

GRASS ROOTS REPORT



MAY 2013

The Official Newsletter of the ND Township Officers Association

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NDTOA Final Legislative Report

By Ken Yantes and Larry Syverson / Directors of Inter-Governmental Relations

The 63rd Legislative Session adjourned on the 80th day at 4:23 a.m. having completed its work and went into the record book as the longest since the very first legislative session.

Your legislative team, President Larry Syverson and Executive Secretary Ken Yantes, opened the legislative office/apartment in Bismarck in early January of 2013. Your ND Township Officers Association was present every day that the legislature was in session.

The membership of the NDTOA, at the 2012 annual meeting, passed a resolution directing the legislative committee to seek increased funding for townships, especially those in the oil producing counties.

Prior to the beginning of the session, Larry, Ken and Barb Knutson met with the other transportation providers of our state. We established goals for the legislative session that could provide reasonable future funding for each entity and agreed to work together to accomplish these goals.

Now that the session is completed, it is time to reflect on the accomplishments of our efforts. The state budget for the next two years has been set at \$13.7 billion.

That is a staggering amount of money, but if North Dakota government lives within the set budget we should have \$87 million left at the

end of the biennium.

Bills giving \$850 million in property tax relief, \$200 million in individual income tax and \$50 million in corporate income tax cuts were passed this session. Part of the property tax relief will come as a 12% credit against all property taxes paid in the state - even the 1 mill for the UND Medical School!

Through the passage of HB1358, SB2012 and SB2176, it seems reasonable township funding has been secured.

SB2012 was a bill that contained the Department of Transportation's budget. \$620 million was to go to the oil producing area for state highway work and \$100 million of funding for the non-oil producing counties, cities and townships.

The need for early funding was recognized, so the \$720 million was cut out of SB2012 and put into SB2176 with an emergency clause and a "fast track" designation placed upon it to get it passed and the money into the hands of the infrastructure that

needed it.

This bill was passed by both houses and signed by the Governor and distributed to the townships in the non-oil producing counties in time to be included in their budgets at their annual meetings on the third Tuesday in March.

This money was wired from the state treasurers office on February 25 to the county auditors; all townships in the non-oil counties should have gotten this deposited to their accounts in early March. If not, there is a problem at the county level that may need to be addressed.

Con't on page 8



Senator George Sinner, (D) from Fargo, is speaking. Executive Secretary Ken Yantes' face indicates concern with the bill's intent.

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President's Comments



Hello Township Officers!

I hope things are going well for you and your township as the winter is finally over and a short spring will turn into summer. I do know that for many of you all is not going well. Heavy rains and washed out roads will use up much of the funds we have been able to secure from the state. Hopefully these funds will be enough to keep your townships from incurring debts.

My report this time is a summary of township funding.

The **Township mileage quarterly payments** will continue as before as this was unchanged by any legislation. The DOT projected budget for the upcoming biennium pegs the township's 2.7% of the Highway Users Fund at \$16 million or \$8 million per year.

Dividing that out to 56,826 miles of township roads in the state, we should get a little over \$140 per mile per year. That would be \$35 per mile quarterly—last quarter's payment was \$39.70. If that rate holds we may well beat the forecast.

The Highway Users Fund pays out to every township in the state based on the miles they certify as maintained. One important consideration, this payment must be matched by property taxes levied by the township for road use. If you do not levy enough tax the county auditor must return the unmatched funds to the state. So be sure to levy enough to match more than \$150 per mile on your list.

Major oil producing county/township funding (HB 1358 Section 2, Subsection 3) for townships in counties that received more than \$5 million of Gross Production Tax allocations in the last state fiscal year. This includes the counties of

Mount r a i l ,
McKenzie, Wil-
liams, Dunn,
Bowman, Divide,
Stark, Billings,
and Burke.

Funding for townships in these counties will total 6% of the counties allocation of Gross Production Tax. It will be handled through two formulas—one half will be divided within the county based on the number of miles of township road each township maintains. The other half will be pooled along with all the other major producing counties and divided out equally to every township in those major producing counties.

This was devised to ensure that even the townships in the lowest producing county of the major producers would get at least as much as they would have gotten if they were in a non-oil county, and hopefully a lot more.

There is no matching or levy minimum for this payment. The payments will come quarterly and this is an automatic payment with no application required.

