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Deanna Hallen
Operator's Signature

10/22/03

Date

2003 SENATE GOVERNMENT AND VETERANS AFFAIRS
SB 2324

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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

Senate Government and Veterans Affairs Committee

☐ Conference Committee

Hearing Date 02/13/03

Tape Number	Side A	Side B	Meter #
TAPE 1	x		0-1700
Committee Clerk Signature <i>[Signature]</i>			

Minutes:

Senator Karen Krebsbach, Chairman opens SB 2324. All senators present.

Senator Wardner, introduces bill and explains.

Jack McDonald, North Dakota Newspaper Association (Testimony attached)

Senator Nelson: three fourths in English, we live in a area that is multicultural are you eliminating the use of a foreign language in an advertisement?

McDonald: This pertains to the editorial content only.

Senator Nelson : Why is a newspaper association insistent on having a postal permit?

McDonald: If it is a stamp of qualification and certification that you have met certain requirements to be admitted into the US mail and that is one of the provisions.

Senator Nelson: Is there another way of certifying that rather than pay the \$150 to get one, knowing that you may never have to use one?

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10/22/03
Date

Page 2
Senate Government and Veterans Affairs Committee
Bill/Resolution Number SB 2324
Hearing Date 02/13/03

McDonald: I would suppose there would be another way of qualifying for it, these are the rules now, and they live by them, the requirements are universal around the country.

Senator Dever : An entrepreneurial opportunity, if someone in Slope county would want to publish a newspaper on their computer, send it to households that receive it for a year and then sell ads and make a profit is there anything to prevent that?

McDonald: No there is not. That would then become a newspaper. And this law then would not apply because that would then be the newspaper in the county.

Senator Krebsbach : Line 14 Item 1..have been established in a regular and continuous circulation for a least one year with a bonafided subscription list, what if they are all from other places other than that area?

McDonald: It doesn't say where the circulation is, it can be anywhere.

Senator Krebsbach : Would the bonafied require that they are within a certain area?

McDonald: No.

Senator Dever : Last session when we did the same thing with state's attorney's we did the same thing we ran into a constitutional question, would that pertain here also?

McDonald: No these are not constitutional provisions.

Terry Traynor, Assistant Director, Association of Counties in support of SB 2324, and submitting testimony for **Mike Montplaisier, Cass County Auditor** (attached)

Senator Dever : The Standing Rock Tribal College, I would assume, puts out a newsletter, should we add to the definition of newspapers that it is just for general distribution?

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Senate Government and Veterans Affairs Committee

Bill/Resolution Number SB 2324

Hearing Date 02/13/03

McDonald: All the colleges have newsletters if they would want to apply they can. If they want to be a bonafied paper is that they have 150 people who pay to receive the paper. If NDSU would want to become qualified they can do so. We would prefer that it stay as it is.

Senator Brown moves for a DO PASS.

Senator Wardner seconds the motion.

Senator Krebsbach : If it is on the ballot it will be answered by the people.

Senator Dever : I notice on the 2nd page of the Tribune a list of the editor, etc. is that a requirement?

McDonald: Just a federal requirement at least once a year, but a lot of newspapers run this all the time.

6 Yes 0 No 0 Absent and not voting.

Closed SB 2324

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Deanna Waller
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10/22/03
Date

Date: 2/13/13
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2324

Senate Government and Veteran Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Brown Seconded By Wardner

[illegible]

Total (Yes) 7 No 0

Absent

Floor Assignment Wardner

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

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Deanna Balluffo
Operator's Signature

1022103

Date _____

REPORT OF STANDING COMMITTEE (410)
February 13, 2003 1:17 p.m.

Module No: SR-28-2581
Carrier: Wardner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2324: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324
was placed on the Eleventh order on the calendar.

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10/22/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

SB 2324

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10/22/03

Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2324

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date: March 20, 2003

Tape Number	Side A	Side B	Meter #
1		X	22.2-37.0
Committee Clerk Signature <i>Micki Schmidt</i> 4-14-03			

Minutes:

TAPE 1, SIDE B:

(22.2) CHAIRMAN GLEN FROSETH: We will open the hearing on SB 2324.

