

SENATE BILL NO. 2040

Introduced by

Legislative Management

(Taxation Committee)

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 property owned by a political subdivision from consideration in protests
3 against special improvement districts.

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.**

9 If the governing body finds the protests to contain the names of the owners of a majority of
10 the area of the property included within the improvement district, not including property owned
11 by a political subdivision, the protests shall be a bar against proceeding with any special
12 assessment for the improvement project. However, the protests do not bar proceeding with the
13 improvement project described in the plans and specifications if the governing body funds the
14 project with funds other than special assessments. If the governing body finds the protests to
15 contain the names of the owners of a majority of any separate property area included within the
16 district, ~~such~~not including property owned by a political subdivision, the protests shall be a bar
17 against proceeding with special assessments to be assessed in whole or in part upon property
18 within ~~such~~the area, but shall not bar against proceeding with the improvement project or
19 assessing the cost thereof against other areas within the district, unless ~~such~~the protests
20 represent a majority of the area of the entire district. If the protests represent a majority of the
21 area of the entire district, ~~such~~the protests bar any special assessment for the improvement
22 project.

23 The termination of proceedings, by reason of protest or otherwise, shall not relieve the
24 municipality of responsibility for payment of costs theretofore incurred and for payment of

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Legislative Assembly

1 ~~such~~the costs a municipality may, if funds on hand and available for the purpose are insufficient,
2 issue its certificates of indebtedness or warrants, or levy a tax which shall be considered a tax
3 for a portion of the cost of a special improvement project by general taxation within the meaning
4 of section 57-15-10. If the protests are found to be insufficient or invalid, the governing body
5 may cause the improvement to be made and may contract or otherwise provide in accordance
6 with this title for the construction thereof and the acquisition of property required in connection
7 therewith and may levy and collect assessments therefor.