

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

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ROLL NUMBER

DESCRIPTION

1236

2005 HOUSE EDUCATION

HB 1236

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1236**

House Education Committee

☐ Conference Committee

Hearing Date **18 January 05**

Tape Number

1

Side A

X

Side B

Meter #

0 - 4300

Committee Clerk Signature



Minutes:

Chairman Kelsch opened the hearing on HB 1236. All members were present.

Rep. Hawken introduced the bill. She stated that it will save districts money but may be quite controversial. There are business managers here that deal with this on a daily basis and I will let them testify as they have other committee meetings to attend.

Dan Huffman, Assistant Superintendent for the Fargo School District, testified on behalf of the bill. This bill is presented on behalf of the ND school study council, 16 class A school districts in the state of ND. As we look at improving our operations and bringing them more in line with today's technologies, the Fargo School District and the study council support this bill. It is not about the public's right to know, we are not suggesting in any way that we should keep from the them a detailed listing of how we spend our resources each month. We would continue to do that in that we would have 12 months of that information available. It would save tens of thousands of dollars each year that we are spending on the publication of those bills in our

newspaper. The real issue is the actual use of that information in the newspaper. If that is gauged by the number of telephone calls we get as business officers for the school districts, it's fairly minimal. I've been at Fargo since Nov. of 1992 and during that time I've received one telephone call and that didn't even come from a resident of our school district. The electronic processes that are available to us now this just makes sense.

Rep. Horter: Would you give us an estimate of how much your school district spends on those publications.

Huffman: \$16-\$25,000 a year and that's just for the bills piece. We recognize that we would continue to publish our legal notices, advertisement for bids, the minutes of the school board proceedings.

Rep. Haas: What all does Fargo public school system put on their web site and how much does it cost to maintain the web site.

Huffman: The cost is pretty minimal, one of our business teachers is doing that for us for a \$100 - \$200 stipend. He also is providing training for our building level technology people who are assuming responsibility for each of the buildings. Our web site is very extensive. You can see all of our vacancies, admin policies and procedures, school board policies, negotiated agreements, salary of our staff, enrollment and projections, long-range facility and financial plans. So there would be no additional cost.

Rep. Herbel: In your opinion would the savings you kept would be similar for most schools in the state?

Huffman: Because of our size ours would probably be the greatest saving.

Rep. Sitte: Have any electors in any school district said they don't have this published anymore?

Huffman: I'm only aware of one where the electors have voted not to publish their minutes.

We're not suggesting that we not publish our minutes, that question would still be put to our electors every two years. It's just the publication of the detail of our expenditures.

Mark Lemer, Business Manager, West Fargo Schools, spoke in support of HB 1236.

(Testimony attached.)

Rep. Hawken: Do you think patrons are aware of the cost of publication.

Lemer: No we cannot put the cost on the ballot.

Rep. Hawken: Publishing the information that not everyone reads because they may not get the newspaper, is it about the cost of a teacher?

Lemer: About 1/3 to 1/2 the cost of a teacher, but a substantial cost and we could reallocate the cost to a higher priority. The ultimate goal is to put the dollars in the classroom.

Bev Nielson, ND School Board Association, testified in support of the bill. The publishing of the minutes is not at issue here, they are not take three pages in the Fargo Forum or the Bismarck Tribune, it's the posting of thousands of bills. In smaller schools it would cost less money but it would be proportionate to their budget. The public's right to know is not an issue, the information is still available in many formats. School districts should have an option.

Rep. Meier: Is there a break in the cost for public notices.

Nielson: I don't know but it's quite a revenue source for the newspapers.

Rep. Haas: How many school districts have a web site?

Nielson: No, I cannot. Those school districts that do should have an option.

Rep. Wall: Since a lot of school districts are overwhelmingly voting to have the minutes published, doesn't that send a message that they like it the way it is now.

Nielson: I think they do like the minutes published and we're not arguing that we don't want them published, it's these long, long lists approved bills that are costing the districts money and could be available in another way. We've never tested if it would be approved if the cost was put on the ballot. You try to get that information out. This is something we could offer alternatively that would save money.

Rep. Sitte: What is the detail?

Nielson: Every single check including paychecks. Thousands in the course of a month for a district of any size.

Chairman Kelsch: Has your organization or any other surveyed the public to see if they are reading the minutes or looking at bills. People vote to publish just because it's easy to vote Yes. People don't like to vote No if they don't have to unless they see a cost. Otherwise they look at it and think it's a service. I think every one of our constituents think the newspaper publishes these free and it doesn't have a cost to the district.

Nielson: The only information we have is anecdotal.

Doug Johnson, ND Council of Educational Leaders, testified in support of HB 1236. Our organization feels that any time there is an opportunity for school districts we support it and this is that kind of bill. It may not be as much for smaller districts, but for larger districts it's a substantial amount of money that could be put to better use. Going to the electronic format provides another avenue for patrons access the information. I can also speak from my experience as principal of Simle Middle School, we made a transition to a grading program on

the Internet for parents and students to check on grades. Within the first nine weeks we had nearly 70% of our parents accessing that information. That gives you an idea of the power behind electronic media that can be accessed by patrons. Publishing of the minutes is important but not the finite details of all cost.

Dean Bard, representing ND Small Organized Schools, testified in support of the bill. I happen to have here the mailing the Solen School District sent out on meeting coming up on January 19, of that there are three pages of minutes with a lot of financial information, but checks alone, run three close-spaced pages. In this district's case the checks they issued were a total of \$186,000 for the month of December, the list of checks equals the same as the minutes. Solen used to publish in the McLaughlin Messenger in SD because it was a lot cheaper there. But they were required to move to a ND newspaper because statute would not allow publishing in SD even though that SD paper might be one of general circulation. Now they publish in the Mandan Pioneer at a considerably greater cost.

Jill Denning Gackle, general manager of 11 newspapers in ND for a company called BHG.
(Testimony attached.)

Rep. Hawken: I certainly agree with you about purchasing locally and that kind of thing, but currently our school districts are under a considerable money crunch. We are not in this bill in any way or shape trying to not include these things. I believe that in their web sites would have to continue to publish them. Does everyone in the community take the newspaper?

Denning: In our community 90% read the newspaper. On Wednesday afternoon when the paper comes out, get out of the way--people are coming in the door. Go to the coffee shop the

next morning and everyone is talking about the paper, they're talking about how the school is spending their money. It's very well read.

Rep. Hawken: You are aware that the minutes would still be published? The minutes should be a complete record and if they're not, that's a whole different issue not covered in this bill.

Denning: The minutes are a complete record, of course. The majority of the minutes are how the vote came down, motion carried, unanimous vote. The substance of the minutes is bills.

Rep. Hawken: I don't believe the information about the salaries. Those are open records and you as a newspaper person can publish those at any time you want. That's not what this bill is addressing. This bill is addressing the ongoing bills and further believe that school districts do, on request, hand or mail to anyone that wants that information. I understand for a newspaper, the revenue is important. Most of the things you address in your testimony can be dressed in this bill. We're talking about simply listing bills, not information that is pertinent. I want you to understand that. We are not trying to take away pertinent information that your paper should have and has every right to have. Some of the things you address are news stories in and of themselves.

Rep. Mueller: In the paragraph that talks about the local folks not knowing that they didn't get the business, but Menard's did, or the paper company from somewhere got business. I think it's important to understand that school boards have some obligation to go with low bidders. I sat on a school board for 12 years and when the bid was comparable, we always stayed home. But if it's a significant difference, if the school board doesn't go with the low bid they are not fulfilling their obligations to their constituents either.

Rep. Herbel: You made reference that if this happens, these bills would hidden. Could you explain that?

Denning: Publishing the bills in the newspaper provides the open format for any subscriber to see those bills. They don't have to have a computer, they don't have to get on the Internet which many people do not. They also don't have to call the business manager--it's right there.

Rep. Herbel: In this day and age we probably have about as many people that access the Internet as read the paper. I don't really think the bills are being hidden. I think that might be a misconception. They are still available.

Rep. Sitte: Do you know what percentage of people do have Internet access in ND? And, those who read the newspaper are probably the older spectrum and those who use the Internet are probably younger spectrum. Those who are really interested in watching spending are probably those that are older and watching their budgets a little more carefully. I rarely read the legal notices in my 20s and 30s and am not getting more interested.

Denning: I really don't know how many have Internet.

Rep. Hunsakor: As I look at the second page of your testimony, you said of the 11 schools we surveyed, the cost savings to the school district averaged \$36. How many of those 11 schools you represent.

Denning: Those were the 11 schools that published in the 11 newspapers we publish. You will receive further information from other testifiers on other coverage.