Minor oil producing county township funding (HB 1358 section 7) for townships in counties that received at least \$500,000 but less than \$5 million of Gross Production Tax allocations in the last state fiscal year. This includes Bottineau, Renville, Golden Valley, McLean, Slope, and Ward counties. Townships in these counties will receive \$15,000 in July of 2013 and \$15,000 in May of 2014.

To be eligible for this payment a township must maintain some roads. This is an automatic payment and there is no application required.

Cont'd on page 6



Executive Secretary's Corner

by Ken Yantes

The front page article detailed some of the bills that were supported by NDTOA and passed in favor of our policy. I believe it is interesting and important that you read about some of the bills that we worked on to defeat.

SB2101 was a bill that would have allowed property owners to buy the placement of values on their parcels of property. It could have allowed them to hire a qualified appraiser to set the value of a parcel of property over the township assessor's value.

The bill also had a provision in it that a notice to a property owner of an increase in excess of \$1,500 or more than 5% over last year's assessment value must be sent to each property owner.

It was felt that the township assessor would seek a fairer value than a hired appraiser so we opposed this legislation.

SB2101 was defeated in the House of Representatives by a 3 to 89 margin.

HB1445 is a bill that the NDTOA testified in opposition to as the bill seeks to transfer liability from railroads to counties and townships. The bill states that the local governmental body of a political sub-division shall determine if a railroad crossing is a public or private crossing. Certain crossings require a train to blow their whistles and others do not.

If townships had to determine which crossings needed a whistle warning and which did not, it could result in legal problems if someone was hurt or killed at a crossing that the township had decreed a whistle warning was not needed.

There are 8,770 railroad crossings on township roads in North Dakota.

NDTOA testified that township officers did not need the extra work of deciding which crossing needed a whistle warning and which did not.

We, therefore, did not need the legal responsibility of making the decision either. Questions were raised by committee members as to whether townships would have to sign those crossings also. The answers were unclear.

This bill received a 10 to 1 do not pass from the committee and was killed in the House of Representatives by an eight to eighty three margin.

HB1256 was a bill that directed townships to send their financial budgets into a state budget data base. The House of Representatives voted 41 to 48 to kill this bill.

We had worked very hard to inform the members of the House of Representatives that townships should not have to do this. We were successful in defeating this bill and

now townships will not have to send another form into the state.

SB2197 was a bill that would have deleted the farm home property tax exemption. The bill was killed by a 14 to 32 margin in the Senate.

SCR4027 was a resolution to change the ND Constitution to allow \$100 million in oil funding per year to be used to establish and maintain the Outdoor Heritage Fund for wildlife purposes. This resolution failed the Senate by a 10 to 36 vote.

These were just some of the actions that we worked on to discourage passage.



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www.nd.gov/surplus





What Do You Mean I Can't Smoke Here Anymore? Submitted by NDIRF

Last November, North Dakotans were asked to vote on a number of initiated measures. Four measures were approved, including Measure 4, which provides significant changes to the state law governing smoking in public places and worksites. The measure, known as the "smoking ban," expands the definition of "smoking" and the prohibitions against smoking in public places and worksites – with strong support by state voters. Additionally, it creates new notice obligations and enforcement requirements on building owners and employers. The measure took effect December 6. Read on to see if you're in compliance—and what to do if you're not.

First Things First

Before you do anything else, we recommend that you review the full text of the measure. It is available online at <https://vip.sos.nd.gov/pdfs/portals/fulltextofmeasure4-smoking-nov6,2012.pdf>. It's only a few pages long and is fairly easy to read. Although this article discusses the highlights of the new law, we hope you read through the text of the measure at least once.

New and Expanded Definitions and Prohibitions

The term "smoking" has been redefined to include more than just tobacco products. It now includes any plant product intended for inhalation – even if the substance inhaled is believed to be healthy or beneficial.

In addition, in public places or worksites, the use of e-cigarettes or electronic devices that look like cigarettes and produce a vapor of nicotine or other substance is prohibited.

The term "place of employment" has been expanded to include not

only physical areas under the control of the employer but also temporary offices, vehicles, and stairs. That means smoking is prohibited in any employer-owned or leased vehicle.

Private residences are *not* included in the "expanded workplace" definition unless the residence is a licensed childcare, adult daycare, or healthcare facility.

Does that mean employees who telecommute can puff away during work hours? The answer to that question is unclear based on the plain language of the measure, but the answer may depend on (1) whether the employee's home is considered a temporary office and/or (2) the degree of control the employer has over the employee's working conditions.

