

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1306

2007 HOUSE POLITICAL SUBDIVISIONS

HB 1306

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1306

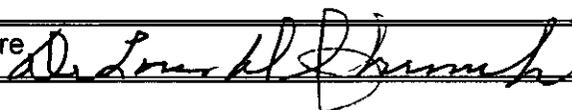
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: January 26, 2007

Recorder Job Number: 2036

Committee Clerk Signature



Minutes:

Chairman Herbel opened the meeting on HB 1306.

Representative Porter: This bill talks about who is able to vote in township elections and has a voice on their taxation. In ND residences in the state at the level of the township. What goes on in the township is truly taxation without representation. That is the issue I am raising. The other issue is the decisions that are made at the level of the township that affect the land of an individual that does not have a voice at the level. Two examples were: In northern Burleigh County I am a part owner in some land. On that land in the ditch section line there were somewhere around 30-40 25 year old cottonwood trees. One day I drove up there to see what the cows were doing and all the trees were cut down and lying in the ditch. So I started making phone calls to ask who is cutting down my trees. I find out it was the township at a meeting voted and cut the trees down. I had no notice and it is considered in the public right of way park even though I own to the middle of the section line. The trees on both sides of the road were cut down and piled up on my land and left. That expense was now suppose to be mine since they were in the public right of way and we affecting our ability to remove snow on a low maintenance road, I may add. Now we were left with the stumps sticking out of the ground two and three feet and a slash pile of trees that now collect rodents and other non-

desirable species. To say the least it frustrated me to think that a local political subdivision with my tax dollars without my consent can go out and cut down my trees and leave them as a garbage pile on my land and I know that the township association is going to testify against this. Think about this example of not letting a land owner have a say on how their tax dollars are spent and a voice inside of that 6 square miles that we are truly being taken advantage of on the taxation issue and the issues related to the township that we are inside of. It is not fair and unjust. Discussed the fact that you cannot get involved in the local township even though you pay taxes. Suppose to just send us the money and shut your mouth. We are going to do what we want to any way. Looking at some of these townships you have two or three people in some of these townships making the decisions for many landowners that may or may not have a say on what is going on. We run 150 head of cattle on that land and lease two quarters out to the local farm on that land who lives in the opposite township and it is not like it has been pulled out of production. The other example is my family, when I say family I mean my mom and dad and six brothers and sisters own a cabin at Lake Isabelle south of Dawson, ND. Inside of that lake is a township and every year we get our tax bill and every year there is a township tax. Every year their township funds grow a little bit bigger. Right now they are holding about \$35,000 of our tax dollars from that area. When we think of projects and other enhancements in that area and go to the township to try to get some of our money to be spent on improvements for us too we are told this money is for our roads and you don't have vote or say. Go home city folk. It is rough you have 150 cabin owners around the lake that are feeding the kitty and they get nothing from it and shouldn't we have a say?

Chairman Herbel What affect would this have on me if I lived in Wilton, but owned a rental house in Bismarck? Would that allow me to vote in Bismarck too or would that not apply?

Rep. Porter: That would not apply. Bismarck is an organized city and township regulations do not carry into an organized city. The city of Dawson is inside of that township; they are exempt from the township taxes and they are exempt from township decisions and being an elector of the township because their in an organized city.

Chairman Herbel How would that be different for me if they reappraised my rental home and raised my taxes?

Rep. Porter: You would be dealing with the county government. I am still a resident of Morton County and I still pay taxes in Burleigh County and I am not disputing that or saying that I need a voice in voting for a county commission. I do think it is fair to ask for a voice at the level of a township when they are the closest to the landowners in making decisions that directly affect the landowners based on two or three people setting around a coffee table. I was never given notice that I should come and appear before someone to protect my 25 year old cottonwood trees or anything about hauling the trees to the dump ground.

Chairman Herbel So if you owned land in six different townships, would this get you the right to vote in every issue that dealt with these six different townships?

Rep. Porter: Yes, it would.

Rep. Kim Koppelman I help but think of other cases even though you have given us good cases. I can't help think of the ramifications it might have. Property rights were the pre requisition for voting. If we open this door, where does this end? Everyone that owns property anywhere is going to want a right to vote in elections and have a say in the process in their subdivision.

Rep. Porter: There have been bills in the past. We had a big tea party that talked about taxation without representation. It is not a whole lot different than I am describing to you today.

I think it is not right that people in Minnesota get treated the way they do; back to go back to the foundation of the county. The reason we had the Revolutionary War was about a county across the ocean that was living off the taxes imposed on the colonies and it was wrong and we stood up and told them it was wrong. Now we have it back in place on our selves.

Rep. Kim Koppelman Would the township not receive you if you went to them and tried to talk to them?

Rep. Porter: In the lake cases they laughed and said see you later. In the Burleigh County case they were within their right and you don't have a say and see you later.