Rep. Mueller: Obviously we are publishing now all the bills. In your position as a newspaper general manage, have you ever gotten a call asking why it cost so much to advertise in the newspaper as they will have the costs of the bills from the newspaper listed.

Denning: Every two years prior to the election even it though it can't be on the ballot, we do a news story and provide information to the public on that. They overwhelmingly still want to see that published.

Rep. Mueller: We're not talking about the minutes here. The bill listings.

Denning: That's the minutes--it's the bills, that's what they want to see.

Roger Bailey, executive director of ND Newspaper Association, testified against the bill.

(Testimony attached.) On average the school districts in ND that we surveyed pay for the bills portion of the publication about \$400 per year. When you compare that to the total budgets it's a very small price the district pays to keep the public informed. I don't think there is any question that the publish wants to be informed about how their money is being spent.

Rep. Hanson: You mentioned in your testimony that 30% of households in ND do not have Internet access. What percent do not have newspapers?

Bailey: Virtually none.

Chairman Kelsch: I think that's probably an incorrect statement because I can name 20 people right off the top my head that don't receive newspapers. I know a lot of my constituents do not receive either newspaper in Mandan, either the Bismarck Tribune or the Mandan News or any newspaper. Just out of curiosity, of that 30% of the taxpayers who wouldn't know how the district's is spent, how many of them are interested in where the money was spent. How many of those surveyed was that question asked. When you ask if they have the Internet, are you asking these questions as well.

Bailey: I don't think we can base a decision of this magnitude on who might be interested and who might not be interested. This information has to be available to everybody in the public.

Jack McDonald, on behalf of the ND Newspaper Association and Broadcasters, testified against the bill. **(Testimony attached.)** This law was put on the books in 1966 by initiated measure. The people at that time voted nearly two to one to put this measure into law and that did include the printing of the checks and vouchers. What this bill would do is eliminate half of that initiated measure. The Internet isn't available to everyone and we can debate the pros and cons and percentages, the fact is that it's not available to everyone. We have not discussed with the school board association the proposal that Mark Lemer put forward in his testimony. That had some possibilities for alternatives and some compromise on this measure. In the current form we would like to see the bill defeated, but we also recognize the problems the school boards have and we would like to see if there is some accommodation that could be made. We would like to discuss that a bit further.

Chairman Kelsch closed the hearing on HB 1236.

Chairman Kelsch asked Mr. McDonald and Mr. Lemer to work on acceptable changes for the bill.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1236**

House Education Committee

☐ Conference Committee

Hearing Date **24 January 05**

Tape Number

2

Side A

x

Side B

Meter #

3491 - 4400

Committee Clerk Signature



Minutes:

Chairman Kelsch opened the hearing on **HB 1236**, publication of school board proceedings.

Rep. Herbel: There were no amendments to this?

Chairman Kelsch: No, they didn't come in. I was promised them Wednesday and today is Monday, so we cannot sit around and wait.

Rep. Hawken: One of things we didn't talk about when hearing this bill is that there is nothing in law that prevents any newspaper from publishing that list as a public service to their constituents. If a newspaper wants to list the bills, they can. What this does is say it can be put up on the web and the school district doesn't have to place it in the newspaper at an additional cost. One of the gentlemen from the newspaper association said that Mr. Huffman incorrectly stated the cost. I received an e-mail and he was right on with the \$14,000.

Chairman Kelsch read the e-mail from Dan Huffman, business manager at Fargo Public School:

"I pulled one month of cost. That month was \$1,149.78. I would assume that most months

would be about the same. If this were multiplied by 12 the annual cost would be \$13,797.36.

That would be close to the \$14,000 number I shared with you. Totally, last year, we spent about \$27,000 on publication of legal notices and minutes, etc. Multiply that about 13 years I have been in Fargo, that makes the one question an expensive one for us."

Rep. Sitte: In light of enormous amount of money we spend on education, that is a small price to pay for publication.

Chairman Kelsch: We should probably have a motion before we start more discussion. I ask for a motion on HB 1236.

Rep. Mueller: I move **Do Pass**.

Rep. Horter: I second.

Chairman Kelsch called for further committee discussion.

Rep. Wall: I think in many districts, if we pass this bill, I think we are circumventing the wishes of the public who voted to have it. I also have a problem with posting them on the Internet. I think many of the people who read them do not have access to computers or the Internet. I think passing this will leave the public in the dark. I don't know how many people go through it line item by line item, expense by expense, but I think there are people who do and I think we're going to make that impossible for them.

Rep. Hawken: Any person who would like that detail, a school district will mail it to them. This is in no way trying to hide anything the that the school district does. We're just trying to be a little bit more modern.

Rep. Herbel. I think there was testimony about over in Hebron where the gas station owner looked to see where the tires were bought and that type of thing. I believe that those people that

are concerned will make an effort to get information if it's going to affect their business adversely. Here's an opportunity to save schools some money. We're here to do that for 80 days and I don't know why we wouldn't want to start with this one here.

Chairman Kelsch: Perhaps it would be a little bit more money that could go into the classroom where we are supposed to be putting the money for the kids.

Yes: 11 **No:** 3 **Absent:** 0 **Motion passed.**

Rep. Mueller will carry the bill.

Rep. Mueller: One comment: Don't be overly surprised if some our newspaper friends are not so friendly anymore and you may see some editorials.

Chairman Kelsch: Well, that's fine, we're big kids.

Date:
Roll Call Vote #:

24 Jan 05
~~1236~~ 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1236

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

No pass

Motion Made By

Mueller

Seconded By

Harter

Representatives
Chairman Kelsch
Vice Chairman Johnson
Rep. Haas
Rep. Hawken
Rep. Herbel
Rep. Horter
Rep. Meier
Rep. Norland
Rep. Sitte
Rep. Wall

Yes No

✓
✓
✓
✓
✓
✓
✓
✓
✓
✓
✓

Representatives
Rep. Hanson
Rep. Hunskor
Rep. Mueller
Rep. Solberg

Yes No

✓
✓
✓
✓

Total (Yes)

11

No

3

Absent

0

Floor Assignment

Mueller

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

REPORT OF STANDING COMMITTEE (410)
January 24, 2005 12:36 p.m.

Module No: HR-15-0912
Carrier: Mueller
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1236: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1236 was placed on the
Eleventh order on the calendar.

2005 SENATE EDUCATION

HB 1236

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1236

Senate Education Committee

☐ Conference Committee

Hearing Date 03/14/05

Tape Number	Side A	Side B	Meter #
1	x		1560-end
1		x	0-2570
2	x		475-1679

Committee Clerk Signature

Patty Wilkins

Minutes: Relating to the publication of school board proceedings.

Senator G. Lee called the meeting to order **HB 1236**

Testimony in favor of the bill :

Representative Kathy Hawken : Is from District 46 in Fargo, introduced the bill. As you all are well aware, we do not put as much money into education as is needed. This bill comes at the request of the study kinds of schools, in an effort to just add a small amount of money, basically is the bottom line for the needs of the students that we actually have. That may seem like a funny way to start this, what this bill actually does is allow school districts to list their bills and check payments on the Internet as opposed to the newspaper. They would also post them in their schools and would mail first class to any constituent that requested them. My testimony is a little different than what I had planned to give, b/c very fortunately Dan Huffman who is the business manager for Fargo Public Schools is here this morning, and he will be able to truly enlighten you

on the specifics of this. When we heard this bill in the House there was a human cry saying that we were trying to close the sunshine laws, the open meeting laws. Nothing could be further from the truth with this bill. It provides several different ways for our constituents to receive this information, so it is not in anyway trying to hide something or keep it from the public. If anything it perhaps brings more people the ability to see this, and I would submit to you that our newspapers have seen that the Internet is certainly a wise place to go as almost every large newspaper in the state has a web site, b/c they are aware that a goodly # of people that they are trying to get to are using that medium to get their news, so why not add this to it. There is very little research on how many people actually read the check register, but I would perhaps ask any of you how many times you do that. In the larger school districts, it becomes a significant amount of money. One other point I would like to make that there is nothing in this bill that would prevent a newspaper from publishing that information. They certainly thought that it was that important and wanted to do it as a public service announcement, they certainly would have that privilege, this would simply allowing school districts that have the ability the capability of putting that particular segment online. Again this would be in the District office and would be available for mailing to anyone who wanted it. There is nothing that school districts are trying to do to keep the public from understanding what is happening in their school district. This is a money saving bill. You will hear from others that this is not our rational but it in fact is the rational, it is to put this kind of money for information that is not likely read, in another form and put the money that was used for this toward educating our students.

Senator Seymour : Will Dan give us the dollar figures then?

Rep. Kathy Hawken : Yes, he certainly will.

