

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2164

Introduced by

Senators Wanzek, Heitkamp

Representatives Fairfield, Jacobs, Murphy

1 A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code,  
2 relating to purchases and agreements for the use of road machinery; and to declare an  
3 emergency.

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

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

7 **24-05-04. Contracts to be advertised - Requirements for rental contracts.** All  
8 ~~purchases~~ Any purchase of county road machinery and ~~all any rental contracts~~ contract or  
9 ~~agreements~~ agreement for the use of road machinery and other articles or ~~contracts~~ any  
10 contract ~~for the improvement of the highways~~ highway improvement, except necessary repairs  
11 for ~~such~~ road machinery, which ~~exceed~~ exceeds the sum of ~~fifteen~~ fifty thousand dollars, must  
12 be advertised ~~in the manner~~ as provided by law for the purchase of county supplies. The board  
13 of county commissioners may not enter into a rental contract or agreement for the use of road  
14 machinery and other articles for a longer period than twelve months from the date of ~~such~~ the  
15 rental contract or agree to pay rental for the use of road machinery and other articles which  
16 would result in the lessor receiving rental at a rate in excess of twenty ~~per centum~~ percent per  
17 ~~annum~~ year of the cash sale price ~~thereof~~ of the road machinery or other articles, which cash  
18 sale price of ~~such~~ the road machinery and other articles must be clearly set forth in ~~all such~~ any  
19 rental ~~contracts~~ contract for road machinery and other articles, and failure to include ~~such~~ this  
20 data in any rental contract for the use of road machinery and other articles renders ~~any such~~  
21 the rental contract ~~null and~~ void, and any payments made ~~thereunder~~ under the rental contract  
22 are recoverable from the county commissioners making ~~such~~ the contract, jointly and severally.  
23 Notwithstanding the provisions of this section relating to the duration of rental contracts, the  
24 board of county commissioners may enter into lease-purchase agreements under which the

1 annual payments by the county do not exceed twenty thousand dollars for the road machinery  
2 and articles covered by this section, if those agreements provide for the complete performance  
3 and full payment of the purchase price of the machinery or articles within five years from the  
4 date of the execution of the lease-purchase agreement according to ~~the provisions of~~ section  
5 44-08-01.1.

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