

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 222

SENATE BILL NO. 2268

(Senators Patten, Bekkedahl, Wardner)
(Representatives Kempenich, Lefor, Zubke)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to a corridors of commerce program and fund.

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:

Corridors of commerce program - Corridors of commerce fund.

1. The department shall administer a corridors of commerce program for constructing, reconstructing, improving, and maintaining highways that improve freight transportation and facilitate commerce.
2. The corridors of commerce fund is a special fund in the state treasury administered by the department. The fund consists of all money deposited in the fund. Pursuant to legislative appropriations, the department shall use moneys in the fund for eligible highway projects in accordance with provisions of this section.
3. To be eligible for funding under this section:
 - a. Any construction work associated with the project must begin within three years after the department selects the project for funding, unless the department grants an exemption; and
 - b. The highway project must meet at least one of the following criteria:
 - (1) The project is a segment of highway with the following characteristics:
 - (a) The existing segment is not a divided highway;
 - (b) At least one end of the segment connects to an expressway or freeway; and
 - (c) The segment will connect to a proposed or existing interchange;
 - (2) The project will ease the movement of freight traffic;
 - (3) The project will improve safety on the highway;

-
- (4) The project will allow oversized or overweight vehicles to use the highway after completion;
 - (5) The project will provide increased connectivity between areas of significant commerce; or
 - (6) The highway is or will be designated as national high priority corridor of connectivity.
4. When evaluating eligible projects for funding under this section, the department shall score each eligible project, make the scores available to the public, and consider:
 - a. The return on investment;
 - b. Measurable improvements in commerce and economic competitiveness;
 - c. Efficiency in traffic flow based on average daily traffic counts, commercial vehicle miles traveled, and travel times;
 - d. Safety improvements;
 - e. Connections to regional trade centers or other modes of transportation; and
 - f. Community support for the project.
 5. The funding provided to an eligible highway project may be used to plan, construct, replace, improve, or maintain the highway.

Approved April 11, 2019

Filed April 12, 2019

CHAPTER 223

HOUSE BILL NO. 1404

(Representatives Lefor, Simons, Steiner)
(Senators Bekkedahl, Rust, Wardner)

AN ACT create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating state highway 22 as the veterans memorial highway; and to provide a continuing appropriation.

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:

Veterans memorial highway - State highway 22 - Continuing appropriation.

The department shall designate state highway 22 from the South Dakota border to the junction of state highway 22 and state highway 23 as the veterans memorial highway and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating state highway 22 as the veterans memorial highway.

Approved March 12, 2019

Filed March 13, 2019

CHAPTER 224

HOUSE BILL NO. 1432

(Representatives Richter, Dockter, Kempenich, Longmuir, Zubke)
(Senators Bekkedahl, Kannianen, Patten)

AN ACT to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to purchasing road machinery.

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 - Road construction - Requirements for rental contracts.

1. If a contract for a highway improvement exceeds one hundred thousand dollars, the board of county commissioners shall seek bids by publishing an advertisement at least once each week for two consecutive weeks in the official newspaper of the county and in other newspapers as the board deems advisable. The first publication must be made at least fifteen days before the day set for the opening of the bids. For any contract for a highway improvement that exceeds fifty thousand dollars but does not exceed one hundred thousand dollars, the county, when possible, shall seek quotes from at least two contractors.
2. ~~A~~Except as provided in section 54-44.4-13, a purchase of county road machinery and any rental contract or agreement for the use of road machinery and other articles, except necessary repairs for road machinery, which exceeds the sum of ~~fiftyone~~ hundred thousand dollars must be advertised by publishing an advertisement for bids at least once each week for two consecutive weeks in the official newspaper of the county and in any other newspapers as the board deems advisable. The first publication must be made at least fifteen days before the day set for the opening of the bids. The board of county commissioners may not enter 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 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 percent per year of the cash sale price of the road machinery or other articles. The cash sale price of the road machinery and other articles must be clearly set forth in any rental contract for road machinery and other articles and failure to include this data in any rental contract for the use of road machinery and other articles renders the rental contract void. A payment made under a void rental contract is recoverable from the county commissioners making the contract, jointly and severally.
3. Notwithstanding the provisions of this section relating to the duration of rental contracts, the board of county commissioners may enter lease-purchase agreements 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 seven years from the

date of the execution of the lease-purchase agreement according to section 44-08-01.1.

4. Notwithstanding the provisions of this section relating to bidding of road machinery, the board of county commissioners or its designee may purchase used road machinery at public auction or as surplus property from the office of management and budget.
5. Bids received under this section must be opened and awarded under the procedure provided in section 48-01.2-07.

Approved April 10, 2019

Filed April 11, 2019