

**FIRST ENGROSSMENT
with Senate Amendments
ENGROSSED HOUSE BILL NO. 1340**

Introduced by

Representatives Owens, Belter, Dockter, Keiser, K. Koppelman, Weisz

Senator Burckhard

1 A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code,
2 relating to methods of protest of special assessment projects; to provide for a legislative
3 management study; and to provide an effective date.

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

22 The termination of proceedings, by reason of protest or otherwise, shall not relieve the
23 municipality of responsibility for payment of costs theretofore incurred and for payment of such
24 costs a municipality may, if funds on hand and available for the purpose are insufficient, issue

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

7 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STATUTORY PROVISIONS OF**
8 **INDEBTEDNESS FOR POLITICAL SUBDIVISIONS.** During the 2015-16 interim, the legislative
9 management shall consider studying all statutory provisions on indebtedness that may be
10 incurred by political subdivisions, whether or not subject to debt limitations. The study must also
11 include collection of any available information on the kinds and amounts of current
12 indebtedness of political subdivisions and determination of whether that information is available
13 or accessible to the public. The legislative management shall report its findings and
14 recommendations, together with any information necessary to implement the recommendations,
15 to the sixty-fifth legislative assembly.

16 **SECTION 3. EFFECTIVE DATE.** This Act is effective for special assessment improvement
17 projects initiated after July 31, 2015.