

Fifty-fifth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Monday, the sixth day of January, one thousand nine hundred and ninety-seven

SENATE BILL NO. 2164
(Senators Wanzek, Heitkamp)
(Representatives Fairfield, Jacobs, Murphy)

AN ACT to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to purchases and agreements for the use of road machinery; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

24-05-04. Contracts to be advertised - Requirements for rental contracts. ~~All purchases~~ Any purchase of county road machinery and ~~all any rental contracts contract or agreements agreement~~ for the use of road machinery and other articles or contracts any contract for the improvement of the highways highway improvement, except necessary repairs for ~~such~~ such road machinery, which ~~exceed~~ exceeds the sum of ~~fifteen fifty~~ fifty thousand dollars; must be advertised ~~in the manner as~~ as provided by law for the purchase of county supplies. The board of county commissioners may 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 the~~ such the 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 percent~~ percent per ~~annum~~ year of the cash sale price ~~thereof~~ of the road machinery or other articles, which cash sale price of ~~such the~~ such the road machinery and other articles must be clearly set forth in ~~all such~~ any rental contracts contract for road machinery and other articles, and failure to include ~~such this~~ such this data in any rental contract for the use of road machinery and other articles renders ~~any such the~~ any such the rental contract ~~null and~~ void, and any payments made ~~thereunder~~ under the rental contract are recoverable from the county commissioners making ~~such the~~ such the contract, jointly and severally. Notwithstanding the provisions of this section relating to the duration of rental contracts, the board of county commissioners may enter into lease-purchase agreements under which the annual payments by the county do not exceed twenty thousand dollars for the road machinery and articles covered by this section, if those agreements provide for the complete performance and full payment of the purchase price of the machinery or articles within five years from the date of the execution of the lease-purchase agreement according to ~~the provisions of~~ section 44-08-01.1.

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

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2164 and that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 44 Nays 3 Absent 2

President of the Senate

Secretary of the Senate

This certifies that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 75 Nays 20 Absent 2

Speaker of the House

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at ___ o'clock _____ M.

Secretary of State