

N.D.A.G. Letter to Gerntholz (Jan. 20, 1987)

January 20, 1987

Honorable Gereld Gerntholz
House of Representatives
State Capitol
Bismarck, ND 58505

Dear Representative Gerntholz:

I am responding to your request for an Attorney General's opinion relayed to this office by Majority Leader Earl Strinden as to the legality of House Bill 1268.

House Bill 1268 amends N.D.C.C. § 11-33-20 by specifically providing that a township may revoke its relinquishment of its zoning powers to a county. By this additional language, a township may withdraw its relinquishment of its zoning powers and reacquire such authority. Obviously, this amendment is in response to several Attorney General opinions issued over the past 20 years as to the inability of a township to reacquire zoning authority once it has relinquished such authority to a county.

I have reviewed House Bill 1268 and can find no legal prohibition as to the amendment you purport to make in this bill. Thus, it is my opinion that the Legislature does indeed have the power to provide for the withdrawal of a township's relinquishment of its zoning authority.

Sincerely,

Nicholas J. Spaeth

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cc: Honorable Earl Strinden, House Majority Leader