

Introduced by

Representatives Roers Jones, Bosch, Hagert, Headland, Mock, D. Ruby

Senators Bekkedahl, Larsen

1 A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code,  
2 relating to the preferred methodology when determining special assessments.

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

4 **SECTION 1. AMENDMENT.** Section 40-23-07 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **40-23-07. Determination of special assessments by commission - Political**  
7 **subdivisions not exempt.**

8 1. Whenever the commission makes ~~anya~~ special assessment, the commission shall  
9 determine the particular lots and parcels of land which, in the opinion of the  
10 commission, will be especially benefited by the construction of the work for which the  
11 assessment is to be made. The commission shall determine the amount in which each  
12 of the lots and parcels of land will be especially benefited by the construction of the  
13 work for which ~~such~~the special assessment is to be made, and shall assess against  
14 each of ~~such~~the lots and parcels of land ~~such~~a sum, not exceeding the benefits, as is  
15 necessary to pay its just proportion of the total cost of ~~such~~the work, or of the part  
16 ~~thereof of the work~~ which is to be paid by special assessment, including all expenses  
17 incurred in making ~~such~~the assessment and publishing necessary notices with  
18 reference ~~thereto to the assessment~~ and the per diem of the commission. ~~However, as~~

19 2. ~~Notwithstanding subsection 1, the total area or front footage, or a combination of both,~~  
20 ~~including an equivalent unit based upon total area and front footage, of a lot or parcel~~  
21 ~~must be the preferred method of determining the total benefit to each lot or parcel.~~

22 Without first obtaining written consent from a property owner, the commission may not  
23 consider:

24 a. the assessed value of a landowner's lot or parcel/ or.

1        ~~b. The zoning classification or specific use of a lot or parcel, unless the lot or parcel~~  
2        ~~is used for agricultural purposes.~~

3        3. For cities required to have a written special assessment policy <sup>under Section 40-22-01</sup> ~~or cost allocation~~  
4        ~~funding policy. The city, once a resolution declaring improvements necessary is issued~~  
5        ~~for an improvement district, may not amend the adopted policy as it relates to that~~  
6        ~~improvement district.~~

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

*if the policies do not use the total area, front footage, OR <sup>per</sup> per unit,  
OR A COMBINATION THEREOF, to ALLOCATE the benefit to each lot  
or parcel, the policy must explain the reason for the different  
methods.*

HB 1330 Amendments

Version 23.0630.01001

Page 1, remove lines 19, 20 and 21

Page 1, line 23, remove “,”

Page 1, line 24, remove “a.”

Page 1, line 24, replace “The” with “the”

Page 1, line 24, replace “; or” with “.”

Page 2, remove lines 1 and 2

Page 2, line 3, after “policy” insert “under section 40-22-01;

Page 2, line 3, remove “or cost allocation funding policy”

Page 2, line 4, after “policy.” insert “if the policies do not use the total area, front footage, or per unit, or a combination thereof, to allocate the benefit to each lot or parcel, the policy must explain the reason for the different method.”

Page 2, line 4, replace “the” with “The”

Page 2, line 7, remove overstrike over “procedure”

Page 2, line 7, remove “preferred method”

Page 2, line 7, remove overstrike over “this”

Page 2, line 8, remove overstrike over “section”

Page 2, line 8, remove “subsection 2”

Renumber accordingly.