

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1198

Introduced by

Representatives Froseth, Hunskor, Kaldor, Pinkerton

Senators Lindaas, Wanzek

1 A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota
2 Century Code, relating to assessment of certain recreation service district properties; to amend
3 and reenact section 11-28.2-01 of the North Dakota Century Code, relating to property that may
4 be included in recreation service districts; and to provide an effective date.

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

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

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

1 election, the petition must be accompanied by any information required by the board of county
2 commissioners, including the boundaries of the proposed recreation district, the approximate
3 number of qualified voters, and a sufficient deposit of money to cover all costs of the election.
4 Within sixty days after the calling of an election, the board of county commissioners shall
5 provide an election on the question of whether a recreation service district should be
6 established and shall establish procedures for voting and other necessary matters not
7 inconsistent with this chapter. The county commissioners shall give at least thirty days' notice
8 of the election by certified mail to all qualified voters. If a majority of the qualified electors
9 voting on the question approve of the establishment of a recreation service district, the district
10 must be organized.

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

14 **SECTION 2.** A new section to chapter 57-02 of the North Dakota Century Code is
15 created and enacted as follows:

16 **Assessment of recreation service district property.** In a recreation service district in
17 which ninety percent or more of the property in the district has been developed, the true and full
18 value of any parcel of property and any improvements on that property may not be increased to
19 more than the true and full value of that parcel as assessed in 2008 except:

- 20 1. If the parcel is sold, the parcel may be reassessed at a true and full value not
21 exceeding the sales price; or
- 22 2. If improvements on the property have been made, the true and full value of the
23 property may be increased by an amount not exceeding the cost of the
24 improvements.

25 **SECTION 3. EFFECTIVE DATE.** Section 2 of this Act is effective for taxable years
26 beginning after December 31, 2008.