

**1999 SENATE POLITICAL SUBDIVISIONS**  
**SB 2238**


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2238

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 22, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 to 2735
Committee Clerk Signature 			

Minutes:

OPEN SENATE POLITICAL SUBDIVISIONS MEETING ON SB2238

CLERK: ROLL CALL, ALL SENATORS PRESENT EXCEPT SENATOR WATNE WHOM WAS LATE BECAUSE OF AN ADDITIONAL COMMITTEE MEETING

BRIAN HOIME: SEE TESTIMONY, and brief explanation of just what the bill discusses

SENATOR FLAKOLL: standardized committee boards for townships

BRIAN HOIME: YES, under statutes there must be three supervisors and some townships have five supervisors

SENATOR FLAKOLL: Set provisions for a Quorum

BRIAN HOIME: yes there is as long as majority of board is present

SENATOR NELSON: any townships that don't have three people

BRIAN HOIME: Not that I am aware of

SENATOR NELSON: Could be just one family and all three could be the officers

BRAIN HOIME: formation of Mufti township township boards with surrounding communities

SENATOR LYSON: Failed to notify people on what emergency funding was about and passed the emergency meeting agenda without the people knowing

BRIAN HOIME: Open meeting and records law and the attorney general has directed the boards to reevaluate the minutes and the records or send the vote back to the city committee's for a vote by the people

SENATOR LEE: Example of an emergency where they need to act promptly

BRAIN HOIME: example during flood and death that occurred because of this

SENATOR KELSH: Large rainfall or section of road washes out and they don't have the township available to act on the emergency

SENATOR FLAKOLL: recourse by general populous to over write decisions by the emergency meeting

BRIAN HOIME: Recourse is the amount of statutes and the amount of people who voted the township in existence can over write the board. Township board is not allowed to approve that amount of money without a vote

SENATOR FLAKOLL: powers that the township board does not have

BRAIN HOIME: yes when a notice is called for a meeting of the township, they have to specify what the meeting is about

SENATOR NELSON: group of students

SENATOR LYSON: County township officers and what they decide about the emergency and what is an emergency description is?

BRAIN HOIME: There maybe varied views on what an emergency is

SENATOR LYSON: Common sense and how it is applied to law and three days is applied to the emergency and media involvement

BRIAN HOIME: look at other statutes regarding special meetings (subsection six) of the ND Century Code, and subsection 6 in regards to notification

SENATOR LEE: happy medium between the amount of time to notify the public of an emergency meeting

BRAIN HOIME: difference between special meeting and a meeting between an electoral vote which requires a 10 day notice, just for board of supervisors

SENATOR LEE: can buy a road grader without authority of people

SENATOR NELSON: Chapter 44, special meetings of the government body

BRIAN HOIME: deals with meetings and records in regards to governing bodies.

SENATOR KELSH: what is it about the township board and how many mills can they raise property taxes, 8 mills

BRIAN HOIME: My statute according to the code says they can raise the mills to 18 to the general mill or 6 thousand dollars

SENATOR KELSH: don't the townships get some money from the gas tax or other subsidies

BRIAN HOIME: YES: they get one cent from the gas tax

SENATOR NELSON: section 44-04.20 which talks about open records, townships code in compliance with this code (see code), just asking for the three days be removed from the bill

BRIAN HOIME: YES and implement wording and see testimony

SENATOR KELSH: amount of funding and not to be wasting money

Page 4

Senate Political Subdivisions Committee

Bill/Resolution Number SB2238

Hearing Date January 22, 1999

SENATOR LEE: rural living and benefits vs. costs. and township property

BRAIN HOIME: This is true and the amount of time needed to get to town

MOTION: CLOSE PUBLIC HEARING

MOTION: SENATOR NELSON, DO PASS

MOTION: SENATOR KELSH, SECOND DO PASS

SENATOR FLAKOLL: beat the system with a three day notice and when emergency meetings are called

SENATOR LYSON: seeing what can happen without proper notice

SENATOR NELSON: keep an eye on those issues, and what other sections do

SENATOR LYSON: Like to know why last section of bill was not looked at further

SENATOR KELSH- Township authority association and historical data and what people assume that the council can or can't do.

MOTION: CLOSED MEETING ON 2238

ROLL: 6 YEAS, 0 NEAS

CARRY: SENATOR KELSH

Date: Jan. 22, 1999  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2238

Senate Political Subdivisions Committee Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass

Motion Made By Nelson Seconded By Kelsh

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chaiman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Senator Kelsh

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

REPORT OF STANDING COMMITTEE (410)  
January 22, 1999 12:32 p.m.

Module No: SR-14-1030  
Carrier: Kelsh  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2238: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the  
Eleventh order on the calendar.

**1999 HOUSE POLITICAL SUBDIVISIONS**

**SB 2238**



1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2238

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-4-99

Tape Number	Side A	Side B	Meter #
1		x	39.6--46.0
2	x		51.9--57.0
Committee Clerk Signature <i>Pam Alver</i>			

Minutes: BILL SUMMARY: Relating to emergency meetings of boards of township supervisors. Chairman Froseth called the hearing to order with all committee present except Rep. Gunter.

Bryan Hoime, N.D. Township Officers Assoc. : 39.6 testified in support of the bill. (See attached testimony)

Chairman Froseth : 43.4 This bill was brought up from Dist 6. There was a heavy rain and needed to take action immediately. Under present law, they had to give the three days notice.

Rep. N. Johnson : 44.3 Do school boards have to follow the three days notice?

Bryan : I'm not familiar with school boards. Maybe Beth Baumstark would know that.

Beth, Att. General Office : As far as I know, the township officers are the only entities that have a minimum requirement before calling an emergency meeting.

Rep. Niemeier : You still would include notification of the press?

Bryan : Yes, under the open records law.

Page 2  
House Political Subdivisions Committee  
Bill/Resolution Number SB 2238  
Hearing Date 3-4-99

Sen. Ken Kroeplin, Dist 23 : testified in support. Common sense bill is what it is.

Chairman Froseth : Any more testimony in support; any testimony in opposition? Hearing none, this hearing is closed.

Tape 2, Side A: In the afternoon the bill was brought up for discussion.

Chairman Froseth : 51.9-57.0 What does the committee wish?

ACTION: Vice Chair Maragos made a motion to DO PASS and Rep. Niemeier seconded the motion.

ROLL CALL VOTE: 14 YES and 0 NO with 1 ABSENT. PASSED. Rep. Wikenheiser will carry the bill.

Please type or use black pen to complete

Date 3-4-99

Roll call vote # 1

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2238

House POLITICAL SUBDIVISIONS Committee

Subcommittee on \_\_\_\_\_

Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Vice Maragos Seconded By Rep. Niemeier

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 14 0  
(Yes) (No)

Absent -1-

Floor Assignment Rep Wikenheiser

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

**REPORT OF STANDING COMMITTEE (410)**  
March 4, 1999 4:05 p.m.

**Module No: HR-39-4066**  
**Carrier: Wikenheiser**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2238: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Fourteenth order on the calendar.**

**1999 TESTIMONY**  
**SB 2238**

**Testimony for Senate Bill No. 2238**  
**Senate Political Subdivisions**  
**Prepared by Bryan Hoime**  
**North Dakota Township Officers Association**

Chairman Lee, members of the committee, the 1997 legislature addressed and changed many provisions of the open meetings and records statute. After the session, representatives from the Attorney General's office attended meetings with township officers to clarify and explain some of the new laws provisions. During one of the meetings the statute before you, 58-06-04 was brought up. A question was asked why, if there was an overhaul of all these other provisions of law, wasn't this section brought into line with the requirements of other political subdivisions concerning meeting requirements. It simply was overlooked.

As I researched the century code for references to what time limits or constraints other political subdivisions had to do, counties, cities, I couldn't find any references in title's 11 or 40 relating to emergency meetings of their boards of county or city commissioners. They handle emergency meetings as special meetings and solely rely on the existing open meetings law, NDCC 44-04-20 subsection six which states:

6. In the event of emergency or special meetings of a governing body, the person calling such a meeting shall also notify the public entity's official newspaper, if any, and any representatives of the news media which have requested to be so notified of such special or emergency meetings, of the time, place, date, and topics to be considered at the same time as such governing body's members are notified. Topics that may be considered at an emergency or special meeting are limited to those included in the notice to the media.

I've even asked representatives of counties and cities what they do.. and they simply site the section I've just given. If a special meeting or emergency needs to be called, a time and place are set and all board members are notified as well as the media, and the meeting takes place. As you'll notice in our existing law, 58-06-04, in cases of emergencies, a board of township supervisors may meet on three days' notice. This simply doesn't work in the real world, and I know that townships meet when they need to. I might remind the committee that this statute only applies to meetings of the board of township supervisors, it doesn't apply to special meetings of the electors of the township which require a 10-day notice.

This bill simply updates this statute removing the three-day notice requirement. Special and emergency meetings of the board of township supervisors would follow 44-04-20 which is sited above, with minutes being kept of the meeting as required by other sections located in NDCC 44-04. I urge a Do Pass on this bill, Senate Bill No. 2238

**Testimony for Senate Bill No. 2238**  
**House Political Subdivisions**  
**Prepared by Bryan Hoime**  
**North Dakota Township Officers Association**

Chairman Froseth, members of the committee, the 1997 legislature addressed and changed many provisions of the open meetings and records statute. After the session, representatives from the Attorney General's office attended meetings with township officers to clarify and explain some of the new laws provisions. During one of the meetings the statute before you, 58-06-04 was brought up. A question was asked why, if there was an overhaul of all these other provisions of law, wasn't this section brought into line with the requirements of other political subdivisions concerning meeting requirements. It simply was overlooked.

As I researched the century code for references to what time limits or constraints other political subdivisions had to do, counties, cities, I couldn't find any references in title's 11 or 40 relating to emergency meetings of their boards of county or city commissioners. They handle emergency meetings as special meetings and solely rely on the existing open meetings law, NDCC 44-04-20 subsection six which states:

6. In the event of emergency or special meetings of a governing body, the person calling such a meeting shall also notify the public entity's official newspaper, if any, and any representatives of the news media which have requested to be so notified of such special or emergency meetings, of the time, place, date, and topics to be considered at the same time as such governing body's members are notified. Topics that may be considered at an emergency or special meeting are limited to those included in the notice to the media.

I've even asked representatives of counties and cities what they do.. and they simply site the section I've just given. If a special meeting or emergency needs to be called, a time and place are set and all board members are notified as well as the media, and the meeting takes place. As you'll notice in our existing law, 58-06-04, in cases of emergencies, a board of township supervisors may meet on three days' notice. This simply doesn't work in the real world, and I know that townships meet when they need to. I might remind the committee that this statute only applies to meetings of the board of township supervisors, it doesn't apply to special meetings of the electors of the township which require a 10-day notice.

This bill simply updates this statute removing the three-day notice requirement. Special and emergency meetings of the board of township supervisors would follow 44-04-20 which is sited above, with minutes being kept of the meeting as required by other sections located in NDCC 44-04. I urge a Do Pass on this bill, Senate Bill No. 2238