

2009 HOUSE POLITICAL SUBDIVISIONS

HB 1359

# 2009 HOUSE STANDING COMMITTEE MINUTES


## Bill No. HB 1359

### House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 5, 2009

Recorder Job Number: 8874

Committee Clerk Signature 

Minutes:

**Rep. Headland:** opened the hearing on HB 1359.

**Rep. Wrangham:** Introduced the bill. When the city is annexing a portion to the city the city does allow certain portions of the annexed areas could be omitted; however there are some exceptions. If the land is platted and that is where the problem came in. The landowner understood if the city had done things to improve the property or services to the property that they could probably be denied the change for the exemption. Merely having the land platted did not seem to have any relevance to the bill for the reason.

**Brian Bittner, I live east of Bismarck.** What I ran into when I wanted to get a building permit to add onto my garage. I have an acreage east of town. At the time I was not able to get a building permit because I was not in a platted subdivision of the city. We think we have worked that out with the city now. I did not see any correlation between a subdivision plat and my need to get a building permit to add onto my garage. So I asked the city what is the purpose of a subdivision plate in my case? They said it allows us to make you have excess to your property. I have owned that property for over 20 years. The house was built approximately 45 years ago so I am sure I have excess to the property. It assures that you have locations for utilities. I know that the utilities have been there for 40 years. What it really

allows is that the cities can do mapping. There is apparently a disconnect between meets and bounds survey and lot and block systems. So if your property is recorded only in meets and bounds there are a possibility of transcription errors when you are transferring title etc. Being a non resident of the city I thought I was fine. If it is in the benefit of the city maybe they should be the ones paying for it. So I did not get a satisfactory answer about why platting was necessary on my property so I could get a building permit. Before the ordinance was amended I going to do the subdivision plat cost and spend the \$6,000-\$10,000 until I found out about the annexation exclusion statue. It seems to me tying a building permit to a platting requirement and then using the plat as a reason to never be able to oppose annexation is a problem and it takes away the citizen's choice. That is the reason I am asking to remove platting from the bill.

No Opposition.

Hearing closed.

## 2009 HOUSE STANDING COMMITTEE MINUTES

### Bill No. HB 1359

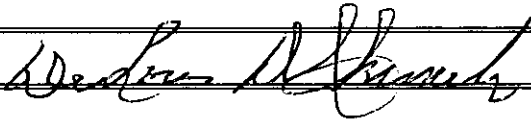
#### House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9413

Committee Clerk Signature



Minutes:

Chairman Wrangham reopened the hearing on HB 1359.

Chairman Wrangham: It is from exclusion from annexation. Anyone have an opposition to that bill?

**Rep. Klemin:** working on the wording. It does not seem to read right.

**Rep. Zaiser: Made a Motion Do Not Pass. No Second.**

**Chairman Wrangham:** We will have to have the code reviser look at it?

**Rep. Hatlestad:** Could we change the wording from lands on or adjacent to where the municipal improvements have not been made? Would that clear anything up?

**Rep. Koppelman:** Since I missed the hearing what is the intent of the bill?

**Chairman Wrangham:** When a city is annexing property there is a section that allows home owners to be excluded the annexation if a certain number of people sign petitions. These are people who can be excluded from the annexation. This section that we are striking out deals with property that has been platted. The intent of the bill is if there have been public improvements done they should not have the right to ask for exclusions from annexation. But just because their property is platted should not be a reason to exclude them from filing a petition.

**Chairman Wrangham:** committee wishes to wait on this until council can be consulted.

Hearing closed.

# 2009 HOUSE STANDING COMMITTEE MINUTES

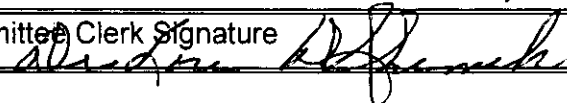
## Bill No. HB 1359

### House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9416

Committee Clerk Signature 
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Minutes:

**Chairman Wrangham:** reopened the hearing on HB 1359.

**Rep. Zaiser:** Tim Dawson from Legislative Council said this reads right. This section however applies only to land, where on or adjacent to, municipal improvements have not been made.

**Rep. Koppelman:** We are on one word versus two?

**Chairman Wrangham:** I am sure if it needs further Germanic changes they can do that over in the Senate.

**Rep. Klemin:** Worked on the wording further. This section applies only to lands on or adjacent to lands where municipal home improvements have not been made or constructed.

**Rep. Koppelman:** suggested what if it was to read, this section however applies to lands or t lands adjacent to lands on which municipal improvements have not been made or constructed.

Held bill.

Hearing closed.

# 2009 HOUSE STANDING COMMITTEE MINUTES

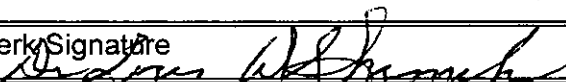
## Bill No. HB 1359

### House Political Subdivisions Committee

☐ Check here for Conference Committee

Hearing Date: February 16, 2009

Recorder Job Number: 9594

Committee Clerk Signature 
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Minutes:

**Chairman Wrangham** reopened the hearing on HB 1359.

This was the bill that deals with citizens that would be exempt from annexation. This simply strikes the part where just because the property had been platted would not be grounds for them to be denied the right to petition for exemption. As I recall we had no opposition to this. I think it was just a wording problem and the code reviser could fix this. That is right they said it read right.

**Rep. Klemin:** I am not going to support this.

**Do Not Pass Motion Made By Rep. Kretschmar: Seconded by Rep. Kilichowski**

**Rep. Koppelman:** What does this exempt from again?

**Chairman Wrangham:** this bill under current law if the city is going to annex an area the people who live in that area have the right to petition to not be annexed and the city can agree or it goes before the administrative law judge and he decides if they should be annexed or not. There are basically two reasons why a person cannot petition. One is if city services have been expended to their property; then they do not have the right to be annexed. This is not intended to change that. The second reason is if the land has been platted, they do not have the right to petition not to be annexed. It had been done in order to secure a building permit

they require you to plat, only once you plat it then you do not have this right to petition to not be annexed.

**Rep. Kretschmar:** As I read the statues it applied to property that is within the corporate limits of the city and they want to get out.

**Chairman Wrangham:** No. That is not right.

**Rep. Kretschmar:** to me it refers to property that is in the city and they want to get out of the city.

**Chairman Wrangham:** If your interpretation is correct it should not involve any body that is not already in the city limits. A lot of discussion was held on the wording and interpretation

**Vote**    10   **Yes**            3   **No**        0   **Absent**   **Carrier: Rep. Kretschmar**

**Hearing closed.**



Date: 2/16  
Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1359**

House Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DO PASS DO NOT PASS AS AMENDED

Motion Made By Rep. Kretschmar Seconded By Rep. Kilichowski

Representatives	Yes	No	Representatives	Yes	No
Rep. Dwight Wrangham, Chairman		✓	Rep. Kari Conrad	✓	
Rep. Craig Headland, Vice Chairman		✓	Rep. Jerry Kelsh	✓	
Rep. Patrick Hatlestad	✓		Rep. Robert Kilichowski	✓	
Rep. Nancy Johnson	✓		Rep. Corey Mock	✓	
Rep. Lawrence Klemin	✓		Rep. Steve Zaiser	✓	
Rep. Kim Koppelman		✓			
Rep. William Kretschmar	✓				
Rep. Vonnie Pietsch	✓				

Total (Yes) 10 No 3

Absent 0

Carrier: Rep. Kretschmar

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

**REPORT OF STANDING COMMITTEE**

**HB 1359: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Eleventh order on the calendar.