

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3059

2007 HOUSE POLITICAL SUBDIVISIONS

HCR 3059

2007 HOUSE STANDING COMMITTEE MINUTES

Resolution No. HCR 3059

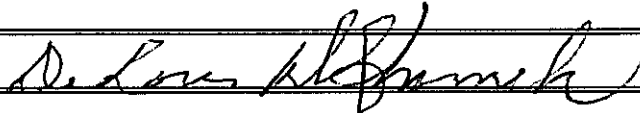
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 22, 2007

Recorder Job Number: 3636

Committee Clerk Signature



Minutes:

Chairman Herbel opened the hearing on HCR 3059.

Rep. Dwight Wrangham spoke in support of the bill. Came out of HB 1321 on extraterritorial zoning authority by cities. It is a safety net incase the HB 1321 does not pass in the other house. It was agreed that they study was very desirous.

Rep. Kim Koppelman: What about some of the whereas's?

Rep. Dwight Wrangham I have not read the language. I assume the language was the same was it was in HB 1321. I am very use to compromise.

Rep. Steve Zaiser: The question is the whereas's are provocative? Is that the question?

Sen. Triplett: I just want to say I support the need for a study.

Chairman Herbel said he thought he hear the city of Grand Forks is planning on taking an extra two miles?

Sen. Triplett: They have done that several months ago and they are now putting regulations into affect to implement it. Over the strenuous objections of the county of Grand Forks.

Chairman Herbel So they have not done it since we started working on this bill?

Senator Triplett: No I think was actually April, May timeframe almost a year ago that they were doing public hearings and making the decision.

Connie Sprynczynatyk: I am now going to testify in support of the study resolution. I would simply ask whether we could simply leave that whereas off. It has been ten years since these laws have been substantially modified. We would be happy to assist in the study. It is the third Whereas I would like changed.

Rep. Nancy Johnson: Does line eight bother you at all?

Connie Sprynczynatyk: Not particularly; a lot of people remember the battle over annexation in the late 90's it was to make sure that did not continue to happen. Extraterritorial zoning is all about planning and making roads, sewer and water lines are placed correctly. That is really the reason for ET zoning.

Larry Syvertson: (testimony #1) The presence of existing township zoning should be considered.

Opposition: None

Hearing closed.

Larry Syverson

2007 HOUSE STANDING COMMITTEE MINUTES

Resolution No. HCR 3059

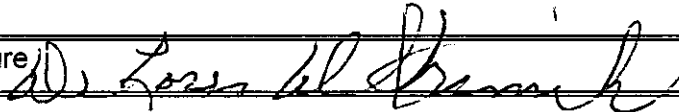
House Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: February 23, 2007

Recorder Job Number: 3785

Committee Clerk Signature



Minutes:

Chairman Herbel reopened the hearing on HCR 3059.

Rep.Dwight Wrangham offered an amendment to HCR 3059.

Motion Made By Rep.Dwight Wrangham Seconded By Rep. Vonnie Pietsch

Discussion:

Rep.Dwight Wrangham Explained the amendment.

Voice vote carried.

Rep. Lawrence Klemin does not like the second whereas. I think we need to say more than recently and put the date in there. Put in 1997 in line 7 where recently was. In line 8 move the appropriateness of this action in insert the words zoning authority.

Moved the Seconded Amendment Motion Made By Rep. Lawrence Klemin Seconded By Rep.Dwight Wrangham

Discussion: None

Voice vote carried.

Do Pass As Amended Motion Made By Rep. Pat Hatlestad Seconded By Rep. Donald Dietrich

Vote: 12 Yes 0 No 2 Absent Carrier:Rep. Chris Griffin

Put on Consent Calendar Hearing closed.

PROPOSED AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3059

Page 1, line 9, replace "people" with "citizens"

Page 1, line 10, replace "but does not provide these people meaningful involvement" with "and the involvement of those citizens should be considered" and after the second "of" insert "whether"

Page 1, line 11, replace the first "to" with "may", replace "these" with "the", and remove "to unincorporated territory"

Re-number accordingly

Date: 2-23-07
Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HCR 3059

House Political Subdivisions Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken No Pass As Amended

Motion Made By Rep. Hatlestad Seconded By Rep. Dietrich

Representatives	Yes	No	Representatives	Yes	No
Rep. Gil Herbel-Chairman	✓		Rep. Kari Conrad	✓	
Rep. Dwight Wrangham-V. Chair	✓		Rep. Chris Griffin	✓	
Rep. Donald Dietrich	✓		Rep. Lee Kaldor	✓	
Rep. Patrick Hatlestad	✓		Rep. Louis Pinkerton	✓	
Rep. Nancy Johnson	✓		Rep. Steve Zaiser	—	
Rep. Lawrence Klemin	✓				
Rep. Kim Koppelman	—				
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 12 No 0

Absent 2

Floor Assignment Rep. Griffin

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

Consent Calendar

REPORT OF STANDING COMMITTEE

HCR 3059: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3059 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "recently" and after "Assembly" insert "in 1997"

