

# GRASS ROOTS REPORT



OCTOBER 2012

The Official Newsletter of the ND Township Officers Association

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## 46th NDTOA Annual Meeting Planned *by Ken Yantes, Executive Secretary*

All ND Township Officers are invited to attend the 46<sup>th</sup> NDTOA Annual Meeting on December 3 & 4, 2012 at the Doublewood Inn located at 1400 Interchange Avenue in Bismarck.

A block of rooms have been set aside through November 18 for this event at the state rate. When you call in for reservations be sure to mention that you are a member of the NDTOA and thereby you will qualify for the state rate. The phone number to call is (701) 258-7000 or 1-800-554-7077.

*Remember township officers  
Ladies and Gentlemen  
this meeting is for you,  
whether you are a supervisor,  
clerk, treasurer, assessor or any  
other officer of your township.*

Our by-laws state that only two (2) votes per **dues paid** county association may be used in the voting process, but you may enter into the discussion of any and all items of business when recognized by the Chair.

This year's registration fee is \$50 at the door. Pre-registration is \$40 which includes a noon lunch and an evening banquet on Monday, December 3. Morning and afternoon coffee breaks will be furnished by the ND Insurance Reserve Fund.

Your annual meeting expenses are an allowable expense for your township to reimburse you for.

The Annual Meeting is set to begin on the morning of December 3 with 7:30 a.m. registration. Loren Ingebretsen, Minnesota State Association President, will start out the days activities with his patriotic salute to the flag.

**Greg Wilz**, Director of ND Homeland Security and ND Emergency Services, will update us on the progress of Federal Emergency projects in our state and tell us what township officers need to know to improve delivery of funding to townships. As usual, Greg will answer your questions in his very understandable North Dakota way.

**Francis Ziegler**, ND Director of Transportation, will give us a progress report on the accomplishments of the DOT on road repairs in our state.

**Gerry Fisher**, Assistant Director of the Energy Infrastructure and Impact Office, will report on how much money has been distributed to townships from the State Energy Impact Office. He will inform us as to what the needed criteria is to apply for a grant through this agency.

**Terry Traynor**, Assistant Director of Policies and Programs for the ND Association of Counties, will speak on an area of joint effort between townships and counties.

**Dennis Lindahl**, a representative of the Hess Oil Corporation, would like to discuss how they can contribute to the repairs on township roads heavily impacted by overweight and oversize oil production vehicles.

District 3 Director Al Bekkerus will recognize this year's recipient of the Grassroots Government Leadership Award at the noon luncheon. Included in this newsletter is an application form and the criteria for your nomination of a deserving township official for this award.

The business meeting will start on the afternoon of December 3 and will include a Grassroots Policy Development session and the election of directors for Districts 2, 4, and 6.

Anyone interested in serving on the NDTOA Board of Directors for those districts should contact nominating committee members: District 1 Director Bruce Krabseth, District 3 Director Al Bekkerus or District 5 Director Barb Knutson.

The evening banquet will begin at 6:30 p.m. and will feature the presentation of the Legislator of the Year Award. **Richard Stadelman**, Executive Director of Wisconsin Towns Association, will speak on Wisconsin's involvement in North Dakota's Oil Boom. He also plans to compare Wisconsin's laws on zoning with laws in North Dakota.

*Cont'd on page 11*

## NDTOA Officers

### **LARRY SYVERSON, President**

465 150th Ave. NE, Mayville, ND 58257  
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Executive Secretary/Director of  
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### **AL BEKKERUS, District 3 Director**

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2600 236th St. NE, McKenzie, ND 58572  
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16290 91st St. SE, Hankinson, ND 58041  
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### **THOMAS R. MOE**

Attorney-at-Law

39 1st Ave. NW, Mayville, ND 58257

## President's Comments



Hello Township Officers! I hope this issue finds you and your township in good shape and prospering.

First, I would like to welcome Leon Monke to the board of directors of our association, as he has taken on the job of District 4 Director.

We recently held our first quarterly meeting with him in attendance and he contributed greatly to the discussions. I believe it is very important that we have good representation for the western townships. It is now such a dynamic area with many challenges. Leon will provide that representation for the southwest just as Bruce does in the northwest district. I am glad to say we have the west covered—thanks guys!

