

HIGHWAYS

CHAPTER 187

H. B. No. 578
(Power, Leet and Renfrow)

DEFINITION OF HIGHWAY COMMISSIONER

AN ACT

To amend and reenact subsection 7 of section 24-A0102 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to a definition of "commissioner" as used in title 24.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 7 of section 24-A0102 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

7. "Commissioner" shall mean the commissioner of the state highway department acting directly or through his authorized agents.

Approved March 14, 1957.

CHAPTER 188

H. B. No. 656
(Lynch)
(By request of)
(County Commissioners Association)

SECONDARY HIGHWAY SYSTEM

AN ACT

To amend and reenact section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943, as amended relating to the designation of a secondary highway system.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 24-0105 of the 1953 Supplement to the North Dakota Revised Code of 1943 as amended by chapter 177 of the North Dakota Session Laws of 1955 is hereby amended and reenacted to read as follows:

24-0105. Designation Of Secondary System: Removal From Primary Highway System.) The state highway commissioner may designate, from time to time, a secondary highway system not exceeding eighteen thousand five hundred miles in length on which all secondary or feeder road funds shall be expended as may be provided by such appropriations. In designating such system, he may transfer from the primary state highway system those parts which are low in standard of improvement and traffic service and which will be released from maintenance agreement or agreements with the federal government. No mileage on the state highway system shall be placed on the feeder road system without the consent of the board of county commissioners of the county in which the road lies. The commissioner may also enter into an agreement with the board of county commissioners of any county providing for the transfer of highways from the state highway system to the county road system of such county.

Approved March 20, 1957.

CHAPTER 189

S. B. No. 116

(Knudson at request of State Highway Department)

CONDEMNATION APPEAL

AN ACT

To provide for a manner of appeal to determine the damages when private property is taken for right of way and to amend section 24-0127 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to platting of right of way.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Within thirty days after notice has been given in writing to the land owner by the clerk of the district court that a deposit has been made for a taking of right of way as authorized by section fourteen of the Constitution, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the acquiring agency, and the matter shall be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15 of the North Dakota Revised Code of 1943 as amended.

§ 2. **Amendment.**) Section 24-0127 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0127. Survey; Plat; Damages From Survey.) Whenever the commissioner shall determine by order that public exigency requires the taking of land or materials as provided in section 24-0118, he shall cause the same to be surveyed and described, and a plat thereof approved by the county auditor and the said description shall be recorded in the office of the register of deeds of the county wherein the same is located. When such plat has been approved and recorded, any description of the property in accordance with the parcel or lot number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described. No such plat or description shall bear the name or number which has been applied to any plat or description previously made and recorded. The commissioner, or his duly authorized agents, may enter upon any land for the purpose of making surveys, examinations, or tests. In case of any damages to said premises the commissioner forthwith shall pay to the owner of said premises the amount of such damages.

Approved March 15, 1957.

CHAPTER 190

H. B. No. 749
(Baldwin)

HIGHWAY COMMISSIONER

AN ACT

To amend and reenact section 24-0202 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the appointment, term, removal, oath, bond, and salary of the highway commissioner.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 24-0202 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0202. State Highway Commissioner; Appoint; Term; Removal; Oath; Bond; Salary.) A state highway commissioner shall be appointed by the governor and shall serve at the

pleasure of the governor. Such commissioner, upon appointment, shall take and file the oath prescribed by law for state officers, and shall be bonded in the state bonding fund, in the sum of twenty-five thousand dollars.

The commissioner shall receive a salary in such sum as shall be determined by the governor but not to exceed the sum appropriated. He also shall receive his expenses actually and necessarily incurred in the performance of the duties of his office.

Approved March 19, 1957.