Under Measure 4, smoking is prohibited within 20 feet of workplace entrances, exits, operating windows, and air intakes and ventilation systems. In other words, smoking is prohibited within 20 feet of any location where smoke-filled air might filter into the workplace.

Your To-Do List

North Dakota employers must take action to comply with the new legal requirements that took effect on December 6. The necessary steps are set forth in the text of Measure 4 and are summarized as follows:

Clearly and conspicuously post "no smoking" signs or the international no-smoking symbol in places where smoking is prohibited. That means you must post signs at all workplace entrances.

The posted signs are intended to notify potential smokers both inside and outside the building, so it makes sense to post notices inside and outside your establishment.

Clearly and conspicuously post on

every vehicle that constitutes a place of employment at least one sign visible from the vehicle's exterior stating that smoking is prohibited.

Remove all ashtrays from areas where smoking is prohibited. You need not remove ashtrays that are displayed for sale and not for use on the premises.

Communicate to all current and prospective employees (upon their application for employment) that smoking is prohibited. Work with employment counsel to draft a policy to comply with the smoking prohibitions in Measure 4. Distribute a copy to every employee, and hold meetings with all workers to inform them of the new smoking prohibition.

Direct anyone who is smoking in violation of the law to extinguish the product being smoked. "Anyone" includes customers, patrons, and employees. If the individual doesn't stop smoking, then you immediately must ask him to leave the premises.

If a smoker refuses to leave, you must report the violation to local law enforcement. In other words, if a customer or one of your employees refuses to put out his smoking materials, you must escort him off the property. If he refuses to leave, then you must call local law enforcement officers.

Stiff Penalties for Noncompliance

Measure 4 sets out additional penalties for employers in non-compliance. A willful failure to comply earns employers harsh and escalating fines (\$100 to \$500). In addition, noncompliance may result in loss of operating licenses or permits necessary to operate the business.

Violations are considered a public nuisance and can be abated with a

Cont'd on page 10

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law

Greetings!

Spring is here, and a sure sign is that the Legislature has finally finished its work. Elsewhere in this issue is a rundown of the legislative accomplishments relating to townships.

There really were some good bipartisan efforts this past session, but I'm always reminded that usually a bipartisan issue is a problem that neither party knows what to do about.

I guess that is because when any issue becomes a political football, there always seems to be a lot of fumbles! Seriously, seek out the legislators from your area and thank them for their efforts—the main thing is to establish an ongoing relationship with them, as they all need to know how their actions affect townships and township government.

I think this is especially important for those township officers living in areas that border our bigger cities. Our Legislature is increasingly urban, and many times those city legislators may forget that they have townships within their districts as well.

Annual meetings have also come and gone, and Mother Nature played a little havoc with some townships with some wintry weather on meeting day. I noted many townships rescheduled for the following week or so which was probably the most correct thing to do.

Our statutes don't allow for a different day than the 3rd Tuesday in March, but common sense would tell us that rescheduling would make the most sense.

I think under Robert's Rules another option would be to call the meeting to order, and immediately go into "recess" until a later date which would be announced along with the

motion to recess. Not sure about the notice requirements for that method, but common sense would once again dictate at least some reasonable effort to notify the public of the new date, including at the very least a notification to the county auditor.

I note that there still is some confusion out there concerning the difference between a township meeting and a supervisor's meeting. A township meeting is one where all residents are notified and encouraged to participate by casting their votes on various issues.

A supervisor's meeting is one where just that group of officers takes up issues and makes decisions. The public can certainly attend supervisor's meetings, and may, with permission, have the option to speak, but do not have the right to vote—that right only exists at a meeting of the township residents, e.g. the annual meeting or a special meeting of the township.

I think the confusion is generated because it's usually the same people attending both types of meetings. Remember, the number of attendees makes no difference, but rather the type of meeting governs the rules. Put another way, the supervisors take off their officer's "hats" and put on their "resident hat" on annual meeting day.

Another thing to consider are the various actions that the two different bodies can accomplish: the Powers of the electors (residents) are listed in Section 58-03-07 where twenty-two separate items are noted.

The powers and duties of supervisors are in section 58-06-01 where another twenty items are listed. And, supervisors would be well advised to note which powers and duties are reserved for the people in the first

group listed above and are not itemized in the supervisor's roles in the second section listed above.

As an example, the supervisors can only recommend a budget, indeed it is that body's obligation to do so, but only the people at a full meeting of the township can approve that budget.

