

# GRASS ROOTS REPORT



FEBRUARY 2011

The Official Newsletter of the ND Township Officers Association

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## NDTOA 2011 Legislative Action *by Ken Yantes*

NDTOA President Larry Syverson and Executive Secretary Ken Yantes have been very busy in Bismarck on behalf of our 6,000 members.

They moved into the apartment/office located at 1115 N 1<sup>st</sup> St., Apt. #208 in Bismarck. You can reach them at (701) 751-1998.

**HB1232** is a bill we asked Representative Monson to be the prime sponsor for us relating to snow and mud on the township highways that could cause traffic safety hazards. Representatives Headland and Kilichowski and Senators Miller, Olafson and Dotzenrod all co-sponsored this bill.

Both Ken and Larry testified in support of this bill when it came up for its hearing in the House Agriculture Committee. Legislators in the House Committee were less than receptive to the section of law we were trying to improve. The committee voted 10-1 DO NOT PASS.

Our bill sponsor, Rep. Monson, put in a plea to the committee to re-open discussions on the bill. He won his case and the committee chairman gave him a week to rewrite the bill. With counsel from Senator Olafson from Edinburg in District 10, Rep. Monson reworded the bill.

It went back to Legislative Council and was rewritten. Rep. Monson found another short coming and the bill was again rewritten by Legislative Council. This copy was

submitted to the Agriculture Committee and received unanimous support for a Do Pass recommendation on February 3rd.

**HB1225** is a bill that would allow the counties to increase their emergency fund levy from 3 mills to a maximum of 5 mills which Larry testified in favor of passage. The bill received a committee vote of 7 to 5 do pass and passed the House by a 83 to 9 margin.

**HB1259** was introduced by Rep. Glen Froseth and co-signed by Representatives Bill Kretschmar and Andy Maragos and Senators Judy Lee, Curtis Olafson and Jim Dotzenrod. This bill entitles township officers to receive up to \$60 per day for each day necessarily devoted to work as an officer. It also raises the \$1000 allowable for additional expenses to \$2000 per calendar year. These changes all must be passed by the residents of the township at their annual meeting. The House Political Subdivision Committee voted a unanimous 14 to 0 DO PASS on our pay increase to township officer's bill number HB1259. Great news!

**HB1322** was introduced by Rep. Wrangham and co-signed by Rep. Shirley Meyer and Chuck Damschen and Sen. Miller, Oehlke and Murphy.

This bill dealt with the imposition of special assessments against agricultural property after being annexed by a city. This bill was first sent to Natural Resources Committee and then re-referred to the House Finance and Taxation Committee.

**SB2054** is a bill that asks for \$5 million to construct a structure on the East end of Devils Lake to prevent an uncontrolled release of water. This bill was heard 1-13-11 and many township officers from Ramsey County were present and testified in favor of the bill. *Hats off to them!* The Senate Natural Resources Committee, however, gave the bill a **do not pass** by a 5 to 1 margin and it failed in the Senate by a 9 to 37.

**HB1347** is a bill that would have put a severance tax of 10 cents per ton on gravel and all road construction and maintenance materials. This bill would help townships that had gravel pits in them to get some tax money to pay for road damage caused by the extraction of gravel in their townships.

It would have cost the townships that need to buy gravel from out of the township 10 cents per ton. Larry brought out the costs to those who would need to buy and spoke in the neutral area of the bill hearing as we have no grassroots developed policy on this. The bill died by a 9 to 85 margin in the House.

## NDTOA Officers

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## President's Comments



Hello Township Officers!

We are approaching “cross-over” which is the half-way point of the legislative session. By February 25th all bills must be voted on in the house where they started so the other house can begin their scrutiny of them.

Ken has listed some of the bills we have been following, working for some and defending against others, so I won't go into that.

But I will say that the bill introduced by Senator Jerry Uglen to simplify our required “transportation funding report” has been well received. If it can now pass the House all we will have to do for that report is to give them a copy of the financial report we have been giving our county auditor for years. That should be a relief to many of the clerks.

We have been working for some increased funding proposals and it looks like we may just be successful to some degree as our testimony has been well received and the legislators seem to be sympathetic to our plight.

However, there is an underlying current to resist building any continuing funding requirements, so that will very likely influence any final budget outcome.

