

2011 SENATE POLITICAL SUBDIVISIONS

SB 2219

2011 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2219
January 27, 2011
13523

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to township officer interest in a township contract

Minutes:

See "attached testimony."

Senator Andrist opened the committee hearing for SB 2219, relating to township officers interest in a township contract.

Senator Olafson representing District 10 introduced this bill to resolve a concern about township officers becoming involved in contracts with the township in which they serve.

Senator Laffen: Are there any instances where some townships, like Fargo, are heavily populated and this could have some ramifications on the other side where somebody could be getting some work that really should be going elsewhere? Don't you see that as a problem?

Senator Olafson: I don't see that as a problem because if there is somebody in a heavily populated area and you have lots of contractors; they come to the township and have a better offer and a cheaper offer to get the work done, the officers supervisors would then vote in favor of awarding the work to that person.

Roger Olafson: In support of SB2219 Clerk Treasurer of Thingvalla Township in Pembina County and Vice President of North Dakota Township Officers Association. See written testimony.

Julie Ellingson, represent the North Dakota Stockman's Association. I stand in support of SB 2219.

Senator Andrist: Anybody opposed to this bill, neutral on the bill.

Senator Andrist closed the hearing on SB 2219.

Motion for Do Pass: Senator Olafson

2nd – Senator Laffen

Unanimous Do Pass

5 Yeas, 0 No, 0 Absent

Carrier: Senator Olafson

REPORT OF STANDING COMMITTEE

SB 2219: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

2011 HOUSE POLITICAL SUBDIVISIONS

SB 2219

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

SB 2219
March 3, 2011
Job # 14926

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to township officer interest in a township contract.

Minutes:

Testimony 1,2, 3

Chairman Johnson: Opened the hearing on SB 2219.

Senator Olafson: (See testimony # 1 & 2).

Rep. Koppelman: Is there any other provision of law that would require bids for these kinds of services?

Senator Olafson: Not that I am aware of. This is on a negotiated basis.

Rep. Koppelman: If a township officer were to offer a proposal to the township to do some work and there were two others that offered to do the same work; the bill says that the board would have to give those other offers due consideration. I am not sure really what that means legally and if they were to say for example in that scenario where the officer offered to do it for \$10 and the two others offered to do it for \$5 and we have considered those five dollar offers but we like the \$10 offer from our officer. What is to prevent that?

Senator Olafson: As you know from being in business for yourself the cheapest offer is not necessarily the best one. It was not my intention to write into the bill that they have to to accept the lowest offer. That may not necessarily be the best offer. I tried to allow flexibility for them to do that and I think due consideration may not be a legal term but it certainly implies that a reasonable amount of consideration needs to be given to any other offer.

Rep. Koppelman: You wouldn't object to something like what other sections of law that would apply to purchasing contracts or awarding work.

Senator Olafson: I didn't do any research on what other sections of law might be able to be plugged in there on purchasing contracts or awarding work. If there is a better way to define that I would certainly take a look at that.

Chairman Johnson: When you changed it from a township supervisor to an officer and it includes clerks, assessors, and treasurers. Are they generally individuals that vote on bids anyway?

Senator Olafson: No they would not have a vote. The supervisors would be the ones who would vote. That is why throughout the bill when one of the township officers is being considered if that officer so if the person being considered for the contract is a supervisor they have to requite themselves from voting and the remainder has to vote unanimously. If the officer being considered is not a supervisor then all of the supervisors have to vote unanimously. The other officers do not have a voting position in the township.

Rep. Klemin: Is that an exclusive list of the officers that you just gave us?

Senator Olafson: That includes all of those who would serve a township. It would be supervisors, clerks, assessors, and treasurers. I am not aware of any other positions.

Rep. Klemin: Do we still have pound masters? There was a township pound master before.

Senator Olafson: The only time I have ever heard pound master used was in reference to a very popular registered Angus bull. That is before my time.

Rep. Klemin: Pound master was a person who took in stray animals like cattle and sheep and took care of them and boarded them and charged a certain amount per day for their care to the owner whoever that was when they came to pick it up. There are some townships that get very involved with a lot of other things. What kind of things would townships have for contracts?

Senator Olafson: My experience is mainly with rural townships, but you are right there are more urban like townships which may require different types of services than would typically be found in a rural township. I don't think that really makes a difference in my mind.

