

2023 HOUSE POLITICAL SUBDIVISIONS

HB 1236

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1236
1/19/2023

Relating to township officials.

Chairman Longmuir opened the hearing on HB 1236 at 9:00 AM. Members present: Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Davis, Rep. Hager. Absent: Rep. Warrey

Discussion Topics:

- Flexibility to townships meetings
- Updating daily compensation

Rep. Dockter: Introduced the bill. No written testimony

Larry Syverson, Chairman of the Board of Supervisors for Roseville Township in Trail County, NDTOA: Testimony #14500

Gerald Miller, District 5 Director and Township Supervisor: Testimony #14285

Richard Lynne, District Two Township: Testimony #14527

Hearing closed at 9:20 AM.

Rep. Klemin moved a DO Pass;
Seconded by Rep. Ostlie

.Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	Y
Representative Matt Heilman	Y
Representative Dawson Holle	Y
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	A

Roll Call Vote: 13 Yes 0 No 1 Absent
Carrier: Rep. Hager

Meeting closed at 9:21 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1236: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

2023 SENATE STATE AND LOCAL GOVERNMENT

HB 1236

2023 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee
Room JW216, State Capitol

HB 1236
3/10/2023

Relating to township officials.

10:38 AM Chair Roers opened the hearing. Present: Chair Roers, Vice Chair Barta, Sen Cleary, Sen Estenson, Sen J Lee, and Sen Braunberger.

Discussion Topics:

- Date change
- Mileage reimbursement change

Rep Jason Dockter, Dist 7, bill sponsor testified in support with no written testimony.

Larry Syverson, Secretary ND Township Officers Assoc. testified in support #23586.

Sen Lee moved a DO PASS.

Sen Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Sean Cleary	AB
Senator Judy Estenson	Y
Senator Judy Lee	Y

VOTE: YES – 5 NO – 0 Absent – 1

Sen Lee will carry the bill.

10:47 AM Chair Roers closed the hearing.

Pam Dever, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1236: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1236

Good morning, Chairman Longmuir and Committee Members. Thank you for the opportunity to testify on House Bill 1236.

Political Subdivisions, Meets Thursday and Friday, Room JW327B

I'm Gerald (Jerry) Miller, I'm a Husband, Father, and after almost 33 years of service a Retired Combat Veteran. My Last Assignment was the 7th SCSM with oversight of the health and welfare of the 3500 NDNG Soldiers under MG Sprynczynatyk.

I've been a Soldier, a Carpenter, a Plumber, an Electrician, a Construction Equipment Operator, a Butcher, a Salesman, Delivery Person, Warehouse Worker, the President, Chairperson or Member of multiple organizations.

I've never been a resident of any state but North Dakota but have been away from my state for extended periods of time serving my country and state.

I've been a Township Supervisor since 2015, on the BoD of BCTOA and the District 5 Director of NDTOA since 2021.

District 5 consists of McLean, Sheridan, Burleigh, Kidder, Stutsman, Emmons, Logan and McIntosh Counties.

I'm currently a Fulltime Temporary Employee for North Dakota Department of Emergency Services Public Assistance Division as a Task Force Leader with a 10 person staff who write up ND damages into projects for FEMA Public Assistance Grants, FEMA-75% / State-10% / Local-15%.

I live in NE of Bismarck in Gibbs Twp, Burleigh County with my wife Linda HER GREAT DANE and our three 30+ year old Adult Children who live in our basement – My advice Change the Locks.

We own 40 acres and used to run Scottish Highland Cattle, Myotonic Goats, poultry and waterfowl.

Gibbs Twp Population is around 3K and has over 20 Sub-divisions. Our zoning is split between the Bismarck Extra Territorial Area and County, so now we have two zoning meetings we must attend monthly.

In my township we have three supervisors a clerk and a treasure. We comprise the governing team for the residents within our 36 sections.

For my township I'm the Overseer of Highways. In our 36 Sections we have over 70 miles of Paved and Gravel Roads, over 250 Road Signs, and residents who love to push stuff into the 66' right of way.

Annually I drive each of our roads as many as four times inspecting surface gravel quality, pavement cracks, potholes, chip sealing and in this season snow blockage.

