

2025 HOUSE POLITICAL SUBDIVISIONS

HB 1513

2025 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1513
2/6/2025

A BILL for an Act to amend and reenact section 40-29-03 of the North Dakota Century Code, relating to the notice to construct, rebuild, or repair sidewalks.

4:03 p.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

Discussion Topics:

- Penalties for not repairing sidewalks
- Time frame for sidewalk repair payments
- Number of licensed contractors in Bismarck

4:03 p.m. Representative Lori VanWinkle, North Dakota Representative for District 3, introduced the bill.

4:11 p.m. Micah Olson, Attorney at North Dakota Protection & Advocacy Project, testified in favor and provided testimony #33836.

4:14 p.m. Harold Steward, Manager for the city of Minot, testified in opposition.

4:23 p.m. Jason Tomanek, Administrator for the city of Bismarck, testified in opposition.

4:29 p.m. Bill Wocken, North Dakota League of Cities, testified in opposition.

4:34 p.m. Harold Stewart, City Manager for the City of Minot, answered committee questions.

Additional written testimony:

Douglas Thomas, Minot, North Dakota, submitted testimony in favor #35835

Amber Shea, Minot, North Dakota, submitted testimony in favor #35987

Gabe Schell, City Engineer for the City of Bismarck, submitted testimony in opposition #35428

Lance Meyer, City Engineer for the City of Minot, submitted testimony in opposition #35752

4:35 p.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



House Political Subdivisions Committee

House Bill 1513 - February 6, 2025

Testimony of Micah Olson, P&A Position-In Support

My name is Micah Olson. I am an attorney at Protection & Advocacy. I am speaking in support of House Bill No. 1513, relating to the notice to construct, rebuild, or replace sidewalks.

Protection & Advocacy supports requiring sidewalks to be in satisfactory condition. Well-maintained sidewalks are important for all pedestrians, and are essential for disabled individuals, who may be at a greater risk of injury or damage to their assistive devices. Damaged or uneven sidewalks often make them inaccessible and unusable.

Newly constructed or repaired sidewalks need to comply with the Americans with Disabilities Act (ADA). Ensuring communities in North Dakota have safe and accessible sidewalks allows all individuals the ability to fully participate in their communities.

P&A recommends do pass on House Bill 1513.



House Political Subdivisions

HB1513

Thursday February 6, 2025

Representative Donald W. Longmuir, Chair

Summary of Points:

- The City of Bismarck **opposes** the proposed change in time granted to the property owner to construct, rebuild, or repair sidewalks to be not fewer than two years and six months from the date of notice.
- The City of Bismarck does not oppose other elements of the bill.

My name is Gabe Schell, and I am the City Engineer for the City of Bismarck. On behalf of the City of Bismarck, I am providing testimony in opposition to HB1513 and respectfully request a **“Do Not Pass”** recommendation.

The City of Bismarck utilizes the powers granted to municipalities to require the adjacent property owner to construct, rebuild or repair sidewalks. The majority of the repaired sidewalks are hazardous sidewalks identified by the public. These hazards reflect a potential risk to the public or have already damaged or injured the public through a documented trip/fall incident. When reported, the City of Bismarck reviews the area of concern and reports the hazard and the duty to repair the sidewalk to the property owner. Many of these repairs are performed under an annual contract the City lets which allows the property owner the option to special assess the repair against the property. The property owner is also afforded the opportunity to have the sidewalk repaired by a licensed and bonded contractor and pay the contractor directly.

While the majority of the proposed changes are clerical in nature, the proposed requirement to provide not less than two years and six months from the time a notice is given to when the sidewalk needs to be constructed, rebuilt, or repaired would have a detrimental impact to public which relies on a safe sidewalk network for their transportation. This delay in construction would especially burden those of the public that have a physical disability that requires them to use a wheel chair or another mobility device. A sidewalk that is not compliant with Americans with Disabilities Act (ADA) requirements can result in extremely long detours to find an ADA compliant route.

In the instance of a rebuilt or repaired sidewalk, the adjacent property owner can still be found liable if an injury is sustained as a result of a hazardous sidewalk. A delay in repairing after notice is given can be detrimental to the property owner. A municipality could potentially be held civilly liable for damages during the two and a half year period. Two and a half years is far too long to expect sidewalk users to avoid or detour around the hazard.

The City of Bismarck currently provides notice to the property owner of the requirement to construct, rebuild or repair a sidewalk within the current construction season but provides extensions to the subsequent construction season if the landowner requests.

Again, we respectfully request a “**Do Not Pass**” recommendation on HB1513. Any questions can be directed to me at 701-355-1505 or gschell@bismarcknd.gov

Respectfully,

Gabe Schell

Gabe Schell, City Engineer



North Dakota House Political Subdivisions Committee

Chairman – Donald W. Longmuir

February 6, 2025

Testimony: Lance Meyer, PE, CFM

City Engineer

Email: lance.meyer@minotnd.gov

Phone: 701-857-4100

House Bill 1513 Urging a “Do Not Pass” Recommendation

As the city engineer of Minot, I am writing to express my **opposition** to HB 1513 (Relating to the notice to construct, rebuild or repair sidewalks).