We have also had input on some emergency funding proposals and one of our suggestions was that they use our certified miles as a basis for fund distribution and most of the bills have that included rather than the 200% of normal expenses that was used in the last session.

I have explained that after several years of snow emergencies back-to-back, the 200% of normal is a very high bar to overcome.

Last session the “Weather Related” funding used our mileage formula for

distribution and most appreciated the simplicity to get that funding.

One other item we are very concerned with is a growing tendency to add reporting requirements, in the guise of “transparency” in government.

Our citizens can actually amend their township budget at the annual meeting and the Board of Township Supervisors must work within that budget for the year. How much more “transparent” can government get?

We will continue to fight against duplication of effort reporting requirements. My words to one senator were “*How about this? We report our financial details to one agency and they can share it with whomever they very well please.*”

I have mentioned the emergency funding proposals; it seems some of them will live in some form to be considered by the other house after cross-over. To support them we need input from you, pictures or details of how the increased expenses have impacted your township.

Narratives of what your normal expenses are and what they now are would be very helpful.

If you can email pictures or spreadsheet details of expenses please send them to larry@ndtoa.com or mail to:

Larry Syverson  
1115 North 1<sup>st</sup> St, Apt. 208  
Bismarck, ND 58501-3528

By the way, that is our Bismarck address for this legislative session.

Thank you for being a Township Officer! Please take care, be safe, but remember those who depend on us to be safe on our roads and trails.

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**NDTOA 2011 Legislative Session** *cont'd from page 1*

**HB1360** is a bill that we have policy on. It would increase the 4/10 of the one cent sales tax that goes to the State Aid Distribution Fund to 6/10 of a cent. Ken testified in favor of the bill as well as the counties and the cities. This could have brought in \$69 million to the fund. It was killed by a 23 to 65 margin in the House.

**HB1449** is a bill introduced by Sen. Miller and Reps. Thoreson, Bellew, Heller, Kasper and Weiler which requires the governing body of each political sub-division to submit their budget information to the State Director of the Budget for inclusion in their database web site. We, all townships, would have to send in another report to state government. Larry testified long and hard in opposition to this bill.

Barb Knutson, Roger Olafson, Ken and Larry were at the hearing and lobbied in opposition.

The House of Representatives voted to kill **HB1449** by a margin of 37 to 56 on Friday afternoon (2-11-11).

**SB2147** is a bill that would give the county commissioners the option to require an earlier summer grass and

weed cutting option. Larry testified in favor of this option. The bill received a 7-0 do pass out of committee and on the Senate floor it passed by 41 to 5 margin.

**SB2161** is a bill introduced by the NDTOA 2010 Legislator of the Year Senator Gary Lee. This bill reduces township liability on unimproved section lines; it has been a huge consumer of our time.

We worked with the Senate Political Subdivisions Committee on many different versions of the bill proposal amendments to 24-06-31 of the NDCC. A sub-committee made up of Sen. Olafson, Steve Spilde, CEO of the NDIRF, the ND Assn of Counties Attorney, Aaron Birst, and the two NDTOA lobbyists, Larry and Ken, combined the thoughts of all the different suggested amendments and submitted a unified bill proposal to the Senate Political Subdivisions Committee.

These proposed changes included:

1. The person who creates a hazard in the unimproved section line should be responsible for liability created by them.
2. The person who alters a congress-

sional section line must adequately sign the line to warn of any danger caused by the alteration. The restoration of the alteration must be paid for by the person that did the alteration.

3. The township is responsible to sign and warn the public if they are made aware of the hazard by a written notice of a man-made condition on the unmaintained section line. Townships are not to be liable for natural occurrences on section lines.

Senator Olafson strongly defended SB2161 in committee and secured a 4 to 1 do pass recommendation. His Senate floor debating skills were rewarded by a 43 to 4 passage of SB2161. Thank you, Senator Olafson, for your exceptional effort.

**SB2193** is a bill that would require a city, that is proposing annexation, to send notice to affected landowners and political subdivisions by certified mail. Larry testified in favor of the bill and asked for an amendment to have the notice sent to all political subdivisions that have taxing authority.

*Cont'd on page 5*

# Executive Secretary's Corner by Ken Yantes



When I was 22 years old I began attending North Dakota's Legislative Sessions and I haven't missed one since. That is 44 years in a row or the last 22 sessions.

