

SENATE BILL NO. 2237

Introduced by

Senator Christmann

Representative Galvin

1 A BILL for an Act to amend and reenact sections 11-28.2-01 and 11-28.2-04 of the North
2 Dakota Century Code, relating to requirements for establishment of a recreation service district
3 and the powers of a recreation service district.

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

5 **SECTION 1. AMENDMENT.** Section 11-28.2-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-28.2-01. Establishment of recreation service districts - Petition - Purpose.** The
8 board of county commissioners of any county ~~in this state~~, at any meeting of ~~such the~~ board, by
9 majority vote of all of the members may, upon the petition of ten percent of the ~~persons~~
10 ~~individuals~~ who qualify ~~pursuant to~~ under section 11-28.2-03 as voters of an area to be included
11 within a proposed recreation service district, call for an election of all of the qualified voters of
12 ~~such the~~ district to determine the question of the establishment of a recreation service district
13 for the purpose of providing ~~police protection, sewer and water, garbage removal services, and~~
14 ~~public road construction and maintenance~~, in addition to ~~that those~~ provided by the local
15 governing body or agency to summer homes, cottages, and other residences and
16 establishments ~~as may~~ that exist within ~~such the~~ area, and provide for the improvement and
17 control of the environmental quality of the recreation service district. ~~Said The~~ recreation
18 service district ~~shall~~ must be limited in size and location to an area ~~which is~~ contiguous to or
19 within one-quarter mile [402.34 meters] of the recreational waters of the area or to the areas of
20 land which are dedicated to public use for recreational purposes. In addition, ~~said the~~ district
21 ~~shall~~ must consist of not less than ~~fifty forty~~ privately owned seasonal homes or cottages and
22 other residences and establishments. If a petition is presented to the board of county
23 commissioners calling for ~~such an~~ election, ~~such the~~ petition ~~shall~~ must be accompanied by
24 ~~such any~~ information as required by the board of county commissioners ~~shall require~~, including

1 the boundaries of the proposed recreation district, the approximate number of qualified voters
2 ~~as defined in section 11-28.2-03~~, and a sufficient deposit of money to cover all costs of ~~such~~
3 the election. Within sixty days after the calling of ~~such~~ an election, the board of county
4 commissioners shall provide an election on the question of whether ~~or not~~ a recreation service
5 district should be established and shall establish procedures for voting and other necessary
6 matters not inconsistent with ~~the provisions of~~ this chapter. The county commissioners shall
7 give at least thirty days' notice of the election by certified mail to all qualified voters ~~as defined~~
8 ~~in section 11-28.2-03~~. If a majority of the qualified electors voting on the question approve of
9 the establishment of a recreation service district, ~~such~~ the district ~~shall then~~ must be organized.

10 The board of commissioners of a recreation service district may extend the boundaries
11 of the district to property within or contiguous to the one-quarter mile [402.34 meters] limit
12 through the annexation procedures provided in sections 11-28.2-06 through 11-28.2-08.

13 **SECTION 2. AMENDMENT.** Section 11-28.2-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **11-28.2-04. Powers of recreation service districts - Levying of special**
16 **assessments.** Each recreation service district established under ~~the provisions of~~ this chapter
17 ~~shall have the authority to~~ may provide ~~police protection, sewer and water, garbage removal~~
18 ~~services, and public road construction and maintenance~~, in addition to ~~that~~ those provided by
19 the local governing body or other agency to summer homes, cottages, and other residences
20 and establishments ~~as may~~ that exist within its boundaries, ~~and to~~ provide for the improvement
21 and control of the environmental quality of the recreation service district, and ~~to~~ levy special
22 assessments ~~as may be~~ necessary to provide ~~such~~ the services. ~~All projects and services to~~
23 ~~be~~ Any project or service provided by a recreation service district other than ~~pursuant to~~ under
24 section 11-28.2-04.1 ~~shall~~ must first be approved by a majority of the qualified voters of the
25 district affected by ~~such~~ the special assessment and present and voting at an annual or special
26 meeting called as provided in this chapter. The levying of special assessments for ~~sewer and~~
27 ~~water, garbage removal services, public road construction and maintenance~~, and improvement
28 of environmental quality ~~shall~~ must be levied against those parcels of property benefited in the
29 manner provided by law for the levying of special assessments for municipalities and the costs
30 of police protection may be levied in ~~such~~ that manner. ~~Any~~ A recreation service district may
31 contract with other political subdivisions for joint or cooperative action as provided in chapter

1 54-40. The board of recreation service district commissioners ~~shall be~~ are responsible for the
2 administration and accounting of ~~such~~ any obligations and accounts ~~as shall be~~ undertaken in
3 accordance with ~~the provisions of~~ this chapter. The board of recreation service district
4 commissioners shall serve as the special assessment commission and shall make ~~or cause to~~
5 ~~be made~~ a complete list of the annual benefits and assessments on each parcel of property
6 within the district. The board shall also hear appeals from aggrieved property owners
7 concerning assessments made, and ~~shall have the authority to~~ may increase or decrease any
8 assessment ~~as may be~~ if just and necessary. ~~No~~ A special assessment ~~shall~~ may not exceed
9 the benefits ~~as determined by the board to the parcel of property assessed.~~ The board ~~shall~~
10 ~~have the authority to~~ may cooperate with the state or federal government ~~or any agency or~~
11 ~~department thereof~~ in furnishing assurances and meeting local cooperation requirements, within
12 the scope of the power of ~~said~~ the board, in connection with any project involving the
13 construction, improvement, operation, maintenance, conservation, or use of the area, including
14 waters, within the recreation service district.