

# HIGHWAYS, BRIDGES, AND FERRIES

## CHAPTER 266

SENATE BILL NO. 2082  
(Lips, Morgan, Sanstead)  
(From Legislative Council Study)

### HIGHWAY ACTION IN NATIONAL DEFENSE EMERGENCY

AN ACT to create and enact sections 24-02-03.1, 24-02-03.2, and 54-07-01.1 of the North Dakota Century Code, relating to the authority of the highway commissioner in matters of national defense and damages to public roads, and emergency powers of the governor; and to repeal chapter 24-13 of the North Dakota Century Code, relating to the highway traffic advisory committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1.) Section 24-02-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-02-03.1. COOPERATION OF HIGHWAY COMMISSIONER IN MATTERS OF NATIONAL DEFENSE.) In order to facilitate national defense, the state highway commissioner is hereby authorized to cooperate with the appropriate federal agency, when requested by it, in:

1. Making of surveys, plans, specifications, and estimates for, and in the construction and maintenance of, flight strips and of roads and bridges necessary to provide access to military and naval reservations, defense industries, defense-industry sites, and sources of raw materials.
2. Acquiring of land necessary for the construction of such flight strips and roads and bridges by purchase or condemnation in the manner provided by law for the purchase or condemnation of land required for state highway construction.
3. Replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites.
4. Entering into contracts in any manner approved by the appropriate federal agency for the construction of any such flight strips or roads.
5. Performing such construction and maintenance work by force account, whether paid for in whole by federal

funds or in part by federal funds and in part by funds provided by the state or any of its subdivisions.

Provided, that no cooperative venture shall be entered into when any funds appropriated by the legislative assembly for highway purposes are to be expended thereby, unless such expended funds are to be reimbursed from federal sources.

SECTION 2.) Section 24-02-03.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

24-02-03.2. COMMISSIONER MAY PROTECT ROADS FROM DAMAGE AND NEGOTIATE SETTLEMENT FOR DAMAGES.) Whenever federally financed construction or maintenance activities are likely to affect any public road within this state, the commissioner is hereby authorized to take such action as may be necessary to protect such public road from any damages that may be caused, and to negotiate with any contractor or any officer or agency of the federal government for the repair of damage or extraordinary maintenance that may be required on such public road. If the public road affected is under the jurisdiction of any county, city, or township, the commissioner shall obtain the concurrence of the appropriate governing board of such county, city, or township before any agreement is entered into or any other action is taken with respect to such public road.

SECTION 3.) Section 54-07-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-07-01.1. EMERGENCY POWERS OF THE GOVERNOR.) In emergencies in support of national defense, the governor may cooperate with any officer or agency of the United States in the transportation of persons or property and the conservation and utilization of vital transportation equipment, materials, and supplies, and when requested by such officer or agency, may issue executive orders related thereto which will:

1. Suspend or modify the enforcement of any statute, ordinance, or regulation relating to the operation of motor vehicles upon the highways and streets of the state where it appears that the enforcement of such statute, ordinance, or regulation would impede or interfere with the national defense.
2. Prescribe maximum rates of speed at which any motor vehicle may be operated on any highway or street in the state.
3. Prescribe the sizes and load weights of motor vehicles which may be operated on any highway or street in the state.
4. Suspend the enforcement of any statute, ordinance,

or regulation that requires any motor vehicle, bus, or housetrailer to which a valid and unexpired permit or license has been issued by another state, to obtain a permit or license from this state.

5. Prescribe reasonable regulations for the conservation and utilization of the highways and streets, and of vital transportation equipment, and materials and supplies used in connection therewith.
6. Amend, revoke, or suspend any such executive order or regulation.

The governor shall report to the legislative assembly at its next session any proceedings taken by him pursuant to this section. Such report shall include copies of all executive orders or regulations promulgated by him.

SECTION 4. REPEAL.) Chapter 24-13 of the North Dakota Century Code is hereby repealed.

Approved February 19, 1971

## CHAPTER 267

HOUSE BILL NO. 1264  
(Boustead, Mushik)

HIGHWAY DEPARTMENT BUILDING  
COST LIMITATION

AN ACT to amend and reenact section 24-02-39 of the North Dakota Century Code, relating to a limitation on building cost incurred by the state highway department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-02-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-39. HIGHWAY DEPARTMENT - BUILDING LIMITATION.)  
The state highway department shall not construct or cause to be constructed any building costing in excess of twenty thousand dollars unless the department has received a specific appropriation from the legislative assembly for such purpose.