**One of the things I have learned is that legislating is not a singular effort and that a lot of co-ordination goes into every successful effort.**

I would like to tell you of an outstanding effort made for NDTOA by a very determined Legislator to do the right thing for his constituents and the citizens of our state.

One of our most important bills in the 2011 Legislative Session is HB1232. This bill would add snow and mud to the list of obstructions in the township rights of way. Sounds pretty simple! It was not!

Much of the township law was put in NDCC many years ago and was just added to every time we thought it needed to be. There comes a time when extensive re-writing is necessary.

Representative David C. Monson from Osnabrock in District 10 was asked to be the Prime Sponsor of a bill to make our road rights of way safe and he agreed.

President Syverson, Ken Yantes and Representative Monson visited the Legislative Council office of John Walstad, the head code reviser, who puts bill change ideas that legislators have in NDCC form.

We explained what we wanted to do and he said he would try to do it. After a few days the first draft was ready for viewing.

Representative Monson found other changes that needed to be done to update more of our out of date laws that had to do with obstructions and penalties.

The bill was carried back to Legislative Council for a re-write by Representative Monson. The second version of the bill looked right and the bill was introduced and we now have a bill number to report to the membership—HB1232!

The bill was assigned to the House Agriculture Committee and a hearing date was scheduled. The 15 member committee didn't like the bill and amendments were added. During committee discussions, more amendments were added.

Finally the committee voted a do not pass recommendation by a margin of 10 to 1.

Our bill sponsor, Rep. Monson, put in a plea to the committee to reopen discussions on the bill. He won his case and the committee chairman gave him a week to reword the bill.

With counsel from Senator Olafson from Edinburg in District 10, Representative Monson rewrote the bill. It went back to Legislative Council and was re-written.

Representative Monson found another short coming and the bill was again re-written by Legislative Council. This copy was submitted to the Agriculture Committee and received unanimous support for a Do Pass recommendation.

I wish to thank Representative Monson for his determination and never quit attitude.

HB1232 gives townships the right to keep their road rights of way and traveling surfaces safe from hazardous conditions. Its passage could save precious lives in the future.

My hat is off to Representative David C. Monson!

## Welcome to our newest advertiser—NORTH DAKOTA SURPLUS PROPERTIES

Attendees at our annual meeting in December may have visited with **Joanna Drennen** at the Surplus Properties vendor booth. They would have found that Surplus Properties has many items that could be useful to Township Officers. If you are in Bismarck check out their warehouse sales area (see address in ad on page 7) or even better check them out online at: [www.nd.gov/surplus](http://www.nd.gov/surplus).

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**SB2203** is a bill that was introduced by Sens. Uglem, Judy Lee and Nodland and Reps. Kaldor, Paur and Vigesaa. This bill supports our policy that calls for an improvement in the transportation reporting form that we all know about.

It says that townships **may** use the annual township financial report that we provide to the county as our form to be sent to the Tax Commissioner. No special “hard to understand” state form is necessary **if** the bill passes.

The Senate Transportation Committee voted a unanimous do pass on this bill and it has passed the Senate by a 45 to 0 margin.

**Urge passage of SB2203 to your Legislators!**

**SB2219** is a bill that was introduced by Senators Olafson, Andrist and Dotzenrod and signing on were Reps. Brandenburg, Monson and Mueller.

Vice President Roger Olafson successfully testified on this bill. He received a unanimous 5-0 DO PASS committee vote and has passed the Senate by a 43 to 3 margin. *Hats off to Roger!*

This bill clarifies that a township officer may contract to do work in his township under special conditions. These conditions are:

- 1) The officer must be qualified to undertake the contract;
- 2) The board gives due consideration to all reasonable offers to provide the same service to the township;
- 3) The officer doing the contract must not vote on the contract and all the others must vote in favor of the contract;
- 4) If the officer having an interest in

the contract is not a supervisor, all members of the Board of Supervisors must vote unanimously in favor of the contract.

**SB2350** is a bill to establish \$22 million for disaster emergency relief funding for 50% of the 15% matching funds needed for FEMA projects. This means instead of having to raise 15% of the project cost, townships would only have to raise 7.5%. This is still too much!

**SB2340** is a bill that sets aside \$19 million for snow removal funding for counties and townships—\$15 million to counties and cities and \$4 million to townships distributed on the same basis as our highway users dollars are. No matching tax dollars would be required.

