

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2053

Introduced by

Legislative Council

(Taxation Committee)

1 A BILL for an Act to amend and reenact sections 40-22-10 and 40-22-29 of the North Dakota
2 Century Code, relating to cost estimates for improvements by special assessments; and to
3 provide an effective date.

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

5 **SECTION 1. AMENDMENT.** Section 40-22-10 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **40-22-10. Engineer's report required - Contents.** After a special improvement district
8 has been created, the governing body of a municipality, if it deems it necessary to make any of
9 the improvements set out in section 40-22-01 in the manner provided in this chapter, shall direct
10 the engineer for the municipality, or some other competent engineer if the municipality does not
11 have a competent municipal engineer, to prepare a report as to the general nature, purpose,
12 and feasibility of the proposed improvement and an estimate of the probable cost of the ~~work~~
13 improvement, including:

- 14 1. A separate statement of the estimated cost of the work for which proposals must
15 be advertised under section 40-22-19; and
16 2. A separate statement of all other items of estimated cost not included under
17 subsection 1 which are anticipated to be included in the cost of the improvement
18 under sections 40-23-05 and 40-23.1-04.

19 **SECTION 2. AMENDMENT.** Section 40-22-29 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **40-22-29. Engineer's statement of estimated cost required - Governing body to**
22 **enter into contracts.** Before adopting or rejecting any bid filed under the provisions of this
23 chapter, the governing body shall require the engineer for the municipality to make a careful
24 and detailed statement of the estimated cost of the work for which proposals were advertised

1 under section 40-22-19. The governing body may not award the contract to any bidder if the
2 engineer's estimate prepared pursuant to this section exceeds the engineer's estimate of the
3 cost of the work prepared pursuant to subsection 1 of section 40-22-10 by forty percent or
4 more.

5 **SECTION 3. EFFECTIVE DATE.** This Act is effective for improvement districts for
6 which a resolution or ordinance creating the district is adopted after July 31, 2003.