I understand that a comment I made in the last issue caused some confusion, I referred to a \$10,000 payment made to each township. This payment was made to every township in “non-oil producing counties.” The State treasurer sent those payments out back in April of this year. There was no application process involved—they just went off the list.

The \$10,000 payment was authorized during the special session of the Legislature held last fall. It targeted “non-oil producing” counties because townships in oil counties supposedly qualify for impact funds.

So if your township is in an oil producing county there was no \$10,000 payment. The special session only lasted five days so there wasn't much time to get this bill fine-tuned. We know there were problems with it. I believe it should have applied to every township but on the basis of the road list so each township payment would depend on the miles they maintain. Some townships have as little as five miles while others have 70 or more.

Some civil townships include more than one “congressional township.”

We also understand that not all townships in “oil counties” are “oil townships” and don't qualify for impact. In the short special session it quickly became a matter of “take it or leave it.” We smiled, said thank you, and shook their hands.

But the point of that article still remains and I will put it bluntly: Townships have been getting more money from the State than ever before. If you want to see more funding from the State continue, fill out the reports that they ask for.

Help us prove to the Legislature that your township needs those funds and that you are putting what you get to good use. File the report. That is either the “Transportation Funding Report” or a copy of the report that you file with the county auditor every March.

We are hopeful that the coming regular session will provide better funding with a more finely crafted bill. The Governor's office has asked what townships need. What we will ask for will be discussed at our annual meeting.

If you have something you want to say about what your township needs, bring it to the annual meeting!

You may have heard that two measures were thrown out and did not make it to the November ballot because of petition fraud.

However, we are very concerned that one of these will be coming back at some future election. It was a constitutional measure to create the Clean Water, Lands and Outdoor

Are your newly elected township officers receiving this newsletter?

Please let us know when to add and/or delete a name from our mailing list.

Send your information to:

**BARB KNUTSON**  
 2600 236<sup>th</sup> St. NE  
 McKenzie, ND 58572  
 701-673-3198  
 barbk@ndtoa.com

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## Executive Secretary's Corner by Ken Yantes

### What is Constant?

Webster's dictionary defines constant as not changing, stable, going on all the time, continual and unvarying.

Many years ago my Geometry instructor asked the class to give an example of something that was constant. I received the prize for giving the best example of what was constant. I told him that the only thing that was constant was **change**.

Change is and always will be going on in this world. No matter what is seen or done it is always changing . . . therefore **change is constant**.

Your duties as township officers change with the passage of new legislation, new Attorney General rulings as well as Supreme Court decisions. It has been and continues to be your state organization's duties to keep you abreast of those changes.

Item six of NDTOA's Philosophy Statement found on page 26 of your green handbook states that the NDTOA should provide education, leadership and leadership training to all township members.

Over the years your state association has made changes to keep up with the changing times. The newsletter goes out quarterly now and it used to be once or twice a year.

NDTOA has two lobbyists present during the legislative session and at interim committee meetings that deal with legislative issues concerning funding, legal liabilities and responsibility issues.

*Great strides have been made as we are definitely at the legislative table and not on the legislative menu.*

The creation of our green handbook in a three ring binder instead of the old bound book was a much

needed change for updating the handbook after every legislative session.

The hiring of an attorney on retainer for state board members to seek legal advice for member questions was a great step forward.

The hiring of a full time Executive Secretary and an office as a central base for our state organization to provide coordination of services to members on a full time basis was another big change.

If you have an idea for change that you think will improve the NDTOA, please bring it to the grassroots policy development meeting on the evening of December 2 at the Doublewood in Bismarck.

Be an active part of making improvements concerning your State Association and your duties and responsibilities as a township officer.

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! The World Series is soon upon us, the political candidates are having their say, and we've had our first snowfall--so winter must be on its way! Speaking of baseball and elections, did you know that baseball is different from politics? You're always "out" in baseball when you are caught stealing.

The change of seasons also reminds us of the upcoming state NDTOA convention in Bismarck during the first days in December.

We'll have an interesting and informative program for attendees, and I encourage all to make plans to attend. It's official township business, so the cost of registration, travel, hotel stays, etc. should all be reimbursable from the township for officers making the trip.

I'm especially excited to have Wisconsin's version of "Ken Yantes" - Mr. Richard Stadelman, coming to our convention. Rick has been with the Wisconsin Towns and Township Association for many years, and I'm sure we all can learn from his presentation, especially regarding zoning issues and problems which that state's rural areas have encountered.

