

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1141

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1141
1/27/2025

A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code, relating to using public services or property for a political purpose.

10:14 a.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Christy, Finley-DeVile, Grindberg, Johnson, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Complaints about Ethics
- Educational purposes
- Taxpayer funded organizations
- Public dollars
- Retroactive 10-year look back

10:14 a.m. Representative Nathan Toman, District 34, Mandan, ND, introduced and testified.

10:27 a.m. Dustin Gawrylow, Managing Director, ND Watchdog Network, testified in favor and submitted testimony #31479.

10:38 a.m. Aaron Birst, President, ND Association of Counties, testified in opposition.

11:02 a.m. Arik Spencer, President/CEO, GNDA testified in opposition and submitted testimony #31854

11:06 a.m. Amy De Kok, Executive Director, ND School Boards Association, testified in opposition and submitted testimony #31641.

11:15 a.m. Matt Gardner, Executive Director, ND League of Cities, testified in opposition.

11:23 a.m. Amy Copas, Executive Director, ND Council of Educational Leaders, (NDCEL), testified and submitted testimony in opposition #31646.

11:28 a.m. Rebecca Binstock, Executive Director, ND Ethics Commission, testified as neutral and submitted testimony #31494.

Additional written testimony:

Dani Quissell, Executive Vice President, ND Water Users Association, submitted testimony in opposition #31476.

Laura A. Lacher, Executive Director, Economic Development Association of ND, submitted testimony in opposition #31579.

Pamela E. Carswe, Teen Librarian, Minot, ND, submitted testimony in opposition #31288.
Cindy Aaser, Hazen Public Library, Hazen, ND, submitted testimony in opposition #31295.
Bernie Dardis, Mayor, City of West Fargo, ND, submitted testimony in opposition #31342.
Jennifer Jenness, Moorhead, MN, submitted testimony in opposition #31345.
Tammy Kruger, Mandan, ND, submitted testimony in opposition #31347.
Wendy Wendt, Director, Grand Forks Public Library, submitted testimony in opposition #31348.
Brenda Cain, Fargo, ND, submitted testimony in opposition #31367.
Melissa Loyd, Buffalo, ND, submitted testimony in opposition #31370.
Tonya Palmer, Grand Forks, ND, submitted testimony in opposition #31400.
Hannah R. Beebe, Valley City, ND, submitted testimony in opposition #31415.
Andrea L. Placher, Library Director, Williston Community Library, submitted testimony in opposition #31430
Jason Tomanek, City Administrator, City of Bismarck, submitted testimony in opposition #31463.
Rachel K. Laqua, President, North Dakota Planning Association, submitted testimony in opposition #31499.
Rachel L. Kercher, Wahpeton, ND, submitted testimony in opposition #31529
Connie Samuelson, Minot, ND, submitted testimony in opposition #31533.
Brenda Nagel, President & CEO, Bismarck Mandan Chamber EDC, submitted testimony in opposition #31582.
Dylan J. Gonser, Grand Forks, ND, submitted testimony in opposition #31627.
Jason Bedsaul, West Fargo, ND, submitted testimony in opposition #31634.
Cale Dunwoody, Vice President of Public Policy, FMWF Chamber of Commerce, submitted testimony in opposition #31653.
Rachel Waldo, Librarian, Dickinson, ND, submitted testimony in opposition #31671.
Jon Fjeldahl, Berthold, ND, submitted testimony in support #31954.

11:40 a.m. Chairman Warrey closed the hearing.

Diane Lillis, Committee Clerk

HB 1141

House Industry, Business, and Labor

I am firmly against HB 1141

NDLA or the North Dakota Library Association is a professional organization dedicated to the service of libraries across the state. The annual conference is the highlight of my professional year. For two and a half days, librarians of many types of libraries come together to gain continuing education credits, and learn about library services. We try out new ideas on colleagues, we talk to people holding similar positions to ours in other libraries, we attend keynote speeches and breakout sessions that advance our knowledge. We learn how we can improve our system. We are challenged to look after underserved North Dakotans and most of all, we better our understanding so we can improve how we serve our communities. In recent years, we've learned how new laws affect us in simple language and how to follow the law.

This bill prohibits our workplaces from paying for our conference fees. Taking away our way to pay for the conference will only stop many of these dedicated literacy workers from continuing their professional education. It is not in North Dakota's best interest.

Pamela Carswell

Literate North Dakotan

Librarian

9/11 Survivor Spouse

HB 1141

Opposed to this bill, it takes away peoples rights.



Testimony in Opposition HB 1141
Presented to the House Political Subdivisions Committee
Prepared by Bernie Dardis, Mayor, City of West Fargo
Thursday, January 16, 2025

1 Mr. Chairman and members of the House Political Subdivisions Committee:

2 Please accept my opposition to House Bill 1141 relating to the use of
3 public funds to support private organizations involved in political advocacy.

4 This bill would prohibit political subdivisions from holding paid membership
5 in organizations such as the North Dakota League of Cities, Greater North
6 Dakota Chamber, Economic Development Association of North Dakota as well
7 as local Homebuilders Associations, Chambers of Commerce, etc. if they have
8 endorsed a candidate or supported/opposed a ballot measure in the past 10
9 years.

10 It is evident that the intent of this bill is to penalize membership or affiliation
11 groups who advocate for policies that benefit their members by barring political
12 subdivisions from participation

13 Advocacy in the best interest of their membership is a vital part of the
14 work of these organizations and, as members, our City does benefit from this
15 work; however, we do not spend any specific public dollars for advocacy.

16 Our City's investment in membership organizations is tied to the numerous
17 benefits offered and we feel that we receive a strong return on that investment.
18 Organizations like those listed about provide education, networking, data,
19 training, and resources to assist cities, counties, school districts, townships, etc. in
20 navigating state and federal policy and grant programs. The affiliation groups
21 we are a part of also bring together cities to identify best practices and to
22 provide a venue for agencies to easily connect and share information.

23 With this bill making it impossible for public entities to participate as paying
24 members, our cities, and our residents, would lose out on these resources and
25 benefits.

1 I urge a Do Not Pass on this bill to continue allowing cities, counties,
2 townships, school districts, and all political subdivisions to invest in these
3 important resources.

4 Sincerely,

5 

6 Bernie Dardis

7 Mayor, City of West Fargo

8 Executive Board Member, North Dakota League of Cities

9 bernie.dardis@westfargond.gov

HB 1141: House Industry, Business, and Labor

I stand firmly opposed to HB 1141, and urge you not to pass this bill. While the overall intention of the bill, ensuring that public funds aren't used to support partisan lobbying, is admirable, the wording of this bill is far too broad and creates a much larger issue than it solves.

Educators, university faculty, librarians, and staff in all areas of our state government depend on attendance at professional conferences to enable them to keep their skills up-to-date and to meet the needs of their jobs. Those conferences are put on by private organizations, many of which have taken stances on political issues. Organizations from the American Chemical Society to the National Rifle Association have publicly endorsed candidates or supported or opposed ballot measures within the last ten years; these organizations also provide invaluable workshops, conferences, and knowledge to hundreds of public employees.

This bill would force universities, libraries, and other state offices to stop supporting most professional development for their staff, making our state's workforce less effective, less knowledgeable, and less competent.

Thank you for your time and consideration.

Jennifer A. G. Jenness

Employee of the North Dakota University System

Opinions expressed are solely my own and do not express the views or opinions of my employer.

January 24, 2025

Dear Legislators,

My name is Tammy Kruger. I am coming to you as a citizen and taxpayer of North Dakota.

I am writing in opposition of the House Bill 1141, pertaining to using public services or property for a political purpose. I understand public funds for personal political matters can be very questionable. We, as the people of North Dakota, do not want those in government to use our tax dollars to fund their non-transparent political agendas. However, the second article of Section 1 concerns me.

There are various organizations whose primary focuses are networking and professional development for their members. These organizations do carry some sort of political stance when issues arise that would affect their membership positively or negatively. Not allowing tax dollars to be used to attend conferences and other learning opportunities simply because an organization has shown a political side will only result in far fewer people being able to participate in these organizations. Less participation means less learning and less community-building.

Some such example organizations include:

North Dakota Council of Educational Leaders,

North Dakota Library Association,

North Dakota Regional Education Association,

North Dakota Association of Counties, and

North Dakota Hospital Association.

Thank you for your consideration in opposing HB 1141.

Tammy Kruger

HB 1141 - In Opposition

January 23, 2025

Chairman Warrey and House Industry, Business, and Labor Committee Members,

I strongly opposed HB 1141 and believe it has ramifications that are far wider reaching than some might realize.

This bill, as it is written, would disallow library workers from participating in their professional association, the North Dakota Library Association, where library staff members and librarians share new trends in librarianship and public service, discuss best practices in the industry, discover new ways to encourage the love of reading and learning, and support each other in a variety of ways. It is the chance for all library staff members, especially one-person library workers, to connect, learn, and come back to the library energized and excited about the services they provide to their community.

In addition, the North Dakota Library Association annual conference offers library staff members the opportunity to meet various library vendors, ask questions, find out about grant opportunities and so much more. To ban library staff members from this professional development opportunity simply because the Association speaks up in support of funding for libraries and for the freedom to read, does a huge disservice to all North Dakotans who deserve knowledgeable and enthusiastic library staff members.

HB 1141 is an unreasonable action against a non-existent problem and I respectfully ask that you oppose HB 1141.

Thank you so much for your time and consideration.

Sincerely,

Wendy Wendt, Director
Grand Forks Public Library
2110 Library Circle
Grand Forks, ND 58201
(701) 772-8116
Wendy.wendt@gflibrary.com

Hello,

Please do not pass HB 1141 which forbids public libraries/school/universities from paying for NDLA membership dues and conferences. I am a school librarian. This is an important piece of training for librarians. The focus of the conference is on serving our patrons whether they be in the schools or the communities in the best way possible. Librarians typically do not have many fellow colleagues in their library. The work can be a bit isolating. This conference is offered at a very reasonable price and offers excellent opportunities to grow, learn, and connect right here in North Dakota.

As a librarian new to the profession 9 years ago, I was able to attend this conference. I went to many sessions where more experienced librarians shared how they were teaching their students coding, how they were setting up maker spaces to engage students in critical thinking and creativity and how they were working with parents to run book clubs with small groups before and after school. I also learned about the benefits of our State Library. The STEAM kits and the book club bags were a huge benefit that offered my patrons access to items our individual library could not purchase. These presentations were inspiring. At the end of the conference, I was excited to try new ideas and encouraged to have a fellow educator or two to connect with if I needed more information or someone to problem solve with.

Isolating your librarians will not produce better programming or improve user experiences for your community. Allowing librarians to be inspired and learn from one another will encourage the most positive experiences. Most people crave learning and librarians, as a group, crave that more than many. Allowing us to have a cost effective way to boost our learning and professionalism seems to be a win for the librarians and for the communities who fund them.

Thank you for what you do to enhance the lives of North Dakotans.

Brenda Cain
School Librarian
701.361.8479

1/24/2025

Dear Legislators,

My name is Melissa Lloyd I am writing in opposition to HB 1141,

While I cannot fault the bill's intent in making the case for taxpayer funds are not used for lobbying, the wording of the bill causes confusion. I believe this would have far-reaching implications, that would be detrimental to many state funded entities.

