

2021 HOUSE POLITICAL SUBDIVISIONS

HB 1224

2021 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee
Room JW327B, State Capitol

HB1224
1/21/2021
House Political Subdivisions

| |
|--|
| Relating to duties of the county sheriff and township excess levies for regulation enforcement; relating to exceptions to tax levy limitations in townships; and to provide an effective date |
|--|

Chairman Dockter: (9:33) Opens the hearing.

Discussion Topics:

- Townships seeking to contract with county sheriff
- Townships excess levies for regulation enforcement

Rep. Nehring: (9:33) Introduced the bill.

Larry Syverson: North Dakota Township Officers Association (9:42). In support, testimony #2102.

Terry Tranor, Association of Counties: (9:48). Neutral.

Additional written testimony:

Mark Springer, Chairman Apple Creek Township: Testimony # 2111

Bea Streifel: Testimony #2073

Chairman Dockter: (9:55). Closed the hearing.

Carmen Hickle, Committee Clerk



North Dakota Township Officers Association

Promoting basic Grassroots Government!

Larry A Syverson, Executive Secretary
 465-150th Ave NE
 Mayville ND 58257-9011
 (701)430-1735
larry.ndtoa@gmail.com

January 21, 2021

House Political Subdivisions Committee

In support of HB 1224

Good morning Chairman Dockter and members of the House Political Subdivisions Committee. I am Larry Syverson, the Executive Secretary of the North Dakota Township Officers Association. NDTOA represents the nearly 6,000 Township Officers that serve 1,317 organized ND Townships.

When you think of townships, you probably think in terms of a few dozen people or maybe a hundred or so. According the 2010 census, over 115,000 people live in organized townships in North Dakota; so in some of our township communities there are a lot of people; most of the cities of the state don't have that many people.

It is not unusual for the small cities to contract with the county sheriff for law enforcement; the townships are asking the same ability without needing to divert funds from their road needs which likely consume their levy ability.

Please give HB 1224 your favorable consideration.

Thank you Chairman Dockter and committee members; that concludes my prepared statement; I will try to answer any questions you may have.

January 20, 2021

Representative Nehring,

Apple Creek Township is asking for a DO PASS support for enactment of “a new subsection to section 11-15-03, section 57-15-19.8, and a new subsection to section 58-03-07 of the North Dakota Century Code, relating to duties of the county sheriff and township excess levies for regulation enforcement; to amend and reenact section 57-15-20.2 of the North Dakota Century Code, relating to exceptions to tax levy limitations in townships; and to provide an effective date.”

Apple Creek Township has had difficulties enforcing zoning regulations for several years. Even though North Dakota Century Code allows levying of tax lien penalties, this has not deterred or remedied the problem we have experienced in enforcing our regulations and making sure our residents are safe within the township. Two examples illustrate the problems we have faced as a township. In the first situation, a landowner's refuse pile(s) caused vermin, including rats and skunks, to nest and invade neighboring property owners. Apple Creek Township has spent years working with the Burleigh County Health Department and many other entities attempting to enforce this to protect the neighboring property owners and create a good living environment for everyone. Unfortunately, the landowner has still not complied because the tax levies are not directly impacting them enough to change their behavior. We are unable to trap or ask for any other entity to get rid of the vermin due to our limitations as a township.

In another case, a landowner's animals have threatened a neighboring property owner. The neighboring property owner tried calling law enforcement but were told they could not help. The township has levied a fine but there has not been any change in the situation. There has not been a resolution to this situation since the township cannot do more to help the neighboring property owner feel safe.

In both situations, we have been repeatedly told that the county sheriff's department is not allowed to enforce our regulations. The creation of these subsections would allow Apple Creek Township, along with other townships throughout North Dakota, the power to work with county sheriff departments to help enforce regulations necessary for the safety and security of our township residents.

We also believe that these services go above and beyond the duty of county sheriff departments within the state of North Dakota. Therefore, we feel that the compensation statement is also necessary for our ability to help pay for the services we are requesting from the county sheriff department for enforcement of our regulations.

Respectfully, we are asking your subcommittee to recommend a DO PASS on this bill to allow townships authority to address issues like the ones listed in conjunction with the county sheriff's

department. Even though I am unable to be present on behalf of Apple Creek Township, I hope you can take this testimonial into consideration for your decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark M. Springer', with a long horizontal flourish extending to the right.

Mark M. Springer
Chairman, Apple Creek Township

HB 1224

NO NO NO NOT in support of this bill and recommend a do not pass!!

Thank you

2021 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1224
1/21/2021 PM

Relating to duties of the county sheriff and township excess levies for regulation enforcement; relating to exceptions to tax levy limitations in townships; and to provide an effective date

Chairman Dockter 3:11pm opens hearing

| Representatives | Attendance |
|-----------------------------------|-------------------|
| Representative Jason Dockter | P |
| Representative Brandy Pyle | P |
| Representative Mary Adams | P |
| Representative Claire Cory | P |
| Representative Sebastian Ertelt | P |
| Representative Clayton Fegley | P |
| Representative Patrick Hatlestad | P |
| Representative Mary Johnson | P |
| Representative Lawrence R. Klemin | P |
| Representative Donald Longmuir | P |
| Representative Dave Nehring | P |
| Representative Marvin E. Nelson | P |
| Representative Luke Simons | P |
| Representative Nathan Toman | P |

All members present

Discussion Topics:

- Zoning ordinances and regulations
- Exceptions to tax levy limitations in townships

Rep. Pyle (3:16pm) – motion do not pass

Rep. Ertelt (3:16pm) – second motion

| Representatives | Vote |
|-----------------------------------|-------------|
| Representative Jason Dockter | Y |
| Representative Brandy Pyle | Y |
| Representative Mary Adams | Y |
| Representative Claire Cory | Y |
| Representative Sebastian Ertelt | Y |
| Representative Clayton Fegley | Y |
| Representative Patrick Hatlestad | N |
| Representative Mary Johnson | N |
| Representative Lawrence R. Klemin | Y |

| | |
|---------------------------------|---|
| Representative Donald Longmuir | Y |
| Representative Dave Nehring | N |
| Representative Marvin E. Nelson | Y |
| Representative Luke Simons | Y |
| Representative Nathan Toman | N |

Do not pass 10-4-0

Floor assignment **Rep. Ertelt**

Chairman Dockter: 3:18pm hearing closed

Carmen Hickie, Committee Clerk by Anna Fiest

REPORT OF STANDING COMMITTEE

HB 1224: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.