

FIRST ENGROSSMENT  
with House Amendments

Fifty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2240

Introduced by

Senators Heitkamp, G. Lee, Traynor

Representatives Amerman, D. Johnson, Nelson

1 A BILL for an Act to amend and reenact sections 61-16.1-14, 61-21-45, 61-35-13, and 61-35-88  
2 and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to bids for  
3 water district construction, maintenance, and improvement projects; and to declare an  
4 emergency.

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

6 **SECTION 1. AMENDMENT.** Section 61-16.1-14 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **61-16.1-14. Contracts for construction or maintenance of project.** If the cost of  
9 construction or maintenance of a project does not exceed ~~fifty thousand dollars~~ the amount  
10 provided for construction of a public improvement under section 48-01.1-03, the work may be  
11 done on a day work basis or a contract may be let without being advertised. In cases where  
12 the cost of the construction or maintenance exceeds ~~fifty thousand dollars~~ the amount provided  
13 for construction of a public improvement under section 48-01.1-03, the board must let a  
14 contract in accordance with chapters 48-01.1 and 48-02.

15 **SECTION 2. AMENDMENT.** Section 61-21-45 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **61-21-45. Contracts for work of cleaning and repairing drains.** If the cost of any  
18 work of cleaning out or repairing any drain, or system of legal drains, if more than one cleaning  
19 or repair project is carried on under one contract, does not exceed ~~fifty thousand dollars~~ the  
20 amount provided for construction of a public improvement under section 48-01.1-03 in any one  
21 year, the work may be done on a day work basis or a contract may be let without being  
22 advertised. In cases where the cost of such work exceeds ~~fifty thousand dollars~~ the amount  
23 provided for construction of a public improvement under section 48-01.1-03 in any one year, a  
24 contract must be let in accordance with chapters 48-01.1 and 48-02. The competitive bid

1 requirement is waived, upon the determination of the board that an emergency situation exists  
2 requiring the prompt repair of a project, and a contract may be made for the prompt repair of  
3 the project without seeking bids.

4 **SECTION 3. AMENDMENT.** Section 61-35-13 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **61-35-13. Contracts for construction or maintenance of a project.** If the cost of  
7 construction or maintenance of a project does not exceed ~~fifty thousand dollars~~ the amount  
8 provided for construction of a public improvement under section 48-01.1-03, the work may be  
9 done on a day work basis or a contract may be let without being advertised. If the cost of the  
10 construction or maintenance exceeds ~~fifty thousand dollars~~ the amount provided for  
11 construction of a public improvement under section 48-01.1-03, the lowest and best bid must  
12 be accepted. The board must comply with the requirements of sections 61-35-88 through  
13 61-35-103 when bidding a project.

14 The competitive bid requirement of this section may be waived if the board determines  
15 that an emergency exists requiring the prompt repair of a project and a contract may be made  
16 for the prompt repair of the project without seeking bids.

17 **SECTION 4. AMENDMENT.** Section 61-35-88 of the North Dakota Century Code is  
18 amended and reenacted as follows:

19 **61-35-88. Call for bids - Contents - Advertising.** Proposals for the work of making  
20 improvements provided for in this chapter that exceed ~~fifty thousand dollars~~ the amount  
21 provided for construction of a public improvement under section 48-01.1-03 must be advertised  
22 for by the board in the official newspaper of the county where the district office is located once  
23 each week for two consecutive weeks. The board may cause the work on two or more  
24 improvements to be combined in one advertisement and one contract awarded pursuant to that  
25 advertisement. The advertisement for bids must:

- 26 1. Specify the work to be done according to the plans and specifications on file in the  
27 office of the district;
- 28 2. Call for bids upon the basis of cash payment for the work;
- 29 3. State the time within which the bids will be received; and
- 30 4. State the time within which the work on the improvement is to be completed.

1 The board may require bidders to state also the rate of interest, not exceeding seven percent  
2 per annum, which the bonds to be received and accepted by the bidder at par in payment for  
3 the work are to bear.

4 **SECTION 5. AMENDMENT.** Subsection 2 of section 61-35-94 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 2. Cause the work described in the plans, specifications, and estimates to be done  
7 directly by the district by the employment of labor and the purchase of materials  
8 required, or in any other manner the board considers proper, and payment for the  
9 work may be provided through special assessments in the same manner as  
10 though the work had been performed under contract, provided this work amounts  
11 to no more than ~~fifty thousand dollars~~ the amount provided for construction of a  
12 public improvement under section 48-01.1-03; or

13 **SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure.