Sixty-second Legislative Assembly of North Dakota FIRST DRAFT: Prepared by the Legislative Council staff for the Advisory Commission on Intergovernmental Relations July 2010

Introduced by

- 1 A BILL for an Act to amend and reenact section 48-01.2-03 of the North Dakota Century Code,
- 2 relating to specifying materials used in a public improvement.

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

4 **SECTION 1. AMENDMENT.** Section 48-01.2-03 of the North Dakota Century Code is 5 amended and reenacted as follows:

6 48-01.2-03. Specified brands, marks, names, or patented articles may not be 7 **specified.** A governing body, in specifying materials to be used for a public improvement or in 8 plans or specifications for a public improvement, may not request bids for any article of a 9 specified or copyrighted brand or name, the product of any one manufacturer, or any patented 10 apparatus or appliance when the requirement will prevent proper competition, unless the 11 specifications also request bids on other similar articles of equal value, utility, and merit or 12 unless remodeling or expanding an existing building that contains the specified or copyrighted 13 article, product of one manufacturer, or patented apparatus or appliance.