Wisconsin became a state about 50 years ahead of North Dakota, so their experience with growing pains plus any zoning mistakes and successes they have had also has a 50 year head start over us as well.

If you haven't attended a state convention, why not make plans to attend this one? We'll also have some proposed by-law and constitutional changes on the docket, so your input and vote on those ideas will also be most appreciated.

In addition, the "Mr./Ms. Township award" is also given. All officers should consider sending in a nomination of one of their peers for this

prestigious award. I know a lot of supervisors, clerks, treasurers, zoning officers, and assessors out there who are very deserving of some recognition--but these are usually the very people who will never "toot their own horn." It takes a fellow officer to let us know who should be recognized. See the info on the award process elsewhere in this newsletter.

Try to get a road and sign inspection done yet this fall. Use the forms that the Insurance Reserve puts out, or develop your own, but the point is to document your trip and make note of signs that need replacing, etc. List those signs that are in good shape and have proper reflectivity. That way, if there's an accident, your records could show that the signs were probably not a part or a cause of the problem.

I hope the remaining harvest is safe and without incident. Following are some questions received in the office. Hope to see you in Bismarck! TRM

**Q:** We had some landowners that failed to mow their ditches. I know we can charge the cost of mowing for them against their taxes, but how exactly do we do that?

**A:** See section 63-05-01 thru 04 of our township officers handbook. Generally, once the notice for cutting has been published in the official newspaper by the county commissioners, (even for township road ditches), the supervisors can get the work done, and "certify to the county auditor" the expense of the cutting.

Check with your county auditor as to their preferred method of certification. They may have their own in-house forms for that purpose, or, maybe a simple e-mail to them will suffice. There is usually an Oct/Nov deadline to certify taxes, so don't wait too long to take action!

**Q:** Is there any limit on the agenda items, both in number and topic, for a special township meeting?

**A:** See generally, Chapter 58-04 of the handbook for info on special meetings. Specifically section 58-04-02 speaks to the various topics that can be covered--electing officers to fill vacancies, or for the "purpose of transacting other lawful township business...."

So it appears that any township topic could be contemplated for the agenda, plus there seems to be no limit on the number of topics to be discussed. But, each topic must be specifically listed in the newspaper notice for the special meeting.

Nothing can be discussed or acted upon that wasn't on the agenda that was published. (58-04-04). This differs from the annual meeting in March, where specific agenda items do not have to necessarily be printed ahead of time in the newspaper. (there are some exceptions to that, too; e.g. votes on excess levy questions, etc.)

**Q:** The city adjacent to our township wants to pave a road on the outskirts of the city which parallels the city limits. The road is technically a section line road in the township, but is used mostly by city residents. We think it's probably okay for the city to pave our road, but will it be our responsibility after the work is completed?

**A:** It will still be a township road, thus you will retain responsibility for liability and maintenance. You could enter into a maintenance agreement

*Cont'd on page 6*

Go to [www.ndtoa.com](http://www.ndtoa.com) to find information and websites for the following:

- ◆ Officers and Directors information
- ◆ Calendar of Events
- ◆ The *GrassRoots Report* Newsletter
- ◆ The Officer's Handbook
- ◆ Workshop Information
- ◆ Discussion Forums
- ◆ How to Access the ND Century Code
- ◆ North Dakota Insurance Reserve Fund (NDRIF)
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## NEWS MEDIA RELEASE

October 1, 2012

Contact: Lance Gaebe or Gerry Fisher  
701-328-2800

### State Land Board Accepting Township Energy Impact Grant Requests


The State Land Board encourages townships in oil and gas development areas to apply for grant funds available to address transportation improvements on local roads and infrastructure.

Organized townships that have experienced impacts as a direct result of oil and gas activity and traffic are eligible for funds. Applications will be accepted until October 31, 2012 by the Energy Infrastructure and Impact Office, which operates the grant program on behalf of the Land Board.

Grant requests for one-time projects related to building or improving physical assets will receive top-priority consideration. An advisory committee made up of city, county and other local government officials will make recommendations for the allocation of grant funds.