Senator Flakoll : Trying to get the House testimony, but was there anybody that testified on the House side in opposition to this bill, who wouldn't financially benefit from this being killed?

Rep. Kathy Hawken : To my recollection, no.

Dan Huffman : I am the assistant superintendent for the Fargo school district. For years the schools have published their bills in the legal newspaper part of the publication of minutes. For our district, we spend about 1265.00 dollars a month on this publication of minutes. We incur that cost each month, in a twelve month period that totals approximately 15,000.00 dollars. Of that total about 250.00 dollars a month or 3000.00 dollars is used for publishing of the minutes, not the list of bills, so the other 12,000.00 is in fact what we incur for publishing the bills. In providing this publication it is available to the newspaper reading publishing the bills. In providing this publication it is available to the newspaper reading public only once, with today's technology there are better, more efficient, less expensive ways to provide that information to the public. This process would make the information available to the public for a twelve week period

See attached : written testimony

Mark Lemer : West Fargo school district

See attached : written testimony

Senator Seymour : What is the cost of the web site?

Dan Huffman : We already have the web site, so the only cost for us is the short period of time it would require our web manager to take this electronic version of the bills and post it as an attachment to the web site. It is very minimal. We do publish the bills now as we are following on them with our position on them. We have a whole list of people that are part of that electronic

e-mail, we also provide that to the person that is supporting our web-site, this is posted and updated every week.

Senator Seymour : You used the terminology during testimony about parents wanting to access the web-site, but there might be a lot of grandparents that want to access the web-site or just a person in general and some do not have web capability today in the Fargo-Moorhead area.

Dan Huffman : I have been involved in education since 1976, both of my capacity and Grand Forks school district prior to the time I have been in the Fargo district for the past 14 yrs. I have had a total of three calls about the list of bills in the paper. Two of the three were outside of the school district in which I was working at the present time. We just don't feel that the cost justifies publishing in it's present format. I know that in Fargo with 95,000 residents we have a document that we publish four times a yr. called Freeze Frame, we distribute that as an attachment to the newspaper. When it goes out to residence of the Fargo school district, of those 90 thousand residences, we only publish about 25 thousand to go out. There are as many people who don't receive a newspaper as those who don't have access to the Internet. Internet is available at the public library as well, we are not trying to reduce the access of public information. We have been providing this list of bills to our school board members electronically for fourteen months. It has worked very very well.

Senator Erbele : When you are publishing this in the paper, how many column inches are you taking up?

Dan Huffman : Very close to an entire page.

Senator Flakoll : Would most of these go to the library, if they didn't have a computer at home or if they didn't get the newspaper?

Dan Huffman : Yes

Senator Flakoll : If this were to pass, what would you envision in terms of providing our archival information for like the yr. 2007, thirty or forty yrs. from now? How will that be available or accessed.

Dan Huffman : It will be the same for us as it is right now. At the end of every fiscal yr. we microfilm everything that we have as a financial record in the Fargo school district and maintain that electronically going forward.

Senator Flakoll : Is that maintained on your site, or in the library or both.

Dan Huffman : It is maintained by us, but we actually store it in three different locations, so there isn't this threat of lose in records.

Senator G. Lee : To my understanding, having 9 school districts in my county that I happen to be a part of. In one of those weekly newspapers, that paper happens to publish 4 different school districts minutes and financial information. So if that wasn't there, I'd have to go to each one of the school district web-sites or ask them to send me that information, b/c I am kind of strange and I do look at that stuff.

Dan Huffman : Yes, you would have to request that.

Senator G. Lee : If they don't have a web-site that would be my only access to the record.

Dan Huffman : If you don't have a process for being able to post it electronically, this would not be an option for you. You would have to create a web-site and establish that electronic process to be eligible to use this process, or continue to publish it in the paper. This would have to be one or the other.

Joe Lukach : Business Manager for the Mandan Public Schools

See attached : written testimony

Senator Seymour : If you would pay those papers 139,000.00 you might get it back in publicity and so on for your school, b/c those papers would be able to exist, those kinds of things like that, have you thought of that as a manager, the donations you get from your school and so on.

Joe Lukach : This makes the testimony kind of difficult in many respects b/c we do have a lot of support for our local newspapers, we do work hand in hand with them. Then again in the prudent use of funds, I relate to a scenario that happened to me in my past school or previous life we'll say that I had a patron who owned an office machine store, that come to see me about a bid purchase. We were buying across the state and out of state in the bid process, and he said why don't you buy all local, b/c he wanted to support the school. I gave him everything that we were going to purchase through bids, we compared prices and it came back that his costs were 3000.00 dollars more than what I could buy them on bid. I admire this man yet today, but the question was, should I spend this money on student supplies or should I support this aspect, which would you prefer, he said Joe thank you, keep doing a good job.

Senator Taylor : Quite a few number of schools have web-sites now. Could you visit with us a bit about the cost of the web-site annually a little bit. Also is there an off setting savings you have accrued b/c of the web-site whether for curriculum posting or whatever, do you find a benefit for the cost that every school has put into web development or at least in your school?

Joe Lukach : I don't have a break out of the cost. Sorry.

Mary Wahl : NDCEL, speaking to represent them, experience of being a school board member. No one in the fifteen yrs. anyone asked me about a bill paid by the school district. Most of the people don't care about the specific bill. For those who do care, the provisions legally that for

Internet posting while furnishing upon request would be adequate. This is currently being done by some political subdivision, this is interesting, looking at the county commissioners minutes, same obligation the school board has to publish minutes. Local school boards will make the decision as to how to communicate this information to their constituents. (meter 3961-4300)

Senator Taylor : Just curious, within your organization, how many schools maintain a web-site of the 200 and some.

Mary Wahl : I really don't know that information.

Bev Nielson : SBA Any schools can still post their bills at their option, this should be a local decision. This is a considerable expense to some school districts, this would be very cost effective for some. We did attempt to have a bill pass that said, when we took the question to the voters, of what we have to do every two yrs. of whether to publish minutes in the paper. A couple of years ago we asked that we would be able to put on the ballot measure at what cost. We believe this would have an impact on how people would vote if they new how much this is costing their district. One argument is that they believe that they can print it b/c it is the publics right to know says the newspaper, I believe they want to print it b/c they make money doing it. If they really believe that it is the publics right to know and their duty to print it, they still can print it. This is an expense that the school districts ought not to have to incur.

Senator G. Lee : Utilization of school web-sites from the public. What is your sense of how they are being utilized? Is it growing?

Bev Nielson : I believe that they are being used more and more. As time goes on, people who are interested in any of the business of the school district are now beginning to access some. The

more people realize, the more it is used. Just like people don't have the paper delivered to their door they go to the store and buy it, those who don't have the computer they can go to the library.

Senator Taylor : Do you think web-sites are more utilized by parents and more well known to parents than to tax payers as a whole in the district? Dealing with both proceedings and obligations here, what are they more interested in?

Bev Nielson : Parents of students in the schools are more interested in the proceedings of the school district. Average citizens, who are only concerned about how we are spending our money would find out very quickly where and how to access the information. The rest of the people don't bother to read them at all.

Senator Taylor : Do you think there needs to be some effort to publicize the taxpayers as a whole that this information is now on the Internet VS in the papers.

Bev Nielson : Yes, this should be, and especially in the minutes.

Dean Bard : ND small organized schools, we do not have a resolution to which I can point to that would specifically say that we favor this legislation. It seems to me that it makes good sense. I am not sure how many rural school which is about 86 school district in our association, I am not sure how many of them could take advantage of this, b/c I don't know how many have web-sites. Some may start a web-site for this purpose, b/c there is some cost to them as well for publication. It would provide better information than what it does now. You know the old saying is that today's paper is used to wrap yesterdays fish, you know what it means. The printed word doesn't have the staying power that would be available if same information was put on the Internet. After a day or two I have to find the paper and may have lost it, there is staying power on the Internet. So we do favor this bill.

Testimony in opposition of bill :

Senator Andrist : In opposition, from district 2

See attached : written testimony

Senator Flakoll : Do you know what % of advertising with small town newspaper would get from the printing of legals of various categories.

Senator Andrist : At one time, I don't know if you think this is interesting but I do. That at the early turn of the century newspapers were established just so they could print the legal notices for serving up homesteads. Legal advertising as a whole has been very important, but has been somewhat of a dwindling source of revenue for them.

Senator Taylor : The comment made earlier about voters, voting on proceedings and not necessarily knowing that this comes with the obligations of the bills, do you have a thought on that, when the voters are voting for publishing proceedings do you think they are also aware that they are voting for they want to see the bills and obligations too.

