Development Department for the Bismarck-Mandan Regional Freight Study. 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**Testimony of Steve Andrist**  
**Executive Director, North Dakota Newspaper Association**  
*Before the North Dakota House Political Subdivisions Committee*  
*In Opposition to HB 1229*

Chairman Dockter 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 1229 proposes two changes to North Dakota law, both of which have the effect of reducing long-standing government transparency. These changes are proposed as a way to reduce the cost of government, which they would do. But the savings they would achieve would be barely noticeable to most counties, and would come with the added cost of reduced transparency.

How a county spends the tax dollars it collects from citizens is precisely the type of information those citizens want and need to know. Eliminating the list of bills paid from the minutes that are published in the official county newspaper reduces access to this important information. It's true that this information would be available on line to those who want to take the time to search for it. But searching the local county website isn't part of a daily or weekly routine for most of us. On the other hand, many of us still regularly read our local newspaper. When we do, it can be a serendipitous experience -- we find interesting, useful and important information that we weren't necessarily looking for, and when we find it we stop to read it. I'd be pretty surprised if there are many citizens browsing a county web site to see if they'll find anything of interest or import.

Then there's the cost issue. Last year, to provide information for the Interim Judiciary Committee, NDNA conducted a survey of its members to determine how much is spent on public notices. We found that in a one-year period from July 1, 2016 to June 30, 2017, the 53 counties spent about \$480,000 on ALL public notices. That's an average of less than \$10,000 per county, though of course Cass County spent considerably more than Billings County.

#11

1-24-19

HB 1229

That \$10,000 per county average includes minutes, bids, meeting notices, public hearings, budget reports, election notices and more. The list of bills makes up a only a small portion of only one of those public notices -- the minutes. Accordingly, the list of bills constitutes an almost imperceptible portion of any county's annual budget, which suggests the savings achieved by eliminating them from the minutes would be almost imperceptible.

The same cost-saving analysis would also apply to the second change proposed by this bill -- removing the requirement for publishing the abstract of votes in the official county newspaper. In most cases, the cost of publishing results of an election is less than the cost of health insurance for one commissioner for one month. (See chart.)

We recognize that election results are widely and immediately publicized online. But there are many citizens in our state who still don't have or use the internet. There are many others who don't have a sufficient stake in the process to take the time to browse to online sources. Many of those same people may very well be motivated to look at precinct-by-precinct results as they come across them in their official county newspaper.

So once again, it is our view that the result of changing this law would be a very small cost savings in exchange for noticeable loss of transparency.

There are three other points I'd like to offer for your consideration:

- 1) A few years ago, a survey conducted by Newton Marketing and Research revealed, among other things, that 70 percent of North Dakota adults would likely not read public notices if they were available only on government web sites.
- 2) A 2017 survey by Pulse Research of Portland, OR., reveals 58% of ND adults prefer to get public notices in the newspaper, while 33% prefer web sites. That result suggests a need to offer both options.
- 3) Newspapers offer both options. Several years ago NDNA established a state-wide public notice web site. That site has recently been upgraded, and the House Judiciary Committee last week passed a bill to require newspapers to post all their public notices to it. We believe a third-party site that aggregates all public notices to one web site is more useful than publishing them on hundreds of different government web sites.

Thanks for your time and attention. 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.

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1-24-19

**Publication costs of election abstracts**

<b>County</b>	<b>2018 Primary</b>	<b>2016 General</b>
Cavalier .....	\$181.50 .....	\$126.72
Eddy .....	\$210.54 .....	\$206.25
Renville .....	\$214.62 .....	\$262.80
Burke .....	\$230.88 .....	\$284.16
Benson .....	\$271.05 .....	\$294.45
Pierce.....	\$344.00 .....	\$823.00
McHenry.....	\$345.45 .....	\$338.10
Bottineau .....	\$408.32 .....	\$446.60
Morton.....	\$669.88 .....	\$435.00
Pembina .....	\$808.67 .....	\$535.92
Richland.....	\$922.32 .....	\$1,523.88
Sargeant.....	\$1,346.16 .....	\$807.91
Burleigh .....	\$3,186.12 .....	\$1,638.60
Grand Forks .....	\$4,026.27 .....	\$2,462.67
Cass .....	\$6,588.56 .....	\$2,426.68





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1-24-19

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January 23, 2019

Chairman Dockter and members of the House Political Subdivision Committee.

