

Sixty-fourth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1340

Introduced by

Representatives Owens, Belter, Dockter, Keiser, K. Koppelman, Weisz

Senator Burckhard

1 A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code,
2 relating to methods of protest of special assessment projects; and to provide an effective date.

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

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

6 **40-22-18. Protest bar to proceeding - Invalid or insufficient protests - Payment of**
7 **costs - Tax levy.**

8 If the governing body finds the protests to contain the names of the owners of a majority of
9 the area of the property included within the improvement district, the protests shall be a bar
10 against proceeding ~~further~~ with any special assessment for the improvement project. However,
11 the protests do not bar proceeding with the improvement project described in the plans and
12 specifications if the governing body funds the project with other than special assessments. If the
13 governing body finds the protests to contain the names of the owners of a majority of any
14 separate property area included within the district, such protests shall be a bar against
15 proceeding with ~~the portion of such improvement project, the cost of which is special~~
16 assessments to be assessed in whole or in part upon property within such area, but shall not
17 bar against proceeding with the ~~remainder of the~~ improvement project or assessing the cost
18 thereof against other areas within the district, unless such protests represent a majority of the
19 area of the entire district. If the protests represent a majority of the area of the entire district,
20 such protests bar any special assessment for the improvement project.

21 A protest may be filed which protests the entire improvement project, the property included
22 or excluded from the improvement district, or the cost and funding method for the improvement
23 project and if any such protest contains the names of the owners of a majority of the area of the
24 property included within the improvement district or the names of the owners of a majority of

1 any separate property area included within the district, the protests are a bar against
2 proceeding with the portion of such improvement project for which the protest was filed.

3 The termination of proceedings, by reason of protest or otherwise, shall not relieve the
4 municipality of responsibility for payment of costs theretofore incurred and for payment of such
5 costs a municipality may, if funds on hand and available for the purpose are insufficient, issue
6 its certificates of indebtedness or warrants, or levy a tax which shall be considered a tax for a
7 portion of the cost of a special improvement project by general taxation within the meaning of
8 section 57-15-10. If the protests are found to be insufficient or invalid, the governing body may
9 cause the improvement to be made and may contract or otherwise provide in accordance with
10 this title for the construction thereof and the acquisition of property required in connection
11 therewith and may levy and collect assessments therefor.

12 **SECTION 2. EFFECTIVE DATE.** This Act is effective for special assessment improvement
13 projects initiated after July 31, 2015.