

## HIGHWAYS, BRIDGES, AND FERRIES

### CHAPTER 176

S. B. No. 102

(Baeverstad, Work and Nordhougen)

#### RECONSTRUCTION WORK ON SECONDARY STATE HIGHWAYS WITHOUT LETTING CONTRACT

##### AN ACT

To amend and reenact section 24-02192 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to reconstruction work on secondary state highways and declaring an emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.) Section 24-02192 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-02192. RECONSTRUCTION WORK WITHOUT LETTING CONTRACT.) Until December 31, 1952, the state highway department may, in any case where, in the opinion of the commissioner, the public interest and the preservation of state highways from deterioration requires it, do the work necessary for minor grading reconstruction on any established secondary state highway without letting a contract for such reconstruction work, or the commissioner may, in his discretion, contract with the county in which any such reconstruction project is located, to perform such reconstruction work on a cost basis. Any such reconstruction projects may include any project that is eligible for federal aid, provided, that any such reconstruction project that has been commenced prior to January 1, 1953, may be completed within the year of 1953. Any funds available for highway construction purposes may be expended in carrying out the provisions of this section.

§ 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 5, 1951.

## CHAPTER 177

H. B. No. 707  
(Bentz and Robinson)  
(at the request of the State Examiner)

CONTRACTS FOR COUNTY ROAD MACHINERY AND OTHER  
HIGHWAY EQUIPMENT

## AN ACT

To amend and reenact section 24-0504 of the North Dakota Revised Code of 1943 relating to contracts for county road machinery and other articles for the improvement of highways.

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

§ 1. AMENDMENT.) Section 24-0504 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0504. CONTRACTS TO BE ADVERTISED. REQUIREMENTS FOR RENTAL CONTRACTS. All purchases of county road machinery, and all rental contracts or agreements for the use of road machinery and other articles or contracts for the improvement of the highways, except necessary repairs for such road machinery, which shall exceed the sum of five hundred dollars, shall be advertised in the manner provided by law for the purchase of county supplies. The board of county commissioners shall not enter into a rental contract or agreement for the use of road machinery and other articles for a longer period than twelve months from the date of such rental contract or agree to pay rental for the use of road machinery and other articles which would result in the lessor receiving rental at a rate in excess of twenty per centum per annum of the cash sale price thereof, which cash sale price of such road machinery and other articles shall be clearly set forth in all such rental contracts, and failure to include such data in any rental contract for the use of road machinery and other articles shall render any such rental contract null and void, and any payments made thereunder shall be recoverable from the county commissioners making such contract jointly and severally.

Approved March 7, 1951.

## CHAPTER 178

H. B. No. 579  
(Legislative Research Committee)

TOWNSHIP ROAD AND BRIDGE CONSTRUCTION;  
IMPROVEMENTS AND REPAIRS

## AN ACT

To amend and reenact sections 24-0602, 24-0607, 24-0608 and 24-0609 of the North Dakota Revised Code of 1943 and to repeal sections 24-0621, 24-0622, 24-0623, 24-0624, 24-0625 and subsection 3 of section 58-1203 of the North Dakota Revised Code of 1943, relating to township road and bridge construction, improvements and repairs.

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

§ 1. AMENDMENT.) Section 24-0602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0602. TOWNSHIP MAY PURCHASE ROAD MACHINERY; CREDIT TERMS.) The board of supervisors of any township, subject to the provisions of section 24-0603, may contract for and purchase, upon credit or otherwise, any road machinery, implements, or equipment for the use of such township.

§ 2. AMENDMENT.) Section 24-0607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0607. ROAD MACHINERY; SALE; PURCHASE; LEASE.) In townships owning road machinery, the board of township supervisors may make such disposition of the same as in its discretion is best for the interests of the township, or it may purchase or lease such machinery as may be necessary. No purchase, sale, or lease of machinery, involving a sum in excess of four hundred dollars, shall be undertaken unless such sale, purchase or lease shall be authorized by the voters as prescribed in section 24-0603.