My name is Terry Schwartzenberger, editor/publisher of the official Logan County Newspaper in Napoleon.

I am urging you to vote no on HB 1229 and here are a few reason why.

What can you get that costs less than \$1.00 per year?

Well, if you live in Logan County the cost of publishing the list of Logan County bills from January 2018 through December of 2018 was 93 cents for each eligible voter (1,502) for the entire year. That is less than \$1.00 for an entire year to be able to read and view the list in either printed or in electronic format, which ever the taxpayer/reader may want to access. Yes, those bill listings are currently in print format, something which can be trusted and not manipulated or hacked and can be accessed for years and years. As an added bonus those same public notices are also now being posted on the NDNA public notices web site.

I don't believe there is a magical number which states how much government transparency should cost, but in 2018 the county of Logan spent \$1,404.15 to have the listing of their bills published in the Napoleon Homestead. That was the total cost for the entire year. Now for the cost of less than \$1.00 per year per eligible voter and to have the opportunity to be able to read where county tax dollars are being spent – that's a bargain.

I believe transparency in all forms of government and this is one of the best ways to build a good, trusting relationship with those footing the tax bill – that being the tax paying citizen, who would not be left in the dark. They could be well informed by being able to read those notices in their community paper.

I also broke down the cost of both the Primary and General Election official abstract of votes for Logan County voters. In the primary election there were 598 voters from across the county who took the time to cast a ballot. The Primary Abstract of votes cost \$306.24 which breaks out to 51 cents per person who cast a ballot in Logan County. For the General Election the cost of publishing the official abstract was \$447.12. At this election there were 1,006 who voted and this breaks out to 44 cents per voter. Once again these figures are both well under \$1.00 per voter.

What can you get for a \$1.00? Well in these instances with a no vote on HB 1229 you will continue to offer voters across the state the ability to be informed citizens at a cost which is very affordable.

Thanks for your time and consideration.

Terry Schwartzenberger  
Editor/Publisher

# **Steele Ozone & Kidder County Press**

#13  
HB 1229  
1-24-19

Ph: 475-2513 115 1<sup>st</sup> Ave SE, Steele, ND 58482-0350 email: sop@bektel.com

Testimony of Paul Erdelt  
Publisher, The Steele Ozone and Kidder County Press  
*Before the North Dakota House Political Subdivisions Committee  
In Opposition to HB 1229*

Chairman Dockter and members of the committee: My name is Paul Erdelt. I'm the publisher of the local community newspaper in Steele, home of the Coffee Cup, Caribou Coffee, and the World's Largest Sandhill Crane, and I'm the current president of the North Dakota Newspaper Association.

If the point of House Bill 1229 is to save money for counties, it doesn't do a very good job of it. I'll explain that point by giving you some information about monetary savings in Kidder County...In 2018, Kidder County spent just over \$700 to publish the lists of their bills in my newspaper. That's about \$59 a month, and if you look at the line items, mine would be among the smallest on the list. It's less than what they've spent on flowers for a funeral, or mileage to Bismarck. It's far less than what they pay Verizon for cell phone service, hotel rooms, or boarding prisoners.

Most will argue, this \$59 a month is as important or more than cell phones or flowers or travel. It's simple, this is an inexpensive way for the county to tell its citizens how their tax dollars are being spent, and to allow them to find these expenditures where they always have been able to...in their hometown paper. To me, changing the law to save that \$59 is penny wise and pound foolish, and I encourage you to vote "no" on HB 1229. Looking for ways to better spend the taxpayer's dollars is the responsible thing to do...but the bang for your buck just isn't here. I can find hundreds of Kidder County residents that read these notices religiously in their newspaper that do agree with me.

Thank you.