**This bill needs township support, It could mean as much as \$70 per mile to your township, if passed.**

**HB1043** is a funding bill for the Highway Users Fund which we get 2.7% from. On January 18, Ken testified in support of passage of this bill. He emphasized the need for funding in the rest of the state as well in addition to the seventeen oil producing counties.

Last session townships received a biannual statewide payment of \$10,314,000. The 2011-2013 projected Governor’s budget indicates townships will get \$12,400,000 for the biennium.

This includes a 25% excise tax included therein. HB1043 would increase the excise tax percentage to 100% and bring the total figure for townships to about \$16,200,000.

This bill received a DO NOT

PASS from committee and was killed on the House floor by a 5 to 87 margin. The rumor that more money in other bills was the preferred bills to pass greatly affected the vote totals in this bill.

**HB1042** is a bill that, if passed, would allow extraordinary road use fees for a violation that did not occur on an interstate or state highway to be deposited in the county General Fund in the county of violation.

This bill received a 13 to 1 do pass recommendation from the House Transportation Committee and passed the House by a 56 to 38 margin. It was reconsidered on February 10, and killed in the House of Representatives by a 42 to 51 margin.

**HB1358** is a bill that would have banned the cutting of rumble strips on the road surface inside the edge stripe. This bill failed by a 26 to 58 margin.



**PLEASE NOTE!**  
There is a very informative PowerPoint program about **Retroreflectivity** available by sending a request to:  
**kholte@srt.com**  
It is a helpful tool for anyone with a laptop to be used for discussion at your annual meeting.

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings to all and Happy New Year! Seems like just yesterday we were worried about Y2K (year 2000) and here a decade has already passed us by.

Old Man Winter has raised his worrisome head already this year, so my guess is that many townships are already nearing their maximum snow removal budget amounts.

Makes a person want to move to Florida, but then those folks have to worry about cleaning up after hurricanes!

Many have called and inquired about the excess levy procedure. Review that portion of the law which you will find in two separate portions of your handbook.

Contact your county auditor for information about the process and review the excess levy procedures in these two areas of the handbook: **Section 57-15-20.1** and the chapter on balloting for the levy in **Section 57-17-01** through **Section 57-17-07**.

Generally, townships, by adopting an excess levy, can double its tax revenues. It takes 60% of those voting at the annual meeting for approval and can be in place for a maximum of five years.

Speaking of annual meetings—they are right around the corner as well. I'm always surprised by a few of our township officials who seem to believe that residents have no voice at the annual meeting!

That of course, is the very essence of the annual meeting format—patterned after the original town meeting of colonial New England.

In fact the first town meeting where the town's citizens met and formulated their own budget and tax structure was held in Dorchester, Massachusetts in 1633!

Our State's township structure has deep roots, and is the only form of government where the people themselves control their own budget.

Yes, the residents may vote at the annual meeting! (Whether they show up or not is their problem, but at least the opportunity to participate is offered).

The legislature is in full swing, and several bills pertaining to townships are on the docket. See Larry and Ken's columns elsewhere in this issue for specific bill topics.

I know townships, as well as the counties; will be requesting state funds for road repairs and maintenance and NDTOA needs everyone's help in passing this desired legislation.

Visit with your local legislators when they are home for the weekend; go to their question and answer forums; and plan on assisting in testifying in Bismarck if requested by our lobbying team.

Our western townships have been especially hard hit with all the oil activity—their roads are really getting damaged, to the extent that a typical township's budget just can't handle all the required repairs.

We won't be having workshops this year because it is a legislative year, but we will be back on the road this time next year.

Meanwhile, don't hesitate to call or write if you have a question. Contact the member of the State Board of Directors who hails from your area with your questions and comments. They usually have the answer for you and can point you in the right direction.

Following are a few questions I've received in the office. Have a safe Winter and keep warm! TRM

## Question:

I've been a supervisor for more years than I care to admit, but this year my term is up and I'm quitting! I've got a neighbor that says he will give it (the supervisor position) a try, but he is not a landowner, but rents a farmstead in the township and works in town. Can he be a township officer?

**Answer:** Yes. Nothing in the law requires an officer to be a landowner. The only requirement is that he is a resident—which of course he is, regardless of whether he rents or owns.