§ 3. AMENDMENT.) Section 24-0608 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0608. CONTRACTS FOR TOWNSHIP ROAD IMPROVEMENTS; NOTICE; BIDS.) Except for such work as may be done by township employees or in accordance with the provisions of section 24-0609, the board of township supervisors shall not expend more than five hundred dollars in any fiscal year for the construction, improve-

ment or repairing of highways or bridges in any township, unless the board files plans and specifications for such work in the office of the township clerk and advertises for bids therefor. The notice for bids shall specify the time when and the place where such bids will be received and shall be given by publication in a newspaper published in the county once a week for two successive weeks. A contract for work and improvements shall be let to the lowest bidder in accordance with the plans and specifications furnished by the board of township supervisors. The board, upon the letting of a contract, shall require a good and sufficient bond for the faithful performance of the work to be done and performed under such contract. Such board shall have authority to reject any and all bids.

§ 4. AMENDMENT.) Section 24-0609 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0609. CONTRACT FOR TOWNSHIP ROAD AND BRIDGE WORK BY COUNTY TOWNSHIP, OR SOIL CONSERVATION DISTRICT.) The board of supervisors of any township may enter into a contract with the board of county commissioners of the county, the board of supervisors of another township or the directors of a soil conservation district for the construction, improvement, or repairing of township roads and bridges without the necessity of advertising for bids.

§ 5. REPEAL.) Sections 24-0621, 24-0622, 24-0623, 24-0624, 24-0625 and subsection 3 of section 58-1203 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 24, 1951.

## CHAPTER 179

H. B. No. 756

(Lee Stormon of Ramsey, Skaar and Einarson)

### DETERMINATIONS OF SURFACE WATER FLOW AND APPROPRIATE HIGHWAY CONSTRUCTION

#### AN ACT

Relating to surface water flow; providing for determinations by the state water conservation commission and for highway construction in accordance with such determination.

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

§ 1.) Whenever and wherever a highway under the supervision, control, and jurisdiction of the state highway department or under the supervision, control, and jurisdiction of the board of county commissioners of any county has been or will be constructed over a water course or draw into which flow surface

waters from farm lands, the state water conservation commission, upon petition of the majority of landowners of the area affected, shall determine as nearly as practicable the maximum quantity of water, in terms of second feet, which such water course or draw may be required to carry. When such determination has been made by the state water conservation commission, it shall be the duty of the state highway department or the board of county commissioners, as the case may be, upon notification of such determination, to install a culvert or bridge of sufficient capacity to permit such maximum quantity of water to flow freely and unimpeded through such culvert or under such bridge.

Approved March 6, 1951.

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## CHAPTER 180

S. B. No. 208  
(Pyle and Luick)

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### TOWNSHIP ROAD AND DRAINAGE CONSTRUCTION STANDARDS

#### AN ACT

Relating to township road and drainage construction.

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

§ 1.) Whenever the construction or reconstruction of a township road or bridge, the insertion of a culvert in a township road, or the construction or reconstruction of a ditch or drain in connection with a township road affects the flow of surface waters and increases the surface water flow through ditches, drains, bridges and culverts in other townships, the board of township supervisors or the township overseer of highways of the township undertaking such construction or reconstruction shall give notice to the boards of township supervisors or township overseers of highways in all townships affected by such construction or reconstruction projects.

§ 2.) The boards of township supervisors of townships affected by any road or bridge construction which changes or increases the flow of surface waters shall cooperate in the determination of uniform construction standards to be adopted by all townships affected and shall cooperate in such construction projects expending on any portion of such projects such portions of the road and bridge tax as deemed conducive to the interests of the township.

Approved February 27, 1951.

## CHAPTER 181

S. B. No. 136  
(Duffy and Pyle)

## INJURIES TO HIGHWAYS AND BRIDGES

## AN ACT

To amend and reenact section 24-1206 of the North Dakota Revised Code of 1943, relating to injuries to highways or bridges; requiring permission before injuring, and providing a penalty.

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

§ 1. AMENDMENT.) Section 24-1206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-1206. INJURIES TO HIGHWAYS.) Any person who willfully digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or any bridge upon such way without first securing permission from the person or governing body of the jurisdiction having control thereof is guilty of a misdemeanor and shall be punished by a fine of not to exceed one hundred thirty days or by both such fine and imprisonment.

Approved February 27, 1951.