

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

SENATE BILL NO. 2237
(Senator Christmann)
(Representative Galvin)

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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

11-28.2-01. Establishment of recreation service districts - Petition - Purpose. The board of county commissioners of any county ~~in this state~~, at any meeting of ~~such~~ the board, by majority vote of all of the members may, upon the petition of ten percent of the ~~persons~~ individuals who qualify ~~pursuant to~~ under section 11-28.2-03 as voters of an area to be included within a proposed recreation service district, call for an election of all of the qualified voters of ~~such~~ the district to determine the question of the establishment of a recreation service district for the purpose of providing services, which may include police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to ~~that those~~ those provided by the local governing body or agency to summer homes, cottages, and other residences and establishments ~~as may~~ that exist within ~~such~~ the area, and provide for the improvement and control of the environmental quality of the recreation service district. ~~Said~~ The recreation service district ~~shall~~ must be limited in size and location to an area ~~which is~~ contiguous to or within one-quarter mile [402.34 meters] of the recreational waters of the area or to the areas of land which are dedicated to public use for recreational purposes. In addition, ~~said~~ the district ~~shall~~ must consist of not less than ~~fifty~~ forty privately owned seasonal homes or cottages and other residences and establishments. If a petition is presented to the board of county commissioners calling for ~~such an~~ an election, ~~such the~~ the petition ~~shall~~ must be accompanied by ~~such any~~ any information ~~as required by~~ required by the board of county commissioners ~~shall require~~, including the boundaries of the proposed recreation district, the approximate number of qualified voters ~~as defined in section 11-28.2-03~~, and a sufficient deposit of money to cover all costs of ~~such the~~ the election. Within sixty days after the calling of ~~such an~~ an election, the board of county commissioners shall provide an election on the question of whether ~~or not~~ a recreation service district should be established and shall establish procedures for voting and other necessary matters not inconsistent with ~~the provisions of~~ this chapter. The county commissioners shall give at least thirty days' notice of the election by certified mail to all qualified voters ~~as defined in section 11-28.2-03~~. If a majority of the qualified electors voting on the question approve of the establishment of a recreation service district, ~~such the~~ the district ~~shall then~~ must be organized.

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

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

11-28.2-04. Powers of recreation service districts - Levying of special assessments. Each recreation service district established under ~~the provisions of~~ this chapter ~~shall have the authority to~~ may provide services, which may include police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to ~~that those~~ those provided by the local governing body or other agency to summer homes, cottages, and other residences and establishments ~~as may~~ that exist within its boundaries, ~~and to~~ provide for the improvement and control of the

environmental quality of the recreation service district, and ~~to~~ levy special assessments ~~as may be~~ necessary to provide ~~such the~~ services. ~~All projects and services to be~~ Any project or service provided by a recreation service district other than ~~pursuant to~~ under section 11-28.2-04.1 shall ~~shall~~ must first be approved by a majority of the qualified voters of the district affected by ~~such the~~ special assessment and present and voting at an annual or special meeting called as provided in this chapter. The levying of special assessments for ~~sewer and water, garbage removal services, public road construction and maintenance,~~ and improvement of environmental quality shall ~~shall~~ must be levied against those parcels of property benefited in the manner provided by law for the levying of special assessments for municipalities and the costs of police protection may be levied in ~~such that~~ manner. ~~Any~~ A recreation service district may contract with other political subdivisions for joint or cooperative action as provided in chapter 54-40. The board of recreation service district commissioners ~~shall be~~ are responsible for the administration and accounting of ~~such any~~ obligations and accounts ~~as shall be~~ undertaken in accordance with ~~the provisions of~~ this chapter. The board of recreation service district commissioners shall serve as the special assessment commission and shall make ~~or cause to be made~~ a complete list of the annual benefits and assessments on each parcel of property within the district. The board shall also hear appeals from aggrieved property owners concerning assessments made, and ~~shall have the authority to~~ may increase or decrease any assessment ~~as may be~~ if just and necessary. ~~No~~ A special assessment shall ~~shall~~ may not exceed the benefits as determined by the board to the parcel of property assessed. The board ~~shall have the authority to~~ may cooperate with the state or federal government ~~or any agency or department thereof~~ in furnishing assurances and meeting local cooperation requirements, within the scope of the power of ~~said the~~ board, in connection with any project involving the construction, improvement, operation, maintenance, conservation, or use of the area, including waters, within the recreation service district.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2237.

Senate Vote: Yeas 47 Nays 0 Absent 0

House Vote: Yeas 91 Nays 0 Absent 3

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,
at _____ o'clock _____ M.

Secretary of State