

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1294

Introduced by

Representatives Huether, Grumbo, Kempenich

Senators Heitkamp, LaFountain, Urlacher

1 A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota
2 Century Code, relating to bonding for federal aid bridge projects.

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

4 **SECTION 1. AMENDMENT.** Subsection 3 of section 21-03-07 of the 1995 Supplement
5 to the North Dakota Century Code is amended and reenacted as follows:

6 3. The governing body of any municipality may issue bonds of the municipality for the
7 purpose of providing funds to meet its share of the cost of any federal-aid highway
8 project undertaken under an agreement entered into by the governing body with
9 the United States government, the director of the department of transportation, the
10 board of county commissioners, or any of them, including, ~~but without limitation,~~
11 the cost of any construction, improvement, financing, planning, and acquisition of
12 right of way of a bridge eligible for federal matching funds, federal-aid highway
13 routed through the municipality and of any bridges and controlled access facilities
14 thereon and any necessary additional width or capacity of the bridge or roadway
15 thereof greater than that required for federal or state bridge or highway purposes,
16 and of any necessary relaying of utility mains and conduits, curbs and gutters, and
17 the installation of utility service connections and streetlights; ~~provided, that the~~
18 The portion of the total cost of ~~such the~~ project to be paid by the municipality under
19 ~~such the~~ agreement, including all items of cost incurred directly by the municipality
20 and all amounts to be paid by it for work done or contracted for by other parties to
21 the agreement, may not exceed a sum equal to thirty percent of the total cost,
22 including engineering and other incidental costs, of all construction and
23 reconstruction work to be done plus fifty percent of the total cost of all right of way
24 to be acquired in connection therewith. The initial resolution authorizing issuance

1 of bonds under this subsection must be published in the official newspaper of the
2 municipality. Within sixty days after publication, an owner of taxable property
3 within the municipality may file with the auditor or chief fiscal officer of the
4 municipality a written protest against adoption of the resolution. A protest must
5 describe the property that is the subject of the protest. If the governing body finds
6 protests have been signed by the owners of taxable property having an assessed
7 valuation equal to five percent or more of the assessed valuation of all taxable
8 property in the municipality, as most recently finally equalized, all further
9 proceedings under the initial resolution are barred. Nothing herein may be deemed
10 to prevent any municipality from appropriating funds for or financing out of taxes,
11 special assessments, or utility revenues any work incidental to any such project, in
12 the manner and to the extent otherwise permitted by law, and the cost of any work
13 so financed may not be included in computing the portion of the project cost
14 payable by the municipality, within the meaning of this subsection, unless ~~such~~ the
15 work is actually called for by the agreement between the municipality and the other
16 governmental agencies involved.