

**1999 SENATE POLITICAL SUBDIVISIONS**

**SB 2290**


1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2290

Senate Political Subdivisions Committee

Conference Committee

Hearing Date January 28, 1999

Tape Number	Side A	Side B	Meter #
1	x		1690 to 2700
Committee Clerk Signature 			

Minutes:

OPEN HEARING ON SB 2290

SENATOR LYSON: FILLING IN AS CHAIR BECAUSE SENATOR LEE IS SPONSOR OF THIS BILL

SENATOR LEE: see testimony

SENATOR LYSON: questions for SENATOR LEE

BRIAN HOIME: SEE TESTIMONY

SENATOR LEE: QUESTIONS

CONNIE SPRYNTZNATIC: would testify against this bill but two thirds of city planning board would approve of this bill, do pass

DAN BEECH: impacts farmers and would like to support this bill

MOTION: CLOSE HEARING ON SB2290

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number Sb2290

Hearing Date January 28, 1999

SENATOR LYSON: DO PASS

SENATOR WATNE: SECOND

SENATOR LEE: DISCUSSION

DO PASS ON SB2290

SENATOR KELSH: ABSENT AND NOT VOTING

SENATOR LEE: CARRY SB2290

Date: 1-28-99  
Roll Call Vote #: 2290

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.

Senate Political Subdivisions Committee Committee

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

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do pass

Motion Made By Sen Lyson Seconded By Sen. Watne

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chairman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh					
Senator Nelson	/				

Total (Yes) 65 No 0

Absent 1 Senator Kelsh

Floor Assignment Judy Lee

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

SR181398



REPORT OF STANDING COMMITTEE (410)  
January 28, 1999 2:29 p.m.

Module No: SR-18-1398  
Carrier: Lee  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2290: Political Subdivisions Committee (Sen. Lee, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the  
Eleventh order on the calendar.

**1999 HOUSE POLITICAL SUBDIVISIONS**

**SB 2290**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2290

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-25-99

Tape Number	Side A	Side B	Meter #
2	x		0.3--3.2
2	x		26.0-31.4
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: Relating to extraterritorial Zoning. Chairman Froseth called the hearing to order with all committee members present except Rep. Gunter.

Rep. Devlin, Dist 23 : testified in support of the bill. The main part of the bill is in part 3. It provides for a more orderly transition at the time when a city takes over the area around it that was previously zoned. It clears up some zoning questions and eliminates some hard feelings that take place when townships zoning boards aren't fully notified to what is expected of the city, by the city, etc. Keeps government a little more open to the people around the large cities. It doesn't change what the cities are going to be able to do. Brings the people together to talk.

Vice Chair Maragos : 2.0 I'm looking at the amendment. What if the zoning boards of all the political subdivisions won't meet with the city? What happens?

Rep. Devlin : I can't honestly answer that question. I don't perceive that happening. The city zoning will take over, one way or the other. This just allows for easy transition.

Vice Chair Maragos : In the last sentence it says "must take place" and "shall meet". If the guys don't show up to the meeting. What happens if they don't meet?

Rep. Devlin : I assume the meeting will be held and at least one side will be there.

There was no more testimony for or against. Hearing was put on hold until Sen. Lee could address the committee.

SB 2290 reopened: 26.0 Sen. Judy Lee : testified in support of the bill. This was drafted on behalf of the township officers. The amendment to the statute calls for a zoning meeting to be held if the area affected is currently zoned. This seems reasonable for the city to hold a meeting with the township being affected. This is what this bill proposes. In our area, the cities and townships work well together relating to extraterritorial zoning.

Vice Chair Maragos : 27.7 I'm concerned about the wording on page 1, lines 23 and 24; "shall hold" a transition meeting. Then it goes on to say on page 2, "shall meet" with the zoning board... Then the last sentence says the zoning transition meeting "must" take place before..... If they don't come to this meeting, will that stop the city's adoption of the extraterritorial zoning?

Sen. Lee : That is not the intent. Please visit with Bryan Hoime, since he is the one who drafted this addition. I understand where your concern is. The intent is for the notification.

