

# GRASS ROOTS REPORT



JANUARY 2013

*The Official Newsletter of the ND Township Officers Association*

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## 2013 Legislative Update

*by Ken Yantes, Executive Secretary*

The 2013 Legislative Session is in full swing and there are 25 new legislators. Your legislative team has been busy contacting them along with the many long time legislative friends we have been working with over the years.

State President, Larry Syverson and Ken Yantes are the members of your full time lobbyist team. We are both experienced township representatives and have your grassroots developed policies at heart.

One of the most important legislative efforts this session is locking in the next two years financial support for township maintenance.

We have attended several meetings with our road maintenance partners—the counties, cities and the ND Department of Transportation.

To date there are quite a few different amendments floating around the legislative halls to Senate Bill 2012 which is the main DOT funding bill.

**SB2176** is the funding bill for cities, counties and townships that was removed from **SB2012** at the Governor's request to get faster funding to the grassroots transportation providers.

The additional emergency clause

that was added to SB2176 will allow the funding to be delivered to townships in mid-February instead of the first of August.

This should give townships the ability to more accurately set their budgets in March at their annual meetings. They should be able to secure early contracts to get their road maintenance projects accomplished sooner.

It seems that our summers working season goes by faster every year. The time period between planting and harvesting just doesn't seem to last as long as it used to.

We will try our best to secure ample funding from our state legislative assembly again this session.

We are very thankful that our legislators understand that in North Dakota we must move our product on safe dependable roadways which includes the basic transportation system—township roads.



**WORKING FOR YOU!**

Greetings!



My name is Mark Shipley. I reside in Poplar Grove Township, Ramsey County, Devils Lake, where I have been a member of the township board for three years.

Allow me to introduce myself as the **new** representative of District 2.

I was born in Devils Lake and have lived here most of my life. I have been self employed for the past 19 years—working in the Devils Lake area.

The National Guard was a part of my life for 11 years. I am currently a member of Devils Lake Elks #1216, Lake Region Snowmobile Club for 16 years—six of those years as its current president and also the past four years as a Region 2 Director of Snowmobile North Dakota.

My intentions when attending the 2012 NDTOA annual meeting was that I wanted to learn more about the responsibilities township officers have at the state level. I was asked to represent District 2 and my answer was "Yes!"

I look forward to meeting the officers and residents of District 2. Please let me know what is on your mind as I want to hear your concerns and be your voice.

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## President's Comments



Hello Township Officers,

I hope you and your Township are faring well this winter. So far there has not been a lot of snow to deal with, that should help your treasury.

Ken and I are currently very actively involved with the legislative session. At this time there are still several proposals dealing with some of our main concerns. Property tax relief and township funding are getting a lot of attention.

The property tax bill that came out of the interim committee was killed last week in the House, but there are still several to choose from.

Measure 2 convinced the legislature that something needs to be done about the high property taxes, so they are working on both reduction and reform. Reduction is pretty easy to like but some of the proposed reforms may not be so likable for all of us.

One of the objections raised by the proponents of measure 2 was that some are allowed property tax exemptions that the rest don't get. One such exemption is for the farm residence exemption.

A bill to repeal the farmer's home exemption (**SB2197**) was heard in the Senate Finance and Tax Committee on January 23<sup>rd</sup>. It seems very unlikely to pass, but each time such a bill has come up the margin has gotten closer.

We have put a lot of work into State funding for Townships, and it looks like we are in line for some pretty significant money this time. **Senate Bill 2176** has already been passed out of the Senate and sent to the House where they will take it up next week.

It very likely will be signed by the Governor by the end of the month. This bill provides \$620 million for state highways in the west, so they

can get construction started earlier, and \$100 million for other transportation needs in the non-oil counties.

This money should flow out in February. Twenty million dollars of that will give the non-oil townships a payment of \$15,000 each plus another \$16 million will give about \$380 per certified mile.

They have insisted on handling the townships in the oil producing counties in other bills that are still being developed.

We started our efforts to get similar funding for those townships weeks before the session began. We know that many of those townships don't get any oil revenue or oil impact funds.