CHAPTER 191

S. B. No. 212
(Hernett)

STATE HIGHWAY FUND AND EXPENDITURES

AN ACT

To amend and reenact section 24-0237 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to the creation of a state highway fund and expenditures therefrom.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 24-0237 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0237. State Highway Fund; How Expended.) The state highway fund, created by law and not otherwise appropriated and allocated, shall be applied and used for the purposes herein named and in the following order of priority:

1. The estimated annual cost of maintaining and keeping in repair all improved parts of the state highway system, constructed and improved in part with federal aid, and to be maintained in accordance with the requirements upon which federal aid was granted.
2. The cost of construction and reconstruction of highways in an amount equal to the state's share of the amount necessary to equal the sum of federal aid granted to this state annually by the United States government for road purposes in North Dakota; and

3. Any portion of the highway fund not allocated as provided in subsection 1 and 2 may be expended for the construction of state highways without federal aid but with county aid to the extent of not less than twenty-five percent of the cost of the project, or may be expended in the purchase of machinery, tools, supplies, materials, the hire of teams or labor, or the rental of machinery, in the construction, improvement, or maintenance of such state highways.

All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, shall be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for moneys expended by the department upon warrants issued by the state auditor under the provisions of this title shall be paid out of the state highway fund by the state treasurer; provided however that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.

Approved March 13, 1957.

CHAPTER 192

S. B. No. 149

(Trenbeath, Berube, Baeverstad, and Dewing)

CUSTOMS RIGHTS OF WAY

AN ACT

Authorizing the highway commissioner to acquire rights of way and lands for use as custom and immigration points of entry and authorizing the governor to convey building sites to the United States of America.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Whenever the state highway commissioner shall find that it will facilitate travel and promote public convenience or that it will avoid the need for additional road building, he may procure rights of way and other interests in land adjacent to established public highways for the location of custom and immigration buildings to be erected by the federal government. The highway commissioner is hereby vested with like

power in the acquisition of such lands as he may have in acquiring rights of way and land for highway purposes.

§ 2.) When the federal government shall have requested title to any lands acquired by the highway commissioner under the provisions of this Act and the highway commissioner shall certify that the establishment of custom and immigration points of entry thereon will facilitate travel and promote public convenience or will avoid the need for additional road building, the governor is authorized to convey to the United States of America such sites as may be required for the location of such buildings and accessory facilities including means of access thereto.

Approved March 2, 1957.

CHAPTER 193

H. B. No. 560
(Baldwin and Bye)

HIGHWAY DEPARTMENT ENGINEERING SCHOLARSHIPS

AN ACT

To provide for engineering scholarships to be established by the state highway commissioner for students attending the university of North Dakota at Grand Forks and the North Dakota agricultural college at Fargo and to provide for employment contracts for such students after graduation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Engineering Scholarships Established.**) The state highway commissioner is hereby authorized to establish not to exceed twelve engineering scholarships, each in the amount of six hundred dollars per year, to be paid out of highway operating funds. Not more than two students will be chosen each year by the commissioner, cooperating with the dean of the college of engineering at the university of North Dakota, to enroll in the school of civil engineering of said university and likewise not more than two students will be chosen each year by the commissioner, cooperating with the dean of the college of engineering at the North Dakota agricultural college, to enroll in the school of civil engineering of said agricultural college. Such students so chosen shall have completed at least one year of college in the course of civil engineering and shall

be eligible to receive the scholarships as herein set forth as long as they remain qualified students in civil engineering at either of said institutions.

During the period in which these scholarships are effective each of said students shall receive out of North Dakota state highway department operating funds, the sum of two hundred dollars at the beginning of each quarter or the sum of three hundred dollars at the beginning of each semester, but not to exceed the sum of six hundred dollars per school year.

§ 2. Contract Of Employment Or Repayment A Prerequisite.) Before any student shall receive the benefits authorized by this Act he shall enter into a contract with the North Dakota state highway department, which shall provide that such student shall upon graduation accept employment with the North Dakota state highway department for a period of time at least equal to the time he received scholarship benefits, the salary to be in the amount equalling current salaries paid to civil engineering graduates. In the event such student shall be inducted into the armed forces before graduation, such education may then be completed upon his 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 in civil engineering, or fails to accept employment with the North Dakota state highway department as above provided, such student shall repay the North Dakota state highway department, with interest at the rate of 3% per annum, all sums received by him in scholarship benefits under the contract herein provided, such repayment to be made within a period equal to the time he received such benefits. For the purpose of this Act 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 by virtue of this Act shall be based on the same considerations as other engineers employed by the state highway department.

Approved March 12, 1957.

