

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1377
(Representatives Froseth, Sveen)
(Senator Redlin)

AN ACT to create and enact three new sections to chapter 11-28.2 of the North Dakota Century Code, relating to annexation of territory by a recreation service district; and to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to annexation of territory by 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 board, by majority vote of all of the members may, upon the petition of ten percent of the persons who qualify pursuant to 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 district to determine the question of the establishment of a recreation service district for the purpose of providing police protection, sewer and water, garbage removal services, and public road construction and maintenance, in addition to that provided by the local governing body or agency to summer homes, cottages, and other residences and establishments as may exist within such area, and provide for the improvement and control of the environmental quality of the recreation service district. Said recreation service district shall 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 district shall consist of not less than fifty 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 election, such petition shall be accompanied by such information as 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 election. Within sixty days after the calling of such 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 voters approve of the establishment of a recreation service district, such district shall then 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 2 through 4 of this Act.

SECTION 2. A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

Annexation by petition of owners. Upon a written petition signed by the owner of any property within one-quarter mile [402.34 meters] of the recreational waters of the area or to the areas of land dedicated to public use for recreational purposes or contiguous to that area and not embraced within the limits of the recreation service district the board of commissioners of the recreation service district may annex the territory to the district.

SECTION 3. A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

Petition of owners - Annexation or exclusion. If the recreation service district annexes the area, it shall do so by resolution. When a copy of the resolution and an accurate map of the annexed area, certified by the chairman of the board of commissioners, are filed and recorded with the county register of deeds, the annexation becomes effective. An annexation is effective for the purpose of levying special assessments by the recreation service district on and after the first day of the next February.

SECTION 4. A new section to chapter 11-28.2 of the North Dakota Century Code is created and enacted as follows:

Annexation by resolution of district. The board of commissioners of a recreation service district may adopt a resolution to annex territory as follows:

1. The board shall adopt a resolution describing the property to be annexed.
2. The board shall publish the resolution and a notice of the time and place the board will meet to hear and determine the sufficiency of any written protests against the proposed annexation in the official newspaper of the county once each week for two consecutive weeks. The board shall mail a notice to the owner of each parcel of real property within the area to be annexed at the person's last known mailing address. The notice must inform landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing. The owners of any real property within the territory proposed to be annexed, within thirty days of the first publication of the resolution, may file written protests with the board protesting against the proposed annexation. No state-owned property may be annexed without the written consent of the state agency or department having control of the property. The board, at its next meeting after the expiration of the time for filing the protests, shall hear and determine the sufficiency of the protests.
3. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of the resolution, the territory described in the resolution becomes a part of the district. When a copy of the resolution and an accurate map of the annexed area, certified by the chairman of the board, are filed and recorded with the county register of deeds, the annexation becomes effective. Annexation is effective for the purpose of special assessments levied by the recreation service district on and after the first day of the next February. If the owners of one-fourth or more of the territory proposed to be annexed protest, the board shall stop its pursuit of the annexation.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1377.

House Vote: Yeas 91 Nays 0 Absent 7

Senate Vote: Yeas 48 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State