Senator Andrist : When we pass the legislation providing for the vote, some 20 to 25 yrs ago when I was in the newspaper business, we always had to deal with this charge, but they don't know what they are voting for, they don't know what's included. I submit to you that people are a whole lot smarter than some people like to assume they are. Most of them got their education in these schools.

Senator G. Lee : Do you have any idea what the financial impact of this would be on weekly newspapers if they weren't publishing these?

Senator Andrist : I don't think it would be the telling thing to decide if the newspaper would survive or not, surely. Someone who follows me may be able to answer that question better. I

know this is another thing over my career in the newspaper that we had to deal with, people who say publications are not necessary invariably inflates the cost. The other thing that is worth pointing out is that the largest schools are probably paying the smallest % of their budget for this kind of service. It is typical among the schools that when they compare their costs of using an alternative means, never really completely figure what it costs to put them on the Internet or to distribute them in some other way. People are expensive, they say it takes 25 dollars to write a letter today.

Allen Burke : Owner of Emmons County Record a weekly newspaper

See attached : written testimony

Senator G. Lee : As we move towards an electronic media for a lot of things, do you see newspapers to charge access for the paper to be read on the Internet?

Allen Burke : It hasn't really come to that yet, we provide access free, we don't put everything up there, public notices are at no charge.

Senator Erbele : On the map of all the towns of 3 schools in Emmons county, do you publish for all 3?

Allen Burke : Yes

Senator Flakoll : What percent of your total advertising comes from legals or to what extent in dollar terms do you receive money from legals for the paper?

Allen Burke : Roughly about 10%. The paid bills would be lesser %.

Roger Baily : Executive Director of the ND Newspaper Association.

See attached : written testimony

Jack McDonald : ND Newspaper Association

See attached : written testimony

Senator Erbele : When people vote on this every four yrs., could that be divided, I mean do the people actually say, yes we want minutes published, no we don't need to see the bills published?

Jack McDonald : Well it could be if the law was different. It either says yes or no, it does say what is contained in the minutes and that contained in the minutes and that includes the voucher. There was some various amendments proposed, suggested or talked about on the House side. We would need an amendment, if you wanted to do that, that is not in this bill.

Senator Taylor : If the voters approved publishing the proceedings which would we believe it includes checks and obligations, in this last election. If we pass this bill which would go into effect, and the voters were maybe expecting to see this publication for two or four yrs. until the next election, would there be any question of , I mean the legislature has the ability to do that, but is there any ? to the appropriateness of that to the voters?

Jack McDonald : You mean as far as what they have voted on in the past? The law right now says every two yrs. at the annual election, I am not sure where we are in that cycle. This bill would take effect August 1st. So then it would not add an effect until the next time an election came up, as far as the vote is concerned. The bill itself however, you raise an interesting question, presumably after Aug. 1 st if this bill is passed, the school districts could then say now even though we are publishing the minutes we are now going to put them on the Internet. It does raise the question that they are changing what they voted for, after Aug. 1st they could put it on the Internet, even though the people in your district had voted to publish the checks. That vote would then be negated.

Glenn Elliot : Private citizen, I would like to address Senator Taylor ??'s with the cost of web-sites. Usually web-sites are not hosted by a computer that is run by the individual who runs it. Web services are commonly available from a # of companies for the cost ranging between 7-15 dollars per/month. In the case of the domain name for the web-site it is my understanding that each separate state, the state domains the like .ND.US. those are controlled by the individual states. I don't believe there would necessarily be a cost, if you pick perhaps some minor administrative fees for bookkeeping purposes, for a school to be able to get a state domain name. If the school wanted to purchase a domain name say in a different domain. like .com .net .org domain, that would be at a cost of 5 to 10 dollars per yr. Addressing the security issue briefly, if you use a web service say like provided by an Internet service provider. In addition to the fact that if your ISP is providing services the school may provide web space free. The Internet search provider is obviously somebody who has some experience in securing web-sites. They can provide advise on that, one of the things is that when you post the page make that file read only. That is not an absolute, but extremely helpful.

Senator G. Lee : Are you providing testimony in favor or opposition.

Glenn Elliot : I just wanted to testify in a neutral manner to address some of the particular questions here that have been brought up.

Senator G. Lee said we would stand at ease for a while.

Senator Freborg open the meeting back up.

Senator Seymour : I just have conflicting emotions on that one, with being a high technology type of person, VS economic development of saving rural ND, those are some of my thoughts as I look at that bill.

Senator Freborg : I missed a lot of that testimony, how much economic development are you talking about?

Senator Flakoll : I think about 136,000.00 dollars per biennium estimated.

Senator Freborg : That's providing every district participated. Does every district publish now? So the vote in every district is for publishing right?

Senator G. Lee : I am not certain that it is every district.

Senator Flakoll : I would feel more comfortable to leave it as is if we could put a tax on advertising to cover that shortfall.

Senator G. Lee : I agree that there is a cost involved in publishing these and for some districts it is more significant than others, but the weekly newspapers do a tremendous amt for the school districts so I think there is an offsetting cost there. It is a valuable service to the communities in leu of the costs they have to pay for that advertising for publishing those minutes.

Senator Flakoll : Do you think they do b/c they are good people or b/c it sells newspapers.

Senator G. Lee : I am sure it could be argued on both sides of that, but it is a good public service that the students enjoy seeing in terms of their activity being, and picture being put in the paper, as well as the patrons being able to realize what is going on at the schools, and besides that, I read the checks.

Senator Taylor : I can see that this would be nice if some schools could save a little money, but as I give it more thought, during the testimony one thing that struck me was, this is something

that the voters in these districts have voted on that they did want to see this information. I think it would be kind of presumptuous of us as a body to get into the middle of it in the mean time, if they voted to see these proceedings for the next two or four yrs. that we would say well, we are only let you see part of these proceedings b/c of an argument that was made in the legislature. If they didn't want to see all the information they would have voted that way.

Senator Flakoll : I don't believe it would prevent them from still if the local school district wants to publish all the bills in the paper, there certainly would be some that probably will.

Senator Seymour : Another side of that, is that they could put it on the Internet which sounds like hardly nothing in their view, which I question, if it is so good out there on the Internet, you could get community flashbacks saying we don't need it here in the paper anymore. Maybe they should go out and do both for a few yrs.

Senator Freborg : Does everyone here read the minutes every month of every school board meeting and I know that you are all very honest. Do you really read the minutes? Senator Flakoll ? I am talking consistently or occasionally.

Senator G. Lee : I have 9 school districts in my district and I read the ones that come in the weekly newspaper, but I know Senator Flakoll keeps up on the ones in the Fargo paper, so I don't read those, I am sure he will keep me informed.

Senator Freborg : Without a show of hands, it looks to me at best it is questionable of whether or not this committee consistently reads the minutes.

Senator Flakoll : I don't b/c I really don't care if they spend \$24.73 on pizza at Domino's or \$37.15 at Pederson Lumber, it doesn't tell you what it is for, what activity or project. So there is still a whole lot of information that is not available to you. I think it is interesting if we look at

the data that was provided by the newspaper add, b/c there is 30 % of people who don't have Internet access in their homes, arguably they have it in the Libraries as much as I read the newspapers, but 277000 get the paper. There is a greater percentage of people that appear to not get the paper, it isn't like a free service. Either way they may have to go to the Library to get that if they are not able to spend the money.

Senator Taylor : We talked about what else the newspapers do for the school besides take the money to publish the proceedings, news, sports, etc. I don't know if it is completely fair to say that they do that to sell newspapers, the ones I know of it isn't just the 50 or 75 cents you sell the paper for they are very dependent upon on advertising on their legal proceedings, if they don't have them in there, it isn't going to affect the viability of some of the newspapers, they also do a lot of other things for the schools, so the community knows what things are going on in those schools.

Senator Erbele : I have 8 weekly newspapers in 12 school districts, the thing I see with the weekly as opposed to a daily paper, is the daily paper is pretty well gone through and is out the door b/c you don't accumulate them, where the weekly will lay there all week and gone through many times.

Senator Flakoll : It is interesting, that in some papers which are so afraid to have a # out there on the cost of how much this would cost them. On one hand they are generally supportive of having that on initiated measures, neither of which I don't think necessarily needs to be on the ballot, everything has a price.

Senator Taylor : Another good point, security of the information, there are varying levels of web-masters whether done by a student or teacher or outside professional, I think it is a justifiable concern.

Senator Flakoll : What happens if the newspaper inadvertently puts the decimal in the wrong place, say with the Domino pizza situation. There can be a retraction, where if it is in the web-site it just change within the system on a go forward basis.

Senator Freborg : None of this committee would never find it. They may read the minutes but not the 25.00 expenditures.