We have been bringing that fact to every legislator we talk to, and we have talked to a lot of them. Lance Gaebe who is in charge of the office that administers the oil impact program also gave a similar message to the joint appropriations committee when they heard the DOT bill.

This surprised many of the law makers as they assumed all the townships in the oil counties were well taken care of. Senator Bill Bowman stressed the need to take care of the townships in the oil counties too as the Senate was preparing to vote on **SB2176**.

So I can assure you the legislature is getting the message about western townships getting shorted last time.

**Even as successful as it seems we are this time, our efforts to gain increased funding have been complicated by the fact that less than half of you have been filing the**

*Cont'd on page 3*

## President's *cont'd from pg. 2*

Transportation Funding Report or the alternate report of the township treasurer.

That alternate form is the same one you have to send in to your County Auditor.

One western representative asked me yesterday how many townships have over \$50,000 in the bank. There are some legislators that are convinced a lot of townships are sitting on big bank rolls.

Without your reports we have no proof otherwise.

We have had requests that we make the township forms available on our web site in a fillable form. We intend to do this pending a few tests to make sure they work properly.

One of the first to be made available will be the report of the treasurer. That is the form where each check paid out and items deposited is listed and then on the last page they are all totaled according to category.

This is also the form that the State Tax Department wants and will accept in place of the Transportation Funding Report.

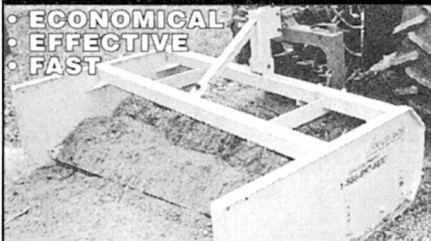
When the treasurer has filled out the form there will be a button at the bottom of the page. Click that button and the form is emailed to the Tax Department and your township has complied with the law requiring that each year we file this report. Then you can print out the form which goes to your county auditor.

Even if you do not use the online form, it is still required that you send in a copy of the report of the treasurer and the summary sheet to the State Tax Department.

Make a copy of these forms that you have to file with your auditor and sent them in to:

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As Tom mentions in his column on checking/replacing road signs, there is a very informative PowerPoint program about **Retroreflectivity** available by sending a request to: [kholte@srt.com](mailto:kholte@srt.com) It's a helpful tool for anyone with a laptop to be used for discussion at your next annual meeting.



## Executive Secretary's Corner

by Ken Yantes

### NDTOA Legislative Office

Beginning in mid-December your legislative team began assembling an office/apartment for the 2013 Legislative Session.

President Larry Syverson and his son, Steve, from Fargo, myself and my wife, Darleen, made several trips to Bismarck to set up our home away from home.

Office equipment, apartment furniture and supplies were all moved into an apartment located at 1930 N 11<sup>th</sup> St. Apt.8, Bismarck, ND 58501. The phone number is **701-258-5903**.

We are located about six blocks north of the Capitol. It took quite some doing to find a place as the oil boom workers have taken up

most of the available living accommodations in Bismarck.

Both Larry and I have computers that are tuned in to the happenings at the Capitol and can provide answers to your legislative questions regarding the bills, hearing schedules, the legislators and which committees they serve on and many more pertinent legislative questions.

We are at the Capitol most week days from early morning until late afternoon so early evening is the best time to talk to us.

I invite you to come to your legislature as not all states have a citizen legislature as we do in North Dakota.

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! It's January and below zero as I write this, and my thoughts are not about the cold, but rather that the month of March is not far behind and that means that township annual meetings are right around the corner.

Our annual meeting history goes back to one of the known first town meetings in the Town of Dorchester, in the Massachusetts Bay Colony in the year 1635. The town elders at that meeting gathered to assess an annual levy upon themselves in order to provide for the community good.

To actually have a personal voice in their own budget destiny was quite remarkable, considering the heavy hand of the English King and Parliament. From those early beginnings, the idea of self-governance was born, and as the colonies became states in the new country, the town meeting idea continued, which eventually morphed into the township form of government with the enactment of the Homestead Act of 1863. The rest as they say is history!