Schools, Universities, Public Libraries, Chambers of Commerce, Farmers Union, etc. often seek out memberships to professional associations. This provides them with networking opportunities, trainings, and conferences so they have the opportunity to better serve their communities. This bill would make it difficult for entities to pay dues for such organizations.

These associations have opposed/supported candidates or ballot measures that oppose/represent the organization's best interest. Since we live in the United States of America, and as individual citizens vote based our own informed decision-making process. The advocacy of these organizations does get taken into consideration, but the freedom to choose remains with the citizen.

Thank you for your time and consideration,

Sincerely,

Melissa Lloyd

I am writing in strong opposition to HB 1141.

This bill seems very targeted and retaliatory. Will it be applied equally to all organizations, or in a partisan manner in order to negatively affect only those organizations the majority party does not agree with? This is unfortunately a question that I don't think is unreasonable, given the current political climate across the country, and the history of targeted legislation we have been seeing here in North Dakota.

I work at a library. My workplace funds my professional development, which I could not afford out-of-pocket. If my library cannot pay the dues and conference fees in order for staff like me to access an organization that supports our career growth, as the North Dakota Library Association does, what quality of worker do you expect to see in North Dakota libraries? What quality of worker do you expect to see in all of the affected workplaces across the state? How does this help retain workers? How does this attract people to the state of North Dakota?

Professional organizations should be allowed to speak on behalf of their members, for the benefit of their members, both when legislation could adversely affect their members, as well as when it could help them. This should be true even for those organizations that support legislation I don't agree with. Can those who support this bill say the same?

Sincerely,

Tonya Palmer

Grand Forks, ND

In Opposition to HB 1141

Chairman and members of the House Industry, Business and Labor committee,

I am writing to strongly oppose HB 1141. I do understand the desire to keep public funds from being used for partisan political purposes, but as written, this bill will cause serious damage to the professional and academic communities of North Dakota.

Professional organizations would be considered “political” under HB 1141, due to their prerogative to support or oppose legislation that may affect their members. These organizations are vital to professional development for the fields they cover.

Attending conferences allows educators, librarians, and other professionals to keep up with the latest innovations, network, and participate in continuing education. For university employees, sometimes conference attendance is required for promotion and tenure. Teachers and school librarians are required to do continuing education programs, many of which are offered by professional organizations. To ban the use of state funds for these services will seriously limit the ability of our North Dakota educators and librarians to fulfill these responsibilities.

Attracting and retaining professionals in North Dakota is already a challenge, I was questioned by friends and family when I decided to move here. If we do not allow our professionals and academics professional development opportunities funded by their employers, we risk these groups choosing to work outside of our state. North Dakota may also lose the benefits received from professional organizations, from grant money to revenue from hosted events.

For the reasons stated above, I ask that the committee does not pass HB 1141.

Regards,

Hannah Beebe
Valley City, ND



January 25, 2025

HB 1141 – In Opposition

Chairman Warrey and Members of the House Industry, Business, and Labor Committee,

My name is Andrea Placher, and I am the Director of the Williston Community Library, which serves all of Williams County. I am writing to express my strong opposition to HB 1141.

I have been a member of the North Dakota Library Association (NDLA) for ten years. During this time, I have built meaningful connections with library colleagues, taken on important roles to represent my community, and gained exposure to new techniques, ideas, and experiences that would not have been possible without this association. Everything I have learned through NDLA has made me a better library director for myself, my staff, and the citizens of Williams County.

As a library director, one of my primary responsibilities is to provide my staff with professional and reliable resources for continuing education. The North Dakota Library Association offers a wealth of knowledge through committee work, presentations, and their annual conference. If this bill is passed, our library will lose access to the association, eliminating these invaluable resources.

This bill seeks to penalize association members across the state simply for wanting to improve themselves, their jobs, and their communities and ensure they have the mechanisms to do so. I respectfully urge you to oppose HB 1141.

Thank you for your attention to this matter.

A handwritten signature in blue ink that reads "Andrea Placher".

Andrea Placher | Library Director



House Industry, Business and Labor

HB1141

January 27, 2025

Representative Jonathan Warrey, Chair

Summary of Points:

- The City of Bismarck **opposes** the prohibition of organizational memberships.
- **Concerns:** Many municipal governments throughout North Dakota rely on the professional support, guidance, and resources of organizations whose missions are to provide services and educational opportunities.

Testimony:

Chairman Warrey and Members of the House Industry, Business and Labor Committee:

On behalf of the City of Bismarck, I am Jason Tomanek, City Administrator and today I offer oppositional testimony to HB1141.

The City of Bismarck has specific concerns with the proposed language in paragraph two which would prohibit a municipal government entity from partnering with professional organizations who provide critical resources and educational opportunities throughout North Dakota.

The City of Bismarck proudly supports the North Dakota League of Cities, the Bismarck-Mandan Chamber EDC, the Downtown Bismarck Community Foundation, the Bismarck-Mandan Convention & Visitors Bureau, the American Public Works Association, and other local and national organizations that offer a variety of professional development and enrichment services to help guide the City of Bismarck, train our staff, and improve the delivery of services to the residents and businesses in our community.

The City of Bismarck has invested in key memberships with numerous benefits and positive outcomes that demonstrate a return on these decisions. The City of Bismarck has partnered with the Bismarck-Mandan Chamber EDC and the Downtown Bismarck Community Foundation (Downtowners) to effectively provide tremendous support of our economic development activities throughout the community. Organizations like the North Dakota League of Cities and local Chambers of Commerce play critical roles in assisting cities, counties, park districts, and school districts for the benefit of the entire community.

I urge a **Do Not Pass** action on this bill and continue to allow cities, counties, townships, school districts, park districts, and other municipal government entities to invest in these important partnerships and resources.

Respectfully,

Jason Tomanek, Administrator
City of Bismarck

jtomanek@bismarcknd.gov

701.355.1300



DEDICATED TO PROTECTING, DEVELOPING, AND MANAGING NORTH DAKOTA'S WATER RESOURCES

PO Box 2254, Bismarck, ND 58502-2254 701-223-4615 • 701-223-4645 (Fax)

**House Industry, Business and Labor Committee
Hearing for HB 1141
January 27, 2025
Testimony of Dani Quissell, Executive Vice President, North Dakota Water Users
Association**

Chairman Warrey and members of the House Industry, Business and Labor Committee, thank you for the opportunity to provide this testimony on HB 1141. The North Dakota Water Users Association is the statewide member organization that advocates for adequate water funding and sound policy at both the state and federal level. As an organization that intentionally works to bring all members of the water community together, both public and private, we have concerns with how HB 1141 could impact the work that our group does.

The Water Users has a long history of working with the entire water community, our congressional delegation, the legislature, and state and federal administrations to support the development of our water resources. If we go back to the 1980s, our organization worked closely with the legislature and governor on a proposed constitutional amendment to establish the Resources Trust Fund—a fund that today has made possible a robust rural and regional water supply system that touches every corner of the state and many large and small flood control projects that protect homes, businesses, farms and roads in our largest cities and rural counties.

If HB 1141 had been the law of the land in the late 1980s when this historic constitutional measure was on the ballot, the Water Users and others in the water community would have been punished for its collaboration with local political subdivisions and others in the water community to support the creation of the Resources Trust Fund. That punishment would have been twofold:

1. Political subdivisions and state agencies would have been prevented from holding or maintaining membership in the Water Users and
2. Individuals who worked at these entities would have been unable to have their employer cover the costs to attend educational conferences or workshops hosted by the Water Users.

Collaboration has been key to the successes we have experienced when it comes to water development in North Dakota. The practical application of HB 1141 would significantly hinder the ability of private and public entities to partner on this important work.

For these reasons, we respectfully request a 'do not pass' recommendation on HB 1141. Thank you for the opportunity to provide this testimony. I'd be happy to stand for any questions.

SCR 4013 - Testimony by Dustin Gawrylow, ND Watchdog Network (#266)

Mr. Chairman and Members of the Committee,

I would like to thank Representative Toman for drafting and introducing this bill, as it has been a long-standing issue.

Executive Summary

Government entities have been avoiding the Corrupt Practices Act by using taxpayer resources to campaign on ballot measures since the Act was expanded in 2011.

The North Dakota League of Cities has been training government officials on how to campaign against ballot measures without violating the Corrupt Practices Act ban on using public funds.

The Corrupt Practices Act in North Dakota Century Code 16.1-10 historically prohibited the use of public resources to promote candidates. In 2011, the law was expanded to include a ban on ballot measure involvement.

The 2011 bill did not go far enough because it did not prohibit government entities from endorsing and funding private organizations that would then support or oppose ballot measures.

The Keep It Local ND (KIL-ND) ballot measure committee is an example of this loophole. Cities, counties, parks, and schools cannot spend money to campaign against ballot measures, but they can give money to private organizations that then spend that money for or against ballot measures.

Government entities become members of private organizations such as the League of Cities, the Association of Counties, and the School Board Association. These publicly-funded private organizations can then use those dollars in ways their government members cannot. Once the dollars from the government members of these private organizations are given to the private organizations, they are considered private dollars and no longer subject to the Corrupt Practices Laws of North Dakota.

This is basically money laundering of taxpayer dollars, but it is perfectly legal.

There is a solution to this problem that the legislature should consider: prohibit public funds from being contributed to organizations involved in campaigns for and against ballot measures.

Proposed legislation:

Prohibits government entities from endorsing, joining, or contributing to any private organization that is involved with campaign activities supporting or opposing ballot measures.

Creates personal liability for elected officials who vote to violate this prohibition, and ensures due process for such accusations.

Grants the Ethics Commission jurisdiction over complaints, and requires the Ethics Commission to refer violations to a states' attorney for prosecution.

Allows a states' attorney to nix over-zealous Ethics Commission findings, but also grants the Ethics Commission the ability to appeal that decision to the North Dakota Supreme Court.

Representative Nathan Toman (R-Mandan) has taken the lead in drafting the legislation needed to fix this problem.

The pressure on legislators that want to fix these problems is immense, and lobbying organizations backed by taxpayer dollars essentially have bottomless pockets. This is an issue and a challenge that needs to be tackled.

Attachments:

2015 Case regarding Strasburg and Consolidated Construction

North Dakota Watchdog Network articles on this topic


Draft Language for Request for Attorney General Opinion

From Dustin Gawrylaw <dgawrylaw@watchingnd.com>

Date Tue 9/8/2015 10:53 AM

To mbrandenburg@nd.gov <mbrandenburg@nd.gov>

Cc kennbek@bektel.com <kennbek@bektel.com>; Kelly Krumm <krumm@bektel.com>

 2 attachments (489 KB)

Emmon Co Record Page 3 - Sept 3rd.pdf; Strasburg Application with Minutes.pdf;

Representative Brandenburg,

Below is a draft text for a request to the AG for an opinion, with the cited documents attached.

Request for Attorney General Opinion

I am requesting your legal opinion with regard to the Strasburg School Board's decision to hire an agent of a construction firm to manage a school bond election for the school board, and whether such action would violate the corrupt practices act (N.D.C.C. 16.1-10) as it pertains to ballot measures.

A scheduled school bond election is to take place on October 6th, 2015 regarding the approval of bonded indebtedness for the purposes of construction.

A firm by the name of Consolidated Construction Co. and its agent, Jim Perras have been intimately involved in the planning and public debate process leading up to the election; and Perras has obtained a defector leadership role in a local "task force" created by the Strasburg Public School.

