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ROLL NUMBER

DESCRIPTION

2237

2005 SENATE NATURAL RESOURCES

SB 2237

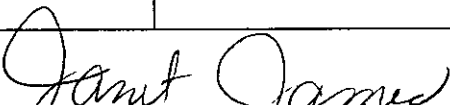
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237

Senate Natural Resources Committee

☐ Conference Committee

Hearing Date January 28, 2005

Tape Number	Side A	Side B	Meter #
1	X		34.3 - end
		X	0.0 - 2.8
Committee Clerk Signature 			

Minutes:

Senator Stanley Lyson, Chairman of the Senate Natural Resources Committee opened the hearing on SB 2237 relating to requirements for establishment of a recreation service district and the powers of a recreation service district.

All member of the committee were present.

Senator Randel Christmann from District 33 cosponsor of SB 2237 introduced the bill stating the bill was submitted on behalf of constituents in the Pick City area. He was not familiar with the recreation districts until this summer realizing these residential area's need for better roads and services. These little city environments would like a special assessment district or taxing district. The assessment district is preferred as a taxing district would require two different bills. These recreation district were set up many years ago which then required to have a minimum of 50 units to qualify. The desire of this bill is to lower that number to 40 units which then would

allow them to create a special assessment district or have a one mill increase by the county commissioner

Alan Erickson representing the North Dakota Township Officers Association testified in support of SB 2237 stating he is very familiar with a successful special recreation district on Lake Metigoshe. This group has a board of directors and use the one mill with special assessments used for sewer and road paving.

Senator Lyson asked who approved this special assessment.

Alan Erickson answered this was approved by the county commissioners and set up with a board of directors whose members live within the area although this may not be their permanent address.

Senator Joel Heitkamp asked why water, sewer, garbage removal and road construction is being over stroke in the bill.

After some discussion, **Senator Christmann** explained that in the old language of the bill, if this was done, these services would then need to be provided. To over strike the language gives the district the choice in which services they want.

Tim Durrick testified in support of SB 2237 on his own behalf. Being a member of a recreation area, stated the problems they have with the road maintenance in their area and would like to form a district. In his research there are three other similar areas in the state and does not feel the number lowered to 40 members would be a problem.

Senator Lyson asked for opposing testimony and hearing none closed the hearing on SB 2237.

Senator Heitkamp made a motion for Do Pass of SB 2237.

Senator John Traynor second the motion.

Page 3

Senate Natural Resources Committee

Bill/Resolution Number SB 2237

Hearing Date 1-28-05

Roll call vote was taken indicating 7 YEAS, 0 NAYS AND 0 ABSENT OR NOT VOTING.

Senator Heitkamp will carry SB 2237.

Date: 1-28
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2237

Senate Senate Natural Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Heitkamp Seconded By Traynor

Senators	Yes	No	Senators	Yes	No
Senator Stanley Lyson, Chairman	✓		Senator Joel Heitkamp	✓	
Senator Ben Tollefson, Vice Chair	✓		Senator Michael Every	✓	
Senator Layton Freborg	✓				
Senator Rich Wardner	✓				
Senator John Traynor	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Heitkamp

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

REPORT OF STANDING COMMITTEE (410)
January 28, 2005 11:59 a.m.

Module No: SR-19-1315
Carrier: Heltkamp
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2237: Natural Resources Committee (Sen. Lyson, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the
Eleventh order on the calendar.

2005 HOUSE POLITICAL SUBDIVISIONS

SB 2237

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 4, 2005

Tape Number	Side A	Side B	Meter #
1		x	36.0 to 50.6
Committee Clerk Signature <i>Lauren L. Fife</i>			

Minutes: **Rep. Devlin, Chairman** opened the hearing on SB 2237, A Bill for an Act to amend and reenact sections 11-28.2-01 and 11-28.2 -04 of the North Dakota Century Code, relating to requirements for establishment of a recreation service district and the powers of a recreation service district.