Rep. Chris Griffin Would this also allow individuals that do not reside in the township to seek elections?

Rep. Porter: It would allow them to seek elections to the township board

Opposition:

Larry Syverson: (see testimony #1)

Rep. Kim Koppelman Do you have any feelings on why the bill came forward?

Larry Syverson: I think it is an issue between individuals. How do you legislate personality conflicts?

Rep. Chris Griffin Is the current statue that is in existence; has it been that way since statehood?

Larry Syverson: Which statue are you discussing?

Rep. Chris Griffin: The voting statue.

Larry Syverson: Since statehood.

Rep. Lawrence Klemin Stated that they had left 3 foot stumps and the township has not removed the obstruction? Can the landowner have legal recourse? They cut down the trees, should take out the stumps since they are a safety issue? Can they do that?

Larry Syverson: The stumps should have been cut off at ground level; they are still posing a threat to the traveling public. The township could have hauled away the stumps and billed the landowner.

Berry Cox, Township supervisor in Benson County: We have the same situation in our township. Our meetings are open and we will gladly listen. I don't think most townships are not open and are willing to listen to problems that landowners have. If you don't keep the ditches clear we will notify the owner and we can have it done and bill them.

Rep. Kim Koppelman You said if the landowner receives notice? Rep. Porter did not receive notice?

Berry Cox: In our township I would go to them personally and talk to them. That is why the process would probably take a couple of years.

Larry Syverson: Reading from the statute, a valid notice is by registered mail. That constitutes a valid notice.

Chairman Herbel Is there a time element?

Berry Cox: Yes there is, but I am not sure what it is.

Chuck Thacker: ND Township Officers Association: To discuss the trees involved in the ditches. We have had the problem from a township supervisor asking who is responsible for removal of that tree on the bottom of the ditch. They said the tree was 15-25 years old. I think the township is partially responsible for letting that tree grow that long. I think the township is 50 % responsible for removing a tree we had a problem with and so that is how that worked out. I think the township officers should be more on the ball and see problems.

Hearing closed.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill No. HB 1306

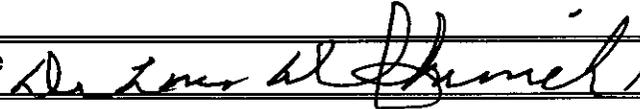
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 1, 2007

Recorder Job Number: 2608

Committee Clerk Signature



Minutes:

Chairman Herbel reopened the hearing on HB 1306. I think the procedures were not followed and I hope that goes back to the township officers so that kind of thing does not become normal.

Do Not Pass Motion Made by Rep. Kim Koppelman Seconded By Rep. Louis Pinkerton

Vote: 12 Yes 0 No Absent 2 Carrier: Rep. Griffin

Hearing closed.

Date: 2-1-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 306

House Political Subdivisions Committee _____

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Koppelman Seconded By Rep. Pinkerton

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad	✓	
Rep. Dwight Wrangham-V. Chair	✓		Rep. Chris Griffin	✓	
Rep. Donald Dietrich	✓		Rep. Lee Kaldor	✓	
Rep. Patrick Hatlestad	✓		Rep. Louis Pinkerton	✓	
Rep. Nancy Johnson	✓		Rep. Steve Zaiser	✓	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	✓				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep Griffin

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

REPORT OF STANDING COMMITTEE

HB 1306: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends DO NOT PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1306 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1306

1

To oppose HB 1306

Good morning Chairman Herbel and members of the Political Subdivisions Committee.

I am Larry Syverson a farmer from Mayville; I am the Chairman of Roseville Township of Traill County. I am also a District Director of the North Dakota Township Officers Association. NDTOA represents the six thousand township officers that serve our eleven hundred and forty one dues paying member townships.

HB1306 redefines an elector of a township and the eligibility to vote at township meetings. It gives an equal vote to any state resident that owns property in a township as well as to residents of that township. This will cause a multitude of problems.

Such as:

1. If an individual owns property in more than one township, would that individual be entitled to vote in more than one township? And would he not also vote wherever he resides? Doesn't this violate the doctrine of one-man one-vote?
2. Non-residents do not have the same stake in the community that residents do; landowners could take over the annual meeting and vote to eliminate all services in the interest of saving a few tax dollars.
3. There is no minimum acreage to qualify for a vote. Would member-owners of a hunting club all be entitled to a vote? They could take over the meeting and make paving the road to their club the priority of the township, they could impoverish the township with their demands, they would have control
4. Non-residents would be eligible to be elected to township offices, would it be a good idea to have a city council made up of people from other towns? People that are not present can hardly be stewards of the community.

That is the important word, community; townships are not just country property they are communities.

I could go on but I believe the point has been made; the power must remain with the people not the property. Therefore Chairman Herbel and Committee Members, I ask you to give HB1306 a do not pass recommendation.

That concludes my prepared testimony now I will try to answer your questions.