Ken Yantes, N.D. Township Officers Assoc. : 30.0 I am here to support the bill. Bryan Hoime, who would be here, is in Washington, D.C. for a meeting. (See attached testimony)

Chairman Froseth : Do you know what happens if you can't get one party to the table?

Mr. Yantes : No, I can't.

Chairman Froseth : We'll hold this until Mr. Hoime gets back. Any more testimony for this bill; any against? Hearing none. The hearing is closed.

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2290-a

House Political Subdivisions Committee

Conference Committee

Hearing Date 3-4-99

Tape Number	Side A	Side B	Meter #
2	x		20.5--38.5
Committee Clerk Signature <i>Pam Klever</i>			

Minutes: Chairman Froseth : Let's take up this bill. Mr. Hoime was in Washington, D.C. last week when we had the hearing so we will hear from him.

Bryan Hoime : 20.5 testified and explained the Township officers position concerning the bill.

(See attached testimony) It's not a wide spread problem, but a few cities have started to exercise their extraterritorial zoning for the first time. They have had some problems when going through this transitional board. You are dealing with two boards during transition. The one board losing authority during rezoning, says, it's not my problem any more. Take it up with the other board. This causes confusion. This would bring both parties together to discuss things for the good of both. Larger cities have been doing extraterritorial zoning for a long time and use something like this.

Chairman Froseth : 23.4 We had a question last week concerning the language "shall meet" and what happens if they don't show? Does the amendment address this?

Vice Chair Maragos : That was me, Bryan, who was concerned about the wording in the last sentence. The zoning commission “shall meet” with the zoning board or boards of all political subdivisions losing their partial zoning authority. If one authority refuses to show up, then they are in violation of the statute. I have inserted on page 2, line 1, the planning commission shall meet with, replace meet with, the planning commission shall notify 14 days prior with the zoning board or boards ..... Then the last line can take effect. That the meeting can take place.

Everyone will then know about the meeting. If they don’t show up, they forfeit.

Bryan : That’s good. They have had the chance after being notified, if they choose not to come.

Rep. Niemeier : 26.2 Is there any course of appeal?

Bryan : You can appeal to a court of law. Can’t say what the relief would be.

ACTION: Vice Chair Maragos made a motion for a DO PASS on amendment and Rep.

Koppelman seconded the motion. VOICE VOTE was held with 12 YES and 1 NO. PASSED.

Vice Chair Maragos made a motion to DO PASS AS AMENDED and Rep. B. Thoreson seconded the motion.

Rep. Niemeier : 34.0 I know we passed the city bill in the last session. But to me, the whole idea of a mediation session is unnecessary. It’s like calling a meeting so that the city officials can explain to the township officials or whoever why they did what they did. Kind of like pouring oils of the waters. The meeting does serve any purpose.

Bryan : 34.7 This would only occur if a city decides to annex out a number. If they would want to do more zoning, then before the city can do more, this amendment takes effect. This takes place prior to the adoption by the city of the zoning. I wanted to make sure the people involved could get together at a meeting and avoid problems within the areas to be rezoned.

Rep. Glassheim : 37.1 I think you are right. The city will do it if they want. This does help the people who are living there. This gives the county or township, who will be running the meeting, the chance to explain the zoning they already have to the interloper city. This expands the protection for the residence who are there and gives the county or township just a little more history to tell what they have done.

Rep. Koppelman : I agree with Rep. Glassheim. We have all kinds of provisions in law that encourage cooperation, discussion, etc. There is the right of eminent domain. But you should be able to go before the law and state your case.

ROLL CALL VOTE: 13 YES and 1 NO with 1 ABSENT. PASSED. Rep. Koppelman will carry the bill.

Please type or use black pen to complete

Date 3-4-99

Roll call vote # 1

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2290

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on \_\_\_\_\_
  - Conference Committee
- } Identify or check where appropriate

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as Amend

Motion Made By Rep. Maragos Seconded By Rep. B. Thoreson

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glasheim	/				
Rep. Gunter					
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/	/			
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 13 1  
(Yes) (No)

Absent 1

Floor Assignment Rep. Koppelman

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

DO NOT USE HIGHLIGHTER ON ANY FORMS



REPORT OF STANDING COMMITTEE

SB 2290: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "meet with" with "provide at least fourteen days' notice of the meeting to"

Renumber accordingly

1999 TESTIMONY

SB 2290

of  
Testimony on SB 2290

To: Senate Political Subdivisions Committee

January 28, 1999

By: Senator Judy Lee, District 13

In the last legislative session the laws concerning extra-territorial zoning and annexation were completely re-written, as some of you may recall. A hard-working group of people representing cities, townships, counties, city and county planners, city attorneys, the attorney general's office, and the legislative council, as well as legislators on the Political Subdivisions Committee, spent a lot of time reviewing old laws and collaborating on bills to make current laws reflect the needs of North Dakota now and, we hope, in the future.

