

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1381

(Representatives Schauer, Hagert, B. Koppelman, K. Koppelman, Lefor, Pollert, D. Ruby, Satrom)  
(Senators Dwyer, Lee, Wardner)

AN ACT to create and enact a new subsection to section 40-23-10 of the North Dakota Century Code, relating to notice requirements; to amend and reenact sections 40-22-10 and 40-23.1-08 of the North Dakota Century Code, relating to notice requirements and the engineer's report for special improvement districts.

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

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

**40-22-10. Engineer's report required - Contents.**

1. After a special improvement district has been created, the governing body of a municipality, if ~~it~~ the governing body deems it necessary to make any of the improvements set out in section 40-22-01 in the manner provided in this chapter, shall direct the engineer for the municipality, or some other competent engineer if the municipality does not have a competent municipal engineer, to prepare a report as to the general nature, purpose, and feasibility of the proposed improvement and an estimate of the probable cost of the improvement, including:
  1. a. A separate statement of the estimated cost of the work for which proposals must be advertised under section 40-22-19; and
  2. b. A separate statement of all other items of estimated cost not included under subsection 1 which are anticipated to be included in the cost of the improvement under sections 40-23-05 and 40-23.1-04.
2. An engineer's report under this section also must include information describing how the special assessment district was created including any considerations as to which properties are determined to receive a benefit from the proposed improvement.

**SECTION 2.** A new subsection to section 40-23-10 of the North Dakota Century Code is created and enacted as follows:

Any notice under this section must be published on the city's website.

**SECTION 3. AMENDMENT.** Section 40-23.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**40-23.1-08. Publication of assessment list and notice of hearing of objections to list.**

The city auditor shall cause the assessment list, which list ~~shall~~ may not include the amount each lot, tract, or parcel is benefited by the improvement, to be published on the municipality's website and once each week for two consecutive weeks in the official newspaper of the municipality, together with a notice of the time when and the place where the city auditor will meet to hear objections made to any assessment by any interested party or interested party's agent or attorney. In lieu of publication of an assessment list, if it includes more than five thousand lots, tracts, or parcels, the city auditor may cause it to be filed and made available for public inspection at all times after the first publication of the notice, during reasonable business hours, at such place as shall be designated in the published notice. The date set for such hearing shall be not less than fifteen days after the first publication of the notice.

\_\_\_\_\_  
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-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1381.

House Vote:    Yeas 93            Nays 0            Absent 1

Senate Vote:    Yeas 47            Nays 0            Absent 0

\_\_\_\_\_  
Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State