Sen. Christman representing District 33 and prime sponsor of the bill explained the bill and requested support it. Recreation services districts are generally set up around lakes --at least the one I would like to see formed is and a bunch of home owners get together and do things cooperatively much like people do in cities. The law was put into effect to allow them to organize back in the seventies or early eighties. The number of 50 which were required according to a legislator who recalls the bill setting up the recreation districts thought the number requiring 50 units to form a district was probably drawn out of the hat as a reasonable number. Up a Lake Sakakawea (sp ?) West of Pick City and they have pretty much informally to organize themselves to pave their roads, -- they would like to do something with maintenance -- they

would like to form a district but the problem is that they have 44 or 45 establishments there and the 50 prohibits that. The other changes are grammatical changes the Legislative council put in to make it more correct. The other changes are on line 13 and 14 -- the police protection and the water and garbage removal because we didn't want it in law the services they had to provide it -- they just want to have to maintain their roads and the other main thing is down in line 21 changing from 50 to 40.

Rep. Koppelman (39.7) Should we consider a lower number because others may want to do this but with 25 or 30.

Sen. Christman - that could very well be but in ten years this is the first time I know of where it has been a problem.

Rep. Herbal, Vice Chairman (40.4) Do you that if the water keeps moving away that this would change anything?

Sen. Christman -- I don't really don't think so -- these things don't set up around sloughs. We are in disaster times right now -- but just my time when we patrolling the facilities for too high water -- so it fluctuates pretty quickly.

Rep. Kaldor (41.8) in the powers section -- are you aware of any districts where they have levied for garbage and other services -- are they in a county where someone else is providing those services?

Sen. Christman if I understand your question correctly and I think I do -- the answer is yes. There is another section where they can levy 1 mil. The district I am in would not bring in enough with 1 min -- a couple of hundred dollars -- the answer to this problem is special

assessment. I believe Lake Metigoshe has one these special assessment districts. The is the only one I know of but I am told there others.

Rep. Kretschmar (44.1) I remember when the bill passed originally and it was for Lake Metigoshe. We needed to set up a system for their sewage collection.

Sen. Christman -- the value of institutional memory.

Tim Durick -- I own one of the lots the Senator is talking about -- we have about two miles of road that the county won't maintain - so we are looking for a vehicle to maintain the road. A district is a little easier to work with. When we built the road we got 42 of the 46 to ante up. We have 46 lots but not enough to make 50. There are 3 district in the state now.

There being now further testimony for nor against **Rep.Devlin, Chairman** closed the hearing on SB2237. (47.1)

Rep. Koppelman moved a 'Do Pass' for SB 2237. **Rep. Ekstrom** seconded the motion. **Rep.**

Kaldor I do have a little bit of a problem with what they did in section 2 -because if we do have another recreation district wants to form in the future -- does this preclude them from proving water, and sewer and other services if they want to? I don't if this as law would allow that now.

Rep. Koppelman if Rep. Kaldor would like to pursue that I would withdraw my motion.

Rep. Kaldor I would like to investigate it.

Both **Rep. Koppelman** and **Rep. Ekstrom** withdrew their motion and second.

End (50.6)

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237 b

House Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 11, 2005

Tape Number	Side A	Side B	Meter #
1	x		1.3 to 9.1
Committee Clerk Signature <i>Lauren B. Zink</i>			

Minutes: **Rep. Devlin, Chairman** opened the discussion for action on SB 2237. According to my notes -- Rep. Kaldor wanted some time on this bill.

Rep. Kaldor The bill sponsor has some pretty strong feelings about the way the bill was worded -- my concern was the stricken language on lines 17 and 18 on page two -- where a recreation district -- where after this was passed -- the way I would read this -- that they may not come together to decide to provide police protection -- but to provide for road construction and maintenance. Discussion followed whether the word 'may' would allow them to do that.

Rep. Kaldor It not the 'shall' or 'may' that I am worried about -- it is the generic services -- if we take them out of the current code -- they don't the authority any longer to provide them . If you read the stricken language -- they had the authority -- they weren't required to do it but if they wanted to exercise the authority they could provide sewer, water, police protection, garbage removal and public roads and maintenance .

