

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1185

Introduced by

Representatives Vigesaa, Steiner, Kilichowski

Senators Wardner, Laffen

1 A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota
2 Century Code, relating to advertisement of road construction contracts; and to amend and
3 reenact section 24-05-04 of the North Dakota Century Code, relating to advertising contracts for
4 road construction and equipment.

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

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

8 **Contracts to be advertised - Road construction.**

9 A contract for highway improvement that exceeds one hundred thousand dollars must be
10 advertised as provided by sections 11-11-26 and 11-11-27. For any contract for highway
11 improvement which exceeds fifty thousand dollars but does not exceed one hundred thousand
12 dollars, the county, when possible, shall seek quotes from at least two contractors.

13 **SECTION 2. AMENDMENT.** Section 24-05-04 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **24-05-04. Contracts to be advertised - Requirements for rental contracts.**

16 Any purchase of county road machinery and any rental contract or agreement for the use of
17 road machinery and other articles ~~or any contract for highway improvement~~, except necessary
18 repairs for road machinery, which exceeds the sum of fifty thousand dollars must be advertised
19 as provided by law for the purchase of county supplies. The board of county commissioners
20 may not enter into a rental contract or agreement for the use of road machinery and other
21 articles for a longer period than twelve months from the date of the rental contract or agree to
22 pay rental for the use of road machinery and other articles which would result in the lessor
23 receiving rental at a rate in excess of twenty percent per year of the cash sale price of the road
24 machinery or other articles, which cash sale price of the road machinery and other articles must

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1 be clearly set forth in any rental contract for road machinery and other articles, and failure to
2 include this data in any rental contract for the use of road machinery and other articles renders
3 the rental contract void, and any payments made under the rental contract are recoverable from
4 the county commissioners making the contract, jointly and severally. Notwithstanding the
5 provisions of this section relating to the duration of rental contracts, the board of county
6 commissioners may enter into lease-purchase agreements under which the annual payments
7 by the county do not exceed twenty thousand dollars for the road machinery and articles
8 covered by this section, if those agreements provide for the complete performance and full
9 payment of the purchase price of the machinery or articles within five years from the date of the
10 execution of the lease-purchase agreement according to section 44-08-01.1.