

2011 HOUSE POLITICAL SUBDIVISIONS

HB 1105

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1105
January 6, 2011
12620

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to lists of ND state university publications furnished to county auditors.

*See Testimony 1 and
Example 2,*

Minutes:

Chairman Johnson: Opened the hearing on HB 1105.

Duane Hauck, Director of NDSU Extension Service: Here to speak in support of 1105. This bill was brought forward by NDSU legal counsel mainly has a housekeeping request. Section 15-12-11 which this bill asked to be repealed basically asked for the NDSU Agriculture to furnish each county auditor with a list of publications that we have available through NDSU Extension. With the advent of internet and our websites and with a listing of our publications on an ongoing basis we quite frankly has not been doing this for quite some time; simply pointing to the website so we are here testifying in support of this bill. This was put in place back in about 1910 or 1914 so it has been around for a long time. Back then it was a key need. In today's environment we do not need written publications because it is readily available on line.

Rep. Koppelman: I understand the desire to modernize the references here, but I am curious is there anything in code or practice to make sure you maintain that link and make sure they are aware of what services you offer. At least an annual update.

Duane Hauck: The NDSU has a very strong connection to county governments, especially through the county commissioners. The funding that is provided is a 50-50 partnership between county government and NDSU Extension. There is an annual reporting process that we do with the county commission in the form of staff evaluation process of our county extension agents that our county commissioners are always involved in. Speaking specifically to your point, back some years ago Section 15-12-12 was put in response to that and that section requires the extension service and the county to publish a quarterly add in the official county newspaper four times a year. The ads are paid ads with two of those paid by NDSU and two paid by the county. We think it could be repealed because it is something that is not needed and has not been necessary for a long time. NDSU has one

of the strongest that you will find in the upper Midwest. Not only because of the fiscal partnership that we have for supporting the Extension Service in this state but because of the high value and support that local citizens place on the ground level work that goes on through cooperative extension. Money in the counties is short across the state so there are counties so they put a mill levy in place with a vote of the people and they both passed with almost a 60% vote and we look at that as an ongoing indication of the kind of local grass roots support there is for this type of work that goes on through County Extension.

Terry Traynor, Association of Counties: Spoke in support of the bill. (See attached Testimony #1). I do want to say the relationship with NDSU and the Extension Service is very good. I think it has only gotten better in the years that I have been around. I also want to ask your consideration for an amendment to the bill that Rep. Koppelman brought up and that Mr. Hauck stated. I think the need for this is not as great as it use to be since we are moving into the age of electronic so the demand is not as great as it use to be but it is a mandate in state law on local government to publish this. It seems a little ironic that the subject of this notice was controlling spending. It costs the state and county together about \$35,000 a year to public this. OMB establishes rates for these things and it is about \$700 per year per county to do this. We want to bring this to the committees attention and ask that you consider maybe removing that and maybe making that twice a year; reducing the cost, but we certainly think since this is a topic of discussion before you committee it is worth consideration at this time. (See attachment #2)

Rep. Koppelman: I understand your concern and objective to try and limit spending and expenses. How would you as representing our states counties propose that both the counties maintain that close tie that has been discussed because that is a matter of public policy and I think the legislature wants to preserve; how would you recommend we maintain that in this day and age with modern technology and how would you recommend we maintain that tie with the public.

Terry Traynor: Counties and NDSU have a very close relationship. Counties provide the space, heat and lights for the Extension Service and pay 50% of the Extension Agents salary; there are other costs that go back and forth. The role of extension has certainly expanded. They talk about spending, personal finance and Ag finance as well as home economic issues, cattle and sheep specialist; it is a wealth of information. I think it is important to bring this forward since we are spending county tax dollars to publish this and as we move into the future, is that something that you want to continue to mandate.

Rep. Klemin: Looking at the statue you want to repeal and comparing to the example; doesn't seem like this add really described the free publications available from the Cooperative Extension Service and there is nothing in this add that has any description that I can see about the free publications that are available. If we don't have this statue I am not so sure that the information will be out there and they don't know the questions to ask because it didn't occur to them. If we don't have this add how we are going to let people know that there is such a thing as the County Extension Service and it does have publications available. We can't just leave it up to people to know how to Google to how to find out how to get that information. What are we going to do instead if we don't have this?

