

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER
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DESCRIPTION

1410

2001 HOUSE POLITICAL SUBDIVISIONS

HB 1410

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1410

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-08-01

Tape Number	Side A	Side B	Meter #
2	xx		4580--end
2		xx	1--end
3	xx		1--800
Committee Clerk Signature <i>Alan Dever</i>			

Minutes: Chair Froseth opened the hearing on HB1410 relating to appointments of zoning commissions. Chair had to leave and Vice-Chair Severson took the gavel.

Rep. Dennis Renner, Dist 31 : prime sponsor and support HB1410. During the last session, we passed some laws allowing the cities to extend their zoning influence a mile, I think. The experts behind me will know more. We are trying to fix this problem and create a joint powers agreement.

Sen. Steve Tomac, Dist. 31 : (5130) support this bill. During the last session be extended city zoning. For the most part, this was good legislation; however, there are unintended consequences. The focus of this bill is to try and correct this legislation by giving some shared powers with the county commission. The county is now subject to a whole new bureaucracy They did not have the ability to elect those people who are now making the decisions where they live. I think we extended the cities 2 miles last session. We erred. We need to give the county commission some control and have more say over that particular gray area. They don't have any

recourse if they don't like the decision of the governing body. This bill will provide for cooperation between the two.

Dick Tokach, Morton County Commissioner : here to support this bill. I feel there is a flaw in present law.

Gregg Greenquist, Morton Co. Planning Director : support HB1410. (SEE ATTACHED)

**End Tape 2 side A, begin Tape 2, side B.** Gregg continues to testify. This bill's intent is to remove jurisdictional barriers of communications. This is a state wide issue wherever extraterritorial areas exist.

Vice-Chair Severson : (450) Did you in Morton County get together with the city?

Gregg : We formed committee of 4 people from the county and 4 people from the city. We meet every Thursday at 3:30.

Rep. Niemeier : (520) It looks to me that all the language that describes the makeup of the former has been struck in this new proposal. Do you think that language laying out the requirements for a new zoning commission should be included in this bill?

Gregg : Excellent point.

Vice-Chair Severson : Do you think has slowed down the extraterritorial zoning by the city by setting up this zoning?

Gregg : If concerns have not been raised, I think the city would already be out 2 miles. It was at a zoning transition meeting that concerned citizens came forward with questions and concerns. The committee was formed to respond to those questions.

Wade Williams, ND County Assessors : (720) here in support of HB 1410. There is a problem when the extra-territories are first set up. Generally, after they are in place a few years, we don't have problems. It's good for the two boards to get together, county and city.

Rep. N. Johnson : (810) At this point has there been lots of hassles between counties and cities?

Can't they sit down and figure things out without a law?

Wade : I don't think we have lots of hassles between county and cities. Mainly complaints from constituents once they come under new zoning. They were not part of the city, and then all of a sudden they are. Very confusing. He gave an example in Jamestown.

Rep. Herbel : What is the most common complaint?

Wade : From an officials point of view, is that there is not a lot of discussion about what is going to happen with the new area and the owner. The complaint of the people who are effected by this, would be not understand the new ordinances.

Rep. Niemeier : Sometimes, does extraterritorial take in farmland? How is that handled as far as buyout?

Wade : Yes, but there are no buyouts. They just have different zoning restrictions.

Lisa Keidel, Mandan : here in support of HB1410 as a citizen who has been effected by zoning changes and not has not had a vote or say on anything. (1075--1450) Lisa told a history of family land and the difficulty in trying to build a house.

Mike Kemnitz, Mandan : In support of HB1410. (SEE ATTACHED)

Bill Kessler, Mandan : (1950) I am a homeowner and support this bill. I went to a meeting in Mandan concerning the zoning changes in my area. There were so many questions raised. No one knew what was going on. We decided to form a committee and that was good. County zoning and city zoning meet jointly with a public hearing, and nothing can be changed or enacted without the majority of the city group and a majority of the county group. I think that is right. I don't think it's right to have city officials making all the decisions for the county people. It

doesn't feel good when you have city commissions, you can't vote for, making all the decisions for you that effect my life style.

Rep. Kretschmar : (2260) Has the city zoning commission been making decisions that have hurt the people that live out in your area.

Bill : I don't know. I don't think they have my best interest in mind because they represent the city. You have to have two teams on a field to play a game.

David Wyum, Fargo : I live in an extraterritorial area of W. Fargo. I am opposed to HB1410.

**(SEE ATTACHED)**

Rep. Delmore : (3099) You are an extraterritorial member of a planning-zoning commission. You have played a direct role, unlike most of the people who have testified here. Do most planning and zoning allow a member from the area to be a member?

David : State law require the cities to have representation from outside the city to be on the commission. Fargo has two from the township. (Chair Froseth returns to hearing)

Vice-Chair Severson : When a city makes use of the extraterritorial zoning, and that property remains agricultural, who receives the taxes?