(22.3) SEN. RICH WARDNER: This bill mainly deals with counties that do not have a newspaper. If they don't have a newspaper, they don't have a mechanism in which to have an official newspaper. What this bill does is allow them to put it on the ballot officially to name a newspaper from an adjacent county so that they can have an official newspaper.

(23.7) JACK McDONALD; LOBBY FOR ND NEWSPAPER ASSOCIATION: (Testimony in support) (See attachment #1)

(27.6) REP. ANDREW MARAGOS: What happens in county that has another county newspaper and then a newspaper comes in and starts up after that?

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Deanna Hall
Operator's Signature

10/22/03
Date

Page 2

House Political Subdivisions Committee

Bill/Resolution Number SB 2324

Hearing Date: March 20, 2003

(28.0) JACK McDONALD: If a newspaper moved into that county? No, this only allows a newspaper in an adjoining county if there is no newspaper in that county. In order to be an official newspaper, you have to be in the county, published for one year.

(29.1) REP. GIL HERBEL: Is it practical that the official newspaper can be located in another state?

(29.2) JACK McDONALD: To be an official ND newspaper, you have to be located in North Dakota. The term is for four years, I believe.

(32.1) CHAIRMAN GLEN FROSETH: Testimony in support?

(32.4) MARK JOHNSON; ASSOCIATION OF COUNTIES: I really am here to pass out testimony from Michael Montplaisir. (Testimony in support) (See attachment #2)

(33.4) GERALD NEWBURG; STATE ARCHIVIST: (Testimony in support) (See attachment #3) In section 1, lines 23 & 24, we've changed it to one copy which will meet our needs, instead of two.

(34.7) CHAIRMAN GLEN FROSETH: Any further testimony? Opposition? Seeing none, I will close the hearing on SB 2324. What are the committee's wishes?

(35.8) REP. RON IVERSON: I MOVE A DO PASS.

(35.8) REP. MARY EKSTROM: I SECOND IT.

(35.9) CHAIRMAN GLEN FROSETH: Any committee discussion? Seeing none, I will have the clerk take the Roll Call Vote: 12-y; 0-n; 2-absent; Carrier: Rep. Sandvig. (37.0)

Date: 3-20-03

Roll Call Vote #: |

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2324

House _____ "POLITICAL SUBDIVISION" _____ Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Iverson Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	✓				
Vice-Chairman Nancy Johnson	✓				
Mike Grosz	✓				
Gil Herbel	✓				
Ron Iverson	✓				
William E. Kretschmar	✓				
Andrew Maragos	✓				
Dale Severson	0				
Alon Wieland	✓				
Bruce Eckre	0				
Mary Ekstrom	✓				
Carol A. Niemeler	✓				
Sally M. Sandvig	✓				
Vonnie Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Sandvig

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

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Operator's Signature

Date

REPORT OF STANDING COMMITTEE (410)
March 21, 2003 8:55 a.m.

Module No: HR-51-5393
Carrier: Sandvig
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2324: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2324 was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-51-5393

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10/22/03
Date

2003 TESTIMONY

SB 2324

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10/22/03

Date

Thursday, February 13, 2003

same testimony given to House

SENATE GOVERNMENT & VETERANS AFFAIRS COMMITTEE
SB 2324

CHAIRMAN KREBSBACH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association (NDNA). NDNA requested that this bill be introduced to clear up a few points of confusion in state law concerning official county newspapers. We urge your support.

Presently, under state law, if there is no newspaper published in a county, then the county commission can select a newspaper in an adjoining county in which to print its legal notices. However, the commission cannot name that paper as the official county newspaper. And, a paper in an adjoining county cannot get on the ballot to be elected in the county with no newspaper.

This bill adjusts the law to give the voters in a county without a newspaper the opportunity to vote on their choice for an official newspaper. At present there are two counties without newspapers, Sioux and Slope County. *The Carson Press* in Grant County serves Sioux County, while *The Herald* in New England in Hettinger County serves Slope County.

The bill also makes four other changes. First, it eliminates the outdated requirement that a legal newspaper must be printed at least three-fourths in English. The change says it must be all in English. Secondly, it reduces from two to one the number of copies of each paper that is sent to the State Historical Society. This will save everyone time and money.