Senator G. Lee : If I would make a copy off the web-site of that error publication, then I would have that forever as well, that would be a non correct version.

Senator Seymour : Moved for a **Do Not Pass** on **HB 1236**

Senator Erbele second the motion.

Senator Flakoll : I probably won't support the motion b/c one, I think the bill will allow you to anyone who wishes to get that information and secondly I don't know if you think too terminology, a lot of what was discussed by those who testified in opposition of it is that they need the subsidy.

No further discussion

Hearing none, clerk took the roll call. Vote: 4 yea, 2 nay, 0 absent

Date: 3/14/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1236

Senate SENATE EDUCATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Not Pass*

Motion Made By *Seymour* Seconded By *Erbele*

Senators
CH- SENATOR FREBORG
V-CH- SENATOR G. LEE
SENATOR ERBELE
SENATOR FLAKOLL

Yes	No
✓	✓
✓	
✓	✓

Senators
SENATOR SEYMOUR
SENATOR TAYLOR

Yes	No
✓	
✓	

Total (Yes) *4* No *2*

Absent

Floor Assignment *Seymour*

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

REPORT OF STANDING COMMITTEE (410)
March 14, 2005 1:55 p.m.

Module No: SR-46-4885
Carrier: Seymour
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1236: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS
(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1236 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1236

Testimony on House Bill 1236
Presented by Mark Lemer, Business Manager, West Fargo Schools
January 19, 2004

Representative Kelsch and members of the House Education Committee, I would like to offer my support for the provisions contained in HB ~~1236~~.

I was involved in the early discussions that resulted in the drafting of this legislation. Every two years, school districts ask the voters to decide if the proceedings of the school board should be published. Overwhelmingly, voters approve this question, for obvious reasons. What the patrons may not be realizing is that the publishing of the proceedings also requires publishing the list of all approved payments.

Based on the reaction of our local newspaper, I believe that this bill may have some opposition from the ND Newspaper Association and newspapers throughout the state. This opposition will be based on the potential loss of revenue and the loss of information to the public.

It was never our intention to not make this information available to the patrons of our districts, but rather to provide it in an alternative format to publishing in the legal sections of our local newspapers.

As an alternative to the bill in its current form, you may wish to consider an alternative that was discussed when the original bill draft was created.

Change the wording in the statute to read something like: "Every school district shall publish a record of the board proceedings in the official newspaper of the district. In addition to this requirement, every two years, at the time of a school district's annual election of board members, the electors of the district shall determine whether an itemized list of approved obligations shall be included with the proceedings. If a majority of voters approves the publication of the obligations, the itemized list shall be included with the proceedings of the school board. If a majority of voters do not approve the publication, the school district shall make the list of obligations available in an alternative format and shall include instructions on how to obtain the list with the proceedings of the school board."

This would ensure that the voters were provided the information regarding actions taken by the school board and would also provide them with the option of deciding if it was important to publish a list of obligations approved.

I believe that the advent of the internet has made it possible to provide information to people in ways that are substantially different than they were in the past. This bill offers school districts the opportunity to take advantage of these newer technologies.

I encourage your support of HB 1236.

HB 1236
House Education Committee
Testimony by: Jill Denning Gackle

Good morning, Rep. Kelsch and members of this committee. I'm Jill Denning Gackle. I'm the general manager for 11 newspapers in North Dakota for a company called BHG Inc.

Off and on for the past 20-some years I've had the pleasure of covering school board meetings from Kansas to North Dakota. Today I cover the Garrison school board as a sideline in my job and am proud to watch dedicated individuals do a great job of managing an important part of our community.

That said, it's not a flawless operation in my town or yours. Giving Garrison as an example again, the superintendent manages one of the top five budgets in the community. The \$2 million-plus budget employs almost 100 people and the community heavily relies on good local decision-making.

That budget consists of teachers and administrators who are not so poorly paid. The highest paid teacher in our district made more than \$48,000 a year. The average salary is \$34,142. That's not too bad for a town where you can buy a very nice house for \$60,000 and popcorn at our movie theater is just 50 cents.

Those teacher salaries are considered to be among the top 5 percent of all employee salaries in Garrison.

I'm not here to debate teacher salaries with you. But it's an important part of this bill.

If HB1236 passes, teacher or administrator salaries would no longer be published in our newspaper once a year. No one would have known that a few years ago our superintendent was among the top 15 highest paid school administrators in the state at almost \$104,000.

Also not published would be the part of the bills that tells the community whether the school is buying its supplies locally and where the school is spending its money. For example, in Grafton, the Simonson lumberyard owner watches to see how many products are purchased at Menard's. The local office supply salesman was interested when he saw that the school last month purchased \$952 worth of paper from Cole's Paper in Grand Forks rather than from him. The local construction company owner was probably pretty interested when he saw that the school had purchased last month \$39,283 from an out-of-town construction firm, rather than from him.

School boards are usually dedicated individuals headed by conscientious superintendents. Usually, but not always. It's easy when you're managing one of the community's largest budgets to feel a bit omnipotent. It's not unusual to think that conducting business by a few e-mails to your board and keeping the spending between you and the business manager is permitted.

This bill would keep those bills out of the public eye.

Don't be fooled by the statements that the bills could be posted on the Internet. That's something that could be done already by schools that have and use a web site. But in the other communities -- who is going to do that? The students keep some of the school's web sites up and running. Many don't have one that gets updated very often. No one but the superintendent and the business manager are around for two months of the summer. I don't even think Garrison has a web site and in this day and age of trimming staff, I don't know who would be responsible.

The Internet is not a permanent record. Just last week I lost the files of a web site that I was working on for a customer. Lost ... poof. You don't want that to happen with your historical public references to very important business in our communities.

Look beyond the cost savings. I'm NOT appealing to you to preserve these public notices because I'm worried about our newspapers not collecting enough money from the schools.

Of the 11 schools that we surveyed during a month period, the cost saving to the school districts averaged \$36 each. Let me repeat that: of 11 school districts we surveyed in a typical month, the savings was \$36. The average monthly cost for those 11 school districts for them to publish their minutes in its entirety was \$94.

That's a small price to pay to commit yourself to public accountability.

Thank you for the opportunity to testify on this bill. Please give this bill a strong "no" vote.

HB 1236
18 Jan 05

January 18, 2005

HOUSE EDUCATION COMMITTEE
HB 1236

Representative Kelsch and members of the committee:

I'm Roger Bailey, executive director of the North Dakota Newspaper Association. The members of our association are the 10 daily newspapers and the 79 weekly newspapers in the state. Until just a short time ago, I was the owner of one of those 79 weekly newspapers in North Dakota.

The newspapers of North Dakota are opposed to HB 1236 because the newspapers feel that passage of this bill would limit public access to very important information regarding the operations of a very public entity. Every taxpayer in North Dakota who pays real estate taxes, directly or indirectly, pays for the operation of at least one school district. It's the largest tax contribution every North Dakotan makes.

Separating that portion of the school district proceedings – the bills paid each month – from the other business handled by the school board is eliminating a very important part of the proceedings.

Jane Brandt of Hebron, who's nearing retirement, but is still committed to providing the people of the Hebron area with a newspaper, the Hebron Herald, wanted to be here this morning but because she operates one of many newspaper with a "one person" staff, she was unable.

She did ask, however, that I share some of her concerns about HB 1236 with you this morning.

"If the bills are no longer published in the local newspaper, the community can no longer be a 'watch dog' over school districts. Rather than purchasing items within the community, more trips will be made to Wal-Mart, Menards, and the repair shops in the larger cities. Smaller communities are already in a world of hurt and a change in this law will give the school district more freedom to spend more money outside of the community, not supporting the men and women who keep the school doors open and pay the salaries."

"When the minutes appear in a local newspaper, it is almost a sure bet that the local grocer, mechanic, gas station owner, insurance man, owner of the hardware store, etc., will check to see where the school district spent its money on items that they, too, sell or on services they have to offer."

Those comments from Jane Brandt, owner of the Hebron Herald.

I want to make certain that you understand that we understand that the printing of the bills on the Internet is an option for each school district.

In a survey conducted by Newton Marketing and Research published in 2003, almost 30 percent of North Dakota households reported that they don't have Internet access at home or at work. HB 1236 would effectively eliminate 30 percent of the taxpayers from knowing where the school district's money is being spent.

Lack of access to the Internet would be especially troublesome to the elderly, the poor and minorities. In the same Newton survey, 57 percent of persons over the age of 55 said they did not have access to the Internet.

The respondents also were asked if state and local governments should be required to print public notices in the newspaper. 75 percent said "yes" and 7.8% said "no."