Try to review the annual meeting section in Title 58-04-XX of our handbook. Those early colonial meetings provided for the election of a moderator to preside over the meeting.

Our law still calls for that procedure, although I suspect that in most townships, including my own, the chairman of the Board of Supervisors chairs the meeting—but interestingly, I do know of several groups who follow the colonial procedure of selecting a moderator, and the chairman wears just his “resident hat” on annual meeting day.

Try setting a goal of increasing your meeting's attendance this year by getting at least one extra person to attend than you had last year. You'll probably have to pick him/her up or

“bribe” them with pie or cookies, but one has to try!

Both Ken and Larry are already quite busy at the 2013 version of the Legislature, as outlined elsewhere in this newsletter. ***Ken puts out an e-mail summary each week of our lobbyist's actions, so let him know if you want to get on his mailing list.***

Also, please volunteer to at least offer your thoughts on the various bills we are monitoring, if not actually coming to Bismarck to testify on behalf of positions favorable to townships.

Every legislator I've visited with always stresses the importance of hearing from the folks back home. At the very least, please try to attend the Saturday morning hometown forums that the legislators host locally.

Make sure they know you are a township officer and that the issues which Ken and Larry are watching are also important to you and your township.

We had a good state convention last December, and I met several of you for the first time. There are no workshops this year, because of the Legislative session, but let your district director know if you have any questions. He/she will direct those issues to me if they can't get the answer to you.

Once again, even though the New Year is starting out rather cold and frigid, Spring can't be too far behind. Following are a few questions received in my office. Hope everyone has a prosperous, satisfying, and safe 2013! TRM

QUESTION: Can we have the township annual meeting on a different day—maybe on the weekend either before or after?

ANSWER: **No.** The law is pretty clear—the electors “shall annually assemble and hold a township meeting on the **third Tuesday** in March...”

We would have to seek a change to state law to effect allowing the meeting on a different day, but the impetus to do that never seems to materialize.

QUESTION: Can we zone our township at the annual meeting, or do we have to have a separate meeting?

ANSWER: Yes and No! Zoning requires several meetings and hearings before final implementation. So some of the legwork, and preliminary gatherings could be held now in January and February in preparation for the final vote in March, but doing it all in one day will result in a zoning ordinance that will be easily challenged and likely would have no force or effect. Remember what your Mother said—“taking shortcuts only makes the job longer, because you have to do everything over again!”

QUESTION: One of our officers received an anonymous gift over Christmas with a note saying it was for “township use”. Can townships take gifts?

ANSWER: Absolutely! It should be accounted for in the books and records of the township, and I suppose if the gift was a substantial one, that fact would have to be presented to the annual meeting as well, as a larger gift could have an effect on the budget directives for the coming year.

Cont'd on page 7

# Syverson Receives NDTOA Grassroots Government Leadership Award

The North Dakota Township Officers Association 2012 Grassroots Government Leadership Award was presented to Larry Syverson, a township officer from Mayville.

Syverson has served Roseville Township as a supervisor since 1986. He has been the township assessor for many years and is currently serving as chairman of the board of supervisors and is also the zoning officer. He served for many years on the board of directors of the Traill County Township Officers Association having served four of those years as chairman of the board.


Syverson was elected in December of 1999 to represent District 3 on the NDTOA State Board of Directors and has served the last three years as state president of the association.

Larry designed the current computer mailing list for a much improved communication tool. He also revised and updated the NDTOA Handbook that spells out the legal duties and responsibilities of township officers according to the ND Century Code.

He has tirelessly represented the members of the NDTOA in Bismarck the last three legislative sessions and is making preparations for the 2013 session.



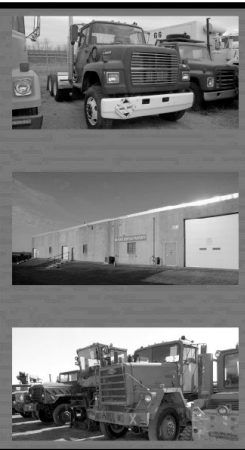
*Pictured left to right: Al Bekkerus, Awards Committee Chairman, Larry Syverson, award recipient and Ken Yantes, NDTOA Executive Secretary*



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## MONEY FROM THE STATE!