Every time I drive our roads for any reason, I keep our residents in mind as to can Emergency Services get to them. Do we have a safe, quality route for them to drive?

To compound this is my township is split by I-94, 24 Sections on the North and 12 Sections to the south, but I'm lucky as I have two non-exit or entrance crossings and, in the future, the first interchange into the Bismarck-Lincoln area.

Besides being the Overseer of Highways I also receive complaint calls from our residents from dogs barking, to open burning of household trash, to the property owner hasn't mowed their lot to traffic is kicking up so much dust we can't sit outside...

Each of these take time away from home and work. I track them on a excel spread sheet using the odometer on my pick-up and the time off a clock. I've maxed out the \$2000 cap annually since I've been a supervisor.

I personally do not do it for the money, and I will never get rich on the township reimbursements but raising the annual cap to \$4000.00 and \$100.00 per day just may interest some new people to join in the governmental process.

I'm going to be 64 YOA in a few months and when I go to my other assigned counties association meetings, I'm the kid. I was told once by a fellow township officer at a meeting in Stutsman County there is only two ways to get off the township board, move to town or die.

We fully understand some townships will not fully use the cap or daily allowance and that is what makes Township Government unique and, in most cases, thrifty.

When I became a Twp Supervisor little did I know of all the things that will come across on our agenda, nor the laws, ordinances or rules we must follow. To learn and educate yourself takes time and energy.

Additionally, we township officers know not all townships meet on the 3rd Tuesday in March. We see the required notices in the county official newspaper with the incorrect dates.

Some must use an alternate date due to facilities availability or personal conflicts or Mistake in scheduling.

Whatever the reason there should be no penalty for not following a century code written when the Township Annual Meeting was a day of township folk to finally get out of the farmyard and gather for a potluck early dinner picnic. It could have been the first time you've seen the neighbor since the first snow back in October. It was a time when this gathering would be an opportunity to visit, discuss future crop plantings, equipment purchases, livestock swaps, where the next barn raising was going to be, or the next barn dance where young single people, our grandparents or parents met for the first time. It was a day to greet families who have been cut off all winter as their old horse couldn't transvers the snow drifts.

Alas those days are gone forever and in this new era where the farmer rancher also has a job in town to make ends meet or the landowners are now freeholders and renting out their lands to the next generation.

I ask the committee to please consider the bill a Do Pass and giving the townships some latitude in both date selection and funding.

Any questions of me?

Thank you!

Support of HB 1236

House Political Subdivisions Committee

January 19, 2023

Good morning, Chairman Longmuir and Committee members.

I am Larry Syverson from Mayville, I am the Chairman of the Board of Supervisors for Roseville Township in Traill County and I am also the Executive Secretary of the North Dakota Township Officers Association. NDTOA represents nearly 6,000 Township Officers that serve in more than 1,100 dues paying member townships.

HB 1236 deals with two issues our membership has asked us to have changed. The first is the date for the annual meeting of the township, 58-04-01 sets this date as the third Tuesday of March. It has probably been the third Tuesday of March ever since townships were established by the Dakota Territorial Legislature. That date has worked quite well for the many decades, township day was a bit of a highlight of the season as the winter waned and farmers prepared for planting season. It was a social event as much as an exercise of democracy. Citizens hardly traveled out of the township in those days and a chance to meet with neighbors was a time to cherish. The regard for township day has faded a bit since then, the average vehicle puts on about 41 miles per day, everyone is constantly somewhere else, school functions, sporting events and winter vacations are some of the reasons citizens don't make the meeting.

Township day is still an important event, it is the basis of our local control, it should be attended by as many citizens as possible. I personally am fond of the third Tuesday of March as annual meeting day but I realize that many conflicts have drawn citizens away. So, we are asking that 58-04-01 be amended to allow that townships may meet on any day in March so they can work around local events that keep people away.

HB 1236 has two sections to deal with this change we are requesting. Section 1 is for the annual meeting of a regular single township under 58-04-01. Section 2 covers annual

meetings under 58-05.1-07 where the electors have joined multiple townships under a mutlitownship board.

