

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1327

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1327

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1327

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-9-01

Tape Number	Side A	Side B	Meter #
	xx		100--2530
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: Chair Froseth opened the hearing on HB1327 relating to compensation of township officers.

Rep. Bruce Eckre Dist. 25 : Here to support this bill, and Mr. Hoime will answer any questions.

Brian Hoime, ND Township Officers Assoc. : testified in support. This is a simple bill. (**SEE ATTACHED TESTIMONY**) We are changing the rate from \$15 to \$20 and the allowable maximum from \$450 to \$600 in a given year.

Rep. Herbel :(375) In line 6, are you saying what the rate would be?

Brian : Yes, it is not to exceed \$600 in one year. It can be less, just not over \$600. We are the only state that has a limit, by statute, as to what the compensation can be. We want a mileage change from \$.20/mile to \$.34 1/2/mile.

Chair Froseth : This would allow for compensation for 30 days in one year. How many times per year do township officers meet?

Brian : Generally the supervisors meet more often. 7 meetings we have to attend. I don't know of anyone meeting 30 times in one year.

Rep. Delmore : (625) Who of the five decide what the rate is set at.

Brian : The supervisors meet and prepare a budget for the year. They write down what they feel the salaries will be for the year. At the annual meeting the salaries are voted on by electors.

Rep. Delmore : In most townships, is the money available for a raise like this?

Brian : I believe there is some flexibility. If we need to put money somewhere else, that is what we will do.

Rep. Aarsvold, Dist. 20 : testified in support of HB1327. I'm here today as township clerk/treasurer of Greenfield Township. I'm a 24 year resident and have been clerk/treasurer all that time. I am here to tell you that township government is a bargain. In my township we have had 10 FEMA declarations in 24 years. I spend at least 10 days a year on township business. I'm wondering if we need to amend this bill to provide for a modest additional compensation for those townships who combine position of clerk/treasurer. The additional responsibility may need additional compensation. Committee will discuss this. Also, we employ a full time assessor and there is not provision in this section to address this salary. This is a valuable position.

Brian : I need to clarify the assessor issue. The assessor receives compensation self determined by the board of county supervisors. They also receive \$.20/mile travel reimbursement for duties. In section 2 of the bill, bottom line, in townships where there is clerk/treasurer combined position, the compensation is for what the clerk salary is.

Rep. Delmore : How many townships do we have with combined clerk/treasurer?

Brian : We have approximately 1345 townships in the state. Don't know the number of combined.

Rep. Disrud : (1450) I think this is good legislation. How will this bill affect township budget?

Brian : I'm not really sure. A lot of people are over worked. In my township, there probably won't be any change.

Rep. N. Johnson : (1725) If you are working as a clerk/treasurer, you only get paid as a clerk. Does the clerk use up the full \$600 a year?

Brian ; The reason we have clerk/treasurer in general is that it's an accounting procedure. A bill first goes through the clerk, who records it, then write out the check and sends it to treasurer to sign, also. We have three lines per check for signatures. Less chance of fraud this way. They may use 2-3 more days.

Rep. Herbel : (2150) Can you have \$1200 aggregate Rep. Aarsvold?

Rep. Aarsvold : No, only one salary, by law. This is the salary for the clerk.

Rep. Grosz : (2255) There are 1345 townships and how many positions in each?

Brian : At a minimum there are three supervisors, a clerk, a treasurer, and an assessor. The clerk and treasurer can be combined. The assessor can be appointed. In larger townships, you may have up to 5 supervisors.

Rep. N. Johnson : I was wondering if allowing 5 additional days at regular pay for the clerk/treasurer would be fair.

Brian : This committee will have to determine what if fair. I have no opposition to that.

Chair Froseth : Any more testimony for or against? Hearing none, HB1327 is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1327 b

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
1		xx	4900--5590
Committee Clerk Signature <i>Pamela</i>			

Minutes: Chair Froseth : Let's take up HB1327. I think Rep. Eckre has amendments.