Rep. Shirley Meyer: Some of our western townships are a little more prosperous than they use to be. Even though the intent would be good and you are a township officer it would be hard to vote against your fellow township officers even though he would give me the cheapest bid and I know you are just not the best contractor. I think that is some of the protections that we would be losing if we passed this where you would pretty much have to give it to your fellow township officers. I think the way it is setting here it removes some of the protections we have for abuse.

Senator Olafson: I think there is a question there. Under the current law I think there is still potential for abuse if somebody wanted to if somebody wanted to take advantage of their position. I think you can play with the existing language on line 13; no other qualified individual is willing to undertake the contract. I understand your point and it is well taken that it does relax things quite a bit but I think that is the purpose of the bill. I think there are a lot of townships in our state where this is needed.

Rep. Shirley Meyer: the way it is currently though you so have to as a township official look at all qualified individuals. To me that is the safeguard you would be giving up. We have some townships in Mountrail County; the way the law is currently there are a lot of qualified applicants that you would have to go through for that to happen.

Senator Olafson: Your point is well taken. That is why the language is there on lines 15 and 16. I have tried to address that concern by having that language there. As Rep. Koppelman question eludes to maybe there is a better way to say that. I don't disagree with that concern.

Rep. Beadle: In the testimony you handed out from Mr. Roger Olson that NDTOA voted unanimous to approve on this measure. I was curious to whether or not there was a specific circumstance so situation that had arisen that lead to this bill.

Senator Olafson: I think it is a general concern in many places in the state because as our rural population declines in some of these townships there are very few people left and the township supervisors are the ones who are best able to do the work are the township officers. I don't know if there is a specific example. I think it is a generalized concern throughout many of our more rural townships with low populations.

Rep. Beadle: So that is why they were able to get unanimous approval from the NDTOA?

Senator Olafson: I would say so.

Rep. Dave Monson: I have very little to add to Senator Olafson's testimony. The question by Rep. Koppelman dealing with other places in code. I am familiar with some school code in Chapter 15.1 of the Century Code you may find some similar kinds of situations where you have relatives or close people on the board that would be applying for a job and might be able to do something with that.

Larry Syverson, ND Association of Townships: handed out testimony from our executive secretary Ken Yantis. (See testimony # 3). Our vice president Roger Olafson just noticed in the law there was an inconsistency in the language. On page 1 line 7 it says no township officer may become a party of a contract and then there is a provision for an exception to that in line 11 the law says a township supervisor may become a party. This inconsistency left out the other officers of the board and that is the reason he brought it to our attention and we passed the resolution to remedy that inconsistency. Sen. Olafson saw the other remainder of the statute as being a little bit of a burden and sought to improve that language.

Opposition: None

Hearing closed.

Rep. Shirley Meyer: I do think you are going to have to define due consideration. I understand the intent of this bill, but you could be creating a situation where townships that do have quite a little money you could be creating a system that you really don't want see

happen where many of our township officers are construction people and you wouldn't want to have a place where these contracts are no longer bid out. That is just a concern.

Rep. Koppelman: I think we need to look at that portion of the bill and I think that there is language elsewhere in law and maybe our intern can do some research on that to find what else might exist and then Rep. Monson mentioned there is something in the education chapter that indicates this. What about other political subdivisions? We are talking strictly about townships here. This could occur anywhere.

Rep. Shirley Meyer: That is what we ran into in my area. It became very obvious why we have nepotism is discouraged. When we are hiring people that aren't qualified and then you just don't have the means to stop it and we did run into that problem and concern and it took quite a little to get it cleared up.

Rep. Koppelman: I think we need to take a balanced approach to this. We certainly want to avoid nepotism or people being on boards for personal gain and all of that sort of thing. On the other hand we live in a state where they are volunteers and they are not in it for the money and they shouldn't necessarily be barred from doing the work. I think the bill needs some work.

Rep. Klemin: It was in the park service that we had a two stage thing if contracts were under a certain amount they could just do it without anything but if it was over a certain amount then they had to do it on bid.

Rep. Devlin: This committee earlier raised the bidding requirements to \$100,000 on highway projects so there is all kinds of room to do exactly what Rep. Meyer is afraid might happen with this bill. I am not quite sure how you fix it.

Chairman Johnson: We will pause for the day.

Chairman Johnson: When you changed it from a township supervisor to an officer and it includes clerks, assessors and treasurers. Are they generally individuals that vote on bids anyway?

