Sixty-sixth Legislative Assembly of North Dakota
In Regular Session Commencing Thursday, January 3, 2019

SENATE BILL NO. 2040
(Legislative Management)
(Taxation Committee)

AN ACT to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to treatment of property owned by a political subdivision when calculating protests against the formation of a special improvement district.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-22-18 of the North Dakota Century Code is amended and reenacted as follows:

40-22-18. Protest bar to proceeding - Invalid or insufficient protests - Payment of costs - Tax levy.

If the governing body finds the protests to contain the names of the owners of a majority of the area of the property included within the improvement district, the protests shall be a bar against proceeding with any special assessment for the improvement project. However, the protests do not bar proceeding with the improvement project described in the plans and specifications if the governing body funds the project with funds other than special assessments. If the governing body finds the protests to contain the names of the owners of a majority of any separate property area included within the district, ~~such~~the protests shall be a bar against proceeding with special assessments to be assessed in whole or in part upon property within ~~such~~the area, but shall not bar against proceeding with the improvement project or assessing the cost thereof against other areas within the district, unless ~~such~~the protests represent a majority of the area of the entire district. If the protests represent a majority of the area of the entire district, ~~such~~the protests bar any special assessment for the improvement project. Property owned by a political subdivision is not included when determining whether the protests contain the names of the owners of a majority of the area included within the improvement district or a separate property area unless the political subdivision filed a protest.

The termination of proceedings, by reason of protest or otherwise, shall not relieve the municipality of responsibility for payment of costs theretofore incurred and for payment of ~~such~~the costs a municipality may, if funds on hand and available for the purpose are insufficient, issue its certificates of indebtedness or warrants, or levy a tax which shall be considered a tax for a portion of the cost of a special improvement project by general taxation within the meaning of section 57-15-10. If the protests are found to be insufficient or invalid, the governing body may cause the improvement to be made and may contract or otherwise provide in accordance with this title for the construction thereof and the acquisition of property required in connection therewith and may levy and collect assessments therefor.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2040.

Senate Vote:	Yeas 47	Nays 0	Absent 0
House Vote:	Yeas 87	Nays 2	Absent 5

Secretary of the Senate

Received by the Governor at 2:35 P.M. on April 18, 2019.

Approved at 8:17 P.M. on April 23, 2019.

Governor

Filed in this office this 24th day of April, 2019,

at 10:00 o'clock A.M.

Secretary of State