

Support of HB1374

House Political Subdivisions Committee

January 31, 2025

Good morning, Chairman Longmuir and Committee members.

I am Larry Syverson from Mayville. I grow soybeans on my farm in Traill County. I am the Chairman of the Board of Supervisors for Roseville Township in Traill County and the Executive Director of the North Dakota Township Officers Association. NDTOA represents 6,000 Township Officers serving more than 1,400 dues-paying member townships.

When the county or city commission has a meeting and needs to know the status of the highways, roads, or streets, they call on their experts for a report. Their street department, highway department, or maybe even the county or city engineer makes the report upon which the board makes the decisions about what work needs to be done and the cost that will be incurred.

When a township board needs information about the roads under their charge, they do not have experts on the staff to call on. They must survey the roads, inspect the washed-out culverts, check out damaged road signs, and look for other conditions that might deteriorate roads or pose a threat to traffic on those roads. It is their sworn duty to be the custodians of the township assets; the roads and the judicious use of the funds to maintain them are the responsibility of the township supervisors.

It is very common each spring or early summer for township boards to go out and survey the roads for gravel and repair needs. They pile in one of their pickups, drive the roads, and make note of the conditions; then, they determine where the gravel will be spread and if any further work will need to be done. The NDTOA association attorney has long been warning township officers that someone could file an open meetings complaint against them for looking

at their township roads together. Even two officers in a pickup or at the site of a washout constitute a quorum of the board.

Between the several states in NATaT, our national organization, the board members share our state periodicals with our counterparts. Last spring, I was looking through the Minnesota Association of Townships magazine and saw a notation that under their law, township officers had an exemption from the open meetings requirement for just this purpose when they were together acting as the township's staff.

I brought a copy of that Minnesota statute to Representative Klemin and asked if it would be possible to get a similar exemption for North Dakota townships. He indicated that he would submit such a bill on our behalf. We thank Representative Klemin for introducing HB1374, and we support an amendment to remove the words "or the staff of the township" (on line 12), as that phrase could expand the exemption beyond what was intended. It is very rare for townships to have any staff, hence the need for this bill. However, the second phrase, "and the staff of the township" (on line 14), is necessary for the bill.

HB1374 requires notice to a news organization that has filed a written request for this information, similar to the Minnesota statute. I have included that statute on the following page for your reference.

I thank Nick West for submitting his testimony for today. Mr. West is the Grand Forks County Engineer and an active township officer who sees the need to protect township officers performing their custodial duties.

Chairman Longmuir and committee members, thank you for this opportunity to testify today. Please give HB1374 your favorable consideration. This concludes my prepared statement. I will try to answer any questions you might have.

366.01 TOWN BOARD POWERS LISTED; FORMAL NAME.

Subd. 11. Open Meeting Law; exemption.

Chapter 13D does not apply to a gathering of town board members to perform on-site inspections, if the town has no employees or other staff able to perform the inspections and the town board is acting essentially in a staff capacity. The town board shall make good faith efforts to provide notice of the inspections to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. The notice shall be given by telephone or by any other method used to notify the members of the public body.

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