**Question:** We don't have many people left living in the township and my son has agreed to be a supervisor. I will continue as well. Can two supervisors be from the same family?

**Answer:** It's probably not good practice, as I suspect you may receive some criticism for nepotism; but, nothing in the law prohibits it—as long as both are residents, obviously. Be especially careful to always include the third supervisor (whom I assume is not related) in every discussion, so there is an appearance, at least, of nothing having been "railroaded" by you two alone. If the two of you don't agree on some issue, I imagine it makes for an interesting Thanksgiving dinner!

**Question:** The county does our township road maintenance and snow removal. We pay the county so much a mile for the work. Does this mean that the commissioners also control which roads are minimum maintenance, which roads don't get

*Cont'd on page 7*

## The Country Lawyer

cont'd from page 6

gravel, which signs need to be replaced, etc.?

**Answer:** No. The county is "in the shoes" of a contractor. You pay them and they do only the work which you dictate.

Minimum maintenance designation, graveling decisions, and the like are all within the responsibility and domain of the township supervisors and whichever one of you which has been designated the "road overseer." In an unorganized township of course, these decisions are made by the county, but in an organized township the supervisors need to take control!

**Question:** We have an old rural school site in our township which was our township hall after the school closed shortly after WWII. The building was torn down about 20 years ago and the site, about an acre and a half, is just grass. The adjacent landowner wants to buy the site, break it up, and farm it, but we're not sure we own it. How do we go about this?

**Answer:** You'll need to make a visit to your County Recorder. One of two things probably happened when the school closed all those years ago: Either the school board at that time as part of the dissolving process transferred ownership to the school district which took over; or a transfer was made at that time to either the county or more probably to the township.

Either way there should be a deed on the record at the recorder's office. If not, then dig through some of the school board(s) minutes from that time frame. No doubt there would have been some mention of the disposition of the closed school site.

If you find a deed listing the township as the owner, then proceed according to the handbook regarding "Sale of Real Property" by a town

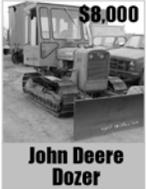
ship. (requires a motion to be made at the annual meeting, notice, etc.)

**Question:** Does the clerk have to be present at supervisor meetings?

**Answer:** I think that is good practice, although not necessarily required. Whenever supervisors meet there should be documentation of what transpired, and who better to make sure there is a record of your actions than having the clerk present?

This is especially important if you are having regular meetings as previously suggested, and you are meeting with landowners/operators regarding their complaints or requests. A good record of the meeting can be crucial for future reference.

**Do you need something?  
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## NDTOA 2010 ADOPTED POLICIES

1. Be it resolved that NDTOA support legislation that would limit township liability on unimproved section lines and improve recreational immunity laws.
2. Be it resolved that NDTOA support a simplified ND Transportation Funding Report which would match the form previously filed annually with each county auditor.
3. Be it resolved land used primarily for production agriculture should retain its agricultural designation even when annexed by a city or municipality. Special assessments should be deferred until the land is developed.
4. Be it resolved that NDTOA work to amend NDCC 58-05-12 by removing the word supervisor and replacing it with officer.
5. Be it resolved that NDTOA support legislation to amend NDCC 58-06-02, 58-07-01 and 58-08-01 to change the township officers pay cap from \$20 per day to \$60 per day and change the annual limit from \$1,000

- to \$2,000, if approved by the electors at the annual meeting.
6. Be it resolved that NDTOA support returning the state aid to political subdivisions from 4/10ths of a penny to 6/10ths of a penny.
7. Be it resolved that NDTOA request a change in response to the continued flooding that addresses the immediate needs of townships and ultimately restores all deeded land.
8. Be it resolved that NDTOA support legislation to give oil and gas producing counties and townships proper funding to cover the damages caused by oil and gas production.
9. Be it resolved that NDTOA support adding wording to Section 24-06-28 and Section 24-06-29 of NDCC to include mud and snow piles as obstructions.
10. Be it resolved that townships should not be responsible for construction and maintenance of access to a commercial or industrial facility.

# Highlights of NDTOA 44th Annual Meeting by Ken Yantes

The 44<sup>th</sup> Annual Meeting of the membership of the North Dakota Township Officers Association was held at the Doublewood Inn in Bismarck on December 6, 2010.

