

**1999 HOUSE POLITICAL SUBDIVISIONS**

**HB 1377**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1377

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-4-99

Tape Number	Side A	Side B	Meter #
2	x		3.9-14.9
Committee Clerk Signature <i>Pam Dever</i>			

Minutes: BILL SUMMARY: Relating to annexation of territory by a recreation service district; and to amend and reenact section relating to annexation of territory by a recreation service district. Chairman Froseth handed the gavel to Rep. Koppelman as Vice Chair Maragos is not present at the beginning and Chairman Froseth is prime sponsor of HB1377.

Chairman Froseth, Dist. 6 : 3.9 testified in support of the bill. (See attached testimony)

Roger Nelson, LM Recreation District : 6.5 I have been in this position for 14 years. I am here in support of the bill. This is the first recreation district established in the state. We have run out of lake and people want to build, annex, and add different properties which are outside of our ¼ mile jurisdiction. In order to provide sewer, we need to annex to get revenue. We also provide garbage pick up. Last year we paved all the roads. These are paid by special assessments. We are locked by law and we need to expand the district.

Rep. Delmore : 7.9 How far can you go beyond the ¼ mile to expand?

Roger : You would have to have a solid connection, like any city.

Rep. Niemeier : What if there is farmland in the ¼ mile expansion?

Roger : You could be annexed, but your vote is determined on the amount of land you have. So you could protest if you wanted. We really are only wanting to address cabins, etc.

Vice Chair Maragos : If one person owns ¼ of the property to be annexed, and he protests, you must stop annexation. Right? It's not ¼ of the owners.

Roger : That's correct.

Vice Chair Maragos : What is the summer time population of Lake Metagoshe?

Roger : On the American side we have 800 cabins, and on the Canadian side we have 200 cabins. There are a few businesses thrown in there, too. Some are still being built.

Rep. N. Johnson : 14.4 Are there a lot of areas wanting to be annexed.

Roger : We have lots along the golf course that are outside of the district, a big slue that some developers are looking at draining, and a few other areas.

Hearing no opposing testimony, the hearing is closed. Rep. Koppelman made a motion of DO PASS, with a second by Rep. Delmore.

ROLL CALL VOTE: 14 YES and 0 NO and 1 ABSENT. Passed. Vice Chair Maragos will carry the bill.

Please type or use black pen to complete

Date 02-4-99  
Roll call vote # 1

### 1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1377

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on \_\_\_\_\_
  - Conference Committee
- } Identify or check where appropriate

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

Action Taken Do Pass

Motion Made By Rep Koppelman Seconded By Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Froseth	/		Rep. Wikenheiser	/	
Vice Chair Maragos	/				
Rep. Delmore	/				
Rep. Disrud	/				
Rep. Eckre	/				
Rep. Ekstrom	/				
Rep. Glassheim	/				
Rep. Gunter	/				
Rep. Johnson, N	/				
Rep. Koppelman	/				
Rep. Niemeier	/				
Rep. Rose	/				
Rep. Severson	/				
Rep. Thoreson, B	/				

Total 14 0  
(Yes) (No)

Absent -1-

Floor Assignment Rep. Maragos

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

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)  
February 4, 1999 2:17 p.m.

Module No: HR-23-1943  
Carrier: Maragos  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1377: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

**1999 SENATE POLITICAL SUBDIVISIONS**

**HB 1377**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HOUSE BILL 1377

Senate Political Subdivisions Committee

Conference Committee

Hearing Date MARCH 5, 1999

Tape Number	Side A	Side B	Meter #
1	x		0 to 2119
Committee Clerk Signature 			

Minutes:

SENATOR LEE: open the hearing on HOUSE BILL 1377

SENATOR LEE: questions

REPRESENTATIVE FROSETH Introduce HOUSE BILL 1377, would allow recreational area to extend out 1 quarter mile further, see testimony

SENATOR LEE: questions

SENATOR LYSON: recreational district would be able to forcibly annex out 1 quarter of a mile

REPRESENTATIVE FROSETH: must go through proper procedures. Coming from a situation out a lake Minnigoshi. Homes around the area that are extending out further than 1 quarter of a mile and recreational district can not retrieve any maintenance fees for roads or sewers. All these fees are paid on a voluntary basis. Will allow recreational authority to annex out further