Joint Senate & House Committee hears **Senate Bill 2176** (Emergency), a special funding bill is being fast tracked through the legislature. It includes money for townships and there should be a payment of \$15,000 made to each township. There will be additional money based on the miles of maintained roads in each township.

This bill was written to just give the funds to townships in non-oil counties but we are making the case to include the townships in oil producing counties in another bill. We have many Legislators supporting these proposals.

The **SB2176** funds could be in your bank account in February, the oil county townships will be a little later. Please use the money to fix some road problems in your township, replace a few of the faded out signs, fix some wash-outs. Don't just leave the money in your bank account.

*Larry & Ken*



# Farmers Union

# INSURANCE

# North Dakota Township Officers Met in Bismarck

By Ken Yantes, Executive Secretary, NDTOA

The North Dakota Township Officers Association held their 46<sup>th</sup> Annual Meeting on December 3 - 4, 2012 at the Ramada in Bismarck.

Loren Ingebretsen, President of the Minnesota Association of Townships, opened the meeting with a patriotic presentation. Upon opening the meeting on the second day, he spoke on concerns that ND and MN township governments share.

He awarded the early bird door prize (a North Dakota flag ) to Mark Shipley from Ramsey County.

Greg Wilz, Director of ND Homeland Security and ND Emergency Services, and his assistant, Randy Reimer, reviewed FEMA work in North Dakota.

Grant Levi, Acting Director of the ND Department of Transportation, reported on the 2012 work accomplished by the ND Department of Transportation.

Gerry Fisher, Assistant Director of the Energy Infrastructure and Impact Office, Terry Traynor, Association of Counties, Steve Spilde, CEO of the North Dakota Insurance Reserve Fund and Dennis Lindahl, Public Relations Officer of Western North Dakota oil companies, completed the Monday morning lineup of informational speakers.

President Larry Syverson was presented with the 2012 Grassroots Government Leadership Award.

The business meeting included reports from all standing committees, a grassroots policy development session and the election of district directors. Elected were Mark Shipley from Devils Lake to represent District #2 and Leon Monke from Regent to represent District #4.

Re-elected to represent District #6 was Steve Ginsbach of Hankinson.

Former Senator Curtis Olafson received the 2012 NDTOA Legislator of the Year Award .

Rick Stadelman, CEO of the Wisconsin Township Association, was the speaker at the evening banquet where he shared Wisconsin's experiences with frac sand and zoning problems and their township solutions.

Secretary of State Al Jaeger opened the morning meeting on December 4 with a presentation of the ND Century Code relating to the electors in a township.

Mary Kelsch, Assistant Attorney General, presented a workshop on North Dakota's open meeting and open records laws as they pertain to township officers.



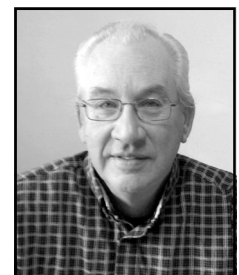
*Loren Ingebretsen gets help from Ron Tufte, Nelson County*



*Grant Levi, Interim Director of NDDoT*

## Meet District 4 Director – Leon Monke

Leon Monke was born in Dickinson, ND and has lived most of his life on the family farm north of Regent, ND in Rifle Township. Following college and service in the Army National Guard, he returned to the farm. Leon served on the Regent School Board for 12 years, Our Redeemer's Lutheran Church Council, SW Grain Advisory Board, Hettinger County Township Officers Association Board of Directors.



Leon and his son, Scott, operate the family farm which was established in 1908. Along with small grains, they run a bred heifer operation. Leon and his wife, Kitty, have three grown sons and four grandchildren.

Leon's involvement in the township has been Supervisor in charge of road maintenance, Chairman of the Township, and Township representative on the Hettinger Township Officers Association Board. He is also the Township Representative for the Hettinger County Strategic Planning Committee.