Terry Traynor: My kids Google and that is how they do it. I think that is the next several generations are going to get the information. We just wanted to bring it to your attention and that is what is out there and the state law now requires this.

Rep. Klemin: Maybe the ad should say Google.

Terry Traynor: You notice on the ad they do say www.ag@ndsu so that is where they are directing us.

Rep. Heilman: Maybe in this section if it allowed for more flexibility and how you could use this requirement to advertise certain things maybe it would allow for more flexibility and media and something like that. Is that something you think would be beneficial? Maybe it just needs to be updated with what is available today.

Terry Traynor: That is certainly sounds like a good idea.

Rep. Mock: Is it \$37,000 a year or \$37,000 a quarter?

Terry Traynor: This is a year. It is \$700 a year per county.

Kevin Glatt, Burleigh County Auditor/Treasurer: I support the bill along with the amendment to repeal 15-12-12. With the advent of internet, facebook, twitter, it is not needed in my opinion. I received a bill for this ad and it seemed so ironic when counties are looked at and political subdivisions are looked at to save money here is an ad that is so expensive and it is not needed and the counties feel it is not necessary. Mentioned again the younger people go to the internet.

Rep. Mock: Would this be printed in the public notice? Counties already have to publish notices would this eliminate and added cost?

Kevin Glatt: In our case of Burleigh County and most; most counties with websites could work with it through NDSU Extension Service. In our website we also have a facebook and twitter there too. I don't twitter or Google; I read the newspaper at least once a day.

Rep. Koppelman: I am hearing a generation gap and the obsolete language. I think Rep. Klemin made a good point about public awareness and that idea that people don't know what the Extension Services are and what they offer etc. I am not sure the county website would be good enough. The question is how you let the general public know that this is something that is out there. Would you object if we do remove current statutory language if there is something general or directional without any requirement for publishing something that is going to cost money?

Kevin Glatt: I think there is a world of opportunity and I think with the staff of the Extension Service and at the counties I am sure something could be developed.

Roger Bailey, Executive Director of ND Newspaper Assoc: We have no opposition for the elimination for making these publications available to the county auditors. We do feel strongly that if the extension service is spending tens of thousands and hundreds of

thousands on the research and the publication of reports available for the public. I knew from being a newspaper man for 25 years each time we ran the ads the response was significant. The \$700 figure that you had quoted that is costing each county is a little bit misleading because that is what is costing Burleigh County. The legal publication rates are set by OMB. Burleigh Counties costs are about twice as much as rural newspapers are paying so any of the rural counties are probably in the area of \$300. We think that is a bargain for the people of ND to know what is available to them so we support the bill but we would strongly disagree with the elimination of notice to the public. If you have any questions I would answer them.

Opposition: None

Hearing closed.

Chairman Johnson: Reopened the hearing.

Rep. Koppelman: I think we just need to make it better.

Chairman Johnson: We need to hear from the Extension people about what their feeling was on the publication part of it. They did not bring that in with the initial bill.

Rep. Klemin: This is not the first time we have had a bill where it said in the statute someone shall do something and they come to us to repeal it because they have not been doing it for some time. It would have been more appropriate for them to have continued to do it because the statute says they shall do it and then come to us because we want to stop doing it for this reason. Instead what we always hear is we haven't been doing this for sometime so we would like to repeal this obsolete measure and I don't think it is obsolete until the legislature says it is. Look at the ad we got in tell me where it describes the free publications that are available so I think this was a waste of money to put this in here if it was intended to comply with the statute. I don't disagree that maybe that Section 11 should be repealed, was far as repealing Section 12 I don't disagree that they don't need to publish and ad like this, but I think there is a need for some way to insure that there is public awareness of this kind of stuff does exist. We cannot expect people to say Google is the only way to go now and if I want to find out anything on how to plant my beans in the garden that I have to Google it and that will somehow lead me to the County Extension Service because I don't know it that will. We need some way to insure that there is going to be some public awareness of the existence of this thing rather than just repealing that section.