The new sections of law seem to have worked well, permitting collaborative planning between political subdivisions, rather than confrontational ones ending in litigation. The drafters of the legislation expected good communication to result from the new law, but did not include a section requiring any particular meetings to be held.

Apparently in one instance, a North Dakota city decided to implement its extra-territorial zoning for the first time, but did not inform the adjoining township that it was planning to do so. It would have at least been courteous to discuss what was going to happen.

The proposed amendment to statute calls for a zoning transition meeting to be held, if the area affected is currently zoned. It seems reasonable for the city to hold a meeting with the townships being affected, and that is what this bill proposes.

I encourage the Political Subdivisions Committee to support this bill which will call for better communications between cities and townships. I will be happy to try to answer any questions you might have.

Testimony for Senate Bill No. 2290  
Senate Political Subdivisions  
Prepared by Bryan Hoime  
North Dakota Township Officers Association

Chairperson Lee, members of the committee, senate bill 2290 is a bill which requires a municipality exercising their right to extraterritorially zone property to contact the political subdivisions, township, county, possibly another city, which already have zoning in place. The zoning transition meeting shall be held before a vote by the governing body and before any public comment. The reason being that during the transition meeting all political subdivisions involved can explain the zoning ordinances they have in place. This may give rise to possible problems the city may face when assuming the zoning. By having the meeting prior to any public comment period, the city may include new or modified ordinances to address those problems.

I've noticed in a few city's that have exercised their extraterritorial zoning for the first time that it does create 'chaos' between the other political subdivisions and the city. Private citizens with zoning questions don't really know who to contact during the transition. A problem which may be a township zoning problem would automatically become the city's. Another problem during the planning process is that its generally for public comment, for the private citizen. Although I do believe members of the township board could air their concerns during these public hearings, they don't feel comfortable doing it, this new provision would give direct access to the city's zoning or planning commission during the transition phase. Many of the larger cities already review and include other zoning authorities in their discussions. Mainly because these cities don't want any surprises and want to plan for an orderly transition.

Senate Bill 2290 will simply put a practice being done by some cities into law.. making it available to all to use.. eliminating any questions about who can do what.. and how. For these reasons we feel this is a good bill, and support it fully.

TESTIMONY ON SB 2290

PRESENTED BY SENATOR JUDY LEE, DISTRICT 13

JANUARY 28, 1999

TO: Senate Political Subdivisions Committee:

In the last legislative session the laws concerning extra-territorial zoning and annexation were completely re-written, as some of you may recall. A hard-working group of people representing cities, townships, counties, city and county planners, city attorneys, the attorney general's office, and the legislative council, as well as legislators on the Political Subdivisions Committee, spent a lot of time reviewing old laws and collaborating on bills to make current laws reflect the needs of North Dakota now, and we hope, in the future.

The new sections of law seem to have worked well, permitting collaborative planning between political subdivisions, rather than confrontational ones ending in litigation. The drafters of the legislation expected good communication to result from the new law, but did not include a sections requiring any particular meetings to be held.

Apparently in one instance, a North Dakota city decided to implement it's extra-territorial zoning for the first time, but did not inform the adjoining township that it was planning to so. It would have at least been courteous to discuss what was going to happen.

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Senate Bill 2290 will simply put a practice being done by some cities into law.. making it available to all to use.. eliminating any questions about who can do what.. and how. For these reasons we feel this is a good bill, and support it fully. All this bill really does is legislate common sense.

PROPOSED AMENDMENTS TO SB 2290

Page 2, line 1, replace "meet with" with "notify fourteen days prior"

*Brit  
by maragar*