According to the meeting minutes provided by the school board to the Department of Public Instruction as part of their application for construction loan funds, Jim Perras of Consolidated Construction was hired to "help with the bond referendum package, brochures, presentation boards, and bond materials". (PDF attached)

No approved amount was give, however the official newspaper of Emmons County (Emmons County Record) reported that the amount was \$5,000. (PDF attached)

At its July 29 meeting, the board hired Jim Perras of Consolidated [Construction] "to help with the bond referendum package, brochures, presentation boards, bond materials," according to the board's July 29 minutes. The fee approved was \$5,000.

North Dakota's corrupt practices act prohibits public funds from being used to promote a certain vote on ballot measures. My question to the Attorney General is two-fold:

1. Can a governing body pay a private entity (that has a clear conflict of interest), to essentially manage and promote a bond referendum and be insulated from responsibility under the corrupt practices act?
2. Does the hiring of an entity or person with a vested interest in the outcome inherently constitute a violation of the spirit of the corrupt practices act?

On behalf of concern constituents, I thank you for your consideration on this matter.



SCHOOL CONSTRUCTION APPROVAL REQUEST

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

SCHOOL FINANCE AND ORGANIZATION

SFN 52304 (02-14)

County Name Emmons	District Number 15	District Name Strasburg School
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Application Type (*please check one*)

- ☐ Request for Approval of Construction in Excess of \$100,000 but \$250,000 or less
(*facility plan not required*)
- ☒ Request for Approval of Construction in Excess of \$100,000 and also in Excess of \$250,000
(*facility plan required*)

If your district has filed a facility plan with the Department of Public Instruction within the last three years, you need only to file forms 1, 2, 8, 15, 22, and 23 with this request to update your plan on file.

Number of Sections of Land in District 354.9	Taxable Valuation of the District 5,754,185
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Status of Accreditation (*please check one*)

- ☒ Accredited ☐ Accredited warned ☐ Accredited with commendation ☐ Not accredited

Nature of Project (explain why the project is needed – attach additional sheets if necessary)

This project is needed because our 1935 building has toxic mold and is strongly recommended not to be used due to poor air quality. Also, education has significantly changed since our last facility improvement, and we need to reduce operating costs.

This project will combine our two campuses into one K-12 facility on the existing elementary school site. The combined facility will provide many educational benefits to our students, including new science, music, and media center spaces; a new kitchen and multi-purpose room to replace our 1935 facility; Title 1 and Special Needs space; locker rooms; and handicap accessibility improvements.

Our combined facility will enable staff to work more closely together, reduce operating costs, and avoid future maintenance costs to our existing 1935 building and adjacent high school.

Please see the facilities planning document for more detail.

Emergency Construction Due to the Destruction of Current Buildings or Facilities by Fire, Wind, or Other Acts of God?

- ☐ Yes ☒ No

Estimated Cost of Project

Construction Materials \$ 4,113,386
Architect's Fees \$ 290,331
Site Improvements \$ 125,500
Furniture and Movable Equipment \$ 30,000
Contingent and Incidental Expenses \$ 260,783
TOTAL COST OF PROJECT \$ 4,820,000

Funds Available to District for this Project

Building Fund \$ 82,000	
Bonds \$ 3,900,000	
General Fund \$ 838,000	
Other Source(s) \$	Identify Source(s)
TOTAL \$ 4,820,000	

School Enrollment Numbers

Grade 1 6	Grade 7 13
Grade 2 4	Grade 8 8
Grade 3 10	Grade 9 10
Grade 4 15	Grade 10 11
Grade 5 14	Grade 11 9
Grade 6 8	Grade 12 15
Enrollment Total 123	

Explain Why Project is Needed

This project will combine our two campuses into one K-12 facility on the existing elementary school site. The combined facility will provide many educational benefits to our students, including new science, music, and media center spaces; a new kitchen and multi-purpose room to replace our 1935 facility; Title 1 and Special Needs space; locker rooms; and handicap accessibility improvements. Providing one entrance ensures a safer environment for both students and staff.

Our combined facility will enable staff to work more closely together, reduce operating costs by at least \$40,000 per year, and avoid future maintenance costs by approximately 2,000,000 over the next 10 years.

Will this project enhance or facilitate delivery of educational services in the district? ☒ Yes ☐ No

Explain.

Yes, bringing new life and school pride into a small community is vital part in enhancing student success. It creates the opportunity of more efficient, productive structures that use resources responsibly both fiscally and governmentally. Most importantly, the rationale for this project is to create a safe learning environment for all children K-12 that enters our doors in Strasburg Public School.

In the case of new construction or renovation affecting more than 50% of the existing structures square footage, describe the circumstances in your district that result in stable or increasing student population.

Strasburg receives students from the Bakker School District, and we are also cooperating with the Zeeland School District with our sports/Title 1 programs. The student population in our District has been steady, but we lose students to open enrollment due to our deteriorated facilities. We believe that our enrollment will increase when this project improves our facilities to today's educational services/standards.

President's Signature

Bonnie Keller

Date

8-3-2015

Business Manager's Signature

Terri Huss

Date

8-3-2015

A special meeting of the Strasburg Public School Board was called to order by President Bernice Keller on July 29th at 8:00 am. Other members present were Renee Ternes, Tom Schaeffbauer, Robert Heidrich and Ida Scherr. Tracy Mittleider, Bryan Schumacher, Mark Mittleider and Jon Martinson present.

Agenda items-NDSBA guest, construction approvals/tuck pointing review, options for future building improvements, CCC bond referendum assistance approval, transportation-bus routes, administrative assistant applications.

Jon Martinson from ND School Board Association gave a presentation to the members on school board meetings. Items discussed were: boardsmanship-role of president, role of board, role of superintendent, board meetings, board minutes, Robert's rules of order, and board committees. Also discussed-executive sessions, setting the agendas, classified staff salary compression, budget development, negotiations, superintendent evaluation, background checks, professional development for board members.

Options for future building improvements. Mike Barsness, from CCC Inc., discussed various capital maintenance improvements from the building plan that could be extended down the road. After more discussion the board decided on a bond referendum amount. Ida Scherr made a motion for the building project bond referendum amount to be \$3,900,000.00. Renee Ternes seconded. Scherr-yes, Heidrich-yes, Schaeffbauer-yes, Ternes-yes, Keller-yes. Carried.

Robert Heidrich made a motion to hire Jim Perras, CCC (Consolidated Construction Co. Inc.) to help with the bond referendum package, brochures, presentation boards, bond materials. Tom Schaeffbauer seconded. All voting yes, motion carried.

Tom Schaeffbauer made a motion to approve the school construction approval request and loan application for the building project and to submit the application to the Department of Public Instruction. Ida Scherr seconded. All voting yes, motion carried.

Tuck pointing project- Tom Schaeffbauer & Robert Heidrich reported on the job done so far, all the trips they have made to town to check out the work. The full Board will go over to the north building to inspect the job later in the meeting.

Transportation, bus routes were discussed because of a request from a parent from Zeeland who wants their children to attend Strasburg School. After more discussion Robert Heidrich made a motion to go back to four bus routes for 2015-2016 year because of the new family on the route. Ida Scherr seconded. All voting yes, motion carried. The bus drivers will work on how the routes will run, discussed the town students and the routes, and discussed Bryan Schumacher will help schedule bus drivers for the extra curricular trips.

Administrative assistant applications were discussed. Interviews are set for Thursday & Friday of this week.

July 29th, 2015 Special Board Meeting Unofficial Minutes

Discussed the tuck pointing job after the board inspected it. Tom Schaeffbauer moved to table the tuck pointing job until he comes back and fixes the areas the board is not satisfied with. Ida Scherr seconded. All voting yes, motion carried.

Ida Scherr moved to adjourn the meeting. Renee Ternes seconded. All voting yes, motion carried.

Bernice Keller, President

Terri Kuss, Business Mgr.

School Construction Approval Process:

- 1) Approval is required for any project costing in excess of \$100,000.
- 2) Notify the Department of Public Instruction at least 60 days before submission of application for assistance.
- 3) File completed application with the Department of Public Instruction, School Finance Unit. If the project is over \$250,000 the district must complete the facilities plan and submit with application for construction approval.
- 4) The State Superintendent acts on the application within 60 days of receipt. The decision is based on:
 - a) The potential utilization of the project by a future reorganized district,
 - b) The need for the project,
 - c) Educational utility of the project, and
 - d) Capacity to pay for the project.
 - e) In the case of new construction or a renovation affecting more than fifty percent of an existing structure's square footage, demonstrates that circumstances within the district are likely to result in a stable or increasing student population.
- 5) The decision of the state superintendent may be appealed to the State Board of Public School Education. The State Board must act in 60 days.
- 6) The district must submit architectural plans to the Department of Public Instruction prior to commencement of approved construction.
- 7) Districts should review appropriate sections of North Dakota Century Code:
 - 1) 15.1-36 – School Construction
 - 2) 15.1-09-34 – Contracts by School Boards – Bids – Penalty
 - 3) 48-01.2 – Public Improvement Bids and Contracts
 - 4) 54-44.7 – Architect, Engineer, and Land Surveying Services

Dirty Secrets Of Government: Is It Time To Give The "Corrupt Practices Act" Some Teeth?

Governmental entities have been skirting the spirit of the laws against using taxpayer resources to campaign on ballot measures since the Corrupt Practices Act was expanded in 2011.



DUSTIN GAWRYLOW

OCT 04, 2024 · PAID



5



2



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Last week, I mentioned how the North Dakota League of Cities was training local officials how to avoid violating the state's corrupt practices act prohibiting governmental entities from taking a position and campaigning either for or against ballot measures.



The Curious Timing Of Fargo's Economic Outlook Downgrade

DUSTIN GAWRYLOW · SEPTEMBER 24, 2024

[Read full story →](#)

In fact, the North Dakota League of Cities has been training city officials on [how to campaign](#) against Measure 4 [without violating North Dakota's Corrupt Practices Act ban on using public funds to oppose or support ballot measures](#).

(This is a section of law that is never enforced, if it was, organizations like the League of Cities, ND Association of Counties, ND County Auditors and Treasurers Association, ND County Commissioners Association, ND Recreation and Park Association, ND State Association of City & County Health Officials, ND Township Officers Association, and the ND School Boards Association would probably not be able [to be funded with public dollars as they are and then join coalitions against ballot measures](#).)

I had several people ask me to dig into that particular issue a little deeper.

The Corrupt Practices Act in North Dakota Century Code 16.1-10 historically applied to prohibiting public resources from being used to promote candidates. It wasn't until 2011 that the law was expanded via [Senate Bill 2327](#) to include a ban on ballot measure involvement. (I was heavily involved with this legislation at the time.)



Attachment 1
2327

Subject: Taxpayer Funded Campaigning Reform

Bill: SB2327

Testimony Provided By: Dustin Gawrylow

Lobbyist #160

Presented To: House GVA Committee

March 11th, 2011

Senate Bill 2327 addresses the concept known as "taxpayer funded campaigning" which is the practice of using taxpayer dollars to either advocated for more taxpayer dollars, or against tax reductions or other pro-taxpayer measures or legislation.

We have seen in the past, situations where taxpayer funded entities are actively politically. This bill would stop the practice of using public funds, employee time public equipment, and public property against the taxpaying public's interests.