The meeting began with a patriotic presentation by Loren Ingebretsen, President of the Minnesota Association of Townships.

Mark Verke, Risk Management Specialist for the NDIRF, spoke on what is legal to do in the rights of way and the proper erosion control



*NDIRF Risk Management Specialist  
Mark Verke*

for work in the township ditch.

ND Tax Commissioner Cory Fong and Senator Dwight Cook, Chairman of the ND Senate Tax and Finance Committee, explained the newly proposed law changes in property tax assessment. Marcy Dickerson, State Supervisor of Assessments, answered questions about current laws on tax assessment.



*Mountrail Co. Commissioner and  
Fertile Township officer Greg Boschee*

Greg Boschee, Mountrail County Commissioner and a Fertile Township Officer, explained the oil revenue and road damage caused by oil exploration and extraction in western North Dakota oil country.

Steve Spilde, CEO of the NDIRF, explained the problems of a recent Supreme Court decision on section line liability of townships



*CEO, NDIRF Steve Spilde*



*NDTOA President Larry Syverson, State Supervisor of Assessments Marcy Dickerson, Senator Dwight Cook and NDTOA Executive Secretary Ken Yantes enjoy listening to guest speaker ND Tax Commissioner Cory Fong.*

Gordon Rugland, a township officer from Idaho Township in Mountrail County, received the 2010 Grassroots Government Leadership Award.

Senator Gary Lee from Casselton in District 22 received the 2010 Legislator of the Year Award. He served as Chairman of the Senate Transportation Committee in the 2009 Legislative Session and continues to do so in the 2011 Legislative Session.

He has been very active in support of township funding and NDTOA policies over the last ten years.

A grassroots policy development session was chaired by Past President Donny Malcomb in the absence of Resolutions Committee Chairman Steve Ginsbach. The 10 passed resolutions are printed on page 7 in this issue of the *Grassroots Report*.

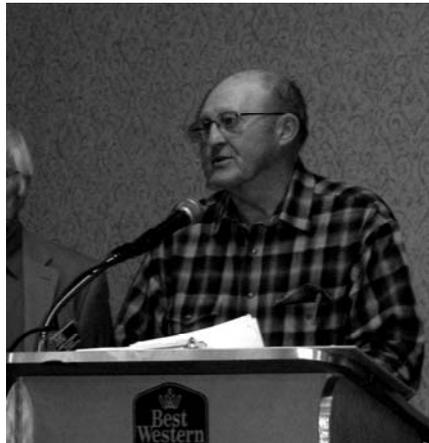
**Members at the business meeting passed a By-Law change that increased the state association dues from \$100 to \$125 per year by a unanimous vote of the voting members.**

Ralph Olson from Maddock was re-elected for another two year term as Director in District 2.

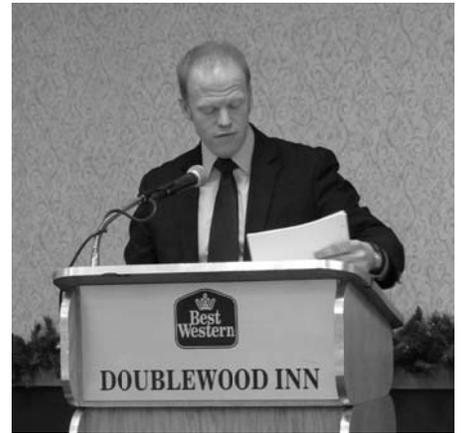
Steve Ginsbach from Hankinson was re-elected for another two year term as Director from District 6. The District 4 position remains open.

On December 7th, a morning workshop on *the Do's and Don'ts of FEMA* in your township was held.

The Director of ND Homeland Security, Greg Wilz, and his associates informed the officers of the right way to deal with FEMA covered losses in their townships.



