

**SENATE BILL NO. 2237
with House Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

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

1 ~~require~~, including the boundaries of the proposed recreation district, the approximate number of
2 qualified voters ~~as defined in section 11-28.2-03~~, and a sufficient deposit of money to cover all
3 costs of ~~such~~ the election. Within sixty days after the calling of ~~such~~ an election, the board of
4 county commissioners shall provide an election on the question of whether ~~or not~~ a recreation
5 service district should be established and shall establish procedures for voting and other
6 necessary matters not inconsistent with ~~the provisions of~~ this chapter. The county
7 commissioners shall give at least thirty days' notice of the election by certified mail to all
8 qualified voters ~~as defined in section 11-28.2-03~~. If a majority of the qualified electors voting on
9 the question approve of the establishment of a recreation service district, ~~such~~ the district ~~shall~~
10 ~~then~~ 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. AMENDMENT.** Section 11-28.2-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

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

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