

# HIGHWAYS, BRIDGES, AND FERRIES

## CHAPTER 287

HOUSE BILL NO. 1551  
(Laughlin, Flaagan, Gerntholz)

### MINIMUM MAINTENANCE ROAD SIGNS

AN ACT to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the director of the department of transportation; and to amend and reenact section 24-07-36 of the North Dakota Century Code, relating to required signs on minimum maintenance roads.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 24-01-01.1 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

"Director" means the director of the department of transportation.

SECTION 2. AMENDMENT. Section 24-07-36 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-07-36. Required signs on minimum maintenance roads. The body making a designation of a minimum maintenance road shall post signs at the beginning ~~and the end~~ of the road and at regular intervals along the road. The signs must conform to standards adopted by the director ~~of the department of transportation~~ by rule. If the signs are properly posted, that fact is prima facie evidence that adequate notice of the road's status as a minimum maintenance road has been given to the public.

Approved March 25, 1991  
Filed March 26, 1991

## CHAPTER 288

HOUSE BILL NO. 1203  
(Committee on Transportation)  
(At the request of the Department of Transportation)

## DEPARTMENT OF TRANSPORTATION BID SOLICITATION

AN ACT to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the term director; and to amend and reenact section 24-02-19 of the North Dakota Century Code, relating to department of transportation bidding procedures for construction, and equipment, materials, and supplies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 24-01-01.1 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

"Director" means the director of the department of transportation of this state, acting directly or through authorized agents as provided in section 24-02-01.3.

SECTION 2. AMENDMENT. Section 24-02-19 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-19. Request for bids - How advertised solicited. Any request for bids for construction work or the improvement of any state highway, or any structure in excess of the amount specified in section 24-02-17, shall must be advertised by publication once a week for a period of three successive weeks; prior to the opening of such bids, in the official newspaper of the county in which the project is located. Such Any other advertisement made by the director may utilize one or more of the following methods:

1. The publication of the solicitation in a daily newspaper having a general circulation in the area where the project is located.
2. The publication of the solicitation in commonly recognized trade journals or similar publications that advertise the solicitation of bids on public work projects.
3. The written solicitation of all qualified contractors appearing on the bidders' list as maintained by the department of transportation.

When the solicitation is by publication, it must be made at least three weeks prior to the date of the bid opening. The solicitation shall state where the bidder may inspect the plans and specifications, with whom bids shall be filed, and the time and place where bids shall be opened. Such place shall be the office of the department.

All requests for bids for the purchase of equipment, materials, and supplies, exclusive of repairs to equipment and except as provided in section 25-16.2-02 in excess of the sum of ~~two~~ ten thousand dollars ~~shall~~ must be advertised in the official newspaper of ~~Burleigh County~~ the county in which the department district is located. The advertisement must be published once a week for a period of two successive weeks prior to the opening of such bids.

Approved March 27, 1991  
Filed March 28, 1991

## CHAPTER 289

HOUSE BILL NO. 1159  
(Committee on Transportation)  
(At the request of the Department of Transportation)

**DEPARTMENT OF TRANSPORTATION MATTERS**

AN ACT to amend and reenact subsections 1 and 3 of section 24-02-01.4, section 24-02-42, and subsections 1, 2, and 4 of section 57-15-06.3 of the North Dakota Century Code, relating to the organization of the department of transportation, the amount of department of transportation educational financial aid, and the elimination of federal highway administration approval of county farm-to-market road programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 3 of section 24-02-01.4 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The director shall establish an office of ~~motor vehicles~~ driver and vehicle services to administer the department's regulatory authority over motor vehicle titling and registration, operator licensing and traffic safety, and motor carriers. Operating expenses for functions performed by the department under chapters 39-04 and 39-05 must be funded by appropriations from collections made under those chapters before deposit into the fund provided by section 54-27-19.
3. The director ~~shall~~ may establish an office of transportation planning to administer the department's authority and responsibilities for planning all surface modes of transportation, budgeting, development of programs and projects, data collection and management, and research. Coordination must be established between the aeronautics commission planning section and the department of transportation office of planning for airport development as it pertains to surface access.

SECTION 2. AMENDMENT. Section 24-02-42 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-42. Engineering, management, and technician scholarships authorized. The commissioner is hereby authorized to establish not over sixteen continuing ~~scholarships~~ grants of financial aid for study in civil engineering, civil engineering technology, construction engineering, construction management, and industrial drafting and design technology at institutions of higher learning in this state. Expenditure of not over ten thousand dollars annually from highway operating funds is hereby authorized. No individual shall receive ~~scholarship payments~~ financial aid in any year exceeding ~~eight hundred one thousand~~ one thousand dollars nor a total exceeding

~~twenty-four hundred three thousand~~ dollars and an executed contract of employment shall be a prerequisite. Before any student shall receive the benefits authorized by this section ~~he~~ the student shall enter into a contract with the department, which shall provide that such student shall upon graduation accept employment with the department for a period of time at least equal to the time ~~he~~ the student received ~~scholarship~~ financial aid benefits, the salary to be in the grade established for the classification assigned. In the event such student shall be inducted into the armed forces before graduation, such education may then be completed upon ~~his~~ that student's return to civil life, and in the event such induction into the armed services is made after graduation the employment contract shall 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 ~~him~~ the student in ~~scholarship~~ financial aid benefits under the contract herein provided, such repayment to be made within a period equal to the time ~~he~~ 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 and such contracts shall in all respects be legal and binding. Salary increases to employees having received ~~scholarships~~ financial aid by virtue of this section shall be based on the same considerations as other engineers employed by the department.

