

CHAPTER 50-17
PUBLIC WORKS - CONTRACTS WITH FEDERAL GOVERNMENT

50-17-01. Governor authorized to enter into agreements with president of United States for unemployment relief purposes.

The governor, in the name and on behalf of the state of North Dakota, may enter into such contracts or agreements with the president of the United States as the president may deem necessary or advisable in carrying out the provisions of the act of the Congress of the United States entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, and any other act of Congress amendatory thereof or supplementary thereto.

50-17-02. State accepts provisions of agreement - Conditions.

The contracts or agreements made by the governor under the provisions of section 50-17-01 may include the conditions and provisions set forth in the following sections and such other conditions or provisions as the governor may deem necessary or advisable to enable this state to secure the benefits to which it may be entitled under any act of the Congress of the United States providing for the relief of unemployment. The state of North Dakota accepts, assents to, and promises to perform such contracts or agreements.

50-17-03. State derives profit - Proceeds divided with federal government.

If, as a result of any conservation work projects on state, county, or municipally owned land, the state derives a direct profit from the sale of any such land or the products thereof, the proceeds must be divided equally between this state and the federal government until the federal government has been repaid the amount of its investment in such work, computed at the rate of one dollar per man per day, with a maximum limitation of three dollars per acre [.40 hectare] of land purchased.

50-17-04. When work may be done on privately owned land.

No work is to be done on privately owned land under the provisions of this chapter except as may be necessary in the public interest for regional or statewide forest protection against fire, insects, and disease or simple flood control measures to arrest gully erosion and flash runoffs at the headwaters of streams.

50-17-05. Work done on private land - Contract with landowner.

When, under the provisions of this chapter, the public interest requires work to be done on privately owned land as provided in section 50-17-04, the state shall assume responsibility for the reasonable protection of work done by the landowner or otherwise and shall agree that if a contract with the landowner is obtained, such contract shall provide that this state reserves the right to remove, at its option and without recompense to the landowner, any structure or other thing of removable value resulting from the work done, including products of trees planted to arrest erosion.

50-17-06. Work done on private land - Duty of landowner.

A landowner, under a contract provided for in section 50-17-05, may be required to protect soil-saving dams and other works and to practice specified cultural methods for the prevention of soil erosion. If the landowner fails to meet these requirements, the conservation commission may cause to be constructed such terraces and other works as will repair the damage done through the landowner's noncompliance with the contract. The cost of such construction must be collected, paid, and accounted for as a special state charge against the land specified as the basis of the original contract and must be paid into the conservation fund and used as a revolving appropriation to carry out the provisions of this section.

50-17-07. Contract with private landowner - Notice to mortgagee and lienholder.

Whenever any contract is entered into by this state or the United States or any agency thereof, with a private landowner, as is provided for in section 50-17-05, the following must be deemed constructive notice of such agreement to any mortgagee or lienholder upon the lands conveyed thereby:

1. Recording of such contract in the office of the recorder of the county in which the land involved is situated;
2. Posting of a copy of the contract in the office of the county auditor of the county in which the land involved is situated; and
3. Mailing a copy of such contract by registered or certified mail to any mortgagee or lienholder of record at that person's address as shown by the record, or, if not so shown, to that person's last-known post-office address. Such copy must be mailed by the recorder of the county where the land is situated within five days after the recording of the instrument.

50-17-08. Notice - Mailing - Notation by recorder prima facie evidence.

At the time of the mailing of the notices of a contract executed under the provisions of section 50-17-07, the recorder shall make a marginal notation giving the name and address of each addressee to whom the same was sent and the date of mailing. Such notation must be prima facie evidence in all courts that the copies were sent by registered or certified mail in accordance with such notation.

50-17-09. Contract for work on private land - Mortgagee must object.

If a mortgagee or lienholder of lands which are covered by a contract executed under the provisions of section 50-17-07 fails to object to such contract by serving a written notice of such objection upon the conservation commission within four weeks after the recorder has mailed the copy of the contract to the mortgagee or lienholder, the mortgagee or lienholder must be deemed conclusively to have assented to such agreement.