In Minot, our sidewalk repair program operates on a complaint-driven basis. When issues are reported by residents, our staff investigates to determine whether the sidewalk constitutes a safety hazard. If the sidewalk is found to be a tripping hazard, a notice to repair is issued to the property owner, in line with the requirements outlined in the North Dakota Century Code (NDCC). At that point, the property owner is provided with 30 days to contact our office with a plan for either performing the repair with a contractor or hiring the city to carry it out. If a property owner requires additional time for unforeseen circumstances, we are flexible and work with them to grant a reasonable extension.

This process prioritizes public safety, as the majority of complaints stem from sidewalks that have shifted, creating a tripping hazard. Without timely repair, these hazards can lead to serious injuries. This brings me to the crux of my concern with HB 1513. The proposed language change in lines 17 and 18, which would extend the required time for repair to "may not be fewer than two years and six months from the date of the notice," significantly undermines public safety.

In a vibrant, pedestrian-friendly neighborhood filled with young children riding bikes, scooters, and other wheeled devices, 30 months is far too long to wait for the repair of a safety hazard. This extended timeframe will only increase the risk of accidents, potentially leading to injuries that could have been prevented with a more timely response. In the City's 2021 and 2023 Community Satisfaction Survey, "Overall Maintenance of Streets/Sidewalks" was the highest priority of our residents. Passing this bill will prevent the city from fulfilling this mandate by our residents. Furthermore, if the proposed change is enacted, who will the residents hold accountable for the delay in repairs and the resulting injuries? With the city's hands tied for three construction seasons, the blame will likely fall on the city, even though we would be unable to take action due to legislative restrictions.

For these reasons, I strongly urge you to reconsider HB 1513 in its current form. The safety of our residents should always be the top priority, and allowing hazardous sidewalks to remain unaddressed for such an extended period of time is a significant risk we cannot afford to take.

For these reasons, I strongly urge your committee to recommend a **“do not pass”** on HB 1513, and I thank you for your consideration and for your service to our State.

Sincerely,

Lance Meyer, PE, CFM
City Engineer

Cc: Harold Stewart, City Manager
Shane Goettle, Special Assistant City Attorney
Matt Gardner, North Dakota League of Cities

Dear members of the house political subdivision members, I thank you for taking time to hear my testimony. My name is Doug I live in Minot with my wife and 5 kids. I am testifying in favor of this bill due to an experience a couple of years ago when the city of Minot sent me a letter to fix my sidewalk. We got the letter in mid June and were informed of the deadline to have the new sidewalk in by July 17th, which was just a month out. If we wouldn't had the sidewalk fixed by the deadline the city would have fixed it and levied the amount against us. I was appalled with such short notice due to being a one income family, were suppose to go on a summer vacation to see my grandma but had to cancel because that money had to go to fix the sidewalk. And to top that off we only had a short list of contractors from the city that can do job. In my opinion this would give homeowners a better chance to come up with the money and resources to fix the sidewalks when the cities require them to.

Thank you for allowing me to testify today.

Amber Shea
Minot, ND
Cavan.Amber.Shea@gmail.com
02.06.2025

Dear Members of the House and Political Subdivision Members,

I am writing to express my strong support for House Bill No. 1513 which would require municipalities to provide adequate notice to homeowners before mandating sidewalk repairs adjacent to their properties. This measure is a necessary step toward ensuring fairness and financial preparedness for affected residents.

Currently, homeowners in many municipalities bear the financial responsibility for maintaining sidewalks adjacent to their properties. While this requirement is well-established, the lack of adequate notice places an undue burden on residents, many of whom are unprepared for the significant financial impact of sudden repair costs. A recent experience involving a friend of mine underscored this issue. They were given less than 60 days to replace a section of sidewalk in front of their home, leaving them little time to secure the necessary funds. This situation is not unique and can create financial hardship for many homeowners, particularly those on fixed incomes or with limited savings.

The proposed legislation would introduce a reasonable and necessary safeguard by ensuring that homeowners receive ample notice before being required to complete costly repairs. Providing homeowners with an extended notification period allows them the time to budget, explore financing options, and seek potential assistance programs if needed. This common-sense measure would promote financial stability while still upholding the responsibility of maintaining safe sidewalks for public use.

I urge you to support this legislation and advocate for its passage. Ensuring transparency and adequate notice for residents facing costly sidewalk repairs is not only fair but also fosters a more cooperative and equitable approach to infrastructure maintenance.

Thank you for your time and consideration. I appreciate your leadership on this issue and look forward to seeing progress on this important matter.

Sincerely,

Amber Shea

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Political Subdivisions Committee Room JW327B, State Capitol

HB 1513
2/13/2025

A BILL for an Act to amend and reenact section 40-29-03 of the North Dakota Century Code, relating to the notice to construct, rebuild, or repair sidewalks.

9:36 a.m. Chairman Longmuir opened the hearing.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie

Members Absent: Representatives Davis, Toman, Warrey

Discussion Topics:

- Committee Action

9:36 a.m. Representative Klemin moved a Do Not Pass.

9:36 a.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	A
Representative Jonathan Warrey	A

9:39 a.m. Motion passed 10-0-3

9:40 a.m. Representative Bolinske will carry the bill.

9:40 a.m. Unanimous decision to be placed on the Consent Calendar.

9:40 a.m. Chairman Longmuir closed the hearing.

Wyatt Armstrong, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1513 ([25.1006.01000](#))

Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1513 was placed on the Tenth order on the calendar.