

consisting of not to exceed one congressional township. Said compensation shall be paid only upon itemized statement setting forth the actual time spent in said work, provided, further, that no person shall be eligible to be an assessor unless he is a voter and owner of real estate or personal property in the district or township of which he seeks to be assessor.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its passage and approval.

Approved March 27, 1944.

DRAINAGE

CHAPTER 14

H. B. No. 26—(McInnes, Levin, Ohnstad, Johnson of Richland, Saumur, Carlson)

DRAIN, REPAIR AUTHORIZED

An Act to amend and re-enact Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 118 of the 1943 Session Laws, relating to repairs of existing drains and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2486 of the 1925 Supplement to the 1913 Compiled Laws, as amended by Chapter 118 of the 1943 Session Laws, be amended and re-enacted to read as follows:

§ 2486. All drains that may have been constructed under any law of this state, or that may be constructed under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and be by them kept open and in repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and

in cases when no assessments of benefits shall have been made, the board of commissioners having charge of or to whose care such drain may be assigned shall make such assessments.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of \$150.00 in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Provided that the levy in any one year for cleaning out or repairing any drain shall not exceed a maximum of fifty cents per acre on any lands in such drain district. Provided further that the Board of County Commissioners may accumulate a fund for such purpose, but such fund shall not exceed the maximum levy allowable for one year.

Provided that all such cleaning out and repair shall be let by bids as provided by law except that the said Board of County Commissioners may in their discretion reject any and all bids and perform such work with county equipment or enter into an agreement with any State or Federal agency for such cleaning out and repair of drains, provided that such discretionary power in the Board of County Commissioners shall expire on January 1, 1945 and that on and after January 1, 1945 such cleaning and repair can only be let by bids as provided by law.

Provided, however, that if such levy and the funds accumulated in said drain fund shall not be sufficient for properly cleaning out or repairing such drains, the Board of County Commissioners may spend more than the above maximum limit as follows:

Subsection 1. Upon presentation to the Board of County Commissioners of a petition signed by property owners liable for 10% or more of the cost of such repair or improvement requesting the cleaning out and repair of an established drain, the Board of County Commissioners shall forthwith give notice by registered mail, to all property owners interested in such drain of a hearing upon such petition at some convenient time and place.

Subsection 2. At such hearing after the purpose of the proposed improvement and repair has been explained, and the probable cost and all other pertinent information has been presented, the signers of such petition shall have the right to withdraw their names. Other owners of property within the drainage district shall at that time have the right to add their names to such petition at the time of the hearing or within twenty days thereafter, if they so desire.

Subsection 3. If, after ten days and within twenty days thereafter, petitions are signed containing the signatures of persons owning property which is liable for 51% or more of the cost of such

repair or improvement, the Board of County Commissioners shall proceed in the regular way with such repair or improvement. If however, within twenty days after the hearing on the petition, property owners liable for 51% or more of the cost of such repair and improvements, have not signed such petition, then all action of such project shall be postponed for at least one year.

§ 2. DISSOLUTION OF DRAINAGE DISTRICT.] When a drain has been in existence for twenty years or more, the owners of property subject to 51% or more of the liability for maintaining such drain may petition the Board of County Commissioners for the abandonment and dissolution of such drain. Upon receipt of such petition, the County Commissioners shall call a public hearing on such petition and if they find the number of valid signatures to represent property liable to 51% or more of the cost of upkeep of such drain, the Board of County Commissioners shall then declare such drain to be abandoned and such drainage district to be dissolved, and shall spread such declaration upon the minutes and publish the same with the next publication of the regular County Commissioners proceedings. In case the drainage district extends into two or more counties, the Commissioners upon receipt of the petition above referred to shall convene in joint session and call the public meeting above provided. When a drain has been abandoned and dissolved, it may then be re-established in whole or in part only in the same way as a new drain is established.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.

CHAPTER 15

H. B. No. 27—(McInnes, Levin, Ohnstad, Johnson of Richland, Saumur, Carlson)

DRAIN COMMISSIONERS, CONTRACTS

An Act to amend and re-enact Section 2472 of the Compiled Laws of 1913 relating to letting of contracts by Board of Drain Commissioners, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2472 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§. 2472. At the time and place appointed the board of drain com-

missioners shall proceed to hear all complaints relative to such assessments, unless a hearing has already been had under the provisions of section 2468, and correct and confirm the same. Such board shall then proceed to let contracts for the construction of the drain by divisions as it shall have divided the same, to the persons who will do the work according to the specifications, for the lowest price and give adequate security for the performance of the same within such time as the contract shall specify. Such board may adjourn such letting in whole or in part and from time to time to such other time and place, to be by it at the time of such adjournment publicly announced, as shall to it seem proper and it may reserve the right to reject any and all bids. The parties who are to be assessed for the construction of such drain and who may be bidders for contracts thereon shall, if equal bidders with other parties, be preferred in the awarding of such contracts; provided, that contracts for the building of bridges and culverts mentioned in section 2482 may be deferred, until the construction of the drain has reached such a stage of completion that the character of the bridges and culverts which will be needed can be determined. As soon as the character of such bridges and culverts can be determined such board shall cause plans and specifications of the bridges and culverts to be constructed in connection with such drain to be prepared and shall give at least ten days' notice of the time and place when and where it will meet parties for the purpose of letting contracts for such construction. Such notice shall be published at least fifteen days prior to the date of the opening of the bids thereunder; such notice shall be published in some established newspaper of general circulation qualified to publish legal notices, and which is printed and published in the city or village or county where such work is located and also in some trade publication of general circulation among the contractors of the state. Such contracts shall be let to the lowest bidder as hereinbefore in this section provided, except that said board of drain commissioners may in their discretion reject any and all bids and enter into an agreement with any state or federal agency for the construction of drains, provided that such discretionary power in boards of drain commissioners shall expire on January 1, 1945 and that on and after January 1, 1945 such construction of drains can only be let by bid as hereinbefore in this section provided.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved April 3, 1944.