

HOUSE BILL NO. 1220

Introduced by

Representatives DeKrey, Keiser, Nathe

Senators Dever, Oehlke

1 A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code,
2 relating to property owners whose signatures will bar proceeding with a special assessment
3 project.

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.**

9 If the governing body finds the protests to contain the names of the owners of property that
10 will be subject to a majority of the area of proposed costs of the project to be assessed against
11 the property included within the improvement district, the protests shall be a bar against
12 proceeding further with the improvement project described in the plans and specifications. If the
13 governing body finds the protests to contain the names of the owners of property that will be
14 subject to a majority of the proposed costs of the project to be assessed against any separate
15 property area included within the district, such protests shall be a bar against proceeding with
16 the portion of such improvement project, the cost of which is to be assessed in whole or in part
17 upon property within such area, but shall not bar against proceeding with the remainder of the
18 improvement project or assessing the cost thereof against other areas within the district, unless
19 such protests represent owners of property that will be subject to a majority of the area-
20 of proposed costs of the project to be assessed within the entire district. The termination of
21 proceedings, by reason of protest or otherwise, shall not relieve the municipality of responsibility
22 for payment of costs theretofore incurred and for payment of such costs a municipality may, if
23 funds on hand and available for the purpose are insufficient, issue its certificates of
24 indebtedness or warrants, or levy a tax which shall be considered a tax for a portion of the cost

Sixty-second
Legislative Assembly

- 1 of a special improvement project by general taxation within the meaning of section 57-15-10. If
- 2 the protests are found to be insufficient or invalid, the governing body may cause the
- 3 improvement to be made and may contract or otherwise provide in accordance with this title for
- 4 the construction thereof and the acquisition of property required in connection therewith and
- 5 may levy and collect assessments therefor.