Approved February 26, 1971

## CHAPTER 268

SENATE BILL NO. 2229  
(Holand)

## HIGHWAY DEPARTMENT SCHOLARSHIPS

AN ACT to amend and reenact section 24-02-42 of the North Dakota Century Code, relating to scholarships awarded by the state highway department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-02-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-42. ENGINEERING AND TECHNICIAN SCHOLARSHIPS AUTHORIZED.) The state highway commissioner is hereby authorized to establish not over sixteen continuing scholarships for study in civil engineering, and other technological fields in which normal recruiting practices fail to supply adequate numbers of qualified persons 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 in any year exceeding eight hundred dollars nor a total exceeding twenty-four hundred dollars and an executed contract of employment shall be a prerequisite. Before any student shall receive the benefits authorized by this section he shall enter into a contract with the North Dakota state highway department, which shall provide that such student shall upon completion of such study accept employment with the North Dakota state highway department for a period of time at least equal to the time he received scholarship benefits. In the event such student shall be inducted into the armed forces before completion of such study, 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 completion of such study 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 complete such study and 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 three

percent 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 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 by virtue of this section shall be based on the same considerations as other employees of the state highway 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.

Approved March 19, 1971

## CHAPTER 269

HOUSE BILL NO. 1293  
(Dornacker)

RENTING OR PURCHASING  
COUNTY ROAD MACHINERY

AN ACT to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to the advertisement of bids by counties for the purchase and rental of heavy equipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-05-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-05-04. CONTRACTS TO BE ADVERTISED - REQUIREMENTS FOR RENTAL CONTRACTS.) All purchases of county road machinery and all rental contracts or agreements for the use of road machinery and other articles or contracts for the improvement of the highways, except necessary repairs for such road machinery, which shall exceed the sum of two thousand five hundred dollars, shall be advertised in the manner provided by law for the purchase of county supplies. The board of county commissioners shall not enter into a rental contract or agreement for the use of road machinery and other articles for a longer period than twelve months from the date of such rental contract or agree to pay rental for the use of road machinery and other articles which would result in the lessor receiving rental at a rate in excess of twenty per centum per annum of the cash sale price thereof, which cash sale price of such road machinery and other articles shall be clearly set forth in all such rental contracts, and failure to include such data in any rental contract for the use of road machinery and other articles shall render any such rental contract null and void, and any payments made thereunder shall be recoverable from the county commissioners making such contract jointly and severally.

Approved March 24, 1971

## CHAPTER 270

HOUSE BILL NO. 1132  
(Gackle, Stoltenow)

## COUNTY BRIDGES

AN ACT to amend and reenact sections 24-08-01 and 24-08-03 of the North Dakota Century Code, relating to the building, repair, and rebuilding of county bridges.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 24-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-01. CONSTRUCTION OF BRIDGES BY BOARD OF COUNTY COMMISSIONERS - PETITION - BIDS - REJECTION.) Whenever a majority of the freeholders of a civil township, or a majority of the freeholders living within a radius of three miles of the proposed location, shall petition the board of county commissioners for a bridge at a specified location within such township, or within any incorporated city, if the cost of such bridge shall exceed the sum of one hundred dollars, the board of county commissioners shall view and investigate the necessity of such proposed bridge. If the board approves the petition, it shall proceed to advertise in the official paper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of such bridge, to be submitted to it at the next regular or special meeting, at which the board shall proceed to examine all proposals or bids for the building of such bridge. The board shall award the contract to the lowest responsible bidder, requiring such bidder to give a bond in a sum not less than the amount stipulated in the bid or contract, conditioned for the faithful compliance with the terms of such bid, or contract, such bond to be approved by the board and filed in the office of the county auditor but the board may reject all bids. If all bids are rejected, the board shall readvertise as provided herein. Provided, however, that in any case where the amount of the lowest responsible bid is less than fifteen thousand dollars, the board shall have the authority to refuse all bids received, and to proceed to construct such bridge under its own supervision, and in the manner deemed by it most expedient, and to enter into contracts for the labor or material to be used in the construction of the same.



SECTION 2. AMENDMENT.) Section 24-08-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. SUPERVISION AND REPAIRS OF BRIDGE - LIMIT OF COUNTY LIABILITY FOR NEGLIGENCE.) Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of fifteen thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract in the manner provided by section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by delay the county commissioners may proceed to contract for the rebuilding or repair of such bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be deemed unsafe for public use by the said board of commissioners, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties set out above, but the maximum recovery from the county on such suit or suits shall not exceed the sum of fifteen thousand dollars for each accident or occurrence caused by any negligent failure to inspect and repair.

Approved March 29, 1971