

# HIGHWAYS, BRIDGES, AND FERRIES

## CHAPTER 251

### SENATE BILL NO. 2224

(Senators Nichols, O'Connell, Solberg)  
(Representatives Delzer, Onstad, Solberg)

### NO-MOW AREA HAYING

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to haying of no-mow areas; to provide for a report to the legislative assembly; and to provide an effective date.

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

**SECTION 1.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

**Haying of no-mow areas.** Notwithstanding any other provision of law, a person owning land adjacent to an area within the right of way of a highway which is designated as a no-mow or managed-mow area may hay the no-mow or managed-mow area after July fifteenth without any payment or penalty.

**SECTION 2. NO-MOW AREAS - REPORT TO LEGISLATIVE ASSEMBLY.** The director of the department of transportation shall work with the appropriate state and federal agencies to evaluate reasonable and appropriate environmental mitigation options and alternatives. The director shall submit a plan to the fifty-eighth legislative assembly to eliminate areas designated as no-mow or managed-mow areas from the right of way adjacent to highways under the department's jurisdiction.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on January 1, 2004.

Approved April 18, 2001

Filed April 18, 2001

## CHAPTER 252

### HOUSE BILL NO. 1186

(Transportation Committee)

(At the request of the Department of Transportation)

### DISABLED MILEAGE REIMBURSEMENT RATES

AN ACT to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to mileage reimbursement rates for disabled state employees driving specially equipped vehicles.

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

<sup>136</sup> **SECTION 1. AMENDMENT.** Section 24-02-03.3 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **24-02-03.3. Central management system for all state-owned licensed motor vehicles.**

1. The director shall establish within the department a central vehicle management system to regulate the operation, maintenance, and management of all motor vehicles owned or leased by the state subject to registration under chapters 39-04 and 39-05. Upon the request of a state agency and an agreement between the agency and director for the use of the motor vehicle-related equipment, the director may purchase or lease motor vehicle-related equipment and include that equipment within the system. The director shall provide a uniform method of documenting the use and cost of operation of motor vehicles and motor vehicle-related equipment in the system. The director shall advise the director of the office of management and budget as to the need to acquire or dispose of system motor vehicles. The specifications for highway patrol vehicles to be acquired may be set by the highway patrol superintendent. Every state agency, institution, department, board, bureau, and commission unless exempted by the director must use the system.
2. The director may enter into an agreement with a state employee who has a disability requiring a specially-equipped vehicle to pay a mileage rate greater than the rate established in section 54-06-09 for the employee's use of the employee's specially-equipped motor vehicle while conducting state business. The rate must be based on the rate provided in section 54-06-09, increased by the actual cost per mile caused by the special equipment, and may not exceed the cost associated with the special equipment expressed as the new value plus the depreciated fair market value in eight years divided by two, divided by ~~forty~~ twenty thousand miles.

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<sup>136</sup> Section 24-02-03.3 was also amended by section 1 of House Bill No. 1147, chapter 473.

3. Each entity required to use the system shall submit records of the operation of each vehicle as directed by the director.

Approved March 20, 2001

Filed March 20, 2001

## CHAPTER 253

### HOUSE BILL NO. 1167

(Transportation Committee)

(At the request of the Department of Transportation)

### DOT EDUCATIONAL FINANCIAL AID

AN ACT to amend and reenact section 24-02-42 of the North Dakota Century Code, relating to the amount of department of transportation educational financial aid and to expand eligible areas of study.

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

**SECTION 1. AMENDMENT.** Section 24-02-42 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-42. Engineering, management, and technician scholarships** Scholarships authorized. The ~~commissioner~~ director is ~~hereby~~ authorized to establish ~~not over sixteen~~ continuing grants of financial aid for study in ~~civil engineering, civil engineering technology, construction engineering, construction management, and industrial drafting and design technology~~ undergraduate coursework, which meets the needs and mission of the department, at institutions of higher learning in this state. Expenditure of not over ~~ten~~ twenty thousand dollars annually from highway operating funds is ~~hereby~~ authorized. No individual may receive financial aid in any year exceeding ~~one~~ two thousand dollars nor a total exceeding ~~three~~ six thousand dollars and an executed contract of employment is a prerequisite. Before any student shall receive the ~~benefits~~ financial aid authorized by this section the student shall enter into a contract with the department, which must provide that such student shall upon graduation accept employment with the department for a period of time at least equal to the time the student received financial aid benefits, the salary to be in the grade established for the classification assigned. In the event such student is inducted into the armed forces before graduation, such education may then be completed upon that student's return to civil life, and in the event such induction into the armed services is made after graduation the employment contract does not take effect until after such period of service in the armed forces has been completed. Leave of absence without pay will be granted to one whose induction occurs during the period of the life of such contract and the employment will be resumed for the balance of the contract period after such employee has been discharged from the service.

If such student fails to graduate with a degree, or fails to accept employment with the department as above provided, such student shall repay the department, with interest at the rate of six percent per annum, all sums received by the student in financial aid benefits under the contract herein provided, such repayment to be made within a period equal to the time the student received such benefits. For the purpose of this section defenses of minority or statute of limitations are ~~hereby~~ removed as to any applicant granted a loan by the ~~commissioner~~ director and such contracts are in all respects legal and binding. Salary increases to employees having received financial aid by virtue of this section must be based on the same considerations as other ~~engineers~~ employees employed by the department.

The ~~commissioner~~ director, with the cooperation and concurrence of the board of higher education, shall prescribe rules for determining the selection of recipients, qualifications, and courses of study. Such rules may cover any areas as may be necessary to assure a source of qualified ~~technically~~ trained employees for the department.

Approved March 20, 2001

Filed March 20, 2001

## CHAPTER 254

### SENATE BILL NO. 2112

(Appropriations Committee)

(At the request of the Governor and the Office of  
Management and Budget)

### DOT DISASTER FUNDS

AN ACT to authorize the department of transportation to borrow funds to respond to disasters; to provide an appropriation; and to declare an emergency.

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

##### **SECTION 1. Authority to borrow funds for a disaster - Appropriation.**

The department of transportation, subject to the approval of the emergency commission, may borrow moneys from the Bank of North Dakota to match federal emergency relief funds under the Transportation Equity Act for the 21st Century [Pub. L. 105-178]. Any moneys borrowed from the Bank of North Dakota pursuant to this section are appropriated. If it appears to the department of transportation that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the department of transportation shall request from the legislative assembly a deficiency appropriation from the state highway fund sufficient for the repayment of the amount borrowed plus interest.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 6, 2001

Filed March 6, 2001