In the June 2004 municipal elections in North Dakota, in 137 cities in which voters were asked whether they wanted city proceedings published in the newspaper, 23,685 voters said "yes" and 2,737 voters said "no."

We think the people of North Dakota have spoken clearly.

We think there's compelling reason to keep public notices in newspapers. There might be a time when the Internet replaces us – but clearly, based on the numbers of people who have Internet access at the present time – the time is NOT NOW.

We ask that you vote "no" on HB 1236.

If you have questions, I will respond to them.

Thank you.

January 18, 2005

HOUSE EDUCATION COMMITTEE
HB 1236

CHAIRMAN KELSCH AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association and the North Dakota Broadcasters Association. We oppose this bill and respectfully request that you give it a do not pass.

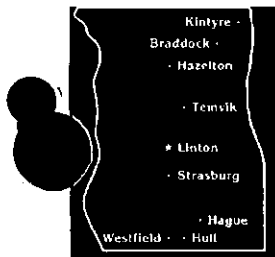
This law was put on the books by an initiated measure in 1966. The people of North Dakota voted by an overwhelming majority that they wanted to have the minutes published and that they wanted to include the checks or vouchers in those minutes.

This bill deletes half of that initiated measure by allowing the school boards post the checks on the internet. They can do this now if they want to, and many do. The intent of this bill is to keep them out of the newspapers. As you've heard from others, the costs of publishing these checks are negligible, particularly when you put the costs in context with the overall school budgets.

The internet is not available to everyone. Many persons use the internet and their computers at work, and do not want to have to sign on again once they get home to have to read the complete version of their local school board minutes. I'm on my computer many hours each day at work. I'm not on a computer at home.

The current provisions have served North Dakotans well for the past 37 years. There doesn't appear to be any need for a change at this time...particularly a change which will result in less information about the school district being available to its own patrons.

Therefore, we respectfully request your DO NOT PASS. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.



Founded June 10, 1884, by Darwin Reed Streeter

Emmons County **RECORD**



Testimony before the Senate Education Committee

HB 1236

March 14, 2005

Senator Freborg and members of the committee:

My name is Allan Burke. My wife, Leah, and I own and edit the Emmons County Record, a weekly newspaper, at Linton.

I am here today to ask that the committee give HB 1236 a DO NOT PASS recommendation.

As you know, most people in rural areas and many in the state's larger communities do not own computers, and some that do have them are not skilled at "surfing the net".

In past elections, voters have overwhelmingly supported the publishing of minutes in newspapers. By posting the paid bills only on the Internet, many people, especially older people, would be denied convenient access to critical information relating to government spending.

Our newspaper, for example, is available by subscription and at several vendors in the area. In addition, the paper is available to view for free at the area libraries and at the N.D. Heritage Center in Bismarck, which has every copy of our newspaper on microfilm, dating back to June 10, 1884. We have bound volumes of the paper going back to the early 1900s. Frequently, people come into our office to look up minutes from previous months and years, and that is a free service we provide to the public. We also post legal notices on our website free of charge for those entities for which we are the official newspaper.

Another concern is the potential for Internet postings to be tampered with, altered, or removed by "hackers" or even by misguided public officials. Attached to my testimony is a copy of a story about an incident which allegedly occurred in Rapid City, S.D.

Your vote against HB 1236 would be appreciated and would be in the best interests of taxpayers and the public.

Thank you.

Allan Burke
Senate Education Committee
March 14, 2005

A Rapid City alderman is raising questions about city council meeting minutes he claims have been removed from the city's Web site, the Rapid City Journal reported this week.

Alderman Sam Kooiker wrote a scathing e-mail last week to state legislators, the mayor's office and the news media, accusing city hall of removing a Web link to minutes of a May 3, 2004, special council meeting.

But city officials say it is not clear whether minutes of that meeting were ever transcribed, published or posted to the Web.

The focus of the May 3 meeting concerned the state minimum security prison that was proposed for a 15-acre piece of land in Rapid City.

State lawmakers are investigating how the flood-plain status of the site was presented to state corrections officials and to the city council during negotiations to buy the land and meetings to rezone and plat that property.

During the May 3 special meeting, the council listened to neighbors express concerns about flood plain issues and also heard a presentation from the property's developer about the flood plain.

As a result of recent news accounts about the state's investigation of the deal, Kooiker decided to review the minutes online but could not access the information by clicking on the link.

Kooiker says he has seen those minutes online.

"I know there were posted on the Web site before, because I've read them in the past," he told the Rapid City Journal. "I spent seven years in the computer industry, and I know enough about HTML code to know that this file was deliberately removed from the city servers."

Kooiker questioned how minutes of the regular May 3 meeting, and those for all council meetings of the past five years, can be available, but the May 3 special meeting minutes are missing.

City finance officer Jim Preston denied that anything was removed from the Web site.

"I don't know if it was even there," Preston said in the Journal story of Feb. 15. "I haven't been able to determine that they were even out there, or even published."

Preston said city staffers were unable to find a written copy of minutes from the special meeting. He speculated that there may have been a mixup because there was a regular city council meeting after the special meeting. Minutes from the regular May 3 council meeting were prepared, approved by the council, published and posted to the Web.

Preston also said the special meeting minutes may have been started, then put aside from some reason and forgotten.

However, tapes of the meeting have been found and will be transcribed verbatim, Preston said.

The Rapid City Journal searched its archives and reported that it did not find a published version of the May 3, 2004, special meeting.

I'm John Andrist, and I represent District 2 in the Senate.

I don't own any newspapers, but newspapering has been my life. In addition to publishing a county seat weekly newspaper, my avocation has been first amendment activism. I was once president of the N.D. Newspaper Association, served as it's legislative committee chairman for 25 years, then spent ten years working through the chairs of the National Newspaper Association, serving as national president in 1989-90.

I know quite a bit about newspapers, and would just like to share a little of it with you.

North Dakota has four primary dailies that bring us our world and statewide news.

There are six smaller dailies. They try to highlight some national and state news, but mostly emphasize local news coverage.

But most of our newspapers are weeklies. There are about 80 of them, and their thing is strictly local news and commentary.

Some people love 'em, some people hate 'em. But everyone who is anyone reads newspapers. The biggest crowds in most small communities are those who gather in the postoffice lobby on Wednesday morning to wait for the postmaster to stuff their copy in their mailbox.

These are not good times for small newspapers. Their traditional revenue support has dwindled with the withering of their Main Streets. But thankfully, most of them are still alive, because technology has dramatically lowered production costs.

Walk into most small town schools and you'll find newspaper clippings dealing with the football team, the FFA kids, and the honor roll tacked on bulletin boards. And you would be hard pressed to find a family scrapbook anywhere which does not contain some newspaper clippings.

Newspapers collectively are the primary source of North Dakota history, that binds all of us together. You can find every page of every newspaper ever printed in North Dakota in microfilm storage at the State Historical Society and most community libraries, as well.

Newspapers in North Dakota have one more thing in common. They print the minutes of their school board, their county commission and their city council. School minutes are only printed if the people vote to require it. The measure is on the ballot every four years, even though voters almost universally vote yes -- usually by overwhelming majorities.

HB1236 is another one of those attempts to take part of that choice away from them. To tell people they don't deserve what they want and are willing to pay for. They don't really know what they are voting for. They aren't smart enough to make their own decision.

No matter how you cloak the words, if you support 1236 you are denying people the right to make their own choice. Does anybody really believe schools and communities are better off if the people know less about them?

If you support 1236 you hurt community newspapers, you hurt the people who live there, and you ultimately will hurt their schools. Let the local folks decide. Please vote Do Not Pass.

March 14, 2005

SENATE EDUCATION COMMITTEE
HB 1236

Senator Freborg and members of the committee:

I'm Roger Bailey, executive director of the North Dakota Newspaper Association. The members of our association are the 10 daily newspapers and 79 weekly newspapers in North Dakota. Until not too long ago, I was the owner of the one of the 79 weekly newspapers in the state.

The newspapers of North Dakota are opposed to HB 1236 for a number of reasons.

Separating that portion of school board proceedings – the bills paid each month – from the other business handled by the school board is eliminating a very important part of the proceedings. We think it would be better to keep the bills in an easily accessible format for the taxpayers. They are accustomed to having them in their newspaper and our research indicates that almost 94 percent of all North Dakotans read a local newspaper. A remarkable figure: North Dakota newspapers have an actual total circulation of over 277,000 – in a state with a total population of 640,000 people.

If this bill passes, many people would no longer have access to important information. In a survey conducted by Newton Marketing and Research and published in 2003, almost 30 percent of North Dakota households reported they don't have Internet access at home or at work. HB 1236 would effectively eliminate 30 percent of the taxpayers from knowing where the school district's money is being spent.