Rep. Kretschmar (3.0) I am in agreement with Rep. Kaldor because if you read the law it is there and then in this bill you removed it.

Rep. Koppelman (3.6) I think what was said is correct but I suspect that the reason we would want to take the language out -- is because it also limits the services to those listed -- it doesn't say that they may provide service 'including' --

Rep. Kretschmar (4.3) Mr. Chairman I would rather leave the it (language) in and then say -- after 'providing' say " services including " and say in addition to but not limited to -- and in one other place -- the wording would have to be cleaned up.

Rep.Devlin, Chairman -- do you want to move that -- do we know what wwe are doing or do we want to see it in writing?

Rep. Koppelman (5.5) let me take a run at it here -- starting on line 12 it reads the district determines the questions of establishing of a recreational services district for purposes of providing services including but not limited to and a similar change in line 17 --18 so we would remove the overstrike

Rep.Devlin, Chairman does everyone understand the amendment. We don't need to change line 26 and 27.

Rep. Kretschmar moved the amendment. **Rep. Kaldor** seconded the motion. The motion carried by a voice vote.

Rep. Ekstrom moved a 'Do Pass as amended for SB 2237. **Rep. Maragos** seconded the motion. On a roll call vote the motion carried **10 ayes 1 nay 1 absent**. **Rep. Kaldor** was designated to carry SB 2237 on the floor. End of record (9.1).

Date: March 11, 2005
Roll Call Vote:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO SB 2237

House POLITICAL SUBDIVISIONS

Committee

☐ Check here for Conference Committee

*Expt - more amend to remove over -
stake - add "service including" -
carried voice vote*

Legislative Council Amendment Number

Action Taken

Do Pass as amended

Motion Made By

Rep. Ekstrom

Seconded By

Rep. Maragos

Representatives	Yes	No	Representatives	Yes	No
Rep. Devlin, Chairman	✓		Rep. Ekstrom	✓	
Rep. Herbel, Vice Chairman	✓		Rep. Kaldor	✓	
Rep. Dietrich	✓	✓	Rep. Zaiser	✓	
Rep. Johnson	✓				
Rep. Koppelman	✓				
Rep. Kretschmar	✓				
Rep. Maragos	✓				
Rep. Pietsch	✓				
Rep. Wrangham	A				

Total (Yes) 10 No 1

Absent 1

Floor Assignment

Rep. Kaldor

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

REPORT OF STANDING COMMITTEE

SB 2237: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 13, after "providing" insert "services including", remove the overstrike over "~~police protection, sewer and water, garbage removal~~", and remove the overstrike over "~~and~~"

Page 1, line 14, remove the overstrike over "~~public road construction and maintenance,~~"

Page 2, line 17, after "provide" insert "services including" and remove the overstrike over "~~police protection, sewer and water, garbage removal~~"

Page 2, line 18, remove the overstrike over "~~, and public road construction and maintenance,~~"

Renumber accordingly

2005 SENATE NATURAL RESOURCES

CONFERENCE COMMITTEE

SB 2237

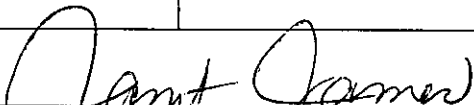
2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2237

Senate Natural Resources Committee

☒ Conference Committee

Hearing Date March 29, 2005

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 7.4
Committee Clerk Signature 			

Minutes:

Senator Rich Wardner, Chairman of the Conference Committee opened the meeting on SB 2237 relating to requirements for establishment of a recreation service district and the powers of a recreation service district.

Senators Wardner, Jack Traynor, and Joel Heitkamp and Representatives Andrew Maragos and Lee Kaldor were present. **Representative Donald Dietrich** was not present.

Senator Wardner stated that the issues of the amendments were only semantics. Explaining the House amendments as being on Page 1, Line 13 and Page 2, Line 17 and 18. He asked **Senator Randell Christmann**, the prime sponsor of SB 2237 to present his views of the bill.

