

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2328

Introduced by

Senators Fischer, Lee, Wardner

Representatives Belter, Brekke, S. Kelsh

1 A BILL for an Act to create and enact a new subsection to section 57-15-20.2, a new
2 subsection to section 58-03-07, and a new chapter to title 58 of the North Dakota Century
3 Code, relating to creation of special assessment districts by townships.

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

5 **SECTION 1.** A new subsection to section 57-15-20.2 of the North Dakota Century
6 Code is created and enacted as follows:

7 A township levying a tax for special assessment districts in accordance with
8 section 3 of this Act.

9 **SECTION 2.** A new subsection to section 58-03-07 of the North Dakota Century Code
10 is created and enacted as follows:

11 To establish special assessment districts in accordance with section 3 of this Act.

12 **SECTION 3.** A new chapter to title 58 of the North Dakota Century Code is created and
13 enacted as follows:

14 **Power of townships to defray expenses of improvements by special assessment.**

15 A township, upon complying with the provisions of this chapter, may defray the expenses of
16 improvements through special assessment districts.

17 **Improvement districts to be created.** For the purpose of making an improvement
18 project and defraying the cost by special assessment, a board of township supervisors may
19 create an improvement district upon written notice of sixty percent of the freeholder electors in
20 a proposed improvement district area. The improvement district must be designated by a name
21 appropriate to the type of improvement and by a number distinguishing it from other
22 improvement districts.

23 **Size and form of improvement districts.** Each improvement district must be of such
24 size and form as to include all properties, which in the judgment of the board of township

1 supervisors will be benefited by the construction of the improvement project that is proposed to
2 be made in or for the district.

3 **Approval of plans, specifications, and cost estimates - Special meeting.** After an
4 improvement district has been created, the board of township supervisors shall direct a
5 competent engineer to prepare a report as to the general nature, purpose, and feasibility of the
6 proposed improvement and an estimate of the probable cost of the work. The board of
7 township supervisors shall publish a notice in a legal newspaper published in the township or, if
8 there is no such newspaper, then in the county's official newspaper at least ten days prior to a
9 special meeting for public disclosure of the findings of the engineer.

10 **Protest bar to proceeding.** At the special township meeting for public disclosure of
11 the findings of the engineer, the freeholder electors of the township in attendance are entitled to
12 vote on the question of whether to proceed with the improvement project. Upon approval by
13 sixty percent or more of the township freeholder electors voting on the question at the meeting,
14 the improvement project may proceed. If fewer than sixty percent of township freeholder
15 electors voting on the question approve the project, the election result is a bar against
16 proceeding further with the improvement project described in the plans and specifications. An
17 election result barring proceeding further with the improvement project does not preclude the
18 payment of any costs incurred in developing the plans, specifications, cost estimates, or other
19 costs which must be paid from the general fund of the township. If the costs incurred pose a
20 financial burden on the general levy of a township of forty percent or more, the board of
21 township supervisors may levy and collect assessments from the improvement district in yearly
22 assessments not exceeding five years. If under forty percent, the township may use methods
23 approved by law.

24 **Invalid or insufficient protest - Tax levy.** If the protests presented are found to be
25 insufficient or invalid, the board of township supervisors may cause the improvement to be
26 made and may levy and collect assessments from the improvement district.