The commissioner, 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.

SECTION 3. AMENDMENT. Subsections 1, 2, and 4 of section 57-15-06.3 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The board of county commissioners of any county may prepare a proposed county construction program of farm-to-market and federal-aid roads on the county road system, setting forth a general description of the roads to be constructed, the location of bridges constituting a part of the program, the approximate total mileage, and the priority of construction. After approval of the program by the state department of transportation ~~and the federal highway administration~~, the board may submit the program to the electors of the county with the question of levying a tax not exceeding the limitation in subsection 17 of section 57-15-06.7 for the completion of the program by matching, from the proceeds of the tax, federal funds available for federal-aid, secondary and feeder roads, farm-to-market roads, and all roads as provided for under federal-aid highway acts. If the majority of the electors voting on the question approved the program and levy, the board shall levy a tax not in excess of fifteen mills.

2. If the board of county commissioners determines that a substantial change is necessary in the details of the program of farm-to-market and federal-aid roads previously approved by the electors of the county, the board shall set a date for a public hearing on the proposed amendment to the program. Notice ~~shall~~ must be published in the official newspaper of the county once a week for three consecutive weeks before the date of public hearing. The board, after approval of the amendment by the state department of transportation and the federal highway administration, may officially amend the program. The program, as amended by the board, ~~shall become~~ becomes the official county road program.
4. Any proceeds of a tax levy in excess of the amount needed to match federal funds in any year may be used by the county, at any time the proceeds may become available, for providing paved or any other type of road surfacing on, or for maintenance of, roads included within the county road program for which the tax levy was originally made or for any new project included in an amended program.

Approved March 27, 1991

Filed March 28, 1991

## CHAPTER 290

SENATE BILL NO. 2115  
(Committee on Agriculture)  
(At the request of the Commissioner of Agriculture)

### PLANT PEST CONTROL

AN ACT to create and enact two new subsections to section 24-05-20 of the North Dakota Century Code, relating to grasshopper control and other plant pest control programs in township and county road rights of way; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Two new subsections to section 24-05-20 of the North Dakota Century Code are created and enacted as follows:

The governing body of a township or a county may control, or cause to be controlled, grasshoppers and other plant pests which are infesting vegetation in the road rights of way under their authority. Only pesticides that are labeled for use on forage crops may be used so that the forage may be cut and used for hay. At least three days prior to treatment, the governing body of the township or county shall provide written notice to all of the landowners or tenants, or both, of all land adjacent to the rights of way to be treated. The notice must include the approximate date of treatment, the name of the pesticide that will be used, and any restrictions on the harvest and use of the treated forage. If a landowner or occupant of land adjacent to the road right of way to be treated gives notice opposing the treatment to the governing body of the township or county prior to the treatment date that section of the right of way must be excluded from treatment. The landowner or tenant of the land is responsible for clearly marking or flagging the section of the right of way to be excluded from treatment.

The governing body of a county may enter into agreements with the department of transportation for the purpose of controlling grasshoppers and other plant pests in state highway system rights of way. The governing body of a township may enter into agreements with the governing body of a county for controlling grasshoppers and other plant pests in rights of way of the county road system. The governing body of a county may use the county emergency fund, as provided for in section 57-15-28 to pay for the cost of control in rights of way of the county road system. The county emergency fund may also be used to cost share with townships for control expenses in township rights of way. The electors of an organized township may appropriate funds as provided for in section 57-15-19 for controlling grasshoppers and other plant pests in rights of way controlled by the township.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$115,000, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of participating in the cooperative rangeland grasshopper control program for the period beginning with the effective date of this Act and ending June 30, 1993.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 16, 1991

Filed April 18, 1991

## CHAPTER 291

HOUSE BILL NO. 1381  
(Williams)

### COUNTY ROAD ENCROACHMENT

AN ACT to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to liability for damages for encroachment upon county roads.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-05 of the North Dakota Century Code is created and enacted as follows:

Encroachment upon county roads, ditches, approaches - Liability for damages. A landowner who encroaches upon a county road or its ditches or approaches must be given notice by the board of commissioners for that county that the encroachment has been discovered. If the landowner fails to remedy the encroachment within twenty days after receiving the notice, that landowner is liable to the county for damages resulting from the encroachment. The board of commissioners for that county shall issue to the landowner written notice of the amount of damages determined to be a result of the encroachment. If the landowner fails to pay the county for the damages, the expense of the repair must be charged to the land of the landowner. The expenses charged become a part of the taxes to be levied against the land for the ensuing year and must be collected in the same manner as other real estate taxes are collected, and placed to the credit of the county that incurred the expense of the repair.

Approved April 16, 1991  
Filed April 18, 1991