

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1432**

Introduced by

Representatives Richter, Dockter, Kempenich, Longmuir, Zubke

Senators Bekkedahl, Kannianen, Patten

1 A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code,  
2 relating to purchasing road maintenance equipment.

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

4 **SECTION 1. AMENDMENT.** Section 24-05-04 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **24-05-04. Contracts to be advertised - Road construction - Requirements for rental**  
7 **contracts.**

8 1. If a contract for a highway improvement exceeds one hundred thousand dollars, the  
9 board of county commissioners shall seek bids by publishing an advertisement at least  
10 once each week for two consecutive weeks in the official newspaper of the county and  
11 in other newspapers as the board deems advisable. The first publication must be  
12 made at least fifteen days before the day set for the opening of the bids. For any  
13 contract for a highway improvement that exceeds fifty thousand dollars but does not  
14 exceed one hundred thousand dollars, the county, when possible, shall seek quotes  
15 from at least two contractors.

16 2. A purchase of county road ~~machinery~~maintenance equipment and any rental contract  
17 or agreement for the use of road ~~machinery~~maintenance equipment and other articles,  
18 except necessary repairs for road ~~machinery~~maintenance equipment, which exceeds  
19 the sum of ~~fifty~~one hundred thousand dollars must be advertised by publishing an  
20 advertisement for bids at least once each week for two consecutive weeks in the  
21 official newspaper of the county and in any other newspapers as the board deems  
22 advisable. The first publication must be made at least fifteen days before the day set  
23 for the opening of the bids. The board of county commissioners may not enter a rental  
24 contract or agreement for the use of road ~~machinery~~maintenance equipment and other

articles for a longer period than twelve months from the date of the rental contract or agree to pay rental for the use of road ~~machinery~~maintenance equipment and other articles which would result in the lessor receiving rental at a rate in excess of twenty percent per year of the cash sale price of the road ~~machinery~~maintenance equipment or other articles. The cash sale price of the road ~~machinery~~maintenance equipment and other articles must be clearly set forth in any rental contract for road ~~machinery~~maintenance equipment and other articles and failure to include this data in any rental contract for the use of road ~~machinery~~maintenance equipment and other articles renders the rental contract void. A payment made under a void rental contract is recoverable from the county commissioners making the contract, jointly and severally.

3. Notwithstanding the provisions of this section relating to the duration of rental contracts, the board of county commissioners may enter lease-purchase agreements for the road ~~machinery~~maintenance equipment and articles covered by this section if those agreements provide for the complete performance and full payment of the purchase price of the ~~machinery~~maintenance equipment or articles within seven years from the date of the execution of the lease-purchase agreement according to section 44-08-01.1.

4. Notwithstanding the provisions of this section relating to bidding of road maintenance equipment, the board of county commissioners or its designee may purchase used road maintenance equipment at public auction or as surplus property from the office of management and budget.

5. Bids received under this section must be opened and awarded under the procedure provided in section 48-01.2-07.