I've attached a few questions received from township officers. We are a little cramped for space in this issue, so I will put some more questions in the next issue.

Here's hoping everyone has a safe summer. Remember, don't drive as if you owned the road, but rather drive as if you owned the car! TRM

Q: Can we have our annual meeting in May after the snowbirds come home?

A: No, the law states the "electors shall assemble on the 3rd Tuesday in March". No exceptions are listed.

Q: Can we force a landowner to build his new shop beyond the 33 foot right of way from the section line? The new building will be quite a snow-catcher if it gets built on the 33 foot line.

A: Only with zoning can you require set-backs farther than the right of way. If nothing else, townships should establish zoning for just this reason as buildings such as shops and grain storage seem to be getting bigger and bigger all the time.

Q: One of our supervisors passed away. Do we need to call a special election now?

A: You can—by doing so at a special meeting of the township. Or, the remaining supervisors can appoint a successor to fill the vacancy until next March's annual meeting.

PRESIDENTS COMMENTS *cont'd from page 2*

Counties that receive less than \$500,000 of Gross Production Tax includes the very minor oil producing counties of Mercer and McHenry and all the rest of the state (the non-oil producing counties.) This was the funding that was provided by SB2176 which was “fast-tracked” and passed through both the house and senate and signed by the Governor in the first weeks of the session so the payments could be made more quickly. The state treasurer wired this money out on about February 25 to the county auditors to be distributed to the townships.

Every township should have had this payment transferred into their bank account in March. The payment amounted to a lump sum to every “congressional township” of \$14,716.70 (SB 2176 Section 2, Sub-section 3).

This was supposed to be \$15,000 to each township but it had to be adjusted to compensate for the discovery, after the appropriation was made, that Morton County had incorrectly reported the number of townships in their county.

A “congressional township” is the standard 6 by 6 township as laid out originally, so if your “civil township” consists of more than one “congressional township.” You should get a multiplied lump sum payment.

There was also a per mile payment of \$375.38 based on each township’s certified maintained miles (SB 2176 Section 2, Subsection 2). As an example, if a township has 48 miles of roads certified, their total payment would have been \$14,716.70 (lump sum) and \$18,018.32 (mileage) for a total of \$32,735.02.

There is no matching or minimum levy requirement for this payment; this is an automatic payment and there is no application required. This was a one-shot payment. There is no

provision for future payments.

There have been some questions and comments made about SB 2176 and why the funding for non-oil county townships was given a priority while oil impacted townships had to wait.

The total bill contained \$720 million—of that—\$620 million was for work on the state highways in the oil producing part of the state. This was the funding that needed to be “fast-tracked” so the needed work could start much earlier in the season.

You could say the other \$100 million that went to counties, cities and townships in the non-oil part of the state was included to buy votes and insure that the \$620 million could sail through unopposed—which it did.

ND Department of Transportation has reported that the early availability of funds has allowed them to bid jobs earlier and that they have gotten better bids than expected as there are contractors still lining up their work for the season. If the funding had not been handled in this manner, it was likely that the bill would have gotten mired down in amendments and lengthy hearings and would have been one of the last bills decided like HB1358. NDDOT would not have had the funds available until July with half the work season lost.

All in all, what did the townships get out of the 63rd session of the legislature?

A quick list of the appropriations:

- Non-oil \$16 million (mileage based) plus \$20 million (lump payments)
- Minor oil producers \$9.6 million
- The estimate for the major oil producers was \$31 million (this number seems to be up already).

That is a total from the new legisla-

tion of \$76.6 million and if you add the existing township mileage payments of \$16 million the total for the two years will be \$92.6 million.

It looks like the effort to inform the legislature of the needs of townships for these several sessions and the relationships that we have formed with many legislators who are making a difference.

There are some other funds that are more difficult to quantify such as Oil Impact funding. A lot more money was appropriated to impact funding, and the “hub cities” were dealt with separately, so Williston, Dickinson and Minot cannot come in and gobble up all the available dollars leaving more available for rural impacts.

It will be very important that you get your current township officer list into your county auditor. That way we can get the correct addresses from your auditor as we provide the names and addresses for the impact office so they can send out the notice to you. You can get your applications in for grants should your township suffer an extraordinary energy impact.

I hope that clears up any questions about township funding you may have had. I believe most would agree that this is a huge improvement over previous township funding. I know it is not perfect, and we look forward to building on this as a starting point in the next session which is now just over a year and a half away!