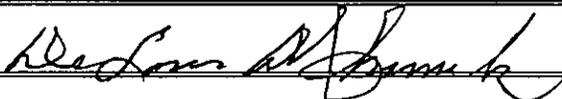
Senator Olafson: no they would not have a vote. The supervisors would be the ones who would vote. That is why throughout the bill when one of the township officers is being considered, if that officer

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

SB 2193
March 10, 2011
Job # 15274

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to notice of proposed annexations.

Minutes:

Proposed amendment #1

Chairman Johnson: Opened the hearing on SB 2193.

Senator Nodland: This bill pertains to annexation of a city doing annexation and your chairperson and I will have some fun on this probably. We had an issue in Dickinson with an annexation and I feel quite a bit of miss communication between the people being annexed and the city and also the political subdivision that was governing the annexed subdivision which was the county at that time. Basically all we are really doing here is just asking a change which you can see on page 1 and again on page 2 to have the governing body that is doing the annexation to send out a notice by certified mail. The problem in this case was some of the people being annexed were owners of property that lived out of state and then renting the facilities. The subdivision was full of quite a few industrial type buildings that were oil related businesses that were renting these facilities. So the owners by not sending it certified they were not sure the owners were notified and some were and some weren't and there was a he said she said thing. Certified mail I feel would really take care of that because certified mail; three things can happen, you will receive a notice back that says the mail was delivered or undeliverable or refused so you know who receives their notice. Since we passed it on the Senate side I have been contacted by a city that has an amendment to offer and I have no problem with that amendment with a problem about notifying a taxing authority because in some of our larger cities the taxing authorities can amount to quite a few entities and become a problem in notifying them. In our case that county would notify all the taxing authorities. In our case it was a rural fire department and the airport authority because they had time to do this before the hearing was held. I would take some questions.

Rep. Klemm: I have quite a bit of experience with certified mail and it doesn't always as we would like it to work. I am concerned about the two days requirement because a lot of times with certified mail the post office will tell somebody they have certified mail that they have to come in and pick up and then if they don't come in within a certain period of time then they send them the second notice and tell them to come in and pick up and by the time that sort of thing happens two days is going to be gone. In my experience a lot of

people don't like to go and get certified mail because it might be bad news for them like you can sue somebody that way so they intentionally don't go pick it up. Their rules of civil procedure is if they refuse certified mail then that is the same as delivery but practically never happens that someone refuses it; they just don't get it. I am thinking what you are trying to do is make sure they get notice of this, but it might have exactly the opposite effect. Two days is not going to be enough for certified mail and secondly it might be better to send it both by ordinary mail and by certified mail. Have you thought about that at all?

Senator Nodland: I too have had quite a bit of experience with certified mail with my prior business before I worked here so that is the reason I came up with certified mail. I worked in a banking industry and I went through quite a few bankruptcies and that type of notice and that was the preferred method. The two days the committee put that on; I have no problem sending it both ways. I agree with you that that would cover all bases. Many times people refuse to pick it up so we got it back undelivered.

Rep. Klemin: That way they never actually got notice and you have no proof they got notice. The two days is really too short.

Rep. Koppelman: There might be some unintended consequences here the way the law is being amended. The primary purpose of current law the way it is written has to do with annexation of land that is in the extra territorial zoning area of one city by another city. What the bill seems to change there is that it talks about annexation by a city of property that another political subdivision has zoning or subdivision regulation authority or taxing authority over. I see several problems with that; one is that you are not talking necessarily about just cities; you are talking about any other political subdivisions that include other counties, townships and even school districts. I am curious what your objectives are. What are you trying to achieve and maybe you can give us a little more background in terms of either what happened or what it is you are trying to accomplish.

Senator Nodland: It is our situation. We don't have that large of cities in western ND so there is some extraterritorial zoning territory I think that is two miles in some of ours; most of them one mile. So there are cases now with the growth in western North Dakota where some of these smaller cities are trying to expand and need to annex to expand. Most of these expansions are the county authority. That is the intent and most of it was communication. Like Rep. Klemin said I don't care about the two days, but that probably should be taken out, as long as we can still can keep the intent of getting the notice to the people and getting a communication so the city does not have to go through so much problem and in this case a law suit and now redoing the annexation. That is bad for all of us and I am just trying to make it so it is easier for everybody and everybody feels they were noticed.

