

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 subsection
2 to section 58-03-07, and a new chapter to title 58 of the North Dakota Century Code, relating to
3 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 Code
6 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 notice of sixty percent of the electors in a proposed
20 improvement district area. The improvement district must be designated by a name appropriate
21 to the type of improvement and by a number distinguishing it from other improvement districts.

22 **Size and form of improvement districts.** Each improvement district must be of such
23 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.** If the board of township supervisors receives protests
11 within thirty days after the special meeting containing the names of owners of at least sixty
12 percent of the area of the property included within the improvement district, the protests are a
13 bar against proceeding further with the improvement project. The bar action will not preclude
14 the payment of any costs incurred in developing the plans, specifications, cost estimates, or
15 other costs which must be paid from the general fund of the township. If the costs incurred
16 pose a financial burden on the general levy of a township of forty percent or more, the board of
17 township supervisors may levy and collect assessments from the improvement district in yearly
18 assessments not exceeding five years. If under forty percent, the township may use methods
19 approved by law.

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