I wish you a successful and enjoyable summer. Take time to get roads fixed and check those culverts and signs. Do what you can to keep the people safe on your roads and section lines.

Thank you for being Township Officers!

Treasurer's Report

by Barb Knutson, Dist. 5 Director and Treasurer



A bit of an update on the status of dues. I am happy to report that I have received dues more promptly this year. Thank you to those townships who were not paying in the past, but now understand how it helps their township.

These dues also help in defraying the cost of the *GrassRoots Report* published quarterly which keeps all townships officers informed.

Another important reason is that dues help pay for the great representation we have in the legislative arena with Ken Yantes and Larry Syverson.

These guys are dedicated to our cause beyond words. We are fortunate to have this dedication. If you checked your bank account the last couple of years, you have noticed an increase. That likely would not have happened if this representation were missing. Keep up with what's happening at www.ndtoa.com.

In recent conversations I have had with officers from across the state have made me think I need to remind you of a few things. The first thing, is please make sure you are properly noticing your township meetings. It is not an option.

At the annual meeting, the third Tuesday in March, decide where it will be posted as well as the local paper and with the county auditor, and do it every time.

The requirements on that are in the Township Officers Handbook. If your township does not have one, let us know. You need one and it is my feeling that each officer should have a current book. It is our map!

Please be prompt in sending in all annual forms to the county auditors as this is important to them

in their work. By making sure you submit the names of new and current officers in your township to them, we will be able to mail the *GrassRoots Report* to those of you doing the work—not someone that maybe has left the board several years ago.

Please provide the name, address, phone number, office held and e-mail, if available. (See back page.)

If you have officers that are not getting the *GrassRoots Report*, it may be their name has not been furnished to the auditor. That is where our mailing list comes from for the most part. They have been very cooperative in sharing this with us, so make sure they have correct information.

Thanks to all of you that have provided me with changes. Very helpful!

Thank you to the county associations that have included a list of the townships that paid their dues. It is helpful to know who is submitting the dues. I am still getting some county association checks with no lists of which townships that have paid.

If you are paying for all townships in your county, in that case, I would not need a list of townships who paid.

In paying dues, if you have a county association, you should be paying the dues to the county association treasurer. They, in turn, send the state dues on to the state association and the county portion of the dues remains in the county.

If your county does not have an association, then you will continue to send them directly to the NDTOA treasurer at the address listed in this newsletter. This, in turn, makes those townships eligible to vote at the annual meeting of the NDTOA.

Thanks to all who are doing their part out there! Thanks to all who are doing their part out there! If you have any questions, feel free to contact me or anyone on the state board (see page 2). If we don't know the answer, we will find it and get back to you.

Have a great summer!



With the passage of HB1358, townships in the oil-producing counties that receive less than \$5 million in oil revenue from the state are to receive two \$15,000 allocations—one \$15,000 allocation in July of this year and another \$15,000 allocation in May of next year.

The oil-producing county townships must meet the criteria of levying at least 10 mills for township roads in a taxable year after 2012 and have some township roads within the township to service.

The counties that receive more than \$500,000 but less than \$5 million are Bottineau, Renville, Golden Valley, McLean, Slope, and Ward.

The counties that receive less than \$500,000 were included in the non-oil disbursements in SB 2176 earlier; included were Mercer and McHenry.

HB1358 states that if a county that receives \$5 million or more in oil funding in a state fiscal year, the townships of that county that qualify may receive from the state treasurer three percent of the gross production tax on oil.

This would be distributed by the state treasurer to the townships in proportion to the miles that the township has to the county total township miles of road.

Another three percent would be distributed to each township by the state treasurer in equal shares with the other townships in the oil producing counties that receive more than \$5 million.

The unorganized township funding must be placed in a special fund and used only for the roads in the unorganized township by the county commissioners.

The counties that receive more than \$5 million are Mountrail,

McKenzie, Williams, Dunn, Bowman, Divide, Stark, Billings, and Burke.

Much of our time was spent the last month of the legislative session attending the many conference committee hearings that could be held or cancelled at what seemed to be at the drop of a hat.

HB1025 is a bill that clarifies the responsibility of a governmental entity during declarations of a disaster regarding responses of financing of repairs. This bill was created through coordinated action of the Advisory Commission on Inter-Governmental Relations which the NDTOA has been a long time voting member.