Rep. Eckre : We included what the committee talked about and I think this is a good bill with the amendments.

Rep. Grosz : Just for fun I figured what a fiscal would be for all township and other political subdivision board members included in this bill. By my calculation, it should be just under \$1 M.

Rep. Delmore : Thank you Rep. Grosz for being such a good accountant. I don't think all of the people accept their raises though, but they do want the mileage rate increase.

Rep. Maragos : I move a DO PASS ON AMENDMENTS.

Rep. Eckre : I second.

**VOICE VOTE: ALL YES. AMENDMENTS PASSED.**

Rep. Eckre : I move a DO PASS AS AMENDED.

Rep. Delmore : I second.

**VOTE: 12 YES and 1 NO with 2 absent. BILL PASSED. Rep. Eckre will carry.**

Proposed Amendments for House Bill No. 1327

Page 1, line 1 after the second comma insert: "58-08-01," and replace "58-08-01" with "58-09-02"

Page 2, after line 13 insert:

**SECTION 4. AMENDMENT.** Section 58-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**58-09-02. Compensation of assessor.** The township assessor shall receive as compensation for his services a sum determined by the board of township supervisors for the time actually and necessarily employed in making and completing the assessment of the township and ~~twenty cents per mile [1.61 kilometers]~~ mileage at a rate not exceeding the allowable mileage rate accepted by the United States internal revenue service for each mile [1.61 kilometers] necessarily traveled in the performance of his the assessors duties. The compensation must be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors.

February 15, 2001

VR  
2/15/01

**HOUSE AMENDMENTS to HB1327 HOUSE POL. SUBS 2-16-01**  
Page 1, line 1, remove the second "and" and after "58-08-01" insert ", and 58-09-02"

**HOUSE AMENDMENTS to HB 1327 HOUSE POL. SUBS 2-16-01**  
Page 2, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 58-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**58-09-02. Compensation of assessor.** The township assessor ~~shall receive~~ ~~as is entitled to~~ compensation for services ~~a~~ in the sum determined by the board of township supervisors for the time actually and necessarily employed in making and completing the assessment of the township and ~~twenty cents per mile [1.61 kilometers]~~ mileage at a rate not exceeding the allowable mileage rate accepted by the United States internal revenue service for each mile [1.61 kilometers] necessarily traveled in the performance of the duties of office. The compensation must be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors."

Renumber accordingly



Date: 2-9-01 Vote 2-15-01  
 Roll Call Vote #: 1

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1327**

House POLITICAL SUBDIVISIONS Committee \_\_\_\_\_

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

Legislative Council Amendment Number 18790.0101 0200

Action Taken Do Pass As Amended

Motion Made By Rep. Eckre Seconded By Rep. Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Glen Froseth	/		Rep. Wayne W. Tieman	/	
Vice-Chair Dale C. Severson	/				
Rep. Lois Delmore	/				
Rep. Rachael Disrud	/				
Rep. Bruce Eckre	/				
Rep. Mary Ekstrom	/				
Rep. April Fairfield	AB				
Rep. Michael Grosz	/	/			
Rep. Jane Gunter	/				
Rep. Gil Herbel	/				
Rep. Nancy Johnson	/				
Rep. William E. Kretschmar	/				
Rep. Carol A. Niemeier	AB				
Rep. Andrew G. Maragos	/				

Total (Yes) 12 No 1

Absent 2 AB

Floor Assignment Rep. Eckre

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

**REPORT OF STANDING COMMITTEE**

**HB 1327: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and" and after "58-08-01" insert ", and 58-09-02"

Page 2, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 58-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**58-09-02. Compensation of assessor.** The township assessor ~~shall receive~~ as is entitled to compensation for services and in the sum determined by the board of township supervisors for the time actually and necessarily employed in making and completing the assessment of the township and ~~twenty cents per mile [1.61 kilometers]~~ mileage at a rate not exceeding the allowable mileage rate accepted by the United States Internal revenue service for each mile [1.61 kilometers] necessarily traveled in the performance of the duties of office. The compensation must be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors."

Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1327

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1327

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 8, 2001

Tape Number	Side A	Side B	Meter #
1		X	52.5-53.6
2	x		0.0- 7.8
Committee Clerk Signature <i>Mary Jo Weber</i>			

Minutes:

The hearing was opened on HB1327 which relates to compensation of township officers.

REPRESENTATIVE BRUCE ECKRE: Introduced and testified in favor of HB1327. I put this bill in at the request of the Township Association. REPRESENTATIVE OLLIE AARSVOLD:

Appearing as Clerk/ Treasurer of Greenfield Township, Traill County, ND. I am retiring on March 20 on our annual meeting and after 24 years it is going to be a problem to find what to do on the third Tuesday of March. Currently in our township, we pay all of our officers a combined expense and salary in the amount of \$250 and we've been doing that for 24 years since I took that position. Now, it would bear with me, Greenfield Township has had 10 FEMA disaster declarations in the last 20 years. For any of you who have been involved with FEMA whether it be in a metropolitan area like Grand Forks or in a rural township like Greenfield in Traill County, it take incredible amount of time to go through the process of appraising all those sites and having folks from the agency come out and go through those sites with you and determine

what costs are involved and how much of the damage was done by the FEMA event. My supervisors and I have spent a awful lot of time with those kinds of issues. In addition of course, we have the usual road maintenance responsibilities and always resolving disputes over water. Neighbors disagree about what should go where and it certainly has become a problem in these comparatively wet times. But my supervisors do a good job of doing that and they work that out between neighbors in a amicable fashion. We have not been put in the position of going to the court system to resolve those problems. But one of the problems of course we face is providing reasonable compensation for those officers who devote a lot of time to their township responsibilities. What is offered in 1327 would enable townships to be a little more attractive in terms of providing compensation for those officers who devote so much time and effort and energy to their responsibilities. SENATOR WATNE: It's kind of curious. I see in here that mileage is at the accepted rate by the United States Internal Revenue Service, instead of the accepted rate of like the state reimbursement. Why the difference? And what is the difference? REPRESENTATIVE AARSVOLD: I believe the IRS rate is currently \$.34 1/2 and I guess I prefer to have that quandry brought to the folks on the township officers, they are the ones who are responsible for the language in the bill for the most part and I know that they will provide a very good answer for you. BRIAN HOIME: North Dakota Township Officers Association. See written attached testimony. He also explained the Engrossed House bill 1327. He then addressed Senator Watnes' question as to why they went to 35.5 cents instead of what the state rate is. As you can see previously in those sections of code it was set at \$.20, a township officer of even a state officer is still allowed to have the full IRS allowed amount mileage. So, your going to pay that person, that person is going to able to deduct it from his mileage anyway when he sends it in for deduction. So we just felt there is just as well give them the full amount that there are allowed

Page 3  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB1327  
Hearing Date March 8, 2001

and go from that point. He then continued to explain Section 4 of the engrossed bill. SENATOR MATHERN: I don't know Brian if you were sitting in when we dealt with the city commissions and their salaries and all. Do you think in the future you'll move toward setting that yourself also and taking it out of statute? BRIAN HOIME: Personally, I think that its okay because township officers are going to still watch it quite closely. The reason we submitted this bill is quite simply our association believes that this current change from \$15-20 is acceptable.

Hearing Closed on HB1327.

Senator Mathern moved for a Do Pass

Senator Watne- 2nd

Roll call vote: 7 Yeas, 0 No, 1 Ab.

Carrier: Senator Christenson



**REPORT OF STANDING COMMITTEE (410)**  
March 8, 2001 3:01 p.m.

**Module No: SR-40-5145**  
**Carrier: Christenson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1327, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed HB 1327 was placed on the Fourteenth order on the calendar.



