

**HOUSE BILL NO. 1392**

Introduced by

Representatives Nathe, Dockter, Owens

Senators Cook, Poolman, Unruh

1 A BILL ~~for an Act to amend and reenact sections 40-23-07 and 40-23.1-01 of the North Dakota~~  
2 ~~Century Code, relating to special assessment imposition for mobile home park and single family~~  
3 ~~residential property.~~for an Act to create and enact a new section to chapter 40-22 of the North  
4 Dakota Century Code, relating to adoption of municipal policy establishing special assessment  
5 determination methods for allocation of assessments among and within classes of property; to  
6 amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to the  
7 disposition of the property of a dissolved city by a county.

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

9 ~~SECTION 1. AMENDMENT. Section 40-23-07 of the North Dakota Century Code is~~  
10 ~~amended and reenacted as follows:~~  
11 ~~40-23-07. Determination of special assessments by commission – Political~~  
12 ~~subdivisions not exempt.~~  
13 ~~Whenever the commission makes any special assessment, the commission shall determine~~  
14 ~~the particular lots and parcels of land which, in the opinion of the commission, will be especially~~  
15 ~~benefited by the construction of the work for which the assessment is to be made. The~~  
16 ~~commission shall determine the amount in which each of the lots and parcels of land will be~~  
17 ~~especially benefited by the construction of the work for which such special assessment is to be~~  
18 ~~made, and shall assess against each of such lots and parcels of land such sum, not exceeding~~  
19 ~~the benefits, as is necessary to pay its just proportion of the total cost of such work, or of the~~  
20 ~~part thereof which is to be paid by special assessment, including all expenses incurred in~~  
21 ~~making such assessment and publishing necessary notices with reference thereto and the per~~  
22 ~~diem of the commission. Property within a mobile home park may not be assessed at a greater~~  
23 ~~rate than single family residential property in the district.~~

1 ~~— However, as an alternative to the procedure provided in this section, the special~~  
2 ~~assessment commission may, in its discretion, determine and allocate the cost of special~~  
3 ~~assessments in accordance with the method provided for in chapter 40-23.1. Property owned~~  
4 ~~by a nonprofit entity and used exclusively as a cemetery is exempt from collection of special~~  
5 ~~assessments for benefits conferred under this title and the city in which such property is located~~  
6 ~~shall provide for the payment of special assessments, installments, and interest against such~~  
7 ~~property by the levy of taxes according to law or by payment from other funds available to the~~  
8 ~~city which are derived from sources other than special assessments. Benefited property~~  
9 ~~belonging to counties, cities, school districts, park districts, and townships is not exempt from~~  
10 ~~such assessment, and such public corporations whose property is so assessed shall provide for~~  
11 ~~the payment of such assessments, installments thereof and interest thereon, by the levy of~~  
12 ~~taxes according to law. Nothing in this section may be deemed to amend other provisions of law~~  
13 ~~with reference to the levy of assessments on property sold for delinquent taxes.~~

14 ~~— **SECTION 2. AMENDMENT.** Section 40-23.1-01 of the North Dakota Century Code is~~  
15 ~~amended and reenacted as follows:~~

16 ~~— **40-23.1-01. Improvement district – All property to be assessed – Basis.**~~

17 ~~— All property included within the limits of a local improvement district shall be considered to~~  
18 ~~be the property specially benefited by the local improvement and shall be the property to be~~  
19 ~~assessed to pay the cost and expense thereof or such part thereof as may be chargeable~~  
20 ~~against the property specially benefited. The cost and expense shall be assessed upon all the~~  
21 ~~property in accordance with the special benefits conferred thereon in proportion to area and~~  
22 ~~distance back from the marginal line of the public way or area improved. However, property~~  
23 ~~within a mobile home park may not be assessed at a greater rate than single family residential~~  
24 ~~property in the district under the method provided in this chapter.~~

25 **SECTION 1.** A new section to chapter 40-22 of the North Dakota Century Code is created  
26 and enacted as follows:

27 **Municipal policy providing special assessment determination methods for allocation**  
28 **of assessments among and within classes of property.**

29 **Within five months of this section becoming applicable to a city, the governing body of each**  
30 **city with a population exceeding ten thousand shall adopt written policies, after a public hearing**  
31 **for consideration of the policies, which will be applied for cost allocation among properties**

1 benefited by a special assessment project. Policies established under this section must provide  
2 separately the policy that will be applied for cost allocation for each kind of special assessment  
3 district and, within each kind of special assessment district, the cost allocation method for  
4 residential, commercial, agricultural, and mobile home park property and for any property  
5 subject to separate or special assessment factors or assessment rates.

6 **SECTION 2. AMENDMENT.** Section 40-53.1-07 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **40-53.1-07. Dissolution - Care of property - Manager - Disposition of funds.**

9 If a city is dissolved, the board of county commissioners shall assume control of all property  
10 belonging to the dissolved city and shall employ a qualified person to manage and operate the  
11 property and to collect all charges due from the operation of such property or dispose of the  
12 property in accordance with chapter 11-27. The person employed shall execute a bond to the  
13 county in an amount determined by the board of county commissioners, conditioned that that  
14 person will faithfully perform that person's duties and will promptly pay all money that person  
15 receives to the county treasurer monthly on the first day of each month. The bond shall be  
16 executed by the person employed and a surety company authorized to do business in the state.  
17 The premium on the bond shall be paid by the board of county commissioners from city funds, if  
18 any, and if none, from county funds.