The Land Board, made up of Governor Jack Dalrymple, Secretary of State Al Jaeger, Attorney General Wayne Stenehjem, State Treasurer Kelly Schmidt and Superintendent of Public Instruction Wayne Sanstead, will award energy impact grants in December 2012 for this grant round. Nearly \$125 million of Oil and Gas Development impact grant funds have been approved during the 2011-2013 biennium.

Applications and additional information are available on the North Dakota Energy Impact web site: [www.nd.gov/energyimpact](http://www.nd.gov/energyimpact).




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### MEMO

Applications forms are available on the energy impact website [www.nd.gov/energyimpact](http://www.nd.gov/energyimpact). If you do not have internet access, please visit a local library, extension office or school with internet access to obtain the application form. The form and supporting documentation should be mailed by October 31, 2012; or e-mailed to [energyimpact@nd.gov](mailto:energyimpact@nd.gov); or faxed to (701) 328-3650 no later than midnight, October 31, 2012. You can also contact Lance Gaebe or Gerry Fisher at (701) 328-2800.

with the city, so they will take over the maintenance, snow removal etc. for the road. And, you could also ask the city for a hold-harmless clause in the agreement wherein they agree to reimburse the township for any liability costs which the township may incur in the event of an accident, and it is alleged that the road's condition is the root cause of the injuries.

A better option would be if the city could go through an annexation process, effectively moving their city limits to the other side of the road. Then the township would no longer have any jurisdiction over the road.

**Q:** Is it still legal to have a "gopher fund" in the township? I remember when we were kids, we got money for each gopher we got rid of.

**A:** See section 58-03-07, number 16 (powers of electors). "Electors.....have the power.....to establish a fund for the eradication of gophers, prairie dogs, crows, and magpies." (I would be interested to know if any township out there still has such a fund!)

**Q:** We have an old church cemetery in our township. The church disbanded years ago, and the church building was finally torn down last year. No cemetery association was ever formed and there hasn't been a burial there for at least ten years. We were wondering if the township could take the cemetery over and use township funds for mowing, etc.?

**A:** Section 57-15-27.1 allows organized townships to levy a tax not exceeding two mills to be used for the "care, maintenance, and improvement of cemeteries, owned and maintained by such townships..."

So it appears that if your township is the cemetery owner, then public funds could be used, as long as the electors at the annual meeting voted in favor of the expenditures. I'm curious as to when the church disbanded, who or what entity took

over title to the grounds?

**Q:** How do we keep hunters off our roads, especially after a rain, it really makes a mess?

**A:** Hunters are members of the driving public too, so they have a right to use public roads just like anyone else. Hopefully, common sense will prevail during periods of rain and snow!

**Q:** We have a landowner that wants to put in a new approach to his land. He said he will pay for it but doesn't want to follow our specifications for a 3:1 minimum slope. Can we make

him do that?

**A:** Absolutely. Remember the approach not only goes into his field, but also coming from the other direction is an approach onto your road from the field. You have responsibility to the traveling public for the safety of the road. See section 24-05-21 which speaks to the 3:1 requirement and also speaks to a vehicle which may accidentally leave the township road and strike the inslope (of the approach).

## **President's Comments** *cont'd from page 2*

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Heritage Fund and dedicated 5% of the oil and gas extraction taxes to this fund. This would be a huge fund, likely over three hundred million dollars per biennium. This allocation would be set in the Constitution with no chance for the Legislature to adjust as needed down the line.

The NDTOA Board of Directors voted to oppose this proposal and we joined the People First Coalition to work against it. We certainly support the conservation of our state's natural resources for current and future generations. But this proposed measure is too extreme. It takes money from much needed investments in roads and other infrastructure as well as tax relief.

This fund could be used to impose new regulations, restrict private property rights as well as challenge townships rights to maintain roads. This money could be used to fund radical environmental and animal rights organizations to promote initiated measures, lobby or even sue, the local, state and federal governments to force new regulations and restrictions on public lands and right of ways, private property, and agriculture or energy development.

It likely would be used to buy huge tracts of land; for now the State

obligates its self to pay "payments in lieu of taxes," on land it owns, but this could become a great drain on the state treasury.

Local government subdivisions will lose funding one way or another when the State needs to balance its books.

This constitutional measure is down for this round, but you can be sure it will be back before long. We must continue to work to prevent this from ever becoming a constitutional amendment.

We support conservation managed by our elected legislature and encourage increasing funding for it, that can be adjusted according to need and funding available.