Last session this reform was passed by both chambers, but disagreements in conference committees forced the House to kill it on approval of the conference report.

If a taxpayer funded entity wants to be politically active, they can form a PAC (Political Action Committee), raise money privately, and file campaign disclosure reports just like any candidate or other group.

This bill does not seek or intend to limit the individual rights of anyone involved in government – only to restrict the use of public funds in the campaigning process.

We would like to see amendments to this that strictly define what is education. Our suggestion would be to allow taxpayer funded entities to create "fact sheets" to refer voters who want to know more about an issue.

Another area of question that would need more clarification is the issue of penalties. We don't need another law on the books that lacks a penalty. We have enough of those kinds of laws regarding open meetings and open records violations which only create more paperwork for the Attorney General's office.

It's time that the law be consistent and treat all entities equally when involved in politics, policy making, and campaigning. The taxpayers have funded both sides of campaigns long enough.

The North Dakota Taxpayers' Association is a membership-funded advocacy group designed to get taxpayers a voice in legislative matters. NDTA is 100% in-state funded, and counts over 500 North Dakotans as current members. NDTA is the only organization with a full time lobbyist dedicated to advocating on behalf of the taxpayer.

North Dakota Taxpayers' Association

NDTaxpayers.com • 1720 Burnt Boat Drive Suite 102 • Bismarck, ND 58503 • (701) 751-2530

If you read the history of that bill with committee testimony you will find that it was certainly harder than it should be to restrict government entities from putting their

weight for or against ballot measures.



A Loophole The Size Of The Grand Canyon

But, that bill simply did not go far enough - because it did not prohibit governmental entities from endorsing and funding private organizations that would then go do the dirty work of supporting or opposing ballot measures.

The [Keep It Local ND \(KIL-ND\) ballot measure committee](#) is a prime example of this loophole being exploited to the fullest.

You see, while cities, counties, parks, and schools cannot spend money to campaign against ballot measures - they can give money to private organizations who then spend that money for or against ballot measures.

So cities become members of the League of Cities, counties join the [Association of Counties](#), school boards join the [School Board Association](#), etc, etc.

Then these publicly-funded private-organizations can start a [ballot measure committee](#) and use those dollars in ways their government members can't.

Once the dollars from the government members of these private organizations are given to the private organizations, they are considered private dollars and no longer subject to the Corrupt Practices Laws of North Dakota.

It's basically money laundering of taxpayer dollars - but it is perfectly legal.

The Solution: Amend The Law To *Also* Prohibit Government Entities From Joining, Endorsing, and Contributing To Organizations That Campaign On Ballot Measures

There is a solution to this problem that the legislature could and should consider next session - prohibit public funds from being contributed to organizations involved in campaigns for and against ballot measures.

Below is proposed language does several things:

1. Prohibits government entities from endorsing, joining, or contributing to any private organization that is involved with campaign activities supporting or opposing ballot measures.
2. Creates personal liability for elected officials who vote to violate this prohibition, and ensures due process for such accusations.
3. Grants the Ethics Commission jurisdiction over complaints, and requires the Ethics Commission to refer violations to a states' attorney for prosecution.
4. Allows a states' attorney to nix over-zealous Ethics Commission findings, but also grants the Ethics Commission the ability to appeal that decision to the North Dakota Supreme Court.

Amending and reenacting NDCC 16.1-10-02 Subsection 1 relating to corrupt practices to prohibit public funds from benefiting private organizations that participate in political activities otherwise illegal for public entities:

16.1-10-02. Use of state or political subdivision services or property for political purposes.

1. No person may use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purpose.

2. The state nor any agency, department, bureau, board, commission, nor any political subdivision thereof shall use public funds to be a member of or otherwise contribute to any private organization that has in the last ten years endorsed candidates or taken a position on ballot measures.

3. The state nor any agency, department, bureau, board, commission, nor any political subdivision thereof shall lend its name or endorsement to any private organization that has in the last ten years endorsed candidates or taken a position on ballot measures.

4. Duly elected and sworn officials may be personally liable for violations of this section and entitled to due process.

5. Violations of this section shall be under the investigative jurisdiction of the North Dakota Ethics Commission and subject to criminal referral under ethics commission procedure.

6. Upon referral by the Ethics Commission, a county states' attorney shall initiate prosecutorial proceedings unless the determination of the Ethics Commission is found to lack legal standing. The Ethics Commission may seek appeal of such a negative decision directly to the state supreme court if the commission's legal council and a majority of the commissioners approve such an appeal.

27. The following definitions must be used for the purposes of this section:

Note For Legislators: If you would like to get the process of having such a bill drafted, I will help you find co-sponsors. If you are a legislator, and would like to be put on the co-sponsor contact list for this bill once there is a prime sponsor, let me know.

Allowing This Loophole To Continue Equates To Supporting Taxpayer Dollars Being Used Against The Taxpayers

Measure 4 isn't the only measure where this happens, it's just the current and most obvious example.

Regardless of where you stand on ballot measures like Measure 4, the notion that taxpayer dollars can be funnelled through a private entity to skirt the spirit of the law is ridiculous and can only service to add to the animosity citizens have with their own government.

This is a practice that is currently legal until it's not.



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Write a comment...



Jodi Carlson Oct 5

...

Thanks Dustin. Hopefully a legislator(s) with integrity will take this on so it will never happen again!

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📤 SHARE



Brent N. Winkelman Oct 4

...

Thank you for calling out this criminal behavior.

♡ LIKE (1) 💬 REPLY

📤 SHARE

Ethics Reform: Taxpayer-Funded Campaigning

Representative Nathan Toman is courageously seeking co-sponsors to join him in an effort to close one of the worst systemic abuses of taxpayer money that happens more often than people realize.



DUSTIN GAWRYLOW

DEC 20, 2024 · PAID



3



1



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{[Note To Legislators: If you have a bill you think I should know about, that you want me to help recruit co-sponsors for, and that you want me to promote it (assuming it fits the mission of the North Dakota Watchdog Network) please let me know by replying to this article.]}

Back in October, I wrote about the longstanding need to put teeth into the [Corrupt Practices Act](#), and close a loophole that allows cities, counties, parks, and schools to spend money to campaign against ballot measures by giving money to private organizations which then spend that money for or against ballot measures.

Dirty Secrets Of Government: Is It Time To Give The "Corrupt Practices Act" Some Teeth?

DUSTIN GAWRYLOW · OCTOBER 4, 2024



Last week, I mentioned how the North Dakota League of Cities was training local officials how to avoid violating the state's corrupt practices act prohibiting governmental entities from taking a position and campaigning either for or against ballot measures.

[Read full story →](#)

The [Keep It Local ND \(KIL-ND\) ballot measure committee](#), which successfully killed Measure 4, is a prime example of this loophole being exploited to the fullest.

Cities become members of the League of Cities, counties join the [Association of Counties](#), school boards join the [School Board Association](#), etc, etc.

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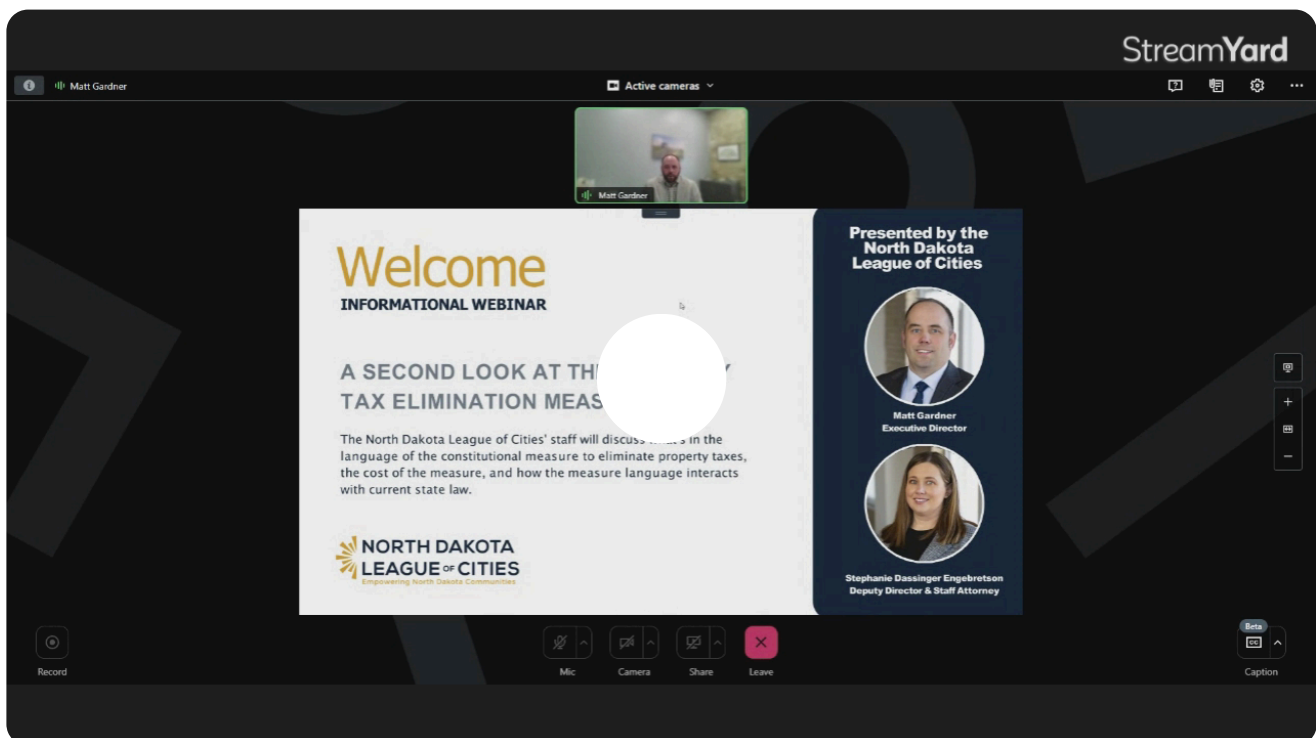
[As I wrote in October](#), prior to 2011, state law only prohibited spending money promoting candidates - spending money on ballot measures was fair game up until that point.

It's basically money laundering of taxpayer dollars - but it is perfectly legal.

But, that 2011 bill simply did not go far enough - because it did not prohibit governmental entities from endorsing and funding private organizations that would then go do the dirty work of supporting or opposing ballot measures.

Even so, [as was documented in September](#), the North Dakota League of Cities was actively training government officials and employees on how to avoid violating the Corrupt Practices Act.

In fact, the North Dakota League of Cities has been training city officials on [how to campaign](#) against Measure 4 [without violating North Dakota's Corrupt Practices Act ban on using public funds to oppose or support ballot measures](#).



(This is a section of law that is never enforced, if it was, organizations like the League of Cities, ND Association of Counties, ND County Auditors and Treasurers Association, ND County Commissioners Association, ND Recreation

and Park Association, ND State Association of City & County Health Officials, ND Township Officers Association, and the ND School Boards Association would probably not be able to be funded with public dollars as they are and then join coalitions against ballot measures.)

As I wrote in October, there is a solution:

The Solution: Amend The Law To *Also* Prohibit Government Entities From Joining, Endorsing, and Contributing To Organizations That Campaign On Ballot Measures

There is a solution to this problem that the legislature could and should consider next session - prohibit public funds from being contributed to organizations involved in campaigns for and against ballot measures.