*NDTOA Past President  
Donny Malcomb*



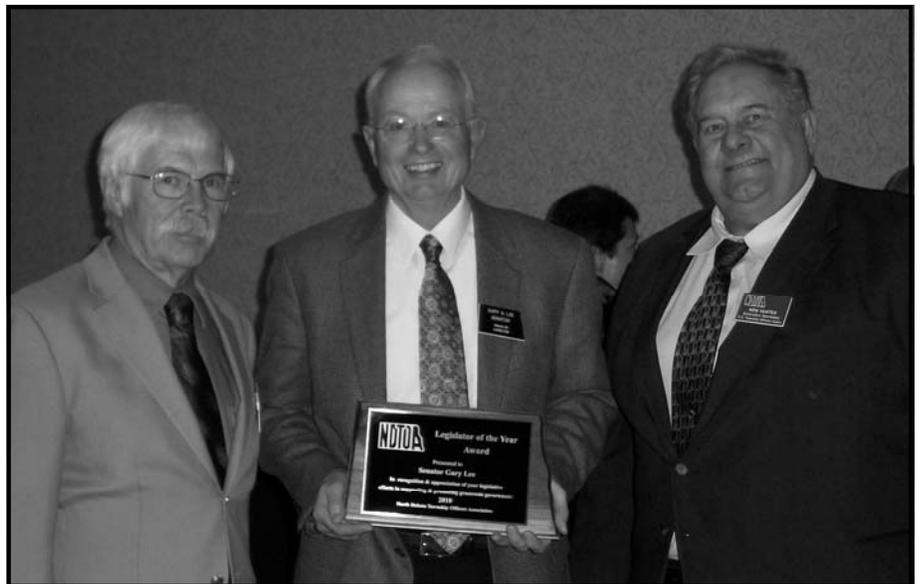
*ND Tax Commissioner Cory Fong*



*Loren Ingebretson, President  
Minnesota Association of Townships*



*Director of Homeland Security  
Greg Wilz*



*President Larry Syverson (left) and Executive Secretary Ken Yantes (right) present the Legislator of the Year Award to Senator Gary Lee from Casselton, ND.*

# Treasurer's Report

by Barb Knutson, Dist. 5 Director and Treasurer



It is once again time to get the newsletter out. We had a good annual convention in Bismarck in December. The only thing that would have made it better is if we would have seen more of you there.

There were some changes made at this convention by those in attendance. The one that most affects my job is the increase in dues.

**The annual dues to the state association went from \$100 to \$125.** Those of you that are billed individually have already been made aware of this.

Some of you have even paid these dues. Thank you for that. This motion was made at the convention in Jamestown in December 2009 and voted on and passed at the annual meeting in Bismarck last December.

These dues have made it possible to spend the time necessary at the legislative level to become very visible and to make a difference in the amount of funding available to townships.

Starting with the gas tax, which would not have been there, or protected for all these years if it were not for the diligence of our lobbyists. The gas tax was dwindling. Fewer gallons meant fewer dollars for roads.

Our lobbyists, Ken Yantes and Larry Syverson worked very hard last legislative session to get increased funding and succeeded.

They are back at it now to protect what was put in place then and working for improvement on the funding as well as the issues that

were discussed at state convention. They are doing a great job.

If you are interested in keeping up with their progress, be sure to go to our website: [www.ndtoa.com](http://www.ndtoa.com).

This is your organization and we are always glad to hear from members.

The dues are what make this important work possible. Thanks to all of you out there for all you are doing.

Keep up the good work! It is important to our country!

# Notes from District 3

by Al Bekkerus



## Traffic sign compliance dates are coming up faster than you think!

**January 2012** is the date that all agencies including townships must have established and implemented a sign maintenance program to maintain minimum levels of retro-reflectivity on all yield and stop signs as required.

This can be accomplished in a number of ways:

1. Visual nighttime inspection.
2. Measured sign retroreflectivity (measured using a meter that costs about \$10,000).
3. Expected sign life.
4. Blanket replacement of all signs.

A couple factors are used when nighttime inspections are conducted. Use a SUV or 2000 or newer model

pickup and an inspector who is at least 60 years-old.

Here's why:

- Nighttime crashes rate three times higher than during the day.
- 28% of all vehicle miles traveled occur on rural—not interstate—roads.
- 25% of travel occurs at night
- 50% of crashes happen during the nighttime hours.
- Driver population is aging.

You may want to start budgeting for sign replacement now as this is another unfunded mandate.

**January 2015** all agencies must comply with the new requirements for most of their traffic signs they have installed including all red and

white or white and black regulatory signs as well as yellow and black "warning" signs and ground-mounted green and white "guide" signs (except street name signs.)

**January 2018**—by this date all agencies must comply with the new retroreflectivity requirements for all overhead guide signs and all street name signs.