SENATOR LYSON: If there are no homes and it's farm land, build more homes, one person verses public on forcible annexation

REPRESENTATIVE FROSETH: proper procedures and what must be done to annex land

SENATOR LEE: voting rights with more land verses having just one acre of land and trying to annex this one acre

SENATOR WATNE: looking at last sentence in bill, repeat last sentence, which lake our you talking about

REPRESENTATIVE FROSETH: Yes, that is strawberry lake, this already pertains to the established districts, form the recreation service district and go through all the proper channels

SENATOR LYSON: there are already some recreational districts being formed?

REPRESENTATIVE FROSETH: I don't know of any

SENATOR LYSON: Black tail association north of Williston is in the process of forming one right now. argument over annexation

SENATOR LEE: district has already in place, property owners are in conflict

REPRESENTATIVE FROSETH: does include rules and regulations already in place to annex and form this district

SENATOR LEE: questions

SENATOR FLAKOLL: when annexed in is there a zoning change or anything that would change the tax structuree

REPRESENTATIVE FROSETH: recreation district is not taxing entity, they can receive money through county sources, not a taxing district. property owned by the county, they are just a service district



SENATOR KELSH: mentioned that they are not a taxing district, how do they spread their costs, a tax against the land or an assessment against the individual who owns the land. If they do this, they are a taxing authority if the cost is levied against the land

SENATOR LEE: fee I think

REPRESENTATIVE FROSETH: spreading the cost of a improvement, fee or cost to the owners of property throughout that district

SENATOR LEE: parallel to unincorporated residential subdivisions that are forced into our areas and the fees associated with this. hard surfacing the road and hardships associated with this incorporation and zoning requirements and fees associated with this. County tax bill dealing with the streets. Similar to a recreational district but the bill comes through on a county tax bill for these various tax improvements

REPRESENTATIVE FROSETH: page 1 line 13 and the limitations of these districts , reading of these lines

SENATOR LYSON: zoning change because of annexation of farm land with nothing on it , and the development of

SENATOR LEE: recreational district wouldn't have any control over that would be .....

SENATOR LYSON: no, that would be a private zoning but it would have to change when development begins

REPRESENTATIVE FROSETH: Would be out of recreational districts authority

SENATOR LYSON: right,

SENATOR LEE: the city, at that point would have control over the county and also the cities standards for sewer and water must be met, they will not just absorb the recreations authority as

it is. Minnesota is a big deal because of water quality, problems associated with this in North Dakota and the environment and property owners

SENATOR LEE: any further questions

DAVE KOLAND: without this legislation, recreation service like Managoshi would be marsh land, struggle to spread costs and sewer system. 1 quarter mile limit is not enough, people are spreading out, support for the bill

SENATOR LEE: questions

LEANN SCHNIDER: attorney general and answers to Political Subdivisions, Page 2 line 27 and 29, including and excluding areas by ordinance and taking an action to not do something.

Commas on page 3 line 11 (on next) place comma, line twelve a comma after the word resolution.

SENATOR LYSON: can you explain the sentences on line 27 and 28 to me.

LEANN SCHNIDER: explanation of these lines, don't know what the intent was there.  
Confusing to me

SENATOR LEE: look at this a little bit and get together with the sponsor

SENATOR LYSON: ordinance to create, exclude the area 4 and create an ordinance panning zone 4 I don't know

DAVE KOLAND: legislative council drafted this and I will check with legislative council

SENATOR KELSH: talking about different areas and whether or not the board of commissioners will allow that not to happen, group of people annexing a piece of property and the county commissioners not allowing the action to happen

SENATOR LEE: comment Mr. Koland

DAVE KOLAND: confusing, a group of owners who don't want to be included in the district have the right to say so. Controlling body can say yes or no to the group of owners. This act goes back ages and comes from someone who doesn't want to be included in a recreational district

REPRESENTATIVE FROSETH: took for granted that legislative council put the bill together correctly

SENATOR LEE: Mrs. Schnider and you and Legislative Council get together and discuss this issue trying to do the same thing, anyone else