Below is proposed language does several things:

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3. Grants the Ethics Commission jurisdiction over complaints, and requires the Ethics Commission to refer violations to a states' attorney for prosecution.
4. Allows a states' attorney to nix over-zealous Ethics Commission findings, but also grants the Ethics Commission the ability to appeal that decision to the North Dakota Supreme Court.

Behind The Numbers

According to numbers provided by The North Dakota Association of Counties (and sent to me unsolicited by an activist), in 2024, of the \$7,141,585 revenue brought in up until October 31st, 2024, \$606,465 of that was from "County Dues" - meaning

County Commissioners cut checks from your [primarily property] tax dollars to The North Dakota Association of Counties.

**North Dakota Association of Counties
Combined Statement of Revenues and Expenditures
for Period Ending October 31, 2024**

	2024 Actual Year-to-Date	2024 Budget	% of Budget
OPERATING REVENUES			
County Dues	606,465.00	727,750.00	83.3%
General Revenue	173,344.68	152,140.00	113.9%
Publication Services	42,789.97	47,700.00	89.7%
Conference/Workshop Services	237,881.10	236,630.00	100.5%
Cooperative Services	5,543,837.22	6,591,600.00	84.1%
Subsidiary Reimbursements	20,399.86	22,000.00	92.7%
Building Income	204,552.60	250,010.00	81.8%
DJS-Juvenile Justice Grant	312,315.48	500,000.00	62.5%
TOTAL OPERATING REVENUES	\$7,141,585.91	\$8,527,830.00	83.7%
OPERATING EXPENDITURES			
Salaries	1,673,748.13	2,051,540.00	81.6%
Overhead	668,616.78	845,870.00	79.0%
Travel	86,431.87	111,500.00	77.5%
Supplies	10,706.39	13,600.00	78.7%
Fees & Services	52,549.11	65,290.00	80.5%
Other Operating	39,277.56	53,080.00	74.0%
Building Operations Expense	280,716.73	361,640.00	77.6%
Legislative Services	11,613.68	19,600.00	59.3%
Publication Services	27,920.00	42,790.00	65.2%
Conference/Workshop Services	202,652.12	206,000.00	98.4%
Cooperative Services	3,408,517.52	4,416,950.00	77.2%
DJS Grant Pass Thru	312,315.48	500,000.00	62.5%
TOTAL EXPENDITURES	\$6,775,065.37	\$8,687,860.00	78.0%
EXCESS REVENUES OVER EXPEND.	\$366,520.54	(\$160,030.00)	
NONOPERATING REVENUES			
Variable Investment Income	\$685,489.04	\$261,000.00	262.6%

While the campaign finance report for the KIL-ND (Keep It Local ND) committee opposing Measure 4 did not receive cash from the North Dakota Association of Counties as of November 1st - their executive director Aaron Birst did travel the state for the Association of Counties campaigning against Measure 4. I'm not sure what his salary is, but if the Corrupt Practices Act were enforced to the fullest extent

of the spirit of the law, that would count as a “public resource” being used for campaigning and prohibited by the law.

However, other organizations funded with tax dollars did give cash directly to KIL-ND:

North Dakota League of Cities	410 E Front Ave Bismarck, ND 58504	09/13/24	\$20,000.00
North Dakota School Boards Association	1224 W Owens Ave Bismarck, ND 58501	08/29/24	\$35,000.00

The North Dakota League of Cities and The North Dakota School Boards Association are some heavy-hitters in the lobbying world. At \$20,000 for the League of Cities and \$35,000 for the School Boards Association, these are the easiest to declare as potential violators, if this were enforced.

None of these organizations are fully funded with tax dollars, but there is an old phrase that gets used a lot in government: “money is fungible” - meaning, once it is in a bank account you can’t separate which is which.

(Note: Other organizations like Chambers of Commerce also take some public money, but there is often a mix of grants and contracts to sort. The Greater North Dakota Chamber did contribute \$50,000 to KIL-ND. For the purposes of this article, I am not tallying those dollars, but they would be subject to enforcement if there was enforcement if the organization receives public grants or membership dues, but not contracts for services.)

A Legislator Stands Up To Take The Lead

Representative Nathan Toman (R-Mandan) has taken the lead in drafting the legislation needed to fix this problem.

16.1-10-02. Use of state or political subdivision services or property for political purposes - Ethics commission.

1. ~~No~~A person may not use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision ~~thereof~~of the state, for any political purpose.
2. ~~The following definitions must be used for the purposes of this section:~~The state or any agency, department, bureau, board, commission, or political subdivision may not use public funds to be a member of, contribute to, or endorse a private organization that has endorsed a candidate or publicly supported or opposed a ballot measure within the ten years immediately preceding the date of the contemplated use of public funds.
3. An individual holding public office may be held personally liable for violations of this section if the individual is performing an action outside the scope of the individual's official duties as an officeholder.
4. An individual alleging a violation under this section may file a complaint with the ethics commission as authorized under section 54-66-05. The procedures outlined in chapter 54-66 apply to a complaint filed under this subsection.

Sixty-ninth
Legislative Assembly

5. If the ethics commission believes a complaint contains allegations of criminal conduct, the commission shall refer the matter to the state's attorney of the county in which the alleged criminal conduct occurred.
6. Upon receiving a referral under subsection 5, the state's attorney shall prosecute the violation. If the state's attorney refuses to prosecute the action, the commission shall refer the matter to the attorney general for prosecution if authorized by a majority of commissioners of the commission. If the commission authorizes the attorney general to prosecute the action, the attorney general shall file the action with the supreme court. The supreme court shall exercise original jurisdiction and shall hear and rule on the case in the same manner as a criminal proceeding in a district court of this state.
7. As used in this section:



25

58.4KB · PDF file

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This bill does what was suggested above and back in October.

(Note to legislators wanting to sign on to this bill: the document code is 25.0592.01000 and the sponsor is Toman.)

While this is a straight forward bill to eliminate taxpayer-funded campaigning against measures, we've never fixed the issue of taxpayer-funded lobbying during the legislative session by the very organizations using the loophole to skirt the law against using public resources and fund for or against ballot measures. (This is likely something that will need to be address by citizens using a ballot measure. The odds of the legislature standing up to these powerful lobbying organizations are not high.)

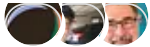
The pressure on legislators that want to fix these problems is immense, and lobbying organizations backed by taxpayer dollars essentially have bottomless pockets.

This is an issue and a challenge that needs to be tackled.

This will one of the North Dakota Watchdog Network's flagship bill for the 2025 session coming up.

I encourage any legislator that wishes to help support this to sign on and let Representative Toman know you've got his back!

Citizens: you can [contact your legislators by clicking here](#), and letting them know you support efforts to reduce taxpayer-funded campaigning, and taxpayer-funded lobbying!



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Marvin Nelson Dec 20

...

I will bet the Western Dakota Energy Association easily defeats any effort to limit using tax money to lobby.



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North Dakota Ethics Commission
House Bill 1141
Testimony presented by
Rebecca Binstock, Executive Director
Before the House Industry, Business, and Labor Committee
January 27, 2025

Good morning, Mr. Chair and Committee members, my name is Rebecca Binstock. I serve as the Executive Director of the North Dakota Ethics Commission.

North Dakota citizens created the Ethics Commission in 2018 by passing an initiated measure which created Article XIV of the North Dakota Constitution. The Ethics Commission, an independent constitutional entity, consists of five commissioners:

- Chair Dave Anderson (Bismarck)
- Vice-Chair Ward Koeser (Williston)
- Dr. Cynthia Lindquist (Grand Forks)
- Ron Goodman (Oakes)
- Murray Sagsveen (Bismarck)

HB 1141

House Bill 1141 amends N.D.C.C. § 16.1-10-02 to add a prohibition against “any agency, department, bureau, board, commission, or political subdivision” using public funds “to be a member of, contribute to, or endorse a private organization that has endorsed a candidate or publicly supported or opposed a ballot measure within the ten years immediately preceding the date of the contemplated use of public funds.” The Commission is neutral regarding this portion of the bill.

The Commission has suggestions regarding the terminology and procedures outlined in subsections 4, 5, and 6. The bill directs an individual can file a complaint with the Commission alleging a violation of the prohibited conduct. It then requires the Commission to participate in a criminal review of the complaint. However, the Commission worked with legislators to introduce a bill this session which moves away

from the current complaint process. The proposal removes the word “complaint” entirely and replaces the complaint process with an enforcement process. In its current form, this legislation impacts three goals of the proposed enforcement process.

Goal 1 The Commission aspires to remove the negative connotation associated with “filing a complaint.”

The filing of a complaint does not mean someone engaged in unethical conduct. However, the Commission recognizes the word “complaint” carries with it a negative connotation that someone did something wrong. One of the Commission’s primary concerns is removing the ability for political exploitation of its process. Removing the word “complaint” is the first step.

Goal 2 The Commission aspires to move away from mandatory criminal referrals.

Under the statute in place, when the Commission forms a belief a complaint contains allegations of criminal conduct, it must refer a complaint to law enforcement pursuant to N.D.C.C. § 54-66-08(2). The Commission cannot take action to close a complaint matter until the criminal referral and review has completed. These mandatory referrals extend the Commission’s timeline to review complaints and bog down the process. It also shifts the work to state’s attorneys for review, when in most instances the matters will not result in a prosecution. The Commission believes alleged ethics violations can be better addressed within the Commission’s civil realm. The new process will remove mandated criminal referrals.

The Commission is also not a criminal law enforcement agency. The Commission does not make decisions to prosecute individuals. Subsection 6 of this bill requires the Commission to review these matters as if it were a prosecutor. It is not—that is not the Commission’s role under the North Dakota Constitution. The Commission believes prosecutorial discretion must remain with the law enforcement agencies who criminally prosecute individuals, not the Commission.

Goal 3 The Commission’s new enforcement process has the ability to address these issues in an efficient way.

The new enforcement process will address concerns brought to the Commission through education first. The process will seek to correct these concerns proactively and make individuals under the Commission’s jurisdiction more confident navigating ethics requirements. In the rare cases of egregious conduct, the new enforcement process adds

additional layers of due process protections before a finding is made by the Commission, while removing needless roadblocks to resolution.

Recommendation to the Committee

If the legislature wishes, the Commission can review allegations of the conduct outlined in subsection 2 within the new enforcement process. If this bill moves forward, the Commission suggests removing subsections 4, 5, and 6. The Commission would further suggest replacing the removed language with language stating, "The ethics commission may assess a civil penalty for a violation of this section up to [insert a monetary amount as determined by the legislature.]"

Mr. Chair, that concludes my testimony, and I will gladly stand for any questions you may have.



NORTH DAKOTA PLANNING ASSOCIATION

Serving North Dakota since 1973

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January 27, 2025
 Committee Hearing: HB1141
 Industry, Business and Labor

Representative Warrey and Committee Members,

The North Dakota Planning Association respectfully requests a DO NOT PASS recommendation on House Bill 1141.

Mission

The mission statement describes NDPA's intentions and demonstrates how the organization is striving to fulfill its vision:

Vision

The vision statement summarizes the role and influence the NDPA will have in North Dakota as it strives to achieve its goals.

Value

The value statement reflects the values of the NDPA. The profession relies on the ethical principles espoused in the AICP Code of Ethics.