David : Nothing changes on taxation.

Cindy Gray, Fargo City Commission/Planning : (3670) opposed to HB1410. **SEE ATTACHED**

Carl Hokenstad, Bismarek City Planner : (5000) opposed to HB1410 **(SEE ATTACHED)** We feel that cooperation is best and that extraterritorial is not broken. We urge a DO NOT PASS.

Rep. Kretschmar : (5750) How do you work it out, say isn't some land both Bismarek and Mandan jurisdiction?

Carl : In that case, the river is a good thing.

Rep. Kretschmar : I'd also like to comment on page 2, the word "may" is a style change in L.C. and doesn't change the meaning of that statute at all.

Mike Simonson, ND Planning Assoc. : (6000) opposed to HB1410. Our current law has served this state well. We have had a diversity that respects both rural and urban interests. If passed, this bill would seriously disadvantage landowners and developers. A joint hearing isn't going to remove the independent actions by city, county, and township zoning commissions. This bill will still not have representatives from extraterritorials on the city council. The bill does nothing to address the major problems that have been raised. This bill will put delays on progress. **End**

**Tape 2, side B. Begin Tape 3, side A.**

Vice-Chair Severson : (139) We have had problems reported to us and this law has created problems and we need to deal with it.

Dave Patience, Land Developer, : here opposed to HB1410. (SEE ATTACHED) I have 20 subdivisions that are being persuaded by developers. Every time we put in a rule or regulation, you have to jump through a hoop. Well, I'm that guy. We have state law that says we have to advertise if we have a planning commission hearing. I have to have all of my proposals in to a planning commission a month before they meet. Too time consuming for me.

Keith Kietel, Mandan : (488) here to support this bill. I am Lisa Keidel's father-in-law. I wasn't going to speak, but I have personally been affected financial and personally by not having any say in extraterritorial issues. I urge a DO PASS. Thank you.

Chair Froseth : Any more testimony? Hearing none, HB1410 is closed.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1410 b

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-15-01

Tape Number	Side A	Side B	Meter #
2	xx		1170--1550
Committee Clerk Signature <i>Pam Deane</i>			

Minutes: Chair Froseth : Take up HB1410. Amendment 10727.0101 was passed out.

Rep. Ekstrom : This is basically a hog house. This will give the ACIR something to do.

**I move a DO PASS ON AMENDMENTS.**

Rep. Delmore : I second.

**VOICE VOTE: ALL YES and 1 NO.**

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

Rep. Tieman : I second.

**VOTE: 12 YES and 2 NO with 1 absent. PASSED. Rep. Ekstrom will carry the bill.**



VR  
2/15/01

**HOUSE AMENDMENTS to HB1410 HOUSE POL. SUBS 2-16-01**  
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a study of extraterritorial zoning.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS STUDY - EXTRATERRITORIAL ZONING.** The advisory commission on intergovernmental relations shall study during the 2001-02 Interim the extraterritorial zoning authority of cities and the feasibility and desirability of revising the extraterritorial zoning provisions. The commission, in the same manner as legislative council interim committees, shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

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

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1401410**

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

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

Legislative Council Amendment Number 10727.0101 .0200

Action Taken Do Pass As Amended

Motion Made By Rep. Maragos Seconded By Rep. Tieman

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	/				
Rep. Andrew G. Maragos	/				

Total (Yes) 12 No 2

Absent 1 AB

Floor Assignment Rep Ekstrom

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

**REPORT OF STANDING COMMITTEE**

**HB 1410: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1410 was placed on the Sixth order on the calendar.

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Renumber accordingly

2001 SENATE POLITICAL SUBDIVISIONS

HB 1410

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1410

Senate Political Subdivisions Committee

Conference Committee

Hearing Date March 15, 2001

Tape Number	Side A	Side B	Meter #
I	X		17.3-34.0
March 22, 2001 I	X		10.4-16.8
Committee Clerk Signature <i>Mary J. Wacker</i>			

Minutes:

The hearing was opened on HB1410 which relates to appointments of zoning commissions.

DICK TOKACH: Morton County Commissioner and member of the Planning and Zoning Board for many years. I appear in support of HB1410. It's considerably different than it was introduced in the House chambers, but, I believe that it was moved to an Advisory Committee to have more time to study this and take care of some of the problems as far as representation and coordination of zoning and extraterritorial area. GREGG GREENQUIST: Planning Director and Zoning Administrator for Morton County. Before I begin my testimony, I would just like to clarify that the county understands it is very important to plan our future growth around cities. Zoning is the tool that assures an orderly growth and development. It isn't a statement against zoning. The county supports this bill, because the bill provides for a study of the problems with the existing laws. That study could result in improvements. What are the problems? Problems are related to representation. See written attached testimony. SENATOR LYSON: How far out do you go

