

Fifty-seventh  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2346**

Introduced by

Senators Espegard, Cook, Grindberg, Holmberg

Representatives Berg, Grosz

1 A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code,  
2 relating to exclusion of tax-exempt property from consideration in protests against special  
3 improvement projects.

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

5 **SECTION 1. AMENDMENT.** Section 40-22-18 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **40-22-18. Protest bar to proceeding - Invalid or insufficient protests - Payment of**  
8 **costs - Tax levy.** If the governing body finds the protests to contain the names of the owners  
9 of a majority of the area of the taxable property included within the improvement district, the  
10 protests shall be a bar against proceeding further with the improvement project described in the  
11 plans and specifications. If the governing body finds the protests to contain the names of the  
12 owners of a majority of the taxable property included within any separate property area included  
13 within the district, such protests shall be a bar against proceeding with the portion of such  
14 improvement project, the cost of which is to be assessed in whole or in part upon property  
15 within such area, but shall not bar against proceeding with the remainder of the improvement  
16 project or assessing the cost thereof against other areas within the district, unless such protests  
17 represent a majority of the area of the entire district. The termination of proceedings, by reason  
18 of protest or otherwise, shall not relieve the municipality of responsibility for payment of costs  
19 theretofore incurred; and for payment of such costs a municipality may, if funds on hand and  
20 available for the purpose are insufficient, issue its certificates of indebtedness or warrants, or  
21 levy a tax which shall be considered a tax for a portion of the cost of a special improvement  
22 project by general taxation within the meaning of section 57-15-10. If the protests are found to  
23 be insufficient or invalid, the governing body may cause the improvement to be made and may  
24 contract or otherwise provide in accordance with this title for the construction thereof and the

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- 1 acquisition of property required in connection therewith and may levy and collect assessments
- 2 therefor.