Senator Randell Christmann reviewed with the committee the original intent of the bill was to change the number of residents of a recreation service district to be reduced from 50 members to 40 members. The issue being discussed was brought forward by legislative council as being a

gray area that should be clarified. If the services are listed, it could be argued then all of them would need to be included and required to be provided.

Representative Maragos asked if he was comfortable with the amendment.

Senator Christmann stated that he was okay with the amendment and that it would take the bill back to existing language where the services are defined. It is debatable if the services would all be required, but why leave it to debate and clarify it.

Representative Kaldor told the members of conference committee that one of the concerns of the house committee was not to preempt the service district from providing any of the services listed if they so wish to do so. Their amendment did not bring the language back to current language by inserting the word "including", so that a service could be done. The House floor had concerns of the possible preemption of a service.

Senator Traynor asked the committee if perhaps adding the word "may" would help to clarify the issue.

Senator Christmann stated that all seemed to have the same goal and this would seem to certainly take of the concerns.

Representative Maragos made a motion that the House recede from the House amendments and further amend SB 2237 on Line 13, change to say "services that may include" and striking "including". Also on Line 18, make the same change.

Senator Heitkamp second the motion.

Roll call vote for the motion on SB 2237 was taken indicating 5 YEAS, 0 NAYS AND 1 ABSENT.

Senator Wardner will carry SB 2237.

Page 3

Senate Natural Resources Committee

Bill/Resolution Number SB 2237

Hearing Date 3-29-05

Senator Wardner closed the conference committee meeting on SB 2237.

Representative Maragos made a motion for the House to recede their amendments and further amend SB 2237.

Senator Heitkamp second the motion.

Roll call vote of SB 2237 was taken indicating 5 YEAS, 0 NAYS AND 1 ABSENT.

Senator Wardner will carry SB 2237.

Date: 3-29-65
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2237

Senate _____ Committee _____

☒ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken made & further Amend.

Motion Made By Mango Seconded By Heitkamp

Senators	Yes	No	Senators Rep	Yes	No
Wardner	✓		Maragos	✓	
Tranner	✓		Diehrich	Absent	
Heitkamp	✓		Kalder	✓	

Total (Yes) 5 No 0

Absent 1

Floor Assignment Wardner

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

REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE) - 420

07398

11 Number) SB 2237 (, as (re)engrossed):

Your Conference Committee

For the Senate:

For the House:

✓ Wardner

✓ Maragos

✓ Traynor

Dietrich

✓ Heitkamp

✓ Kaldor

☒ recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)
723/724 725/726 S724/B726 S723/B725
the (Senate/House) amendments on (SJ/HJ) page(s) 813 -

☐ and place 727 on the Seventh order.

☒ adopt (further) amendments as follows, and place
_____ on the Seventh order:

☐ having been unable to agree, recommends that the committee be discharged
and a new committee be appointed. 690/515

((Re)Engrossed) _____ was placed on the Seventh order of business on the
calendar.

DATE: 3/29/05

CARRIER: Wardner

LC NO. _____ of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted _____

Statement of purpose of amendment _____

(1) LC (2) LC (3) DESK (4) COMM.

REPORT OF CONFERENCE COMMITTEE

SB 2237: Your conference committee (Sens. Wardner, Traynor, Heitkamp and Reps. Maragos, Dietrich, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 873, adopt amendments as follows, and place SB 2237 on the Seventh order:

That the House recede from its amendments as printed on page 873 of the Senate Journal and page 1005 of the House Journal and that Senate Bill No. 2237 be amended as follows:

Page 1, line 13, after "providing" insert "services, which may include", remove the overstrike over "~~police protection, sewer and water, garbage removal~~", and remove the overstrike over "~~, and~~"

Page 1, line 14, remove the overstrike over "~~public road construction and maintenance,~~"

Page 2, line 17, after "provide" insert "services, which may include" and remove the overstrike over "~~police protection, sewer and water, garbage removal~~"

Page 2, line 18, remove the overstrike over "~~, and public road construction and maintenance,~~"

Renumber accordingly

SB 2237 was placed on the Seventh order of business on the calendar.