

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 235

HOUSE BILL NO. 1281

(Representatives Aarsvold, Rennerfeldt, Torgerson)
(Senators Lips, Robinson, Urlacher)

VACATING LAND ACQUIRED FOR HIGHWAY PURPOSES

AN ACT to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating land taken or acquired for highway purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-01-28 of the North Dakota Century Code is amended and reenacted as follows:

24-01-28. Vacating highways by director - Sale of property. The director may vacate any land or part thereof, or rights in land taken or acquired for highway purposes under the provisions of this title, by executing and recording a deed thereof, and ~~said~~ the vacation reverts the title to the land or rights in the persons, their heirs, successors, or assigns, in whom it was vested at the time of the taking. As oil, gas, and fluid minerals are not a part of and essential for highway purposes, all such rights heretofore taken, if any, are hereby vacated and returned to the person or persons in whom the title was vested at the time of taking, their heirs, administrators, executors, or assigns. Such reconveyance is subject to any existing contracts or agreements covering ~~such~~ the property, and all rights and benefits thereof accrue to the grantee. The governor, on recommendation of the director, may sell and convey on behalf of the state the interests of the state in property acquired by purchase under this title and deemed no longer necessary for the purposes thereof, and the proceeds of ~~such~~ the sale so far as practicable must be credited to the funds from which ~~such~~ the purchase was made originally. With the consent of the persons, their heirs, successors, or assigns in whom the title or rights to the land were vested at the time of the purchase or acquisition, the director may vacate land acquired by purchase under this title which is deemed no longer necessary for highway purposes and which the director has determined that the cost of the sale exceeds the estimated value of the property, by executing and recording a deed thereof, and the vacation reverts the title to the land or rights in those persons, their heirs, successors, or assigns.

Approved March 13, 1997
Filed March 13, 1997

CHAPTER 236**HOUSE BILL NO. 1177**

(Representatives Nichols, Skarphol, DeKrey)
(Senators Kinnoin, O'Connell, Solberg)

**NO-MOW AREAS TRANSFERRED TO INTERSTATE
HIGHWAYS**

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to no-mow agreements by the department of transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

No-mow transfer to interstate highways. The department, in consultation with the game and fish department, shall negotiate with the United States fish and wildlife service and any other appropriate federal agency for the purposes of substituting the no-mow acres contained in the rights of way of United States highway 2 and United States highway 83 to the rights of way of interstate highway 94 or interstate highway 29, or both.

Approved March 19, 1997
Filed March 19, 1997

CHAPTER 237**HOUSE BILL NO. 1122**

(Representative Soukup)

(At the request of the Department of Transportation)

**DEPARTMENT OF TRANSPORTATION RECORDS
ACCESS**

AN ACT to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to access to the records of the department of transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-11. Records of department open to public - Certain records not open to public - Certified copies.

1. The director is custodian of, and shall preserve, the files and records of the department. The files and records of the department must be open to public inspection under reasonable regulations. However, records relating to the financial condition of any party ~~that has~~ are not open to public inspection if that party:
 - a. Has applied for prequalification as a bidder; ~~is;~~
 - b. Is designated as a prequalified bidder pursuant to this chapter; ~~or~~ ~~is;~~
 - c. Is an applicant under the disadvantaged business enterprise program ~~are not open to public inspection;~~
 - d. Makes a submission in furtherance of being selected as a consultant;
 - e. Is selected as a consultant; or
 - f. Is subject to audit by the department.
2. Copies of files and records of the department, when certified by the director as being true copies, must be received in evidence in any court in the state with the same force and effect as the originals.
3. The books of account of the department must be kept accurately and completely as must be prescribed or approved by the state auditor, which must show among other things the following facts:
 - a. The cost of maintaining the department, including the salaries and expenses of the individual members thereof.

- ~~2.~~ b. The amounts of money expended for the construction or maintenance of the state highways, when and where, and upon what job or portion of the road expended, so that the cost per mile [1.61 kilometers] of ~~such~~ the construction or maintenance can be ascertained with ease.
- ~~3.~~ c. The amount of road equipment and materials purchased and when and where and from whom purchased. ~~Such~~ The book also must show the price paid for each item. The original invoice or a photographic copy thereof must form a part of the permanent files and records in ~~said~~ the department.
- ~~4.~~ d. The director shall charge a uniform fee, by type of record.

Approved March 23, 1997

Filed March 24, 1997

CHAPTER 238**SENATE BILL NO. 2164**

(Senators Wanzek, Heitkamp)
(Representatives Fairfield, Jacobs, Murphy)

ROAD MACHINERY CONTRACTS

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~~ road machinery, which ~~exceed~~ exceeds the sum of ~~fifteen~~ fifty thousand dollars; must be advertised ~~in the manner~~ 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~~ 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~~ twenty percent per annum year of the cash sale price ~~thereof~~ of the road machinery or other articles, which cash sale price of ~~such the~~ 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 data in any rental contract for the use of road machinery and other articles renders ~~any such the~~ the rental contract ~~null and~~ void, and any payments made ~~thereunder~~ under the rental contract are recoverable from the county commissioners making ~~such the~~ 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.

Approved March 7, 1997
Filed March 10, 1997

CHAPTER 239**SENATE BILL NO. 2333**

(Senator Christmann)
(Representative Renner)

ROAD OBSTRUCTION REMOVAL

AN ACT to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to obstructions on a county or township road right of way.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

County and township road rights of way - Removal of obstructions. The governing body having authority over the right of way of a county or township road may develop and implement rules governing the disposal of any stored hay or other obstruction placed on the right of way.

Approved April 2, 1997
Filed April 3, 1997

CHAPTER 240

SENATE BILL NO. 2372

(Senators O'Connell, Andrist, Traynor)
(Representatives Gerntholz, Martin, Nicholas)

SECTION LINES AS PUBLIC ROADS

AN ACT to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-07-03 of the North Dakota Century Code is amended and reenacted as follows:

24-07-03. Section lines considered public roads open for public roads travel - Closing same under certain conditions. In all townships in this state, outside the limits of incorporated cities, and outside platted townsites, additions, or subdivisions recorded pursuant to sections 40-50.1-01 through 40-50.1-17 or recorded prior to July 1, 1987, under former chapter 40-50, the congressional section lines are considered public roads open for public roads travel, ~~open travel~~ to the width of thirty-three feet [10.06 meters] on each side of ~~such~~ the section lines.

The board of county commissioners, if petitioned by a person having an interest in the adjoining land or a portion thereof; ~~is authorized~~, after public hearing and a finding by the commissioners of public benefit, ~~to may~~ close section ~~line roads~~ lines or portions thereof which are not used for ten years, are not traveled due to natural obstacles or difficulty of terrain, are not required due to readily accessible alternate routes of travel, or are intersected by interstate highways causing ~~such~~ the section line ~~road~~ to be a dead end, providing the closing of ~~such~~ the dead end section line ~~road~~ does not deprive adjacent ~~landowner~~ landowners access to ~~his~~ the landowners' property. After ~~such~~ the section line ~~roads~~ lines are closed, they may be ~~leveled and farmed by~~ used to the benefit of the adjacent landowners ~~or tenants,~~ only if the leveling or farming does not disturb, remove, or destroy any. ~~However,~~ However, if monuments may not be disturbed, removed, or destroyed. If drainage is interfered with due to the farming operations, alternate means of drainage must be provided for by the landowners or tenants farming ~~such~~ the lands.

Approved April 10, 1997
Filed April 10, 1997