

Sixty-second  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1322**

Introduced by

Representatives Wrangham, S. Meyer, Damschen

Senators Miller, Oehlke, Murphy

1 A BILL for an Act to amend and reenact sections 40-23-07 and 40-23.1-01 of the North Dakota  
2 Century Code, relating to prohibition of imposition of special assessments against agricultural  
3 property; and to provide an effective date.

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

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

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

9 Whenever the commission makes any special assessment, the commission shall determine  
10 the particular lots and parcels of land which, in the opinion of the commission, will be especially  
11 benefited by the construction of the work for which the assessment is to be made. The  
12 commission shall determine the amount in which each of the lots and parcels of land will be  
13 especially benefited by the construction of the work for which such special assessment is to be  
14 made, and shall assess against each of such lots and parcels of land such sum, not exceeding  
15 the benefits, as is necessary to pay its just proportion of the total cost of such work, or of the  
16 part thereof which is to be paid by special assessment, including all expenses incurred in  
17 making such assessment and publishing necessary notices with reference thereto and the per  
18 diem of the commission. However, as an alternative to the procedure provided in this section,  
19 the special assessment commission may, in its discretion, determine and allocate the cost of  
20 special assessments in accordance with the method provided for in chapter 40-23.1. Property  
21 owned by a nonprofit entity and used exclusively as a cemetery is exempt from collection of  
22 special assessments for benefits conferred under this title and the city in which such property is  
23 located shall provide for the payment of special assessments, installments, and interest against  
24 such property by the levy of taxes according to law or by payment from other funds available to

1 the city which are derived from sources other than special assessments. Agricultural property,  
2 as defined in section 57-02-01 but not including greenhouses or nurseries, is exempt from  
3 assessment and collection of special assessments for benefits conferred under this title.

4 Benefited property belonging to counties, cities, school districts, park districts, and townships is  
5 not exempt from such assessment, and such public corporations whose property is so  
6 assessed shall provide for the payment of such assessments, installments thereof and interest  
7 thereon, by the levy of taxes according to law. Nothing in this section may be deemed to amend  
8 other provisions of law with reference to the levy of assessments on property sold for delinquent  
9 taxes.

10 **SECTION 2. AMENDMENT.** Section 40-23.1-01 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **40-23.1-01. Improvement district - All property to be assessed - Basis.**

13 All property included within the limits of a local improvement district shall be considered to  
14 be the property specially benefited by the local improvement and shall be the property to be  
15 assessed to pay the cost and expense thereof or such part thereof as may be chargeable  
16 against the property specially benefited. Agricultural property, as defined in section 57-02-01 but  
17 not including greenhouses or nurseries, is exempt from assessment and collection of special  
18 assessments for benefits conferred under this title. The cost and expense shall be assessed  
19 upon all the property in accordance with the special benefits conferred thereon in proportion to  
20 area and distance back from the marginal line of the public way or area improved.

21 **SECTION 3. EFFECTIVE DATE.** This Act is effective for special assessments levied after  
22 July 31, 2011.