HB1123 is a new law that will exempt the driver of a motor vehicle from needing to report an accident from a collision with an undomesticated animal (deer).

SB2025 allows the entity that controls the road to receive the fees from the overloaded vehicle violations. The Senate passed this by a 45 to 0 margin and the House passed it by a 66 to 26 margin.

The passage of HB1332 moved the responsibility of township judges to challenge a voter's right to vote and placed the responsibility on the county auditor and the ND Secretary of State.

A lot of money was placed in the Oil and Gas Impact Grant Fund through the Board of University and School Lands Fund. Section 8 of HB1358 placed \$249,299,174 in the fund for the purpose of oil and gas impact fund grants.

As the Land Board establishes programs and criteria for application, we hope to receive this information and forward it to our membership so they may be able to apply for the grants as they become available.

Our newsletter, the *GrassRoots Report*, will have the latest information in it as it becomes available.

The 2013 Legislature by the numbers:

General fund spending: \$6.9 billion, up 69 percent

Total spending: \$13.7 billion, up 38 percent

Ending balance: \$87 million

Budget Stabilization Fund reserve: \$587 million

Foundation Aid Stabilization Fund reserve: \$606 million

(This is set aside in case the state budget cannot meet its obligations to local schools. This is a fund that's set up in the state constitution. It hasn't been used in a decade)

Strategic Investment and Improvements Fund reserve: \$721 million

The SIFF fund is basically used for favored legislative projects.

Gov. Jack Dalrymple's proposed budget projected a \$1.35 billion reserve in the fund in June 2015. **The new projection is \$721 million.**

\$850 million in property tax subsidies, including \$656 million that are included in a new finance bill to aid local schools.

\$200 million in individual income tax cuts.

\$50 million in corporate income tax cuts.

Maintaining Traffic Sign Retroreflectivity

http://safety.fhwa.dot.gov/roadway_dept/night_visib/sign_retro_4page.pdf

This document (pdf) is referenced in **Section 2A.08** of the *Manual on Uniform Traffic Control Devices* (MUTCD). Please be sure to review the methods discussed on pages two and three, along with the related procedures that make each method reliable and meaningful in its use to maintain signs above the minimum retroreflectivity levels. A full report on these methods can be found at www.fhwa.dot.gov/retro.

Maintaining Traffic Sign

Traffic signs provide important information to road users. To be effective, traffic sign visibility must be maintained during daytime and nighttime conditions.

MUTCD addresses sign visibility factors such as uniformity, design, placement, operation, and maintenance.

MUTCD does not imply that an agency must measure the retroreflectivity of every sign. Rather, the MUTCD summarizes five methods that agencies can use to maintain traffic sign retroreflectivity at or above the minimum levels.

These methods are listed in Section 2A.08 and are discussed on pages two and three of this document.

The Standard promotes safety while providing sufficient flexibility for agencies to choose one or more maintenance methods that best match their specific conditions.

This Standard does NOT imply all signs need to be replaced. The intent is to identify and replace signs that no longer meet the needs of nighttime drivers.

The MUTCD language recognizes that there may be some individual signs that do not meet the minimum retroreflectivity levels at a particular point in time.

Reasons for this include vandalism, weather, or damage due to a crash. As long as the agency is using one of the methods (with appropriate procedures) to maintain their signs, they are considered to be in compliance with this Standard.

The methods recommended in the MUTCD are broken into two categories: management methods and assessment methods.

Assessment methods involve sending personnel out to examine and assess the retroreflective performance of signs. Some agencies may find this approach to be more labor intensive and turn to management methods as an alternative.

Management methods may require less field work (or none at all in some cases) but may also result in replacing some signs that still have useful life left in terms of retroreflectivity.

Agencies have until June 14, 2014 to implement and continue to use an assessment or management method that is designed to maintain regulatory and warning sign retroreflectivity at or above the minimum levels.

Assessment methods involve evaluating individual signs within an agency's jurisdiction. There are two basic assessment methods identified in the 2009 MUTCD: visual nighttime inspection and measured sign retroreflectivity.

In the visual nighttime inspection method, on-the-fly assessments of retroreflectivity are made by an inspector during nighttime conditions. The following are keys to successfully implementing the visual nighttime inspection method:

Develop guidelines and procedures for inspectors to use in conducting the nighttime inspections

and train inspectors in the use of these procedures.

Conduct inspections at normal speed from the travel lane(s).

Conduct inspections using low-beam headlights while minimizing interior vehicle lighting.