REPRESENTATIVE Sveen: reconfirming previous testimony

SENATOR LEE: language is confusing and we want it a little more clear

DISCUSSION

SENATOR LYSON: drafting of this amendment and using farm land

SENATOR LEE: can't have both ways

DISCUSSION

REPRESENTATIVE FROSETH: will get amendments together

SENATOR LEE: hold over further comments on this bill till next week

MOTION: close public hearing

Proposed Amendments to House Bill No. 1377

Page 2, line 27, remove "If the board of commissioners determines to"

Page 2, remove lines 28 and 29

Page 3, line 11, insert a comma after "annexed"

Page 3, line 12, insert a comma after "resolution"

Renumber accordingly

Date: 3-11-99  
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1377

Senate Political Subdivisions Committee Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

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

Action Taken Do pass as amend

Motion Made By Watne Seconded By Lyson

Senators	Yes	No	Senators	Yes	No
Senator Lee (Chairman)	/				
Senator Lyson (Vice-Chairman)	/				
Senator Flakoll	/				
Senator Watne	/				
Senator Kelsh	/				
Senator Nelson	/				

Total (Yes) 6 No 0

Absent \_\_\_\_\_

Floor Assignment Flakoll

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

REPORT OF STANDING COMMITTEE

HB 1377: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Sixth order on the calendar.

Page 2, line 27, remove "If the board of commissioners determines to"

Page 2, remove lines 28 and 29

Page 3, line 11, after "annexed" insert an underscored comma

Page 3, line 12, after "resolution" insert an underscored comma

Renumber accordingly

**1999 TESTIMONY**

**HB 1377**

## Testimony HB 1377

Prepared by Rep. Glen Froseth

Vice Chairman Maragos and members of the Pol Sub-Committee, it is a pleasure to appear before you today to present HB 1377. For the record, my name is Rep. Glen Froseth, representing District 6.

HB 1377 essentially does one thing. It allows a Recreation Service District to annex territory into its district beyond the ¼ mile limit in current law.

A Recreation Service District is a specified area within a county or township which provides recreational opportunities, usually formed around the perimeters of a lake.

A Recreation Service District is governed by a 5-member Board of Directors, which is appointed by the Board of County Commissioners.

A Recreation Service District can be formed by the vote of 10 percent of the qualified voters of an area to be included within the proposed district. The district is established for the purpose of providing police protection, sewer and water, garbage service, road costs and maintenance, and to provide a local governing body to summer homes, cottages or other residences within such an area.

The main purpose of this bill is the new language on Page 2, lines 10-12 which gives a Recreation Service District the authority to extend the boundaries of the district to property within or contiguous to the ¼ mile limit through annexation procedures, the same as any other municipality.

Section 2 spells out the procedures for a property owner to be able to annex into the district.

Section 3 gives the procedures the Recreation Service District must use when they wish to annex property by resolution and also gives the procedures to protest an annexation by use of ordinance.

Section 4 lists the procedures a Recreation Service District must use in adopting a resolution to annex a territory.

I urge the committees' favorable recommendation to HB 1377. Thank you.

Representative Glen Froseth



Testimony HB 1377  
Prepared by Rep. Glen Froseth

Chairperson Lee and members of the Senate Pol Sub-Committee, it is a pleasure to appear before you today to present HB 1377. For the record, my name is Rep. Glen Froseth, representing District 6.

HB 1377 essentially does one thing. It allows a Recreation Service District to annex territory into its district beyond the ¼ mile limit in current law.

A Recreation Service District is a specified area within a county or township which provides recreational opportunities, usually formed around the perimeters of a lake.

A Recreation Service District is governed by a 9-member Board of Directors, which is elected by the members of the service district.

A Recreation Service District can be formed by the vote of 10 percent of the qualified voters of an area to be included within the proposed district. The district is established for the purpose of providing police protection, sewer and water, garbage service, road costs and maintenance, and to provide a local governing body to summer homes, cottages or other residences within such an area. There are three service districts in North Dakota - at Lake Metigoshe, Rice Lake, and Strawberry Lake.

The main purpose of this bill is the new language on Page 2, lines 10-12 which gives a Recreation Service District the authority to extend the boundaries of the district to property within or contiguous to the ¼ mile limit through annexation procedures, the same as any other municipality.

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Representative Glen Froseth