Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1340
(Representatives Owens, Belter, Dockter, Keiser, K. Koppelman, Weisz)
(Senator Burckhard)

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

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 ~~further~~ 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 protests shall be a bar against proceeding with ~~the portion of such improvement project, the cost of which is~~special assessments to be assessed in whole or in part upon property within such area, but shall not bar against proceeding with the ~~remainder of the~~ improvement project or assessing the cost thereof against other areas within the district, unless such 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 protests bar any special assessment for the improvement project.

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 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.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1340.

House Vote:	Yeas 90	Nays 1	Absent 3
Senate Vote:	Yeas 47	Nays 0	Absent 0

Chief Clerk of the House

Received by the Governor at 12:19 P.M. on April 10, 2015.

Approved at 2:50 P.M. on April 13, 2015.

Governor

Filed in this office this 13th day of April, 2015,

at 4:37 o'clock P M.

Secretary of State