

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2200

Introduced by

Senator Holmberg

Representatives Froseth, Poolman

1 A BILL for an Act to amend and reenact sections 40-51.2-10 and 40-51.2-13 of the North
2 Dakota Century Code, relating to the composition and decisions of an annexation review
3 commission.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 40-51.2-10 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-51.2-10. Annexation review commission - Composition.** The annexation review
8 commission ~~shall~~ must be composed of the attorney general or an assistant attorney general
9 designated by the attorney general, one county member, and one city member. The board of
10 county commissioners shall appoint ~~one the county member of the board of supervisors,~~
11 ~~selected by said board of supervisors,~~ from the township in which the territory sought to be
12 annexed is situated ~~as the county member on such annexation review commission and in the~~
13 ~~event such.~~ If the territory is not situated in an organized township ~~then,~~ the board of county
14 commissioners shall appoint ~~one of its members~~ a person who resides outside the corporate
15 boundaries of the annexing municipality as the county member on ~~such the~~ the commission ~~and~~
16 ~~the.~~ If any of the persons filing written protests reside outside the corporate boundaries of the
17 annexing municipality, the county member must be selected from among those persons. The
18 governing body of the municipality instituting the annexation proceedings shall appoint one of
19 its members as the city member on ~~such the~~ the commission. The attorney general ~~shall be or the~~
20 attorney general's designee is chairman of such the commission, ~~and he may designate one of~~
21 ~~his assistant attorneys general to serve and act in his stead on such commission.~~

22 **SECTION 2. AMENDMENT.** Section 40-51.2-13 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **40-51.2-13. Decision.**

- 1 1. Upon the completion of the hearing, the commission shall determine if the
- 2 annexation should be granted after considering and finding that from the evidence
- 3 one or more of the following factors are present with respect to the proposed
- 4 annexation which will constitute a more harmonious and compatible metropolitan
- 5 community:
- 6 ~~1-~~ a. The present and future uses or development of the area sought to be
- 7 annexed.
- 8 ~~2-~~ b. Whether a community of interest exists between the area sought to be
- 9 annexed and the annexing municipality.
- 10 ~~3-~~ c. The educational, recreational, civic, social, religious, industrial, commercial, or
- 11 municipal facilities and services made available by or in the annexing
- 12 municipality to any resident, business, industry, or employee of ~~such~~ the
- 13 business or industry located in the area sought to be annexed.
- 14 ~~4-~~ d. Whether any governmental services or facilities of the annexing municipality
- 15 are or can be made available to the area sought to be annexed.
- 16 ~~5-~~ e. The economic, physical, and social relationship of the inhabitants,
- 17 businesses, or industries of the area sought to be annexed to the annexing
- 18 municipal corporation, and to the school districts and other political
- 19 subdivisions affected thereby.
- 20 2. The commission shall take into consideration whether the annexing municipality
- 21 has substantially conformed with all procedural requirements in the annexation
- 22 process and shall also take into consideration the economic impact of the
- 23 proposed annexation on the property owners in the area of the proposed
- 24 annexation.
- 25 3. If a majority of the commission is satisfied that the annexation should be granted, it
- 26 shall determine the terms and conditions upon which annexation is to be had and
- 27 shall enter an order granting the petition. In all cases, the commission shall set
- 28 forth in writing its findings of fact, its conclusions based thereon and its decision,
- 29 and shall mail a copy thereof to all parties to the annexation proceedings.
- 30 4. The order granting the petition ~~shall~~ must set forth in detail all ~~such~~ the terms and
- 31 conditions upon which the petition is granted and the effective date ~~thereof~~ of the

1 petition. ~~Such~~ The order together with an accurate map of the annexed area,
2 certified by the executive officer of the municipality, ~~shall~~ must be filed and
3 recorded in the office of the register of deeds of the county ~~wherein~~ in which the
4 annexed territory is situated.