Rep. Devlin: I would have laid this ad out differently but I think I am amazed as I travel around my district the number of people that do not have computers and if they do have computers it is limited to email. We use 8 weekly newspapers in our campaign in our advertising campaign out there and I am sure people on the other side did the same thing because that is the way we reach our people. We need to promote the County Extension offices and I think; other than I don't like the ad example, I think in rural ND we need to do this. Rep. Klemin is peeved over the way this was handled because they are already not doing it so let's repeal it. The Association of Counties has made a run many times at trying to eliminate the publication of that ad or the list and every time the legislature rejected it. If

the subject of this bill would have to do this the room would have been full. I think if they want to do that they bring a stand alone bill and we will have that debate. I don't think it should be included in this bill.

Rep. Mock: I agree with Rep. Devlin's suggestion. Could we serve both interests by putting it in a public notice reducing the costs to the counties, but still getting the message out through regular media or websites? Can't we reduce the costs and still get the information out there?

Rep.Devlin: I think the only way to insure that the notices are in the paper is to put in some type of paid advertisement. The newspaper business is making their money on subscriptions and advertising.

Chairman Johnson: Sounds like there are ideas floating around out there so if you have amendments you want to make some changes and hold this one over.

Hearing closed.

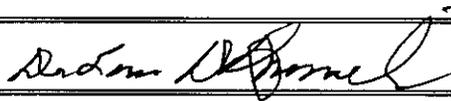
2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

HB 1105
January 13, 2011
Job #12869

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Johnson: Reopened the hearing on HB 1105. Reviewed what had happened at the hearing before.

Motion Made By Rep.Devlin Do Pass, Seconded by Rep. Kilichowski

Rep.Devlin: As I visited with Duane Hauck of NDSU about this. He felt this language was just left over from the time this list had to be given to the County Auditor and published in all the newspapers. That was changed a number of years ago. This part still says they have to send a list of the publications. He said they have such a great relationship with the counties; they don't need to be sending them this list of publications. They went to the add form and they are very happy with it. They have one of the highest responses in the nation for people that excess the Extension Service. They feel that the ads are good. NDSU resigned a minimum of two and sometimes three ads for the counties to choose from for every one of these and they have found them to be very effective. When they surveyed the people and found where they learned about the Extension Office I believe it was 46% was out of the newspaper ads; 16% was from the internet etc. The main thing was noticing those ads. There is a big difference in the costs of the ads based on the size of the newspaper or county. What they pay in Burleigh County is over double of what they would get in Steele County. Even in Burleigh County where he was paying \$674/year for his share they have a \$42 Million budget in Burleigh County. I don't think this is a hardship on Burleigh County or anywhere else. I think the working relationships are good and I don't think we need to reinvent the wheel again. I think we just get rid of this old language and be done with it.

Rep. Klemin: I agree; but the other request that we amend the bill to take out the publication, I think that is the only way a lot of people know that those kinds of materials exist. Not everybody out there is Gogging on the internet to see how to get this material so I don't think we should amend this to include the repeal of that other section but I do agree with the repeal of the one that is in the bill now.

Rep. Mock: I did talk to Jack McDonald with the Association of Newspapers and he did give me a little history on the advertising and mentioned that was an improvement from the public notice. Just county auditors having to print the different things in the newspapers. That the advertising was a way of giving more attention and reaching an audience instead of just putting a list of different of different services available. I do agree that the suggested

House Political Subdivisions Committee,

HB 1105

January 13, 2011

Page 2

amendment be a standalone bill so that it has its own proper hearing and I do intent to support Rep.Devlin motion on a do pass.

Do Pass 14 Yes 0 No 0 Absent Carrier: Rep. Beadle.

Hearing closed.

Date: 1-13-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1105

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider _____

Motion Made By Rep. Devlin Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	✓		Rep. Mock	✓	
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep. Beadle

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

REPORT OF STANDING COMMITTEE

HB 1105: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Eleventh order on the calendar.

2011 SENATE POLITICAL SUBDIVISIONS

HB 1105

2011 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

HB 1105
March 7, 2011
14947

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to lists of North Dakota state university publications furnished to county auditors.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the committee hearing on HB1105, relating to lists of North Dakota state university publications furnished to county auditors.