Thirdly, it provides that a newspaper must provide a county auditor with an affidavit stating that it meets the requirements of an official newspaper when the paper requests to be put on the ballot for election as an official county newspaper. This will assist the auditor in determining if a paper should be placed on the ballot.

Finally, the bill repeals an outdated section of state law that required newspapers to provide the county auditor with an affidavit regarding its circulation and how long it had been established. This was necessary when the newspapers were first established, but is no longer relevant. For your information, that law is printed on the back of my testimony.

We respectfully urge your support of this bill. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

(OVER)

Deanne Hall
Operator's Signature

10/22/03

Date

THIS IS THE SECTION OF STATE LAW BEING REPEALED BY SB 2324

§ 46-05-02. Publisher to file affidavit with county auditor. . The owner or manager of any newspaper in this state, before such newspaper can be awarded any contract for public printing of any nature, and before it may publish any legal notice of any kind, shall file with the county auditor of the county in which such newspaper is published a verified statement setting forth the number of regular and continuous subscribers and the length of time such newspaper has been established and in general circulation.

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Deanne Hall
Operator's Signature

10/22/03

Date

SB 2324

Testimony to the Senate Government and Veterans' Affairs Committee

Gerald Newborg
State Archivist
State Historical Society of North Dakota

*same testimony
given to
House*

I am testifying in support of SB 2324 and, in particular, to lines 23 and 24 of Section 1 (46-05-01) which changes the current requirement to deposit two copies of each newspaper with the State Historical Society to a requirement to deposit one copy of each newspaper. One copy will meet our needs to preserve this valuable historical resource. Newspaper publishers have deposited copies with the State Historical Society under this statute for nearly a century, thereby ensuring access for future generations to what has become the primary historical record for many communities throughout the state.

Thank you.

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10/22/03
Date

Senate Bill 2324

Chairman Krebsbach and members of the Government and Veterans Affairs Committee

Section 4 of Senate Bill 2324 adds the requirement for a newspaper seeking to get on the ballot as the official county newspaper to file an affidavit stating that they meet all the requirements of an official newspaper as contained in NDCC 46-05-01.

Under current law the county auditor is to place the name of a newspaper on the primary election ballot if "*the newspaper is qualified to serve*". If a newspaper applies to be on the ballot, it is incumbent upon the county auditor to determine if the newspaper meets the requirements set in NDCC 46-05-01.

My concern with the current law is two fold, qualified newspapers may be kept off the ballot by the county auditor, and unqualified newspapers may be put on the ballot by the county auditor, in either case an election challenge may be the result.

Placing the responsibility upon the newspaper to certify, by way of an affidavit, at the time of filing that they meet the requirements of NDCC 46-05-01 would benefit both the newspapers and the county auditor; without creating an undue burden on the filing newspaper.

I urge your support for Senate Bill 2324.

Sincerely,
Michael Montplaisir, Cass County Auditor
auditor@co.cass.nd.us
(701) 241-5627

#2

3-20-03

**Testimony to on Senate Bill 2324
Presented to the House Political Subdivisions Committee
By Cass County Auditor, Michael Montplaisir**

Chairman Froseth and members of the Political Subdivisions Committee, Section 4 of Senate Bill 2324 adds the requirement for a newspaper seeking to get on the ballot as the official county newspaper to file an affidavit stating that they meet all the requirements of an official newspaper as contained in NDCC 46-05-01.

Under current law the county auditor is to place the name of a newspaper on the primary election ballot if *"the newspaper is qualified to serve"*. If a newspaper applies to be on the ballot, it is incumbent upon the county auditor to determine if the newspaper meets the requirements set in NDCC 46-05-01.

My concern with the current law is two-fold, qualified newspapers may be kept off the ballot by the county auditor, and unqualified newspapers may be put on the ballot by the county auditor, in either case an election challenge may be the result.

Placing the responsibility upon the newspaper to certify, by way of an affidavit, at the time of filing that they meet the requirements of NDCC 46-05-01, would benefit both the newspapers and the county auditor; without creating an undue burden on the filing newspaper.

I urge your support for Senate Bill 2324.

Sincerely,
Michael Montplaisir, Cass County Auditor
auditor@co.cass.nd.us
(701) 241-5627