We educate individuals, legislators, and planning professionals on the importance of planning and contemporary planning best practices, partner with those with a passion toward community-based efforts in planning and related fields, and advocate for the future success of communities through good policy and plan-making.

To be the primary partnership for planning-related information and activities within the State of North Dakota which connects and supports a growing planning profession that is well respected in the state and fosters an understanding amid the general public on the planning issues within the state.

Working together according to the AICP Code of Ethics and Professional Conduct to effect good planning practice for all people of North Dakota.

The North Dakota Planning Association provides a place for an exchange of ideas, educational opportunities, legislative information, developing training opportunities and tackling the issues of the 21st century.

Our membership is diverse, with both

private planners working for consulting firms and public planners working for various jurisdictions throughout the state. We also have members who are interested individuals who care about good planning, as well as members of planning and zoning boards and city/county commissions. We aim to provide education AND advocate for best planning practices across the state. We cannot do one without the other, and we cannot do either without membership. Professional memberships are expensive, and typically are paid for by an individual's employer. That is the case for the majority of our membership.

House Bill 1141 would effectively require individuals to pay for their own memberships to our professional organization as well as our national accrediting organization, given that both have taken stances on several ballot measures in the last ten years. These require hefty fees for membership, and not being a member, particularly of our national organization, is not an option in order to maintain individual accreditation status. This requires individuals to maintain their own professional standards, and dismisses the overall positive effect that their accreditation and continuing education has on their employers- the cities and counties of North Dakota. This reduces planning knowledge, understanding of best practices, and ability to advocate for good planning. The only entities that lose in this situation are government entities, who will find themselves without professional, certified planners on staff.

Again, we respectfully request a DO NOT PASS decision on HB1141.

Thank you,

January 26, 2025

I am writing to you in opposition of HB 1141. As a librarian, I rely on training and networking opportunities provided to me through groups such as the North Dakota Library Association and Mountains and Plains Library Association, a regional association that includes North Dakota. Webinars, presentations and annual conferences provided by organizations such as these help me and other librarians improve the ways that we serve our patrons and communities. Conferences introduce us to book vendors, database providers, and state and local services that can help our patrons. Additionally, NDLA's conference provides school librarians one of their only opportunities to earn their required continuing education credits.

Because membership and conference fees can be expensive, some libraries will cover these costs for their staff. My library covers all NDLA fees, as well as conference fees for regional and national conferences if we are able to attend. Most of us bring our work laptops or tablets to conferences, and we all use them for webinars and meetings that occur during our regular work day. HB 1141 will severely limit the ability of North Dakota librarians to participate in professional development opportunities that can help their communities.

I urge you to oppose this bill.

Yours,

Rachel Kercher

HB 1141

Mr. Chairman and fellow Committee Members:

I am writing in support of the above House Bill.

I believe allowing this “loophole” in our ND Corrupt Practice Act needs to be closed.

Public entities should not be allowed to give taxpayer dollars to private organizations.

It is counterproductive to have our personal funds fight against a measure using our taxpayer funds, of which we have no say on paying them nor how they are used.

The rights of the citizens of ND should come before any taxpayer-funded lobbying.

Please vote DO PASS on HB1141.

Thank you.



PO Box 1091 • Bismarck, ND 58502
701-355-4458 • www.ednd.org

Testimony of Laura Lacher
Economic Development Association of North Dakota
In Opposition of HB 1141
January 27, 2025

Chair Warrey and members of the House Industry, Business and Labor Committee:

My name is Laura Lacher, executive director of the Economic Development Association of North Dakota (EDND) which represents more than 80 economic development organizations working to build vibrant communities and drive economic growth across our state. On behalf of our members, I am here to express our opposition to HB 1141.

While transparency and accountability in the use of public resources are principles we fully support, this bill raises significant concerns about unintended consequences. By restricting the use of public funds for participation in organizations that have taken positions on ballot measures or candidates within the past decade, this bill could severely hinder essential collaboration between public entities and private organizations. Partnerships for us with groups like North Dakota League of Cities, Greater North Dakota Chamber and Association of Counties are essential for addressing key challenges such as workforce development, infrastructure improvements, and economic diversification.

It is important to emphasize that organizations like EDND do not use public funds for political advocacy. Membership dues paid by public entities are used to provide education, training, networking, and resources that directly benefit members communities. These funds enable public entities to access valuable tools and best practices, navigate state and federal programs, and foster partnerships that address critical issues in the state.

By restricting public entities from participating in membership organizations, HB 1141 would sever essential connections and deprive communities of the resources that could help them succeed. Advocacy in the best interests of members is a vital function of organizations like EDND, but it is not funded by public dollars. Instead, public investments in membership are directed toward delivering measurable value and ensuring public entities are well-equipped to address complex issues.

This bill, if passed, would unnecessarily limit the tools available to cities, counties and other political subdivisions, ultimately making it harder to deliver meaningful economic progress. For these reasons, I urge the committee to issue a “Do Not Pass” recommendation on HB 1141.

Thank you for the opportunity to share our concerns. I am happy to answer any questions you may have.



Testimony of Brenda Nagel, President & CEO
Bismarck Mandan Chamber EDC
In Opposition of HB 1141
January 26, 2025

Representative Jonathan Warrey, Chair, and members of the Industry, Business and Labor Committee

Thank you for the opportunity to provide written testimony in opposition to HB 1141. The Bismarck Mandan Chamber EDC proudly represents over 1,200 business members in Bismarck Mandan, Burleigh and Morton County, including the cities of Bismarck, Mandan, Burleigh, and Morton County. When our members invest in the Bismarck Mandan Chamber EDC, it benefits them by providing networking and engagement opportunities through various events and committees. Our members benefit from local relationships that create opportunity and stimulate growth of their own business and other businesses in Bismarck and Mandan. We offer advocacy, business education, and function as a platform to address challenges that contribute to our thriving local business environment. Our workforce and economic development efforts directly benefit our members, including public entities, as we are focused on attracting a diverse workforce and businesses to help grow and sustain Bismarck and Mandan.

HB 1141 would prohibit our public entities from partnering with their local and state Chamber EDC entities. Every community that is thriving and moving business forward is connected to a Chamber of Commerce and/or Economic Development organization and this bill would be detrimental to the forward movement of business communities in Bismarck Mandan and North Dakota.

I respectfully urge a DO NOT PASS action on HB 1141.

Sincerely,

Brenda Nagel
President & CEO
Bismarck Mandan Chamber EDC

HB 1141 - In Opposition

January 26, 2025

Chairman and House Industry, Business, and Labor Committee Members,

I have significant concerns regarding HB 1141 and how its consequences will extend throughout numerous industries and communities. Below are my reasons for opposing this proposed bill.

- **This bill would function as Ex Post Facto legislation.** Not only is it morally questionable to punish individuals/groups/organizations for having partook in advocacy efforts in the past, but is also legally dubious. No just legislation would seek to retroactively punish anyone for exercising their right to participate in an activity which was previously legal.
- **The motivation behind this bill appears to be retaliatory in nature due to the widespread opposition to last year's, Measure 4, ballot initiative.** I believe that legislation written in anger or for revenge is not representative of the standards and values that we as North Dakotans hold sacred. Legislation must be for the betterment of citizens, not the silencing of them.
- **Numerous professional organizations will be impacted.** In what modern democracy could the sharing of a Facebook post or the writing of an op-ed, functionally be met with an immediate 10-year sentence without due process? Most cities could no longer support their local Chambers of Commerce, libraries could no longer send staff to NDLA sponsored conferences, and universities could no longer be able to partner with organizations such as the North Dakota Farmers Union, the North Dakota Petroleum Council, and countless other entities.

HB 1141 is unreasonable legislation that seeks to punish law abiding organizations for doing what they were created to do; advocate for the advancement and in the best interest of their members.

Thank you for your time and consideration.

Sincerely,

Dylan Gonser
2198 Knightsbridge Ct.
Grand Forks, ND 58201

Friday, January 24, 2025

Chairman Warrey and House Industry, Business, and Labor Committee Members,

Transparency in government is a cornerstone of our Century Code – as evidenced by our strong open record laws; and I applaud the desire to prevent public funds from being used for direct political gain. This bill, however, is far too broad in its scope to be supported and would be detrimental to many of our beloved associations and organizations.

As written, state agencies would no longer be able to fiscally support trade associations and organizations that have made a political statement about a bill – either in support or opposition – in the last 10 years regardless of intent or focus. These associations often play a vital role in our professions - providing workforce training, networking and collaboration opportunities, and building a sense of community. They are broadly seen as positive influences across the state and have broad public support.

In the case of the Library Association (the one I am most familiar with), school librarians receive continuing education credit by attending the annual conference - providing a vital service to our profession. If this bill were to pass, libraries would no longer be able to financially support sending staff and state agencies such as the State Library or the University System would be barred from sponsoring this local conference. Without that financial support, the conference would likely no longer be financially sustainable, leaving the state's school librarians with one less option in an already limited list of options to continue learning and best supporting our schools.

Furthermore, I question the '10 year lookback' clause as being unconstitutional; as trying to pass a law ex post facto. Article 1, Section 18 of the State Constitution states "No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed."

While I am no lawyer by any means – one could potentially see a free speech issue with the State effectively suppressing an association's voice by

assessing a penalty for ex post facto behaviors. This may or may not be the case, but I would anticipate lawsuits and legal friction if this bill were to pass as-is.

Larger organizations with far more members such as Chambers of Commerce, Farm Bureau, Farmer's Union, the League of Cities, and so many others would be in a similar situation as the library association where many attendees of their meetings and supporters are public sector workers and come from political subdivisions such as ag extension offices, city and state government, and public schools. I suspect finding their local associations having to limit their activity and potentially cease operations after decades of organization and good will in the communities they serve would not be a winning political stance.

I strongly urge you to reconsider this bill and voice your opposition to 1141.

Thank you for your time and consideration.

Concerned citizen and taxpayer.

Jason Bedsaul



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1141
Testimony of Amy De Kok
House Industry, Business & Labor Committee
January 27, 2025

Chairman Warrey and members of the House Industry, Business & Labor Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I proudly serve as the executive director for the North Dakota School Boards Association. NDSBA is a private nonprofit membership association that represents and supports public school districts and their governing school boards across the state of North Dakota. I am here to testify in opposition to HB 1141.

History and Mission of NDSBA

The North Dakota School Boards Association was created in 1967 to bring together school board members from all parts of the state and to stimulate their interest in matters pertaining to public schools, including their ongoing improvement. For the past 58 years, NDSBA's mission has been to support North Dakota school boards in their governance role through education, services, information, and legislative advocacy. The Association is governed by a seven-member board of directors (made up of local school board members) elected by delegates at our annual convention. The board includes a president, vice president, past president, and four regional directors.

Services Provided by NDSBA

NDSBA offers a wide range of services to its member schools, providing critical support that enhances governance, improves efficiency, helps ensure compliance with federal and state law and regulations, and strengthens advocacy efforts. Key services include:

- **Access to general guidance, assistance, and resources:** NDSBA expert staff provide daily guidance, assistance, and resources to board members and their administrative team (including superintendents, business managers, and principals) regarding day-to-day school district operations and related issues.
- **Board and Leadership Training:** NDSBA staff provide customized board training to meet the specific needs of individual boards and administrative teams. At the invitation of a school board, association staff travel to districts to deliver tailored training sessions. NDSBA also offers free

monthly webinars addressing frequently asked questions, popular topics, and timely issues. These sessions help board members and leadership teams deepen their understanding and sharpen their skills.