## For more information go to:

[http://safety.fhwa.dot.gov/roadway\\_dept/night\\_visib/](http://safety.fhwa.dot.gov/roadway_dept/night_visib/)

<http://www.ndltap.org/newsletter/>  
The Center Line newsletter  
See Vol. 22, No. 3

Check out the article on page 2.

# New Securities and Exchange Commission Rule May Impact Township Treasurers

by Larry Syverson

We have just been contacted by the North Dakota State Treasurer, Kelly Schmidt, with a warning that the Feds are again making rules (to help us, right?).

This time if the rules are adopted our financial officers would have to register with the Securities and Exchange Commission (SEC).

There are many unanswered questions about the application of these rules; some comments indicate that the requirements may not apply to elected officers, but that is not for certain.

So far we only have preliminary information. The process is in the "Public Comment" phase and we don't know how long that phase will last, but I doubt it will be very long.

I would imagine the distinction between buying a few thousand

dollars' worth of gravel or dealing with a few million dollars of securities would easily be lost on the Feds.

But that difference is the message that we will have to demonstrate to the SEC as we join our State Treasurer Kelly Schmidt in protesting the proposed rules. Kelly is also the President of the National Association of State Treasurers, whose members are also protesting to the SEC.

I have invited State Treasurer Kelly Schmidt to contribute any information she has to our next newsletter.

There is an opportunity to comment on the SEC website under "Registration of Municipal Advisors" found on the left side of the page; letters can also be

submitted. We will develop a recommended form for submitting your comments to either the web page or letter.

The online response will soon be posted on **our website ndtoa.com**; if you wish to get a mailed letter form please contact us at **701-751-1998** (our Bismarck apartment/office phone).

Your letters and comments are needed to stop this ruling.

## TOWNSHIP FORMS AVAILABLE

Most township forms are available at Lowe's Printing, Inc. in Minot, ND. Please call (701) 852-1211 or 1-800-760-2529 ND toll free and ask for Shelly.

Most forms are in stock or can be printed in a day and include Election Ballots, Meeting Minutes, Treasurer's report, Mileage forms, Income sheets, register of township warrants, T2, T3, and Poll and Tally sheets.

All forms with the exception of election ballots and mileage forms are printed on 32# white ledger stock and are drilled 3-hole for standard loose leaf binder.

Election ballots and mileage forms are in pads of 25 sheets.

If your township cannot find a distributor for the forms you are using, give them a call and they will copy or compose a new layout for your convenience—ask for Tim.

## LEGISLATIVE MATTERS NDIRF

If it's February, and an odd-numbered year, legislative activity in North Dakota must be on the front burner - and indeed it is. There are a couple of bills we would particularly like to call to your attention and recommend for your support - Senate Bill No. 2161 and Senate Bill No. 2295.

Over the past several years the North Dakota Supreme Court has, in a series of decisions, diluted the defenses available to political subdivisions in cases involving section line responsibility and recreational immunity.

**SB 2161** seeks to clarify that townships and counties do not have a duty to inspect or maintain congressional section lines where no actual road has been built or is being maintained - in essence, the prairie trails with which we are all familiar that follow, more or less, section lines. The bill is not intended to affect actual, regularly maintained roads or minimum maintenance roads.

**SB 2295** is designed to restore the focus of North Dakota's recreational immunity statutes to their basic premise - providing certain immunities from liability to landowners, public and private, in exchange for allowing use of their property without charge. Recent Court decisions have shifted attention to the recreational user, inquiring into their identity, type of use and nature of the property being used.

Please contact your state legislators and express support for SB 2161 and SB 2295.



## Grass Roots Report

North Dakota Township Officers Association  
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Ken Yantes, Newsletter Committee Chairman  
P.O. Box 104, Brockton, ND 58321-0104  
ken@ndtoa.com

**Check out our website: [www.ndtoa.com](http://www.ndtoa.com)**

*Are your newly elected township officers receiving this newsletter?* Be sure to let us know when to add and/or delete a name from our mailing list. Send the following information to:

Darleen Yantes  
P.O. Box 104, Brockton, ND 58321-0104  
(701) 655-3513 • ken@ndtoa.com

1. Your name, title, mailing address and phone number.
2. Your township name and county.
3. The name of the person you replaced on your township board.



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