Evaluate signs at typical viewing distances so that adequate time is available for an appropriate driving response.

Measured Sign Retroreflectivity Method

In this method the retroreflectivity of a sign is measured with a handheld or mobile retroreflectometer and directly compared to the minimum level appropriate for that sign. ASTM E1709, Standard Test Method for Measurement of Retroreflective Signs Using a Portable Retroreflectometer, provides the standard method for measuring sign retroreflectivity with handheld instruments.

If the measured sign retroreflectivity value is less than the appropriate level, the sign should be replaced.

This article was taken in part from a pdf document that had been updated in 2013 to reflect current compliance dates.

Please copy/paste the above "http" address under the headline onto your web browser or look for the link on the NDTOA website: www.ndtoa.com

Advice from the Vice *by Roger Olafson*

2013 NDTOA Annual Meeting

The convention committee is working hard at making plans and arrangements for the 2013 annual meeting of the ND Township Officers Association.

At the 2012 annual meeting of the association in Bismarck last December a motion was made and approved by the attendees to have the 2013 annual meeting in Williston—if possible.

During the December 4, 2012 Board of Directors reorganizational meeting following the annual meeting a motion was passed to have the convention committee obtain information and price quotes from a suitable facility in Williston and from the Grand Hotel in Minot.

After having several conversations with the two locations and comparing the rates and facilities offered, the convention committee reported to the Board of Directors meeting in March and strongly recommended that Williston was not a viable option at this time.

The board then made the decision to hold the convention in Minot at the Grand Hotel. The dates for the 2013 annual meeting are December 2nd and 3rd.

There are some who think we should have an occasional convention in the east or west end cities instead of central locations (Bismarck, Minot, and the occasional Jamestown). This idea definitely has some merit and we have considered the pros and cons of doing this.

If anyone has a good argument for or against such a plan please let your district director know your thoughts.

Township Officers Manual

Several reporting deadlines have passed (1099s, W-2s, Transportation Funding Report, township annual meeting reports to county auditor, etc.) so it is now time to concentrate on other facets of your job as a township officer.

My recommendation is that every supervisor and every clerk should have the green Township Officers Handbook and familiarize yourself with the contents, especially Title 58. These books are very affordable to members of the state association.

Contact Executive Secretary Ken Yantes for this important manual. See page two for contact information.

Are You Working for Your Township?

One topic that came up at the 2012 annual meeting dealt with township officers working for the township (road repair, blading, snow removal, etc.) which in itself is okay.

During the 2011 legislative session NDTOA was successful in getting NDCC 58-05-12 reworded to make it easier for township officers to do this work for the township.

However, there is one major consideration you need to look at. Do you have liability insurance that covers this endeavor?

Most private contractors have liability coverage in case something happens but it is very unlikely that an individuals liability insurance will allow this type of work nor cover you in case of a mishap.

Measure 4: Smoking

Cont'd from page 4

restraining order, a temporary or permanent court order, or other means permitted under the law. In other words, continued non-compliance could result in your organization being closed.

Whistleblower Protections Expanded

In addition to the increased penalties, fines, and prohibitions against smoking, it should be no surprise that Measure 4 prohibits you from discharging, refusing to hire, or retaliating against any employee or applicant who (1) asserts or exercises his anti-smoking rights, (2) reports a violation, or (3) attempts to prosecute an individual or organization for a violation.

Bottom Line: Measure 4 is a call to action. If you have questions or concerns about complying with some or all of the new provisions, adapting your policies and procedures, or implementing the law's requirements, we strongly encourage you to seek help from a qualified employment law attorney.

Reprinted courtesy of North Dakota Employment Law Letter. For subscription information, call 800-274-6774 or click to www.HRhero.com.

We wish to welcome **TrueNorth Steel** as our newest advertiser in the *GrassRoots Report* newsletter.

This West Fargo based company can supply your township with your steel needs.

See their ad for more information.

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ken@ndtoa.com
Co-editor: Kathy Holte

Check out our website: www.ndtoa.com

Are your newly elected township officers receiving this newsletter? Please let us know when to add and/or delete a name from our mailing list. Send your information to:

BARB KNUTSON
2600 236th St. NE
McKenzie, ND 58572

Phone: 701-673-3198 Email: barbk@ndtoa.com

1. Your name, title, mailing address and phone number.
2. Your township name and county.
3. The name of the person you replaced on your township board.

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