The other issue is the maximum limit of township officer compensation. We have heard that some townships find it ever more difficult to get people to take on the responsibilities of these offices with the pay limited to just sixty dollars per day. The current sixty-dollar cap was set in 2011. Three sections of HB 1236 address the compensation caps for officers. Section 3 sets the compensation of supervisors, Section 4 the clerk, and Section 5 is for the treasurer.

Necessary service for the officers may be a matter of board meeting attendance or it could be going out to barricade a washed-out culvert or flooded road. It may be hours of driving the roads for inspection. Townships don't have staff, the officers have to insure the safety of the roads along with their other duties.

The compensation cap for the officers is permissive, a township does not have to pay anything and many will continue to pay little or nothing, it is the elector's choice, it is set by the electors at the annual meeting. This is just a cap.

Chairman Longmuir and Committee members, the membership of the North Dakota Township Officers Association requests your favorable recommendation for HB 1236.

Thank you. I will try to answer any questions you may have.

Good Morning ^{Mrs} Chairman Long Muir
 & Committee Members Bill 1236

My name is Pauline Lyone. I am presently the District 2 Director for NDTOA which includes Pollette, Towne, Rensay, McHenry, Perie, Benson, Wells, Eddy & Foster Counties.

Currently I am the Clerk/Treasurer of Norway Lake Township & the Treasurer for the WCTOA. I have been on the township board for about 30 years either as Supervisor, Assessor or Clerk/Treasurer.

I believe that most townships in the state will not get to the cap of \$100/day or \$4000/yr but there are some who require way more time & effort than others. Therefore I support raising the rates.

In our area I have seen many notices for meeting dates other than the 3rd Tuesday in March. I believe it would be good to allow the townships to pick any day in March so the people could participate.

Support of HB 1236

Senate State and Local Government Committee

March 10, 2023

Good morning, Madam Chair Roers and Committee members.

I am Larry Syverson from Mayville, I raise soybeans on my farm in Traill County and I am the Chairman of the Board of Supervisors for Roseville Township and I am also the Executive Secretary of the North Dakota Township Officers Association. NDTOA represents nearly 6,000 Township Officers that serve in more than 1,100 dues paying member townships.

HB 1236 deals with two issues our membership has asked us to have changed. The first is the date for the annual meeting of the township, 58-04-01 sets this date as the third Tuesday of March. It has probably been the third Tuesday of March ever since townships were established by the Dakota Territorial Legislature. That date has worked quite well for the many decades, township day was a bit of a highlight of the season as the winter waned and farmers prepared for planting season. It was a social event as much as an exercise of democracy. Citizens hardly traveled out of the township in those days and a chance to meet with neighbors was a time to cherish. The regard for township day has faded a bit since then, the average vehicle puts on about 41 miles per day, everyone is constantly somewhere else, school functions, sporting events and winter vacations are some of the reasons citizens don't make the meeting.

I am very committed to local control, so I won't let very many things keep me away from the annual meeting of Roseville Township. Even advocating for the townships of North Dakota before the legislature for about nine sessions or so has not kept me away. The meetings are scheduled in the evening because a good number of our citizens get off work at about 5 pm and the evenings work better for them, and so far, it has worked for me. I have been able to make the three-hour trip in time for the meeting and often return to Bismarck that night after the meeting. Should HB 1236 pass I will ask the attendees of this annual meeting, on Tuesday March 21st, if they would be ok with changing future meetings to the following Saturday. That way I would not need to make an extra commute for the 3rd Tuesday of March in legislative years.

Township day is still an important event, it is the basis of our local control, it should be attended by as many citizens as possible. I personally am fond of the third Tuesday of March as annual meeting day but I realize that many conflicts have drawn citizens away. So, we are asking that 58-04-01 be amended to allow that townships may meet on any day in March so they can work around local events that keep people away.

One great benefit, should HB 1236 pass, would be the ability to schedule alternative storm days in the required published meeting notice. The current law doesn't seem to give us any options if the weather is uncooperative on the one permitted day.

HB 1236 has two sections to deal with this change we are requesting. Section 1 is for the annual meeting of a regular single township under 58-04-01. Section 2 covers annual meetings under 58-05.1-07 where the electors have joined multiple townships under a mutli-township board.

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