- **Business Manager Certification Program:** This Program is administered by NDSBA and the ND Association of School Business Managers and was established in 2013 thanks to a grant from the ND Legislature. The program provides business managers with in-depth training on statutory and regulatory requirements, school finance, data and records, and school business administration practices.
- **State-wide and Regional Professional Development and Events:** NDSBA provides its members and their administrative teams with a variety of training and networking opportunities, including the New Member Seminar, Law Seminar, Annual Convention, Negotiations Seminar, Nonrenewal and Discharge Sessions, Elections Training, and Threat Assessment Training.
- **Legislative Advocacy:** NDSBA represents school boards at the state level, testifying on education-related bills, tracking legislative issues, and keeping our members updated and informed on the important issues being discussed by the ND Legislature.
- **Legal Services Program:** School board members, superintendents, and business managers of member school districts utilize this service to obtain general legal information and resources on the numerous legal issues affecting their districts. NDSBA in-house attorneys provide general information and resources to member districts and their representatives about open meetings and open records, personnel matters, board procedure, negotiations, student discipline, staff evaluations, federal and state legal requirements applicable to schools, and when legal counsel should be hired.
- **Legal Direct Program:** In addition to general legal services, NDSBA in-house attorneys offer fee-based direct legal services at below-market rates for member school districts. School districts are often hesitant to retain private legal counsel even when recommended to do so due to the cost associated with private legal services. For these reasons, our members benefit greatly by having an option for discounted legal services available to them. NDSBA is in a unique position to provide this service to our members at below-market rates through our fee-based program, NDSBA Legal Direct.
- **Legal Services Affiliation:** NDSBA maintains relationships with attorneys specializing in school law, offering referrals and a list of affiliate attorneys for member districts.

- **NDUC Group Account:** Membership grants access to the North Dakota Unemployment Compensation Group Account, allowing districts to pool deposits and manage claims efficiently.
- **Policy Services:** Members gain access to over 600 legally reviewed policy templates and can opt for policy review, maintenance, and webhosting services. As of this fall, 187 school districts, special education units, and CTE units have enrolled in NDSBA's policy services program.
- **Superintendent Search:** NDSBA offers a fee-based service to assist districts in hiring a superintendent. These customized search services are tailored to meet the unique needs of individual districts and their communities.
- **Service Awards & Scholarships:** NDSBA annually recognizes and rewards local board members for their commitment to professional development and public service.

HB 1141 proposes to prohibit the state and any political subdivision from using public funds to be a member of, contribute to, or endorse a private organization that has endorsed a candidate or publicly supported or opposed a ballot measure within the last ten years. While we appreciate the intent to ensure transparency and accountability in the use of public funds, this bill raises significant concerns regarding its broad scope, unintended consequences, and the impact on the ability of public institutions, including school districts, to access essential resources and advocacy.

Impact on Public School Districts

Public school districts rely on membership associations like ours to provide essential services, professional development, and collective advocacy. We are uniquely positioned to represent the collective voice of educators and school boards, providing expertise and support in navigating complex educational policies, regulations, and funding issues. If HB 1141 were to pass, NDSBA would likely be forced to close its doors after 58 years of faithful service to public schools and public schools would no longer have access to the kinds of services we provide.

Restrictions on Advocacy and Collective Action

By prohibiting membership in any organization that has, within the past ten years, taken a position on candidates or ballot measures, HB 1141 would effectively disqualify many reputable and valuable organizations from partnering with public institutions. This restriction would:

- Severely limit access to professional associations that offer critical policy analysis and advocacy on behalf of public education and other matters of public concern.
- Undermine the collective ability of school boards to engage in discussions on legislative proposals and ballot measures that directly impact education funding, curriculum standards, and governance.

Unintended Consequences

I don't believe NDSBA has ever endorsed or publicly taken a position on any candidate running for elective office. NDSBA is a non-partisan and non-political organization. NDSBA has on very few occasions publicly weighed in on ballot measures over its 50 plus-year existence. In the past 7 ½ years that I've been employed with the Association, NSDBA has taken a position on a ballot measure only one time – Measure 4, which sought to eliminate local governments' ability to levy property taxes. Local property taxes are an important source of funding for K-12 public education in North Dakota (constituting just over 25% of K-12 revenue sources). NDSBA did not solicit or utilize any public funds in its efforts to respond to Measure 4 and its potential impacts.

Notwithstanding NDSBA's history with respect to ballot measures, the ten-year timeframe outlined in HB 1141 is excessively restrictive and does not account for the evolving nature of advocacy. Many organizations take policy positions or engage in ballot initiatives as part of their mission to advance public welfare. Preventing membership based on past activity would:

- Penalize organizations for their historical advocacy efforts, regardless of the relevance or context of those efforts to their current work.
- Create a chilling effect on civic engagement, discouraging organizations from taking principled stances on issues of public importance.

Potential for Legal Challenges

HB 1141 raises potential constitutional concerns related to free speech and the right to association. By restricting public institutions from associating with organizations based on their past advocacy, the bill could be subject to legal challenges under the First Amendment. The right to free speech protects not only the ability to express views but also the freedom to associate with others who share common interests and objectives. Courts have consistently held that government actions impeding such associations are subject to strict scrutiny.

Specifically, public institutions and their representatives, such as school boards, have a vested interest in affiliating with organizations that advocate on their behalf to promote sound educational policies. Preventing membership or collaboration based on prior advocacy positions would:

- **Infringe upon the protected right to association** by limiting the ability of public entities to collaborate with expert organizations.
- **Impair free speech rights** by penalizing organizations for exercising their right to participate in public discourse.

Given these potential conflicts with constitutional protections, HB 1141 is likely to face significant legal challenges, which would be costly and time-consuming for the state.

In closing, I strongly urge the committee to reject HB 1141 and issue a DO NOT PASS recommendation. The bill's broad prohibitions would disrupt valuable partnerships between public entities and nonprofit organizations, hinder access to critical resources and advocacy, and raise serious constitutional questions. We respectfully request that the legislature explore more balanced approaches to transparency and accountability that do not jeopardize the important work of associations supporting public education and other important public services.

Thank you for considering my testimony. I am happy to answer any questions the committee may have.



1 HB 1141 – Strong Opposition

2 Members of the House Industry Business and Labor Committee

3 We are writing to express our strong opposition to House Bill 1141, which seeks to amend
4 section 16.1-10-02 of the North Dakota Century Code regarding the use of public services or
5 property for political purposes.

6 The overwhelming majority of our legislators have recognized and expressed gratitude for the
7 efforts of the 100+ organizations that united to oppose Measure 4. These organizations played a
8 critical role in ensuring that the management and allocation of revenue remained within the
9 legislative process, allowing for this esteemed body to devise responsible and strategic plans for
10 our state's future. This bill threatens to dismantle the very organizations that stood in unwavering
11 support of the legislature and our shared commitment to prudent governance.

12 It is important to recognize that many of the organizations that supported this legislative body are
13 deeply intertwined with our communities. They serve our citizens through various mechanisms,
14 whether via membership through employment contracts, professional development programs,
15 business representation needs, or services funded in part by state dollars. HB 1141 would have a
16 far-reaching and detrimental impact on these organizations, jeopardizing their ability to serve
17 their members and communities effectively.

18 By prohibiting state agencies, departments, and political subdivisions from using public funds to
19 be a member of, contribute to, or purchase goods or services from organizations that have taken a
20 position on candidates or ballot measures within the past ten years, HB 1141 introduces an
21 unreasonably restrictive and punitive measure. This approach effectively punishes organizations
22 for their advocacy and support of legislative processes, stifling the essential dialogue and
23 collaboration that strengthens our state's democratic institutions.

24 We urge you to consider the profound consequences this bill would impose on organizations that
25 have been steadfast allies in maintaining fiscal responsibility and upholding the legislative
26 process. These organizations are invaluable partners in ensuring informed decision-making,
27 providing professional development, and advocating for the best interests of our citizens. HB
28 1141, if enacted, would undermine their ability to continue their critical work and weaken the
29 very fabric of our collective efforts to serve the people of North Dakota.

30 In closing, we respectfully request that you oppose HB 1141 and instead focus on fostering
31 partnerships that empower, rather than dismantle, the institutions that have stood by the
32 legislature in pursuit of a better future for all North Dakotans.



Letter of Opposition – HB 1141

Monday, January 27, 2025

Chairman Warrey and members of the House Industry, Business, and Labor Committee,

For the record, my name is Cale Dunwoody, and I have the distinct pleasure of serving as the Vice President of Public Policy for the Fargo Moorhead West Fargo Chamber of Commerce (FMWF Chamber). On behalf of our over 1,700 members, I respectfully offer testimony in opposition to House Bill 1141.

At the FMWF Chamber, our mission is to protect and promote business, inspire individuals, cultivate communities, and influence action. This legislation unjustly limits the ability of organizations, like Chambers of Commerce and trade associations, across North Dakota to serve their membership and community. These essential organizations are uniquely positioned to serve as a collective voice for their area businesses, communities, and residents – establishing and offering programs to address challenges and enhance opportunity.

This legislation places necessary funding for these organizations in jeopardy and reduces their ability work to address the unique needs of their community. For example, the FMWF Chamber strategically utilizes federal, state, and local funding to establish community initiatives that address our region's critical workforce challenges. These public dollars are often matched by private investments to support this critical work. Our workforce and talent initiatives strengthen the FMWF region's workforce ecosystem by activating community partners to engage in innovative approaches, such as recruitment, acclimation, development, retention. The use of these public dollars is dedicated to these initiatives and is closely monitored by federal, state, and local government agencies through thorough application processes, frequent reporting requirements, and meticulous oversight.

While the FMWF Chamber monitors election activities and takes strategic actions, such as publicly supporting and opposing measures that appear on state and local ballots, to represent the interests of the business community – we DO NOT use public dollars to support these election engagements. Additionally, The FMWF Chamber does not endorse candidates for public office nor contributes to individual candidates' campaigns. Furthermore, the election actions of the FMWF are solely supported by private investment and sponsorship from our private, local businesses.

If passed, this bill could dramatically impact the vital work of community organizations across the state and prohibit their ability to apply for state and local granting opportunities or partner with public entities, to develop and expand community initiatives. The FMWF Chamber strongly opposes House Bill 1141 and would urge this committee to give this bill a DO NOT PASS recommendation.

Thank you for your attention to this matter and your commitment to North Dakota.

Sincerely,

Cale Dunwoody
Vice President of Public Policy
Fargo Moorhead West Fargo Chamber of Commerce

January 26, 2025

To Representative Warrey and the other members of the House Committee of Industry, Business and Labor,

My name is Rachel Waldo, and I am a Teen and Young Adult Services Librarian in the state of North Dakota. I am writing to you today to urge your firm opposition to House Bill No. 1141.

As a librarian in North Dakota, I have been privileged with the opportunity to join the professional organization of the North Dakota Library Association. This has been a game-changer for me in my career in the field of librarianship. The digital committee meetings and annual conference provide amazing opportunities to network, share tips, and refocus on what really matters as a librarian: your patrons.