Lack of access to the Internet would be especially troublesome to the elderly, the poor and minorities. In the same Newton survey, 57 percent of persons over the age of 55 said they do not have access to the Internet.

The respondents were also asked if units of state and local government should be required to print public notices in the newspaper. 75% said "yes" and only 7.8% said "no."

We think the people of North Dakota have spoken clearly.

The newspapers of North Dakota have significant concerns about the security and handling of public notices on the Internet. Many of the school district websites -- particularly the smaller school districts -- are operated by students who we believe may have different priorities than adults. Newspapers have a vested interest in having proceedings published in the newspaper. Newspapers make certain that public notices are published accurately and on a regular and timely basis.

Newspapers provide a permanent historical archive of public notices. Newspapers are secure. Newspapers have never been "hacked" as has the Internet.

I have included with this testimony an example of our concern which recently came to light in South Dakota.

On Friday, February 11, 2005, a member of the Rapid City City Council, Sam Kooiker, sent the following message to members of the South Dakota Legislature:

"Subject: The Dog Ate Rapid City's Homework

"I must admit that I thought the Rapid City Journal was being self-serving when it opposed HB 1099, which was a bill to allow government to post minutes on the Internet instead of publishing them in hard copy. But I've now changed my tune and I apologize for thinking that they were only worried about their bottom line.

"Here's why:

"There was a special Rapid City council meeting at 6:30 p.m. on May 3, 2004 to discuss the issue of the Elk Vale Prison Site. A ton of DOC officials were there. I don't remember the specifics, but I know there was discussion about the floor plan, including presentation of maps. Most of the discussion was on the security issue though.

"Here's where it's interesting. The minutes from that special city council meeting have 'gone missing.' I know they were posted on the website before, because I've read them in the past.

I spent seven years in the computer industry, and I know enough about HTML code to know that this file was deliberately removed from the city servers."

Kooiker's e-mail message to the legislators and a story from the Rapid City Journal of February 16, 2005 which outlines the "missing minutes" incident are attached to this testimony.

The Rapid City situation is exactly why North Dakota's newspapers are opposed to the posting of public notices on the Internet. The fact that these questions have been raised in Rapid City – by a city council member – poses a huge question: "Can we have government in the business of publishing its own public notices?"

The newspapers of North Dakota think not and ask you for a "DO NOT PASS" recommendation on HB 1236.

THANK YOU.

From: Sam Kooiker [mailto:skooiker@rushmore.com]

Sent: Friday, February 11, 2005 7:39 AM

To: rep.hanks@state.sd.us; rep.putnam@state.sd.us; rep.mclaughlin@state.sd.us;
sen.napoli@state.sd.us; sen.greenfield@state.sd.us; rep.klaudt@state.sd.us;
rep.howie@state.sd.us; rep.peterson@state.sd.us; rep.mccoy@state.sd.us

Cc: Bill Masterson Jr; Scott Aust; Peggy Sagen; Denise Ross; jim.shaw@rcgov.org

Subject: The Dog ate Rapid City's homework

I must admit that I thought the Rapid City Journal was being self-serving when it opposed HB1099, which was a bill to allow government to post minutes on the internet instead of publishing them in hard copy. But I've now changed my tune and I apologize for thinking that they were only worried about their bottom line.

Here's why:

There was a special Rapid City Council meeting at 6:30 PM on May 3, 2004 (prior to the regular council meeting) to discuss the issue of the Elk Vale Prison Site. A ton of DOC officials were there. I don't remember the specifics, but I know there was a discussion about the flood plain, including presentation of maps. Most of the discussion was on the security issues though.

Here's where it's interesting----the minutes from that special city council meeting have "gone missing". I know they were posted on the website before, because I've read them in the past. You could probably find it in the RC Journal legal section sometime in May 04. If the minutes are reposted, you'll want to compare them with the published RC Journal minutes to insure that they were not altered. Here's the link.

<http://www.rcgov.org/agendas/meetings/specialcouncil.htm>

I spent seven years in the computer industry, and I know enough about HTML code to know that this file was deliberately removed from the city servers. I specifically remember reading it before. How can it be that the minutes of the regular meeting that night and all the other nights (for the last five years) are available, but the special council minutes for May 3, 2004 are missing?

The mayor's office should have the videotape----or maybe the dog ate that too.

This issue was also discussed by City Council on 4/5/04 (page 33--
<http://www.rcgov.org/agendas/minutes/council/2004/2004April5.pdf>). Those minutes are still available. But it's possible that they may have been edited, so you will want to pull the original published minutes in the Rapid City Journal.

We now have a situation where the developer and his engineer are getting beat up on the front page and reputations are being tarnished, but the City of Rapid City is really the one that is starting to look like the cat with some leftover feathers hanging out of it's mouth.

This is a low point for City Hall in Rapid City. I demand that the minutes be reposted in their unaltered form, and that the City cooperate with the legislature in their investigation. I voted for this project because I was convinced that everyone was being transparent about the proposal, but if I am being denied the minutes, then what am I supposed to think?

Perhaps the Journal would be willing to consider posting their legal notices on the website, in addition to print. It might take up a lot of server space, but it will add to accountability--since it's clear that City Hall in Rapid City can't be trusted to keep the records of the people.

Sam Kooiker
Rapid City Alderman
628 St Andrew
Rapid City, SD 57701
605-721-6282



Alderman questions missing minutes

[[Print Page](#)]

By Scott Aust, Journal Staff Writer

RAPID CITY — A Rapid City alderman is raising Cain about meeting minutes he claims have been removed from the city's Web site.

Alderman Sam Kooiker wrote a scathing e-mail Friday to state legislators, the mayor's office and the media, accusing city hall of removing the Web link to minutes of a May 3, 2004, special council meeting.

But city officials say it is not clear whether minutes for that meeting were ever transcribed, published or posted to the Web.

The focus of the May 3 meeting concerned the minimum security prison that was proposed for a 15-acre piece of land on Elk Vale Road north of Interstate 90.

State lawmakers are currently investigating how the flood-plain status of the site was presented to state corrections officials and to the city council during negotiations to buy the land and meetings to rezone and plat the property.

Minutes-gate provides a new twist in the saga.

During the May 3 special meeting, the council listened to neighbors express concerns about flood plain issues and also heard a presentation from the property's developer about the flood plain. Department of Corrections Secretary Tim Reisch also was in attendance.

As a result of recent news accounts about the state's investigation of the deal, Kooiker decided to review the minutes online but could not access the information by clicking on the link.

Kooiker says he has seen those minutes online.

"I know they were posted on the Web site before, because I've read them in the past," he said. "I spent seven years in the computer industry, and I know enough about HTML code to know that this file was deliberately removed from the city servers."

Kooiker questioned how minutes of the regular May 3 meeting, and those for all council meetings of the past five years, can be available, but the May 3 special meeting minutes are missing.

"The mayor's office should have the videotape — or maybe the dog ate that, too," he said.

City finance officer Jim Preston denied that anything was removed from the Web site.

"I don't know if it was even there," Preston said. "I haven't been able to determine that they were even out there, or even published."

Preston said city staffers were unable to find a written copy of minutes from the special meeting. He speculated that there may have been a mixup because there was a regular city council meeting after the special meeting. Minutes from the regular May 3 council meeting were prepared, approved by the council, published and posted to the Web.

Preston also said the special meeting minutes may have been started, then put aside for some reason and forgotten.

However, tapes of the meeting have been found and will be transcribed verbatim, Preston said.

The Rapid City Journal publishes minutes of governmental meetings in its legal notices. But a search of its records found no published version of the May 3, 2004, special council meeting minutes.

In a strangely Nixonian twist, Kooiker says he viewed the official tape of the meeting Friday night and found a 1-1/2 minute blank spot that starts just as the developer starts talking.

But the blank spot could be a glitch in the city's recording system. Poor audio/visual quality of meeting broadcasts is something Kooiker himself has previously mentioned.

However, when combined with the so-called missing minutes, Kooiker says something doesn't smell right. What, if anything, the city would have to hide about a meeting that was attended by dozens of people and covered by the media, Kooiker says he doesn't know.

"Maybe this is all just an extraordinary coincidence. But in light of what's going on and what's being said in the Legislature, it's awfully troubling that now the city is in the middle of this," he said.

Contact Scott Aust at 394-8415 or scott.aust@rapidcityjournal.com

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TESTIMONY OF HB 1236

**By Joe Lukach, Business Manager of the Mandan Public Schools
March 14, 2005**

Senator Freborg and members of the Committee, my name is Joe Lukach, Business Manager of the Mandan Public Schools. I am here to testify in support of HB 1236.