2001 TESTIMONY

HB 1327

2-9-01

Testimony for House Bill No. 1327  
House Political Subdivisions Committee

Prepared by  
Bryan Holme  
North Dakota Township Officers Associations

Good morning Mr. Chairman, members of the committee, House Bill 1327 is a fairly simple bill, it amends three sections of township code relating to compensation of supervisors, clerk, and treasurer. The similar changes in all three sections are:

1. Changing the per diem rate from fifteen dollars to twenty dollars.
2. Changing the allowable maximum from four hundred fifty to six hundred dollars in any one given year. (Maximum is based on an average of 30 days of work related activities.)
3. Allowing compensation for reimbursement of expenses incurred while performing the duties over and above the six hundred dollar maximum.
4. Allowing for a mileage rate to be set at no more than the allowable IRS mileage rate which is currently at \$0.345 cents.

Mr. Chairman, the last time compensation was addressed in these three sections of code were in 1979 for supervisors and in 1987 for clerks and treasurers when it was changed from \$10 to \$15 dollars and a maximum of \$450 per year were established. The language in this bill is permissive. Our association adopted a resolution at our last annual meeting to reflect the changes you see before you.

Some townships near urban centers, recreation areas, and those with subdivision developments in them I know for a fact have increased responsibilities, more interaction with township residents, who when they lived in a city, demand roads to be cleaned off by 6AM so they can drive to work or enforcing zoning ordinances. These township officers are primarily volunteer, is this change enough? I guess this change will help some. In my township for instance where I'm a clerk/treasurer I've received \$200 a year which is the same as it was when I started some 20 years ago, so just because the change is available, townships are still reasonable about their compensation and very cognitive of their budgets.

In South Dakota, the township voters set the annual salary and rate of daily compensation for township officers. In Minnesota, the township board sets the compensation of officers, which of course is subject to change by the township voters at the annual meeting. So there are several different ways to set compensation.

In conclusion I hope this committee moves for a DO PASS recommendation of HB 1327, its about time township officers receive a more adequate compensation for their efforts.

Testimony for House Bill No. 1327  
Senate Political Subdivisions Committee

Prepared by  
Bryan Holme  
North Dakota Township Officers Associations

Good morning Mr. Chairman, members of the committee, Engrossed House Bill 1327 is a fairly simple bill, it amends four sections of township code relating to compensation of supervisors, clerk, treasurer, and assessor. The similar changes in the first three sections are:

1. Changing the per diem rate from fifteen dollars to twenty dollars.
2. Changing the allowable maximum from four hundred fifty to six hundred dollars in any one given year. (Maximum is based on an average of 30 days of work related activities.)
3. Allowing compensation for reimbursement of expenses incurred while performing the duties over and above the six hundred dollar maximum.
4. Allowing for a mileage rate to be set at no more than the allowable IRS mileage rate which is currently at \$0.345 cents.

Section four of the bill deals with the mileage rate for assessors to bring it within similar language as the rest of the bill. *Paid at the rate of township officers*

Mr. Chairman, the last time compensation was addressed in the first three sections of code were in 1979 for supervisors and in 1987 for clerks and treasurers when it was changed from \$10 to \$15 dollars and a maximum of \$450 per year were established. The language in this bill is permissive. Our association adopted a resolution at our last annual meeting to reflect the changes you see before you.

Even at these rates township officers are primarily volunteer. In my township for instance where I'm a clerk/treasurer I've received \$200 a year which is the same today as it was when I started some 20 years ago. Just because the change is available, our association feels townships are still reasonable about their compensation and very cognitive of their budgets.

In South Dakota, the township voters set the annual salary and rate of daily compensation for township officers. In Minnesota, the township board sets the compensation of officers, which of course is subject to change by the township voters at the annual meeting. So there are several different ways to set compensation.

In conclusion I hope this committee moves for a DO PASS recommendation of Engrossed HB 1327.