

Senate Political Subdivisions Committee

Senator Randy Burckhard, Chairman

Senator Howard Anderson, Vice-Chairman

March 18, 2021

Chairman Burckhard, Members of the Senate Political Subdivisions Committee:

My name is Steve Bakken and I am the Mayor of Bismarck.

I am providing testimony on behalf of the City of Bismarck in opposition of House Bill 1165.

The Bismarck City Commission voted 4-1 at its January 26, 2021 City Commission meeting to oppose HB 1165.

Concern was expressed by the City Commission about extending voting rights to persons residing outside of Bismarck's corporate limits that would allowed them to vote on City matters that have no direct nexus to their residency in the extra territorial zoning jurisdiction of the city.

City budget issues, tax ordinances, and referral and initiation of ordinances are powers reserved for the citizens of Bismarck as defined in Bismarck's Home Rule Charter. Extra territorial residents do not pay city property taxes but by voting would have the ability to increase City taxes on our residents. There are also equal protection concerns about taxation on city residents without equal voting rights. I believe this bill, if passed, would contribute to the loss of local control, which is a critical part of the success of any city government. Bismarck is best served when the members of the Bismarck City Commission are elected by Bismarck residents.

The only City item the extra territorial residents are subject to is zoning. Residents who reside in the extra territorial zoning jurisdiction of the city have significant representation on the Bismarck Planning and Zoning Commission. There is a County Commissioner and two ETA residents who are appointed by the Burleigh County commission to serve on the Bismarck Planning and Zoning Commission. The City of Bismarck and Burleigh County both apply the same International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, and North Dakota Plumbing Code. Over the past several years, members of the City Commission and members of the County Commission have met to discuss the few issues that have been expressed by persons residing in the extra territorial zoning jurisdiction of the city. We are currently working together and participating in meetings with various stakeholders who have an interest in flood plain regulations.

On behalf of the City of Bismarck, I urge you to give HB 1165 a DO NOT PASS recommendation.

Thank you for the opportunity to provide testimony in opposition of House Bill 1165.

Steve Bakken, Mayor
City of Bismarck
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