This measure would require another constitutional amendment any time it needs to be adjusted.

What can you do? Think long and hard before signing any petition for a constitutional amendment. The full and long term effects are not always evident.

Well that is all for now, hope to see you at the annual meeting in Bismarck. Thank you for being a township officer.

## Treasurer's Report by Barb Knutson, Dist. 5 Director and Treasurer



I have been really enjoying the fall colors. They have been spectacular in some places. Don't know where summer went.

Just a few notes on the mailing list. Thanks to all who have turned their change of officers in to the county. For those who haven't, please do.

I would like to thank the counties also, for cooperating in getting this list together. I just got the last county list last week and there were still two townships that had not turned in information. This is October!

I have really appreciated the help coming from e-mails, phone calls and even notes in the mail to keep this list up to date.

If you see something on your address that is incorrect, please let me know. Make sure all your current officers are getting the *GrassRoots*.

If you have not paid your dues for

2012, the end of the fiscal year is October 31. It would make it so much better if we can get these paid and credited to the proper year's business.

The annual meeting is coming up in December in Bismarck. Make sure you take notice of the information in this issue for particulars. We are planning on having another good and informative convention and hope many of you will come and take advantage of this.

I hope all is going well out there with harvest and such, and look forward to seeing you in Bismarck!

## Richard Heuchert Memorial

Richard Heuchert, age 82 of St. Thomas, ND passed away on July 22, 2012.

Richard played an active role in St. Thomas Township and was a township supervisor for 41 years; he was a past president of the Pembina County Township Officers Association.

He was awarded the "Mr. Township" Grassroots Government Leadership Award in 2002 by the ND Township Officers Association.

Richard was active in the Policy Development process for many years at the NDTOA annual meetings. He has been and will continue to be missed by his fellow township officers.

## Conference Experience Benefits Submitted by NDRIF

As I write this in September, we are just beginning to see some welcome change from the umpteenth consecutive days of low to mid to upper-90s temperatures of the passing summer—and not the soothing dry-heat kind—so it's a bit difficult to imagine the fall statewide association annual conference season.

It is, however, not that far away and I'd like to put in a pitch for your attendance at these events, and especially at the Annual Conference of the North Dakota Township Officers Association.

The NDRIF has, for many years, felt that member officials and employees stand to gain useful information—some of it the kind of knowledge that helps reduce liability and property risk—by participating in an annual conference of the political sub-division association applicable to your entity (and regional meetings of this kind, as well).

The NDTOA Annual Conference is just such an opportunity. Most of the time, once someone has experienced the value of training sessions like these and the opportunities they make available for idea-generating

conversations with colleagues from around the state, that's all the "push" needed to ensure a desire to return in following years for more of the same.

I encourage those of you who already know the benefits to be gained by your township through your involvement in the annual conference experience to do a little good-natured arm twisting of your colleagues who haven't. It will be a win/win for all if you are successful.

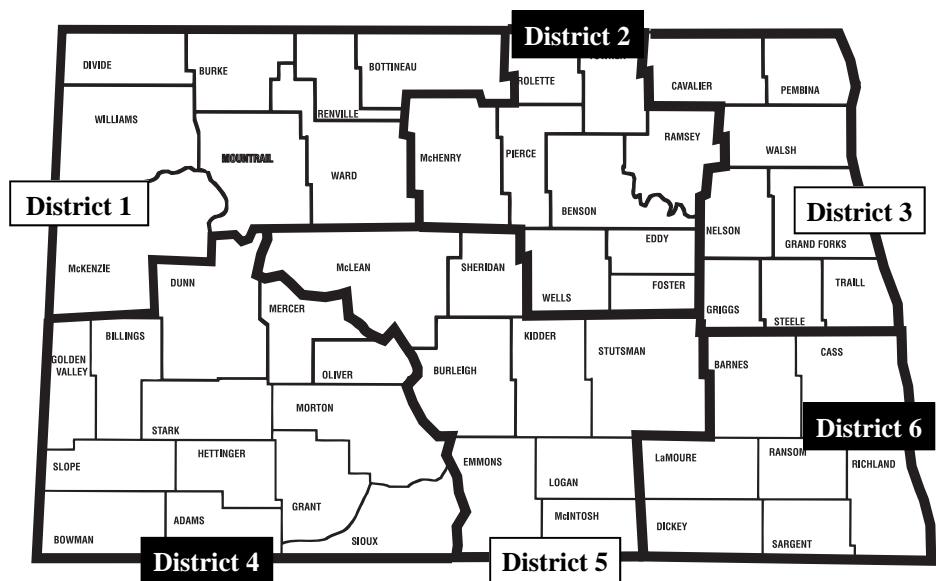
# NDTOA Director Positions Open for Election