# Olafson Legislator of the Year

Former District 10 Senator Curtis Olafson, Edinburg, was named the 2012 North Dakota Township Officers Association's Legislator of the Year at their 46th annual meeting in Bismarck on December 3, 2012.

The award was presented at the evening banquet by NDTOA President Larry Syverson and Ken Yantes, NDTOA Executive Secretary.

Olafson first received this award as a freshman senator in 2007 and now again in 2012 for his exceptional support of legislation that would affect townships.



*Pictured left to right: , Ken Yantes, NDTOA Executive Secretary, Senator Curtis Olafson and NDTOA President Larry Syverson.*

## The Country Lawyer *cont'd*

**QUESTION:** I'm having a bet with my township chairman—I say that the clerk calls the annual meeting of the township to order, and he says that that's his duty. Who wins the bet?

**ANSWER:** I hope this is not a bet with illegal winnings, because you win! See Section 58-04-05 which outlines the Clerk calling the meeting to order for the purpose of electing a moderator who then chairs the meeting. As I noted above, in most townships the Board Chairman is also the moderator (after the Clerk opens the meeting!)

**QUESTION:** I'm having a bet with my township clerk—he says he has to keep all township election records, forms, ballots, etc. forever; and I say he can destroy all that old stuff after 10 years. Who wins the bet?

**ANSWER:** You and the officers from the above question should get together—I just hope we aren't doing anything illegal here with all this "betting"! You, however, win the bet—see Section 58-07-0 (Destruction of Records), which details a long list of items, including election materials, which can be destroyed after 10 years.

**QUESTION:** We've got a landowner that wants us to put in a cattle guard in a township road. Do we have to do this and what are the size limitations?

**ANSWER:** Nothing in the law requires you to install a cattle guard. But such a device can be put in by the landowner at his/her expense and if the township approves it. You should take a look at the proposed location and see if it will create any severe hazards to the public.

And, the township itself dictates the size, etc. Also, provisions for warning signs also have to be in the landowners design and plans. In addition the township can order removal of the cattle guard in the future if it is not properly maintained, or if the road needs "improving". See generally Section 24-10- (1 thru 8) of the Century Code.

**QUESTION:** I see in Section 24-15-XX of the state law that there are provisions for "temporary road-blocks"—Is this the procedure we can use to close roads due to temporary conditions such as high water?

**ANSWER:** NO, the section you outlined is for law enforcement use only, when trying to stop oncoming vehicles due to an accident up ahead, or when trying to apprehend a person attempting to escape.

Closing a road due to high water, requires a "road closed" sign, plus all the accompanying warning signs placed ahead of the area, etc.

## Note from Barb Knutson NDTOA Treasurer and District 5 Director

The Legislature is in full swing now and there is much to be done. Larry and Kenny are back in Bismarck and doing their best to keep ahead of the game.

Watch the web page at [www.NDTOA.com](http://www.NDTOA.com) for updates. We are so fortunate to have two people that are so capable of keeping abreast of the bills that pertain to townships and speaking on our behalf at the hearings.

Dues have started to come in and that is great. Even though the due date was changed, it is great to have funds coming in now.

**Reminder:  
Dues are due the first of May  
and delinquent the first  
of October.**

Thanks to all that have been providing name changes. Soon new members will be taking over and I appreciate your help. The time is coming soon that we need to be thinking about our township annual meetings. Please be sure to get your paper work in to county auditors in a timely manner. This is a great help in getting new officers on our mailing list.

Thanks for all your work out there. It is important to our state!



## Grass Roots Report

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### Articles Due May 15, 2013

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Ken Yantes, Newsletter Committee Chairman  
P.O. Box 104, Brocket, ND 58321-0104  
ken@ndtoa.com  
Co-editor: Kathy Holte

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

### NOTICE TO COUNTY COMMISSIONERS

#### If your county includes unorganized townships:

Is your county paying dues for each unorganized township?

The per mile funding each township gets is a result of NDTOA effort.

If your county doesn't pay dues, someone else is paying your freight!

Your county has benefited from NDTOA for many years.

**Have you calculated the benefit your county**

**has received from the efforts of NDTOA?**

**WON'T YOU PLEASE PAY THE DUES?**



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