Rep. Koppelman: Your intent is to make sure that other political subdivisions are notified and that land owners are notified. Are you concerned about political subdivisions like school district or are you primary thinking of cities, counties and townships?

Senator Nodland: Cities, counties and townships.

Rep. Koppelman: The extra territorial zoning use to be two and four miles for quite a few years so we have actually rolled that back in the legislature.

Chairman Johnson: Your intent is to get to the renters; the people leasing the property or are you talking just the property owners?

Senator Nodland: Just the property owners. I think the property owners should have the responsibility to tell their renters. I don't think we should create that. That is a relationship in the contracts between the renter and owner.

Rep. Zaiser: When it comes to legal protests of an annexation or zoning it really has to do with the owners of the property, not the users of the property at the time which are the renters. I think we should have at least two days and maybe even more if you are an absentee owner and you live in Florida there is no way you are going to get the letter in time to lodge any kind of protest and get the response back.

Senator Nordland: I agree with you one hundred percent. I did not have that in the original bill that got added in committee.

Bill Wolken, City Administrator for the city of Bismarck: I am in support of the bill but asking for consideration of an amendment. (See proposed amendment). Went over the amendment. The city of Bismarck has no problem with the certified letter requirement. However we get the notice to the property owner most efficiently. But the taxing authority is a bit more problematic to us. I did go down to the county auditor's office and got a copy of the mill levy chart. The mill levy chart is different for most every property in the county. There are different fire districts, ambulance districts, weed districts, water districts etc. So with each individual property we will end up sending a separate certified letter. It is not so much the letters as making sure we have the right entities. An annexation that would happen to cover an area that is in two fire districts would have two fire districts, two fire districts etc. There is a lot of confusion. The amendment I am offering for your consideration today would be simply to say that instead of each political subdivision with the regulatory authority or the taxing authority would simply say see cities, counties and townships. We think that would be a basis for notification that everyone would have an opportunity to excess. I know from my research that I found that the or taxing authority was offered by the township officers association on the Senate side. I have made an effort to contact the township officers but we haven't been able to connect up to this point so I just want to be up front with you and tell you where that one came from. I would be happy to try and answer any questions you might have.

Rep. Zaiser: Do you have any suggested timeframe that we might use in terms of a certified letter?

Bill Wolken: In the city of Bismarck we try to use a week. I think if we would use five days you probably would not hurt any ones chances. The testimony about people picking up certified letters is a difficulty as well.

Rep.Devlin: It says at least two days in both places so they could send it twenty days in advance if they wanted to. I don't think that time period has to be in there at all, if you

wanted to use certified mail. I would share some of the concerns of Rep. Klemin in using certified mail.

Rep. Koppelman: Do you know if there is any definition in law for directly affected by, those words and what that means?

Bill Wolken: I put in affected by but someone on the other side of the state could say I am affected by that because I have got my mother in law living in that county so I put directly affected is if they are in proximity to that action and they are affected to it in proximity. Perhaps there are better words that could be added.

Rep. Koppelman: I understand what you are saying going from political subdivision to city county or township. That makes sense but I am wondering if there might be some way you could narrow it to that definition and then go back to the taxing or subdivision authority or something else that is descriptive and a little more pinned down.

Bill Wolken: Perhaps contagious might be a substitute for directly affected by.

Terry Traynor, Association of Counties: We support the increased communication between the cities and the counties and we support Mr. Wolken's amendment as well.

Opposition: None

Hearing closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Political Subdivisions Committee
Prairie Room, State Capitol

SB 2219
March 11, 2011
Job # 15303

Conference Committee

Committee Clerk Signature



Minutes:

Chairman Johnson: Reopened the discussion on SB 2219. I am passing around an amendment we had talked about. This was the bill if you had township officers and if you needed some work done it did not preclude an officer from providing that service within that township. There was some concern about not having a bidding process so the amendment would address that bidding process. Went over the amendment.

Motion Made By Rep. Hatelstad to move the amendment: Seconded by Rep. Beadle

Rep. Koppelman: The other thing that concerned me a little bit about the language of the bill was on the current line 15 where it talks about giving due consideration. I realize the amendment would require bids from two persons or when possible. I am wondering about something more along the lines of the lowest qualified bid proposal. Consideration is an awful general word. I know that some concern was voiced as we heard the bill about what does that really mean. Maybe we should think about further amending this.