HB 1141 would make it so my employer could not pay for this amazing opportunity I didn't even know existed. I don't know if I would have prioritized joining a professional organization when I first became a librarian. I wouldn't have known the opportunities I was giving up. This is the case for many young professionals across North Dakota, beyond just the field of librarianship.

Finally, I urge you to consider the harm this has on professional organizations. From those who can't afford membership in organizations they'd like to be a part of, to those who don't know the organization's value, membership in these organizations will be hurt. This is especially problematic in a state as spread out as we are here in rural North Dakota.

I ask you, why is this necessary? Don't we want those most qualified to weigh in on their profession to provide testimony to lawmakers when they are debating bills which would affect them? When debating libraries, does it not behove you to ask a librarian? What better than a focus group of local librarians that can speak with one voice to more concisely give testimony on politically relevant topics?

I thank you all for considering my testimony, and I strongly urge you to oppose HB 1141 for the sake of all of the young professionals of North Dakota.

Sincerely,

Rachel Waldo



GREATER NORTH DAKOTA CHAMBER
HB 1141
House Industry Business & Labor Committee
Chair Jonathan Warrey
January 27, 2025

Mr. Chairman and members of the Committee, my name is Arik Spencer, the President and CEO of the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **opposition** to House Bill 1141.

Our concerns with HB 1141 relate primarily to the vagueness of certain terms used in the bill and the potential for unexpected consequences. For example, on page one, line 14, what do the terms contribute and private organization mean? For example, does the term private organization include a newspaper that may be paid to print public notices or a local chamber of commerce that has a contract with the Department of Transportation to offer motor vehicle registrations locally?

We also wonder what contribute means. Does it include a trade association receiving a safety training grant from Workforce Safety and Insurance to provide industry-specific safety training or a local chamber of commerce that receives a regional workforce grant from the Department of Commerce to address their community's specific workforce needs? Even thinking about the Greater North Dakota Chamber, we've received grants from the Secretary of State to educate business owners about their workers' ability to vote during the pandemic. Would this be prohibited?

Further, the 10-year look back in HB 1141 seems unreasonable, as it penalizes private organizations for legal political speech that has taken place in the past rather than setting a clear regulatory structure for transactions and contracts that may be entered into in the future.

For these reasons, we urge a DO NOT PASS on HB 1141.

Support for HB 1141. I am writing to encourage support for HB 1141.

To be brief, I support anything we can and should do to limit the use of taxpayer funds or resources to encourage support or opposition of any legislative position or ballot measure. Taxpayer use of funds should be allowed for only informational purposes and not for hypothetical situations or conclusions.

There can be extreme conflicts of interest when taxpayer funded organizations, and their employees and resources are used to lobby for support or opposition on legislation or measures.

I have served on a school board as well as currently serving as county commissioner. I also have been involved as a private constituent in these issues. I have supported bond measures of both. I have stated opposition to such measures as well. I have made those efforts with my personal time, funds, transportation and equipment. There were members from the public that got involved and supported and opposed measures in the same way. Those efforts were Not taxpayer funded! It works better that way, I believe, it also serves to remove most of the conflicts of interest.

John Fjeldahl

301 254th St SW

Berthold, N.Dak.

701 720 1634

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1141
2/12/2025

A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code, relating to using public services or property for a political purpose.

10:25 a.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, Brown, Finley-DeVille, Grindberg, Johnson, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative Christy

Discussion Topics:

- Voting in schools
- Caucuses in schools

10:46 a.m. Representative D. Ruby moved Adopt Amendment LC #25.0592.01001, #37375.

10:46 a.m. Representative Koppelman seconded the motion.

Voice vote.

Motion passed.

10:48 a.m. Representative Koppelman moved Do Pass as amended.

10:49 a.m. Representative D. Ruby seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	N
Representative Mitch Ostlie	N
Representative Landon Bahl	N
Representative Collette Brown	AB
Representative Josh Christy	AB
Representative Lisa Finley-DeVille	AB
Representative Karen Grindberg	N
Representative Jorin Johnson	N
Representative Jim Kasper	N
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	N
Representative Daniel R. Vollmer	N

Motion failed 3-8-3.

10:55 a.m. Representative Schauer moved Do Not Pass as amended.

10:55 a.m. Representative Grindberg seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Landon Bahl	Y
Representative Collette Brown	AB
Representative Josh Christy	AB
Representative Lisa Finley-DeVile	AB
Representative Karen Grindberg	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	N
Representative Dan Ruby	N
Representative Mike Schatz	N
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

Motion passed 8-3-3.

10:56 a.m. Representative Bahl will carry the bill.

10:56 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

February 12, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1141

Introduced by

Representatives Toman, Hendrix, Holle, D. Johnston, Rohr, Frelich, Morton

Senators Boehm, Paulson, Magrum

- 1 A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code,
2 relating to using public services or property for a political purpose.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1. AMENDMENT.** Section 16.1-10-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-10-02. Use of state or political subdivision services or property for political**
7 **purposes - Ethics commission.**

- 8 1. ~~No~~A person may not use any property belonging to or leased by, or any service which
9 is provided to or carried on by, either directly or by contract, the state or any agency,
10 department, bureau, board, commission, or political subdivision ~~thereof the state~~, for
11 any political purpose.
- 12 2. ~~The following definitions must be used for the purposes of this section:~~The state or
13 any agency, department, bureau, board, commission, or political subdivision may not
14 use public funds to be a member of, contribute to, or endorse aAn individual or private
15 organization that has endorsed a candidate or publicly supported or opposed a ballot
16 measure within the ten years immediately preceding the date of the contemplatedmay
17 not use of public funds collected from a political subdivision or an agency or
18 department of the state to, directly or indirectly, endorse or oppose a candidate for
19 elective office, or a ballot measure.

Aug 2013

3. ~~An individual holding public office may be held personally liable for violations of this section if the individual is performing an action outside the scope of the individual's official duties as an officeholder.~~

4. ~~An individual alleging a violation under this section may file a complaint with the~~The ethics commission ~~as authorized under section 54-66-05. The procedures outlined in chapter 54-66 apply to a complaint filed~~may investigate an alleged violation under this subsection and may assess a civil penalty of up to five hundred dollars against an individual or private organization for a violation of this section.

5. ~~If the ethics commission believes a complaint contains allegations of criminal conduct, the commission shall refer the matter to the state's attorney of the county in which the alleged criminal conduct occurred.~~

6. ~~Upon receiving a referral under subsection 5, the state's attorney shall prosecute the violation. If the state's attorney refuses to prosecute the action, the commission shall refer the matter to the attorney general for prosecution if authorized by a majority of commissioners of the commission. If the commission authorizes the attorney general to prosecute the action, the attorney general shall file the action with the supreme court. The supreme court shall exercise original jurisdiction and shall hear and rule on the case in the same manner as a criminal proceeding in a district court of this state.~~

7.4. As used in this section:

- a. "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of public office or a position taken in any bona fide news story,

1 commentary, or editorial. Factual information may be presented regarding a ballot
2 question solely for the purpose of educating voters if the information does not
3 advocate for or against or otherwise reflect a position on the adoption or rejection
4 of the ballot question.

5 b. "Property" includes motor vehicles, telephones, typewriters, adding machines,
6 postage or postage meters, funds of money, and buildings. However, nothing in
7 this section may be construed to prohibit any candidate, political party,
8 committee, or organization from using any public building for such political
9 meetings as may be required by law, or to prohibit such candidate, party,
10 committee, or organization from hiring the use of any public building for any
11 political purpose if such lease or hiring is otherwise permitted by law.

12 c. "Public funds" means funds received by a political subdivision or an agency or
13 department of the state through taxation, appropriation, fees, grants, or other
14 revenue sources, which are used to pay dues or contributions to a private
15 organization.

16 d. "Services" includes the use of employees during regular working hours for which
17 such employees have not taken annual or sick leave or other compensatory
18 leave.

**REPORT OF STANDING COMMITTEE
HB 1141**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **AMENDMENTS** ([25.0592.01001](#)) and when so amended, recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Ethics Commission Proposed Amendments – 2/11/2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
HOUSE BILL NO. 1141**

Introduced by

Representatives Toman, Hendrix, Holle, D. Johnston, Rohr, Frelich, Morton

Senators Boehm, Paulson, Magrum

1 A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code,
2 relating to using public services or property for a political purpose.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 16.1-10-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **16.1-10-02. Use of state or political subdivision services or property for political**
7 **purposes - Ethics commission.**

8 1. ~~No~~A person may not use any property belonging to or leased by, or any service which
9 is provided to or carried on by, either directly or by contract, the state or any agency,
10 department, bureau, board, commission, or political subdivision ~~thereof~~of the state, for
11 any political purpose.

12 2. ~~The following definitions must be used for the purposes of this section:~~The state or
13 any agency, department, bureau, board, commission, or political subdivision may not
14 use public funds to be a member of, contribute to, or endorse a private organization
15 that has endorsed a candidate or publicly supported or opposed a ballot measure
16 within the ten years immediately preceding the date of the contemplated use of public
17 funds.

18 An individual or private organization may not use public funds collected from a
19 political subdivision or any agency or department of the state to, directly or indirectly,
20 endorse or oppose a candidate for elective office or a ballot measure.

21 ~~3.~~ An individual holding public office may be held personally liable for violations of this
22 section if the individual is performing an action outside the scope of the individual's
23 official duties as an officeholder.

24 ~~4.3.~~ An individual alleging a violation under this section may file a complaint with the ethics

~~commission as authorized under section 54-66-05. The procedures outlined in chapter 54-66 apply to a complaint filed under this subsection.~~

The ethics commission may investigate an alleged violation under this section and may assess a civil penalty for a violation of this section up to [insert a monetary amount as determined by the legislature.]

~~5. If the ethics commission believes a complaint contains allegations of criminal conduct, the commission shall refer the matter to the state's attorney of the county in which the alleged criminal conduct occurred.~~

~~6. Upon receiving a referral under subsection 5, the state's attorney shall prosecute the violation. If the state's attorney refuses to prosecute the action, the commission shall refer the matter to the attorney general for prosecution if authorized by a majority of commissioners of the commission. If the commission authorizes the attorney general to prosecute the action, the attorney general shall file the action with the supreme court. The supreme court shall exercise original jurisdiction and shall hear and rule on the case in the same manner as a criminal proceeding in a district court of this state.~~

7. As used in this section:

- a. "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of public office or a position taken in any bona fide news story, commentary, or editorial. Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the ballot question.
- b. "Property" includes motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in

1 this section may be construed to prohibit any candidate, political party, committee,
2 or organization from using any public building for such political meetings as may be
3 required by law, or to prohibit such candidate, party, committee, or organization from
4 hiring the use of any public building for any political purpose if such lease or hiring is
5 otherwise permitted by law.

6 c. "Public funds" means funds received by a political subdivision or an agency or
7 department of the state through taxation, appropriation, fees, grants, or other
8 revenue sources, which are used to pay dues or contributions to a private
9 organization.

10 ~~e.d.~~ "Services" includes the use of employees during regular working hours for which
11 such employees have not taken annual or sick leave or other compensatory
12 leave.

13 **SECTION 2. AMENDMENT.** Section 16.1-10-08 of the North Dakota Century Code is

14 amended and reenacted as follows:

15 **16.1-10-08. Penalty for violation of chapter.**

16 Any person violating any provision of this chapter, for which another criminal penalty is not
17 specifically provided, is guilty of a class A misdemeanor.