

**2019 HOUSE POLITICAL SUBDIVISIONS**

**HB 1224**

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

1/17/2019

HB 1224

Job #31068

Subcommittee

Conference Committee

Committee Clerk: Carmen Hickle
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### Explanation or reason for introduction of bill/resolution:

Relating to zoning of territory adjacent to cities

Minutes:

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**Chairman J. Dockter:** Opened the hearing on HB 1224

**Rep. Heinert:** Introduced the bill. One change on line 8 identifying township as a zoning board. Township boards are not commission as law reads.

**Larry Severs:** ND Township Officers Association. Supports the bill

**Chairman J. Dockter:** Closed the hearing.

# 2019 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Prairie Room, State Capitol

2/1/2019

HB 1224

Job # 32023

Subcommittee

Conference Committee

Committee Clerk: Carmen Hickle

### Explanation or reason for introduction of bill/resolution:

Relating to zoning of territory adjacent to cities

**Minutes:**

**Chairman J. Dockter:** Opens for committee work.

**Vice Chairman Pyle:** County zoning boards are not county zoning commissions. There is a verbiage change in line 8.

**Chairman J. Dockter:** HB 1224 is a housekeeping bill to correct language in the code.

**Rep. Hatlestad:** Made a do pass motion.

**Rep K. Koppelman:** Second the motion.

**Rep. Fegley:** There is an aspect in exterritorial zoning that states some cities have two miles out then share the next two miles. But with this bill will they have authority over the whole four miles then?

**Chairman J. Dockter:** That would be correct.

**Rep. Longmuir:** In audible.

**Rep K. Koppelman:** I don't think the law is changing just the word zoning board. So it's language clean up.

**Rep. Ertelt:** Can anyone answer whether the zoning board or commission is comprised only of elected officials who serve?

**Rep. Fegley:** The Ward County planning board was appointed by the County Commissioners plus two other people were from the city of Minot. The township board zoning they had two people from the city.

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**Rep K. Koppelman:** The bill is a clarification that in the counties they are called county zoning commissions and the law originally said township or county zoning commissions. It changes it to township zoning board.

Vote yes 10, no 4, absent 0.

Rep. Fegley: Will carry the bill.

Date: 2-1-19  
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1224**

House Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation:  Adopt Amendment  
 Do Pass  Do Not Pass  Without Committee Recommendation  
 As Amended  Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider  \_\_\_\_\_

Motion Made By Rep. Hatlestad Seconded By Rep. Koppelman

Representatives	Yes	No	Representatives	Yes	No
Chairman J. Dockter:	/				
Vice Chairman Pyle:	/				
Rep. Ertelt:		/			
Rep. Fegley:	/				
Rep. Hatlestad:	/				
Rep. Johnson:	/				
Rep K. Koppelman:	/				
Rep. Longmuir:	/				
Rep. Magrum:		/			
Rep. Simons:		/			
Rep. Toman:		/			
Rep. Strinden:	/				
Rep. Adams:	/				
Rep. Guggisberg:	/				

Total (Yes) 10 No 4

Absent 0

Floor Assignment Rep. Fegley

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

**REPORT OF STANDING COMMITTEE**

**HB 1224: Political Subdivisions Committee (Rep. Dockter, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

**2019 SENATE POLITICAL SUBDIVISIONS**

**HB 1224**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Red River Room, State Capitol

HB 1224  
3/14/2019  
Job # 33695

- Subcommittee  
 Conference Committee

Committee Clerk: Mary Jo Wocken

### Explanation or reason for introduction of bill/resolution:

Relating to zoning of territory adjacent to cities.

### Minutes:

**Chairman Burckhard** opened the hearing on HB1224. All senators are present.

**Representative Heinert:** District 32. Introduced HB 1224. The main emphasis of this bill is basically two words and that is on line 8 of the bill. Where we are adding the language “zoning board”. Prior to this it was called township or county zoning commission. Townships are not known as commissions. They are known as boards. An issue came up here in Burleigh County when we were dealing with one of wind farms between the township board and county commission. One asking the other to have the hearings and people in the community thought that the township should have it because they were commission, but the law and the authority authorized the county commission to take it and have the hearing versus township board upon request. So, there was a lot of unnecessary thought processes and comments made in my opinion in reference to not identifying townships as boards so that’s why the bill was introduced so we could further clarify the roles of the two different organizations.

**Senator Anderson:** Explain to us what that practical effect this has to change anybody’s authority or is just defines what the township board looks like?

**Representative Heinert:** It does not change anybody’s authority between the townships or the counties. It just identifies the townships as a board, not a commission. So people keep the clarity in their minds as to what their responsibilities and what their authorities are.

**Senator Anderson:** In your opinion does it require the township for example to create a separate zoning board or can they still act as the zoning board themselves or do they have to make that conscious decision or how does that work?

**Representative Heinert:** It does not change anything else in Century Code in reference to what townships authority is, and it does not mandate they do anything additional.



**Chairman Burckhard:** So do we need a definition for the difference between a commission and a board? Is that going to come into question here do you think?

**Representative Heinert:** I don't believe so. I think most people. The issue was here in Burleigh County is some of the citizens of southern Burleigh County, northern Emmons County, read this and said well aren't they both commissions? So they were trying to force the issue that the township should have the hearing and not turn the authority over to the county, based on they were both commissions so they were both equal and so that's really where the terminology comes in.

**Larry Syverson:** North Dakota Township Officers Association spoke in favor of HB1224.

**Chairman Burckhard:** asked for opposition and neutral testimony. No one came forward. He then closed the hearing on HB 1224.

**Senator Anderson moved a do pass on HB1224.**

**Senator Diane Larson moved a 2<sup>nd</sup>**

**Roll call vote: 6-0-0**

**Carrier: Senator Anderson**

Date: 3.14.19  
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1224**

Senate Political Subdivisions Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Sen. Anderson    Seconded By Sen. Diane Larson

Senators	Yes	No	Senators	Yes	No
Chair Randy Burkhard	X		Sen. Jim Dotzenrod	X	
Vice chair Howard Anderson	X				
Sen. Diane Larson	X				
Sen. Judy Lee	X				
Sen. Jordan Kannianen	X				

Total (Yes) 6    No 0  
 Absent 0  
 Floor Assignment Senator Anderson

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

**REPORT OF STANDING COMMITTEE**

**HB 1224: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Fourteenth order on the calendar.