Page 1, line 8, replace "appropriateness of this action" with "zoning authority"

Page 1, line 9, replace "people" with "citizens"

Page 1, line 10, replace "but does not provide these people meaningful involvement" with "and the involvement of those citizens should be considered" and after the second "of" insert "whether"

Page 1, line 11, replace the first "to" with "may", replace "these" with "the", and remove "to unincorporated territory"

Renumber accordingly

2007 SENATE POLITICAL SUBDIVISIONS

HCR 3059

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. HCR 3059

Senate Political Subdivisions Committee

Check here for Conference Committee

Hearing Date: March 16, 2007 Action Taken: March 23, 2007

Recorder Job Number: 5188 and 5508

Committee Clerk Signature



Minutes:

Vice Chairman Olafson called the Senate Political Subdivisions Committee to order. Four members present and Chairman Cook absent.

Vice Chairman Olafson opened the hearing on HCR 3059 a resolution directing the Legislative Council to study the exercise of extraterritorial zoning authority by cities.

Representative Wrangham, District 8, introduced and testified in support of HCR 3059.

The purpose of this resolution is to make sure that the study takes place. There was wide support for the study both in the community and with other legislators in the house and they felt that in case HB 1321 for some reason did not survive the process that we should have an insurance tool to make sure the study did take place.

Senator Hacker: It speaks of the study to study zoning regulations from one mile to four mile. We have some cities that are one half mile. Is there a need for including them?

Representative Wrangham: The intend of the wording was not to exclude the small cities.

Senator Warner: Are there any substantial differences between this study resolution and the one in HB 1321?

Representative Wrangham: I asked the legislative counsel for a resolution to do the same thing that was in HB 1321.

Connie Sprynczynatyk, North Dakota League of Cities testified in support of HCR 3059. I think the study is a good idea. Any time you get ten years past the effective date of legislation that impact people, it is a good idea to take a look.

Larry Syverson, North Dakota Township Officers Association, testified in support of HCR 3059. We have seen problems with the city use of extraterritorial zoning. We have seen instances of very small towns using it. Two years ago the City of Portland was reviewing their zoning ordinances and looked into extraterritorial zoning. They decided that since the townships already had a building permit program in place they would for go ET zoning. Now on the advice of their new city attorney they are proceeding. This is a town of six hundred people, who can't keep a coffee shop or grocery store open in town, so why do they need extra territorial zoning?

Senator Hacker: Is it your suggestion then that extraterritorial zoning should be used for growth and nothing else.

Larry Syverson: For actual demonstrated growth. I think that was the original intent of extraterritorial zoning.

Ken Yantzes, Executive Secretary of North Dakota Township Offices Association. In 2005 we passed a resolution in our annual meeting asking for the extraterritorial zones to be reduced and I am here to speak on behalf of our state association saying we would like to have that done.

Claus Lemke, appear on my own behalf. I live in the ETZ of the City of Bismarck. In the twenty years that I was County Commissioner, I heard each year from several citizens when they had to deal with zoning. Don't call the county call the city and they felt that this was unfair and I feel the same way. I am not against ET zoning. I think this is necessary as they make for

better planning but we need to look at the harmonizing process. They should not be one sided. That is the reason I support HCR 3059.

Ski Gotsman, City of Fargo appeared with a concern that this resolution might affect HB 1321.

No further testimony in support, opposed or neutral on HCR 3059.

Vice Chairman Olafson closed the hearing on HCR 3059

March 23, 2007 Recorder # 5508 Action on HCR 3059.

Chairman Cook called the committee to order. All members present.

Chairman Cook asked the committee to look at HCR 3059.

Senator Hacker: I think it is very important that we study the issue.

Senator Hacker moved a Do Pass on HCR 3059

Senator Warner seconded the motion.

Discussion

Voice vote: All in favor Yes 5 No 0 Absent 0

Carrier: **Senator Warner**

REPORT OF STANDING COMMITTEE (410)
March 23, 2007 11:01 a.m.

Module No: SR-55-6059
Carrier: Warner
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HCR 3059, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HCR 3059 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HCR 3059

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To support HCR3059

Good morning Chairman Herbel and members of the Political Subdivisions Committee.

I am Larry Syverson a farmer from Mayville; I am the Chairman of Roseville Township of Traill County. I am also a District Director of the North Dakota Township Officers Association. NDTOA represents the six thousand township officers that serve our eleven hundred and forty one dues paying member townships.

NDTOA policy states that extra territorial zoning authority should be rolled back. It is our position that zoning authority must be exercised by a body elected by the residents that are governed. Those governed must have a voting representative on the zoning board that controls their use of property.

NDTOA believes that extra territorial zoning should be modified to reflect actual growth.

If a Minnesota city with a population greater than our entire state can provide for future orderly expansion with a maximum extra territorial zoning limit of two miles, why would a North Dakota city need four miles.

NDTOA believes that these issues need to be addressed.

Therefore Chairman Herbel and Committee Members, I ask you to give HCR3059 a do pass recommendation.

That concludes my prepared testimony; I will try to answer your questions.