

Introduced by

Representatives Schauer, Hagert, B. Koppelman, K. Koppelman, Lefor, Pollert, D. Ruby,  
Satrom

Senators Dwyer, Lee, Wardner

1 A BILL for an Act to create and enact a new subsection to section 40-23-10 of the North Dakota  
2 Century Code, relating to notice requirements; to amend and reenact sections 40-22-10 and  
3 40-23.1-08 of the North Dakota Century Code, relating to notice requirements and the  
4 engineer's report for special improvement districts.

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

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

8 **40-22-10. Engineer's report required - Contents.**

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

16 4- a. A separate statement of the estimated cost of the work for which proposals must  
17 be advertised under section 40-22-19; and

18 2- b. A separate statement of all other items of estimated cost not included under  
19 subsection 1 which are anticipated to be included in the cost of the improvement  
20 under sections 40-23-05 and 40-23.1-04.

21 2. An engineer's report under this section also must include information describing how  
22 the special assessment district was created including any considerations as to which  
23 properties are determined to receive a benefit from the proposed improvement.

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

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

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

6       **40-23.1-08. Publication of assessment list and notice of hearing of objections to list.**

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