CHAPTER 194

H. B. No. 655

(Lynch)

(By request of the)

(County Commissioners Association)

COUNTY ROAD SYSTEM

AN ACT

To amend and reenact section 24-0516 of the 1953 Supplement to the North Dakota Revised Code of 1943, relating to the designation of a county road system.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 24-0516 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

24-0516. County Road System: Designation.) The county road system shall not exceed twenty-two thousand five hundred miles. This system shall remain substantially unchanged until such system has been improved.

The county road system shall be the roads designated and selected by the boards of county commissioners, with the approval of the state highway commissioner. Any changes of the original designation which can be justified and based on new developments shall be initiated by the board of county commissioners and shall require the approval of the state highway commissioner. In designating and selecting roads on the county road system, the state highway commissioner and the boards of county commissioners of the several counties shall take into account such factors as the actual or potential traffic volumes, the conservation and development of the county's natural resources, the general economy of the communities, and the desirability of integrating such county roads into the general scheme of statewide network of county roads.

The original designation and selection of twenty-two thousand five hundred miles of the county road system as hereinabove provided shall be allocated as near as possible to the several counties of the state in the following proportions:

County	Percent of Total 22,500
Adams	1.34
Barnes	2.56

Benson	1.97
Billings	0.62
Bottineau	2.55
Bowman	1.42
Burke	1.39
Burleigh	2.98
Cass	3.21
Cavalier	2.12
Dickey	1.96
Divide	1.94
Dunn	1.98
Eddy	1.03
Emmons	2.19
Foster	1.05
Golden Valley	0.80
Grand Forks	2.25
Grant	1.94
Griggs	1.09
Hettinger	1.63
Kidder	2.39
LaMoure	1.77
Logan	1.26
McHenry	2.84
McIntosh	1.65
McKenzie	1.64
McLean	3.22
Mercer	1.74
Morton	2.98
Mountrail	1.95
Nelson	1.37
Oliver	1.31
Pembina	1.46
Pierce	1.58
Ramsey	1.64
Ransom	1.81
Renville	1.37
Richland	2.39
Rolette	1.29
Sargent	1.45
Sheridan	1.71
Sioux	0.74
Slope	1.41
Stark	1.83
Steele	1.30
Stutsman	3.63
Towner	1.70
Traill	1.66
Walsh	2.08
Ward	3.29

Wells	1.93
Williams	3.59
	100.00
Total	100.00

When, in the opinion of the board of county commissioners and the highway commissioner, the finances of the county permit, the county road system of such county may be extended beyond the limits herein fixed.

Approved March 12, 1957.

CHAPTER 195

S. B. No. 166

(Foss, Freed and Kieley)

RELOCATION OF UTILITY FACILITIES

AN ACT

To provide for the payment by the state highway commissioner of costs incurred by utilities in changing, removing or relocating utility facilities in connection with interstate and defense highway projects in which the Federal Government shares such cost.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Whenever the state highway commissioner shall determine and order that any utility facility which now is, or hereafter may be, located in, over, along, or under the national system of interstate and defense highways, or urban extension thereof, qualifying for federal aid should be changed, removed or relocated to accommodate the construction of a project on the national system of interstate and defense highways, including extensions thereof within urban areas, the utility owning or operating such facility shall change, relocate or remove the same in accordance with the order of the state highway commissioner; provided that the costs of the change, relocation or removal, including the costs of installing such facilities in a new location, shall be ascertained and paid by the state out of state highway funds as part of the cost of such federally aided project, unless such payment would violate a legal contract between the utility and the state.

§ 2.) The term "utility" shall include all cooperatively, municipally, publicly or privately owned utilities, for supplying water, sewer, light, gas, power, telegraph, telephone, transit, pipe line, or like service to the public or any part thereof.

§ 3.) "Cost of change, relocation or removal" shall include the entire cost incurred by such utility properly attributable to such change, relocation or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.

§ 4.) Nothing herein contained shall be construed to affect in any way the right of any utility to receive just compensation for the expense of changing, removing or relocating its facilities located in a private right of way.

§ 5.) This Act is and shall be construed to be cumulative, independent legislation and complete in itself. All Acts heretofore enacted are repealed insofar as they are inconsistent with the provisions of this Act.

Approved March 23, 1957.