

June 2007

TITLE 40

Municipal Government

Summary of Bills Enacted by 2007 Legislative Assembly

This memorandum summarizes 2007 legislation primarily affecting North Dakota Century Code (NDCC) Title 40. Bills primarily affecting other titles also affect this title, and relevant provisions of those bills are summarized in this memorandum.

House Bill No. 1033 revises statutory provisions relating to bidding and public improvement contracts and allows state and local governments to use the construction management delivery method.

House Bill No. 1321 reduces the extraterritorial zoning authority of cities from one mile to one-half mile for cities with a population fewer than 5,000; from two miles to one mile for cities with a population of 5,000 or more, but fewer than 25,000; and from four miles to two miles for cities with a population of 25,000 or more. The bill provides that the reductions are effective through July 31, 2009, and that any extraterritorial zoning regulation in effect before May 1, 2007, is not affected by the reduction. The bill also allows a city to extend its zoning authority to two times the reduced distance if the extension is approved by at least five of six members of a committee established to review the proposed extension. The bill provides that the committee must consist of three members appointed by the governing body of the city and three members appointed jointly by the governing bodies of any political subdivision that is exercising zoning authority within the territory to be extraterritorially zoned.

Senate Bill No. 2236 provides that a candidate for the city commission may run for either the office of city commissioner or the office of president of the board of city commissioners but not both in the same election and a candidate for city council may run for either the office of mayor or council member but not both in the same election.

Senate Bill No. 2271 requires the governing body of a city, a city zoning commission, and a board of adjustment to state the grounds upon which any request for a zoning amendment or variance is approved or disapproved and requires a planning commission to state the grounds upon which any request for approval of a plat is approved or disapproved. The bill also requires those entities to include within their records written findings upon which those decisions are based.

House Bill No. 1029 limits the authority of a city to transfer home rule sales tax revenues to or for the primary benefit of a school district. The bill was declared to be an emergency measure and became effective upon its filing with the Secretary of State on April 19, 2007.

Senate Bill No. 2149 authorizes a city job development authority to take an equity position in, provide a loan to, or use any other innovative financing mechanism to provide capital for a new or expanding business in the state or a business relocating to the state.

House Bill No. 1225 increases the maximum area of a proposed renaissance zone from 20 square blocks to 23 square blocks. The bill also provides that a proposed renaissance zone may have a single exception to the requirement that the zone consist of a continuous boundary and contiguous blocks if the area of the excepted noncontiguous blocks does not exceed three square blocks and if the shortest distance between the noncontinuous boundaries of the two portions of the zone does not exceed one-half mile.

House Bill No. 1476 authorizes the governing body of a city to allow the operation of golf carts on the city streets for daytime travel between the owner's place of residence and a golf course.

Senate Bill No. 2214 provides that a city, a park district, or other municipal body that intends to exercise the power of eminent domain must exercise that power subject to the provisions of NDCC Chapter 32-15.

Senate Bill No. 2380 provides that city sales and use taxes and gross receipts taxes must be administered by the Tax Commissioner in accordance with the Streamlined Sales and Use Tax Agreement.

Senate Bill No. 2349 provides that upon completion of the Medal of Honor monument in Roosevelt Park in Minot, ownership and responsibility for the monument's maintenance belongs to the Minot Park Board or its successor.