District Directorships to be filled this annual meeting are as follows:

**District 2** consists of the following counties: Rolette, Towner, Benson, Ramsey, Pierce, Eddy, Foster, Wells and McHenry. *This directorship has been held by Ralph Olson, Maddock..*

**District 4** consists of the following counties: Golden Valley, Billings, Slope, Bowman, Adams, Hettinger, Stark, Dunn, Morton, Sioux, Grant, Oliver and Mercer. *Leon Monke, Regent, has been appointed by the Board of Directors and will now need to be elected by the members of the association.*

**District 6** consists of the following counties: Barnes, Cass, Ransom, LaMoure, Dickey, Richland, and Sargent. *This directorship has been held by Steve Ginsbach, Hankinson.*



*To be eligible to serve on the State Board of Directors, you must currently be a township officer. Anyone interested in serving on the NDTOA Board of Directors for those districts should **contact a nominating committee member**: District 1 Director Bruce Krabseth, District 3 Director Al Bekkerus or District 5 Director Barb Knutson. (Contact information is listed on page 2.)*

## Road Maintenance Costs projected 2013-2014

The Upper Great Plains Transportation Institute recently released the results of their study on county and township road maintenance costs.

It shows that \$834 million is needed during the next two years and over two-thirds of that should be used in Western North Dakota. This is a 28% rise in the recommended support from the 2010-2011 study projected figures.

An 80% increase in the number of wells to be drilled is expected according to the North Dakota Department of Mineral Resources.

Current oil tax revenues will not keep up with the extraction and exploration damages caused to local road systems. The 80% increase is not good news for local infrastructure providers.

Damages done across our state by past years of excessive rainfall are far from being repaired. A lot of the more hazardous conditions were fixed by the November Special Session's one time \$10,000 cash payment given to townships in non-oil producing counties. It is very apparent that they will need similar help to continue desperately needed road repairs.

## Resolutions

Written resolutions should be sent to committee members **no later than Friday, November 23, 2012:**

Al Bekkerus  
1890 12th Ave. NE  
Grand Forks, ND 58201

Steve Ginsbach  
16290 91st St. SE  
Hankinson, ND 58041

Don Malcomb, Chairman  
4000 338th St SW  
Berthold, ND 58718-9154  
dmalcomb@srt.com

Or to the NDTOA office: Ken Yantes, PO Box 104, Brocket ND 58321-0104.

They will be presented at the Resolutions Committee meeting on Sunday evening, December 2, 2012.





# Grassroots Government Leadership Award

To recognize the leadership, creativity, and dedication of township officials, the NDTOA has established a leadership award to pay tribute every year to an individual whose community service exhibits the highest standard of dedication, ability and service.

## ELIGIBILITY

The award will be presented to an individual, locally elected official, currently in office. It will recognize him or her for their outstanding contributions on a sustained basis or from a single performance.

Nominees should have responsibility for accomplishing or causing to be accomplished significant programs or projects within their area of responsibility, to the ultimate

benefit of the general public.

Examples of such professional accomplishments include local government cost-cutting, coordination of a major local volunteer effort, and promoting townships at the national level, establishing new local services or programs, and success in securing public or private funding for local projects.

## SELECTING CRITERIA

Nomination should include specific reference to the following features of the nominee's accomplishments as applicable:

- ❖ Complexity of the problem(s) addressed.
- ❖ Measurable improvements resulting from nominee's accomplishments.

- ❖ Use of original, innovative or creative approaches and solutions in difficult situations.
- ❖ Long-term or lasting benefit of the nominee's accomplishments.

## NOMINATING PROCEDURE

Nominations may be submitted by member townships and counties of the NDTOA. **Nomination deadline is November 15, 2012.** If additional nomination forms are needed, contact:

**Al Bekkerus**  
1890 12th Ave. NE  
Grand Forks, ND 58201  
(701) 741-2120

A nomination form is below for your convenience. Just complete and mail. It's that easy!

