

TESTIMONY ON HOUSE BILL 1165

House Political Subdivisions Committee

February 4, 2021

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City of Grand Forks, ND**

Chairman Dockter and members of the House Political Subdivisions Committee, my name is Ryan Brooks and I am the Interim City Planner for the City of Grand Forks. I want to thank you for the opportunity to provide testimony and express my opposition to House Bill 1165.

House Bill 1165 seeks to amend North Dakota Century Code Section 40-21-01 to provide the authority for a resident of a city's extraterritorial zoning jurisdiction (ET) to vote in municipal elections. Under current law, the city may extend its zoning jurisdiction to an area known as the extraterritorial zoning jurisdiction. The purpose stated in this statute is to promote health, safety and morals for the general welfare of the community. No other municipal authority is extended to this jurisdiction.

If adopted, the provisions of House Bill 1165 would allow a resident of the ET zoning jurisdiction to vote in any municipal election. These elections, in addition to electing members of city councils or commissions, may also include elections for the adoption or amendment to home rule charters, park district elections, municipal judge elections, municipal referrals, municipal initiated measures, and municipal recalls. In these instances, and many others, it is unlikely that any of these subject issues would relate or apply to residents of the extraterritorial zoning jurisdiction of the city. Under the proposed bill, residents of the ET zone would be allowed to vote on issues in which they may not have an inherent interest.

House Bill 1165 would also require a city to designate the ward or precinct in which the residents of the ET are to vote. Currently, no provision exists for a city to extend its wards or precincts outside of city limits. House Bill 1165 also appears to conflict with current law, which requires a qualified elector to be a resident of a municipality. In effect, this bill proposes to extend the same voting rights a qualified elector residing within the city limits has to a nonresident of the voting authority. The qualified resident elector, though, is subject to the payment of city real estate taxes, special assessments, and similar responsibilities, whereas a resident of the ET is not. The ET residents would consequently be

granted the right to vote and influence issues without bearing any responsibility for the other burdens or obligations placed upon city residents.

Additionally, the inclusion of the ET residents within a ward or precinct may create an unbalanced ward or precinct subject to challenge, in effect potentially diluting the voting rights of municipal residents. The inclusion of ET residents into a ward or precinct may also require the redrawing of municipal ward and precinct boundaries to comply with federal and state law regarding voting rights.

It can be presumed that the main argument to support the bill is to allow people residing within extraterritorial zoning jurisdictions to have influence on decisions affecting the planning and zoning of the ET. However, this argument does not take into consideration that representation on a city planning and zoning commission already includes representatives residing within the ET and outside of the city limits (NDCC 40-47-06). Thus, residents of the ET already have representation regarding planning and zoning issues affecting the ET.

ET zoning continues to provide a benefit to both the city and surrounding townships. In Grand Forks, we work diligently to build and maintain relationships with our neighboring townships to appropriately plan for future growth as well as address zoning concerns that may arise in the ET area. A recent example involves our work on developing an ordinance to assist with junk ordinances in the townships, where we will continue to collaborate to address concerns to reach a successful conclusion for all parties.

The passage of House Bill 1165 is not in the best interests of the City of Grand Forks, nor any other North Dakota political subdivision. Thank you for your time and consideration. I respectfully ask for a DO NOT PASS on House Bill 1165.