

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2346

Introduced by

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

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- 1 provide in accordance with this title for the construction thereof and the acquisition of property
- 2 required in connection therewith and may levy and collect assessments therefor.