Gerald Sturn: District Director with the NDSU Extension Service. I am here to say that the NDSU Extension Service is in support of 1105. We feel the internet, other electronic means are good ways to get the list of our publications to the people and so we can readily do that through those means.

Chairman Andrist: Why is this a problem for you? It seems to me that you're spending a lot of money to produce these publications, why wouldn't you want as broad a dissemination as possible? **Gerald Sturn:** I don't know that we particularly have an issue, we have it by email, or we have the web. I think it's the cost of the publications that is raising a concern with some of the counties. **Chairman Andrist:** But this doesn't deal with the cost of the publications, it is the section that deals with providing the lists to the county auditors. I am just asking for information why this is a challenge for you to even email this to the county auditors. Why is the bill here? **Gerald Sturn:** We can readily provide it by e-mail; we do a lot of things by technology. This is the publishing a list and so, we're just support of the different technologies and able to do that.

Senator Olafson: When I read 15:12-11 I don't know why if you just e-mailed each county auditor a list of publications that are available wouldn't you be covered under this statute? The county auditor can put a link up on their website. **Gerald Sturn:** We provide it to them and this is what came forward and so if that's the way they want to work it, we are in support of that.

Senator Judy Lee: So are you currently putting it on the web site or distributing by email? **Gerald Sturn:** Yes, it is. It is on our website where you can access all of our publications. It is readily available. **Senator Judy Lee:** I am assuming you update it more than annually, since you're doing it on the website. In this case it's talking about an annual report, if you have a new publication I would assume that it's going on right away. **Gerald Sturn:** That is

correct. As soon as a new publication comes on line or we update or revise one of the current ones, it goes automatically on the website. It is the more current information that people can access through there.

Senator Olafson: What if we amended 15:12-11 to say 'furnished to each county auditor in the state by printed or electronic means'? So that would clear up any confusion since that is what you're doing now anyway.

Gerald Sturn: We provide it. However, its' used as whatever the county auditors do with it.

Senator Olafson: Is there anything else in 15:12-11 that is a problem for you or is requiring something that you liked to do in a different way? **Gerald Sturn:** We do this a number of ways. If you look at 15:12-12, we do quarterly publications too and if there's a hot item or priority we put information out there at that time too. We do get it out as much as we can and as often as we can. **Senator Olafson:** I don't see what there is in 15:12-11 that is creating a problem for you now, because it doesn't require that it be printed. Electronic should cover the requirements of that chapter.

Senator Dotzenrod: I do think this is a very valuable service. I do find that when I go to the county office or a county agents office, they have publications and they do find people coming in and am interested in the publications. For many people, the only reason they find out about these publications is because they see this list or in the county agents office and are exposed to this material. The fact that we have 15:12-11 has provided some benefit by being there.

Senator Judy Lee: This comes more under the category of committee discussion but I think Mr. Sturn may have an observation. I don't think that brochure would not be there if we took 15:12-11 out of there because I think that NDSU is going continue to make those brochures available and are going to continue going to the county extension office to see what's there. I see some redundancy here with other kinds of things, and I certainly think that the 15th day of May is a little silly, because it's only once a year that you would be expecting them to update. They already said whenever there is a new brochure, they let people know its' there. I don't think they are going to quit publishing brochures or quit letting county extension agents know what they learned if we delete 15:12-11. That would be an omission to the extension service. Am I correct or incorrect? **Gerald Sturn:** You are correct. We continually update and provide new bulletins on new information that comes available. Point is our website is more current than the list that people may get. We hope they go to the internet to look for updates and new information. **Senator Olafson:** I will support repealing it, because I have great faith in NDSU.

Any further testimony for support, in opposition or neutral for HB1105. Hearing closed on HB 1105.

Motion for a Do Pass: Senator Olafson

2nd: Senator Judy Lee

Roll Call: 5 Yeas, 0 No, 0 Absent

Carrier: Senator Olafson

Committee discussion followed.

REPORT OF STANDING COMMITTEE

HB 1105: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

HB 1105

#7/

Testimony To
THE HOUSE POLITICAL SUBDIVISIONS COMMITTEE
Prepared January 8, 2011
by Terry Traynor, Assistant Director
North Dakota Association of Counties

REGARDING HOUSE BILL No. 1105

Chairman Johnson and committee members, the Association of Counties supports House Bill 1105, to repeal the requirement that NDSU furnish a list of publications that is easily obtainable on the University's excellent website. This website, <http://www.ag.ndsu.edu/pubs/> provides a very helpful index and a great many of the documents can be obtained directly from the site.