Rep. Shirley Meyer: What was your language?

Rep. Koppelman: It is something like the lowest qualified bidder or proposal.

Rep. Zaiser: Best is often used in those situations in terms of bidding so you aren't tied into the lowest bid. Best is the most common used word that I am familiar with.

Chairman Johnson: So that the board gives due consideration to all the bids or offers? I am not sure what we are looking for.

Rep. Zaiser: I am thinking to take out consideration. Just award to the lowest best bidder.

Rep. Beadle: I think in general practical terms people understand this when the township is taking bids and doing everything. We make sure they are qualified to do it. I think they will do the lowest best anyway.

Voice vote carried.

Rep. Klemm: We are talking about township contracts and I guess we are not talking a lot of technical contracts that require a great deal of experience or expertise to do when you are talking about a township situations. Probably taking care of roads would be the primary thing.

Do Pass As Amended Motion Made by Rep. Maragos: Seconded by Rep. Beadle

Vote: 10 Yes 0 No 4 Absent Carrier: Rep. Zaiser:

March 11, 2011

VR
3/11/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2219

Page 1, line 15, after "2." insert "The board, when possible, has requested bids or offers from at least two persons.

3."

Page 1, line 15, after "reasonable" insert "bids or"

Page 1, line 17, replace "3." with "4."

Page 1, line 21, replace "4." with "5."

Renumber accordingly

Date: 3-11-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2219

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Hatelstad Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson			Rep. Kilichowski		
Vice Chairman Hatelstad			Rep. Shirley Meyer		
Rep. Beadle			Rep. Mock		
Rep. Devlin			Rep. Zaiser		
Rep. Heilman					
Rep. Klemin					
Rep. Koppelman					
Rep. Kretschmar					
Rep. Maragos					
Rep. Pietsch					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

*Voice
Vote
Carried!*

Date: 3-11-11
Roll Call Vote # 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2219

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass Amended Adopt
Amendment

Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Nancy Johnson	✓		Rep. Kilichowski	✓	
Vice Chairman Hatelstad	✓		Rep. Shirley Meyer	✓	
Rep. Beadle	—		Rep. Mock	—	
Rep. Devlin	✓		Rep. Zaiser	✓	
Rep. Heilman	✓				
Rep. Klemin	—				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				

Total (Yes) 10 No 0

Absent 4

Floor Assignment Rep. Zaiser

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

REPORT OF STANDING COMMITTEE

SB 2219: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2219 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2219: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 15, after "2." insert "The board, when possible, has requested bids or offers from at least two persons.

3."

Page 1, line 15, after "reasonable" insert "bids or"

Page 1, line 17, replace "3." with "4."

Page 1, line 21, replace "4." with "5."

Renumber accordingly

2011 TESTIMONY

SB 2219

Senate Bill 2219

Testimony of Senator Curtis Olafson

I am introducing Senate bill 2219 to resolve a concern about township officers becoming involved in contracts with the township in which they serve. As our rural population declines, it is frequently the case that the person best able to provide services to the township with a loader, a backhoe, a road grader or a gravel truck is also a township officer. Under current law, the language appears to place a burden on the township to demonstrate that they have exhausted all other possible service providers before they would be allowed to enter into a contract with a township officer to provide needed services. With the new language in the bill, that burden of proof is removed and the language instead encourages those interested in providing services to a township to make their interest known, at which time the township is obligated to give due consideration to that offer. Anyone who is interested in working for a township certainly knows how to approach the township officials. The language of the bill also requires that the officer being considered in a contract offer cannot vote on the contract if he or she is a voting officer and that all other officers must vote unanimously in favor of awarding a contract to an officer. The change on line 11 makes the list of people involved all-inclusive and covers clerks, assessors and treasurers. Serving as a township officer is a challenging job, and this bill will make their job easier and the process of meeting the needs of the township more efficient. I urge your support for Senate Bill 2219.

Thank you Chairman Andrist and committee members for your consideration on SB2219 and allowing me to put in my two cents worth.

I am Roger Olafson. I am clerk-treas of Thingvalla Township in Pembina County and Vice Pres. of NDTOA. I don't know how safe it is for me to be up here as the last time a township officer from Thingvalla Township was doing this sort of thing in a legislative session he didn't make it out of this town alive! I have been clerk-treas for over thirty years and I DO read the township officers manual on occasion and because of that we have this proposed change in front of you today. I have noticed a few places in the Century Code that need to be updated or totally taken out as they don't apply to the times as they once might have. This proposal in SB2219 is one of them.