## North Dakota Township Officers Grassroots Government Leadership Award NOMINATION FORM

Name, title, local government, address and phone number of NOMINEE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Your name, address and phone number \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please provide name, address, day phone, title and affiliation of two objective references who can evaluate the nominee's accomplishments:

1) \_\_\_\_\_

\_\_\_\_\_  
2) \_\_\_\_\_  
\_\_\_\_\_

Please attach a brief biography of the nominee summarizing positions held, civic and professional affiliations, and other relevant personal data. (Not to exceed two typewritten, double-spaced pages.) Also attach a summary of the major accomplishments for which the local official is being nominated, keeping in mind the examples and criteria listed above. (Not to exceed four type-written, double-spaced pages.) The award will be presented at the County Association Annual Meeting and the NDTOA Annual Meeting in December.

# ACIR Supports NDTOA Policy

The most recent meeting of the Advisory Commission on Intergovernmental Relations for the 2011 - 2012 interim period was held August 16, 2012.

Much of the discussion centered around a bill draft proposal that would allow the fees for violation of weight restrictions on ND roadways to go to the jurisdictions that are damaged by those violations.

During the 2011 Legislative Session a bill was passed by the House of Representatives which would have given the county the authority to receive the fees for violations on county roads.

This bill was reconsidered and killed on the same day. The reasons given for that action was that it would give the counties an increase in funding. Legislators heard testimony that over zealous law enforcement for financial gain was sure to happen.

It seems that repeat violaters/law breakers were not to be punished for breaking the law over and over again.

At the August 16 ACIR meeting, ND Highway Superintendent Jim Prochniak reported the most current figures on weight restriction violations of trucks in ND. His testimony gave the number of violations in each county.

Grant Levi, ND DOT Deputy Director, indicated support for the bill proposal. He passed out a copy of an enforcement statement used by all state highway patrolmen to fairly enforce our present highway laws.

He said if there was any question of over zealous enforcement this document could be modified for local use but that he really didn't think it was necessary.

The question arose that was never answered was . . . ***If violaters***

***continue to violate, why shouldn't they have to pay the fees for all of their violations of our laws?***

Terry Traynor, Assistant Director of Policy and Programs for the ND Association of Counties, testified that ***townships should get the fees if violaters were caught violating on township roads.***

I testified that the NDTOA has long had grassroots policy that was in support of the bill proposal that included townships to get the fees if violaters were caught breaking the laws on township roads.

I don't believe that townships would get a lot of funding from this proposal, but it might serve as a deterrent to overload and damage township roads.

Committee discussion surfaced the question . . . ***Why shouldn't the fees for violations be given to the jurisdiction that has to pay for the damages caused by those violaters?***

As a member of the ACIR, I then moved a motion to forward the bill proposal to the Legislative Council for bill introduction in the 2013 Legislative Session.

Richard Riha, Burleigh County States Attorney and President of the Association of Counties, seconded the motion. The ACIR voted 11 to 0 to pass the motion.

## ***Proposed By-Law Changes for 2012***

The NDTOA Board of Directors unanimously recommends the following by-law changes to Articles VI, VII and XII:

Article VI—Delete the wording ***both NATaT Directors.***

Article VII—Delete all of Article VII and replace it with: ***If an officer is unable or unwilling to serve, then, in that event, the Board of Directors shall appoint a replacement. In addition, any officer may be removed from office by a two-thirds affirmative vote of the Board of Directors for cause.***

Article XII—Delete all of XII and replace it with: ***Robert's Rules of Order shall govern all meetings of the Association and the Board of Directors.***



**WORKING FOR YOU!**

## **46th Annual Meeting** continued from page 1

Secretary of State **Al Jaeger**, as a member of the Department of Trust Lands (formerly the ND Land Board) will open the activities on Tuesday, December 4 at 8:30 a.m. by explaining the procedure for townships to use when applying for funding from the energy impact funds.

***A workshop on North Dakota's Open Meeting and Open Records Laws is scheduled for 9:00 a.m. on Tuesday, Deacember 4.***

**Mary Kelsch**, Assistant ND Attorney General, (back by popular demand) will hold a workshop on the legal requirements of North Dakota law on open records and open minutes procedures. If you missed her last year, this is your chance. This workshop will conclude before noon.



## Grass Roots Report

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

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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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