I support HB 1236 and would like you to consider the following factors:

- ❖ Society has changed since the original adoption of this law. In the past our North Dakota communities had local newspapers which were in many cases the only source of public written media. We now have the use of electronic media known as Internet. Our society finds electronic media acceptable.
- ❖ Internet posting of minutes and bills are accumulative. This allows for future reference.
- ❖ I find that these internet postings would be a prudent use of school finances. The thought process is: Mandan Public Schools a medium size Class A school spent \$4,560(rounded) last year for the publishing school payments. We have 3,100 students in the Mandan schools. The publishing of the payments cost the district \$1.40 per student to publish. There are approximately 99,324 students in the State of North Dakota. The publishing costs across the state would roughly be \$139,000 per year. In a ten year period that cost is a significant amount of tax dollars to the taxpayers of North Dakota.(1.3M) Allowing our patrons the use of Internet would be a prudent use of funds without denying the patrons the right to know.
- ❖ Thank you for the willingness to assist the children of North Dakota.

*59th Legislative Session
State Senate
Senate Education Committee
HB 1236*

For years, school districts have published the list of bills in the legal newspaper as part of the publication of the minutes. For our district, we spend about \$1,265 just for a month of publication. We would incur that cost each month. In a twelve month calendar year that totals approximately \$15,000. Of that total all but about \$250 a month or \$3,000 is for publishing the list of bills. In providing this publication it is available to the newspaper reading public only once. There are better, more efficient, less expensive ways to provide that information to the public today.

This bill would allow school districts to use electronic media and a web site, to post these bills electronically if they include the web site in the publication of the school board proceedings. This process would make the information available for a twelve month period. We will continue to ask voters the question about publishing minutes in the paper. This publication would include the web site address for the posting of the bills. The bill information as a total would be reflected in the minutes.

This process makes sense with today's technology. More of our parents are using the web site for information resource than any other media. Our survey data indicates that this access is for information gathering. In fact, we are averaging over 500,000 hits per month on our web access. This totals over 6,000,000 hits in a calendar year. This bill will save districts money and provide improved access for a longer period of time than a single positing in the newspaper.

We are requesting your support and a "do pass recommendation" for HB 1236.

Testimony provided by

Dan Huffman
Fargo Public School District #1

Testimony on House Bill 1236
Presented by Mark Lemer, Business Manager, West Fargo Schools
March 14, 2005

Senator Freborg and members of the Senate Education Committee, I would like to offer my support for the provisions contained in HB 1236.

I was involved in the early discussions that resulted in the drafting of this legislation. Every two years, school districts ask the voters to decide if the proceedings of the school board should be published. Overwhelmingly, voters approve this question, for obvious reasons. What the patrons may not be realizing is that the publishing of the proceedings also requires publishing the list of all approved payments.

Based on the reaction of our local newspaper, I believe that this bill may have some opposition from the ND Newspaper Association and newspapers throughout the state. This opposition will be based on the potential loss of revenue and the loss of information to the public.

It was never our intention to stop making this information available to the patrons of our districts, but rather to provide it in an alternative format to publishing in the legal sections of our local newspapers.

I believe that the advent of the internet has made it possible to provide information to people in ways that are substantially different than they were in the past. This bill offers school districts the opportunity to take advantage of these newer technologies.

For individuals who do not have access to the Internet, they could request that we mail this information to them. We currently have a list of individuals who receive our School Board agendas. Each agenda includes the minutes and approved bills from the preceding meeting. It would be a simple matter to add the names of any individuals who wish to receive this information.

I encourage your support of HB 1236.

March 14, 2005

SENATE EDUCATION COMMITTEE
HB 1236

CHAIRMAN FREBORG AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the North Dakota Newspaper Association. We oppose this bill and respectfully request that you give it a do not pass.

This law was put on the books by an initiated measure in 1966. The people of North Dakota voted by an overwhelming majority that they wanted to have the minutes published and that they wanted to include the checks in those minutes.

This bill deletes half of that initiated measure by allowing the school boards to post the checks on the internet. They can do this now if they want to, and many do. The intent of this bill is to keep them out of the newspapers. As you've heard from others, the costs of publishing these checks are negligible, particularly when you put the costs in context with the overall school budgets.

The internet is not available to everyone. The attached Feb. 27, 2005, column from *The Bismarck Tribune's* internet columnist this and gives references to support the assertion. Basically, under the proposed legislation, this information will be available to less North Dakota citizens.

Many persons use the internet and their computers at work, and do not want to have to sign on again once they get home to have to read the complete version of their local school board minutes. I'm on my computer many hours each day at work. I'm not on a computer at home. As indicated in the attached column, under present law North Dakota government reaches out and gives citizens the information. Under HB 1236, the public must reach out to the government and seek out the information.

The current provisions have served North Dakotans well for the past 37 years. There doesn't appear to be any need for a change at this time...particularly a change that results in less school district information being available to its own patrons.

Therefore, we respectfully request your DO NOT PASS. If you have any questions, I will be happy to try to answer them. THANK YOU FOR YOUR TIME AND CONSIDERATION.

[OVER]

Forget the Net, 24 percent of Americans aren't online

BISMARCK TRIBUNE 2/27/05

North Dakota lawmakers may want to take note of a significant Internet statistic: Whether by circumstance or choice, one out of every four North Dakotans are not online.

A 2003 Pew Internet and American Life report reveals 24 percent of all Americans do not access the Internet. Some can't afford it. Others have no local outlets or opportunities for online access. Many were once online but quit. Still others simply have no interest or desire to go online.

A 2003 North Dakota Newspaper Association survey roughly mirrors the national figures. Of those questioned, 27 percent said they do not have access to a computer at home or work. When you look at North Dakotans 55 years of age and older, that number jumps to 57 percent.

Of the 73 percent of North Dakotans who do have computer access at home or work, two out of three also have access to the Internet.

Using the more conservative 24 percent Pew figure, there are at least 150,000 North Dakotans who do not or cannot access the Internet. Why should North Dakota

lawmakers care? Because they are considering legislation that would hurt rather than help public access to government records.

Two measures, HB1426 and HB1236, would allow city governments and school boards to post online instead of in print itemized lists of payments authorized by the governing bodies.

For example, the complete list of monthly payments approved by the Bismarck City Commission or the Mandan School Board could be posted on a Web site instead of printed in the designated official newspaper of record.

HB1426, relating to city government proceedings, failed Feb. 16 to pass the House.

HB1236, relating to school board proceedings, passed the House Jan. 25 and is now being considered in the Senate.

Let me be clear: I don't think this is some kind of dark, deliberate plot on the part of lawmakers to reduce public oversight of local government actions. I know some of the sponsors of these bills and they are clearly looking for ways to save a little



Keith Darnay

taxpayer money by tapping into the power of the digital world.

Their good intentions, however, are driven by faulty assumptions about the reach of the Internet.

Not everyone is online.

Not everyone has a computer.

The 2003 NDNA survey indicates 94 percent of all North Dakotans read a local newspaper.

The Pew and NDNA surveys show the Internet reaches 76 percent of North Dakotans.

Therefore, if you take information that was once in print and put it exclusively online, you will reduce the number of people who have access to that information.

You will cut from the information loop those people who read a newspaper but do not use the

Internet.

That's troubling, especially when it comes to information about how a city commission or school board spends public money.

It is true that HB1236 contains a provision that an itemized list of spending should be made available to anyone upon request.

That's good, but not good enough since it requires a constant, proactive action on the part of the public that was not required before.

Under current law, the local government must reach out to the public.

Under the proposed change, the public must reach out to the local government.

I'm one of the Internet's biggest fans and advocates. I revel in the digital world's promise and keep a wary eye on its perils.

I think the global growth of the public Internet is one of the most significant social influences of the late 20th century and will ultimately shape the technological direction of the 21st century.

But I'll be the first to acknowledge the Internet is not for everyone and

that not everyone is online.

We are not yet at a point where the Internet's public reach equals or exceeds the public reach of traditional media outlets (television, radio, newspaper, magazine).

It would, therefore, poorly serve the public interest to adopt legislation based on the incorrect idea that the Internet is ubiquitous and, therefore, an alternative to the current method of keeping North Dakotans informed about government actions.

Resources

■ 2003 Pew Internet Report: 207.21.232.103/PPF/r/88/report_displ.asp

■ NTIA Report: A Nation Online: www.ntia.doc.gov/niahome/dn

■ Census Quick Facts: North Dakota: quickfacts.census.gov/qfd/states/38000.html

■ North Dakota Newspaper Association: www.ndna.com

(Keith Darnay is the webmaster and designer for bismarcktribune.com. His Web site, featuring this column going back to 1995, is at www.darnay.com/lec.)