One of the things this proposal does is make the wording consistent throughout this portion of the code.

The old wording refers to township officer in one place and then to township supervisor in another. The original version of Sec 58-05-12 allows a supervisor to be a party to a contract after certain conditions are met but has no allowance for other officers to do the same. This bill will correct that discrepancy.

The other change is that it will make it easier for a township officer to LEGALLY be involved in a contract with the township. As there are fewer and fewer people living out in the townships it is more likely that one of these few is both a township officer and has the capabilities of performing work for the township.

These changes were brought up at the annual meeting of NDTOA last month and had unanimous approval of the body and we're hoping this committee will have similar support.

#1

Senate Bill 2219

Testimony of Senator Curtis Olafson

I am introducing Senate bill 2219 to resolve a concern about township officers becoming involved in contracts with the township in which they serve. As our rural population declines, it is frequently the case that the person best able to provide services to the township with a loader, a backhoe, a road grader or a gravel truck is also a township officer. Under current law, the language appears to place a burden on the township to demonstrate that they have exhausted all other possible service providers before they would be allowed to enter into a contract with a township officer to provide needed services. With the new language in the bill, that burden of proof is removed and the language instead encourages those interested in providing services to a township to make their interest known, at which time the township is obligated to give due consideration to that offer. Anyone who is interested in working for a township certainly knows where to find a township and how to approach the township officials. The language of the bill also requires that the officer being considered in a contract offer cannot vote on the contract if he or she is a voting officer and that all other officers must vote unanimously in favor of awarding a contract to an officer. The change on line 11 makes the list of people involved all-inclusive and covers clerks, assessors and treasurers. Serving as a township officer is a challenging job, and this bill will make their job easier and the process of meeting the needs of the township more efficient. I urge your support for Senate Bill 2219.

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One of the things this proposal does is make the wording consistent throughout this portion of the code. The old wording refers to township officer in one place and then to township supervisor in another. The original version of Sec 58-05-12 allows a supervisor to be a party to a contract after certain conditions are met but has no allowance for other officers to do the same. This bill will correct that discrepancy.

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#3

Testimony from the North Dakota Township Officers Association

By Kenneth Yantes

3-3-11

Madam Chair and House Political Subdivisions Committee Members:

My name is Kenneth Yantes and I am the Executive Secretary of just under 6,000 locally elected township officers.

I ask for your support on SB2219. This bill deals with changing the language found in 58-05-12 which was passed in the early 1980's.

The intent of line 11 through 22 was to allow a supervisor to be able to contract with his township if the officer was able to provide the service and all others than the supervisor would vote to allow the officer to do the work. The word supervisor limited as to which officer could serve (just a supervisor) and there are other officers that may be just as qualified as a supervisor.

58-05-02 lists the elected officers of a civil organized township, they are:

1. 3 to 5 Supervisors 2. One Clerk 3. One Assessor 4. One Treasurer

Any of these officers may be ready willing and able to provide service to a Township as well as a supervisor.

The old language allowed only the supervisors to be able to contract with the township.

Please vote to pass SB2219 which will allow any of the officers to use their Talent if the remaining officers need his expertise.

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Prepared for: House Political Subdivisions Committee

Prepared by: Jessica Braun, Legislative Intern, House Political Subdivisions Committee

PROPOSED AMENDMENT TO SENATE BILL 2219

Page 1, after line 14, insert:

"2. The board, when possible, has requested bids or offers from at least two persons."

Page 1, line 15, replace "2." with "3."

Page 1, line 15, after "reasonable" insert "bids or"

Page 1, line 17, replace "3." with "4."

Page 1, line 21, replace "4." with "5."

Renumber accordingly

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Proposed Amendment to Engrossed Senate Bill No. 2193

On Page 1, Line 19 of the engrossed bill delete "each political subdivision that has zoning or subdivision regulation authority or";

On Page 1, Line 20 of the engrossed bill delete "taxing authority over" and insert in lieu thereof "each city, county or township directly affected by

On Page 2, Line 25 of the engrossed bill delete "political subdivision that has zoning or subdivision";

On Page 2, Line 26 of the engrossed bill delete "regulation authority or taxing authority over" and insert in lieu thereof "city, county or township directly affected by".