Counties however believe that the bill should also repeal the next section of statute – section 15-12-12 requiring the counties to publish the list that NDSU will no longer be furnishing.

We urge the Committee to amend the bill to repeal both sections and have provided a possible amendment at the end of this testimony, following the text of the two sections in question.

15-12-11. List of North Dakota state university publications furnished to county auditor. The North Dakota state university of agriculture and applied science shall furnish to each county auditor in the state, on or before the fifteenth day of May of each year, a list containing titles of every publication published by it for free distribution, and shall specify in the list the name and address of the department from which each publication may be obtained upon application.

15-12-12. North Dakota state university services and publications - Publication of information. Each county commission shall, jointly with the county extension agent, publish quarterly in the official county newspaper an advertisement, approximately 3 x 10 SAU in size, describing the free publications available from the cooperative extension service of North Dakota state university and the services available through the county extension office. The cost of the advertisement, based upon the legal advertising rate provided in section 46-05-03, must be determined in consultation with the North Dakota newspaper association and must be shared equally by the county and the cooperative extension service of North Dakota state university. The county auditor shall furnish the advertisement to the newspaper from information furnished by the county extension agent.

* * * * *

Proposed Amendments to House Bill No. 1105

Page 1, line 1, replace "section" with "sections" and after "15-12-11" insert "and 15-12-12"

Page 1, line 4, replace "section" with "sections" and after "15-12-11" insert "and 15-12-12" and replace "is" with "are"

Re-number accordingly

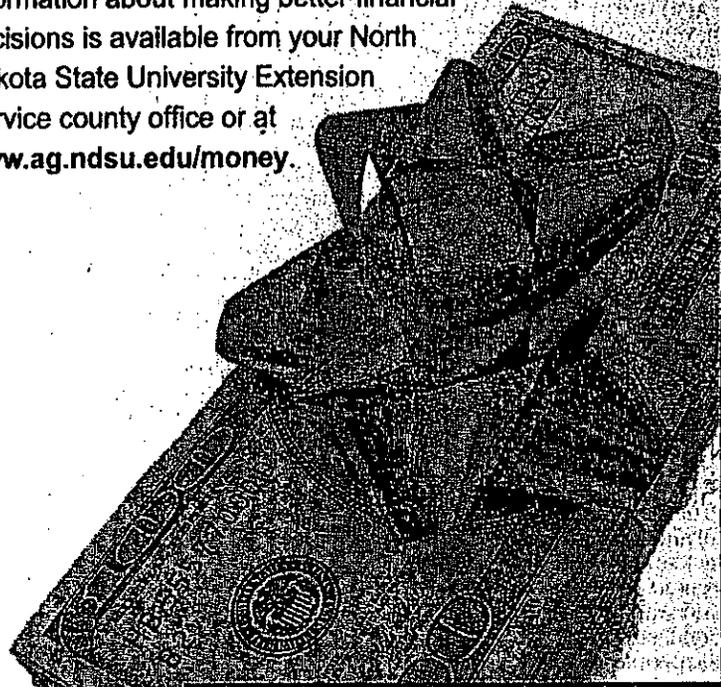
#2

Control Holiday Spending

Don't let holiday spending overwhelm you.

- Prepare a budget and stick to it
- Think creatively about how to reduce costs
- Pay with cash instead of credit cards
- Open a Christmas or holiday club savings account
- Comparison shop

Information about making better financial decisions is available from your North Dakota State University Extension Service county office or at www.ag.ndsu.edu/money.



NDSU
Extension Service

NDSU is an equal opportunity institution.

**NDSU Extension Service
Burleigh County**

3715 East Bismarck Expressway
Bismarck, ND 58501
www.ext.nodak.edu/county/burleigh
Burleigh@ndsuent.nodak.edu
701.221.6865

Eiroy Haadem
Extension Agent

Megan Myrdal
Extension Agent

Cathy Patczewski
Extension Agent

12/6 Bismarck