

FIRST ENGROSSMENT

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2324

Introduced by

Senators Wanzek, Conley

Representatives Ostlie, Pollert, Satrom

1 A BILL for an Act to amend and reenact ~~section~~subsection 5 of section 11-11-14 and sections
2 24-03-08 and 24-08-01 of the North Dakota Century Code, relating to authority of boards of
3 county commissioners and installation of bridges and culverts.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 5 of section 11-11-14 of the North Dakota Century
6 Code is amended and reenacted as follows:

7 5. To construct and repair bridges and to open, lay out, vacate, and change highways in
8 the cases provided by law. ~~But the board may not contract for the construction of~~
9 ~~bridges costing more than one hundred dollars without first complying with the~~
10 ~~provisions of chapter 24-08.~~

11 **SECTION 2. AMENDMENT.** Section 24-03-08 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **24-03-08. Determinations of surface water flow and appropriate highway**
14 **construction.**

15 ~~Whenever and wherever~~When a highway under the supervision, control, and jurisdiction of
16 the department ~~or under the supervision, control, and jurisdiction of the,~~ a board of county
17 commissioners ~~of any county,~~ or ~~the~~a board of township supervisors has been or will be
18 constructed over a watercourse or draw into which flow surface waters from farmlands, the
19 state engineer, upon petition of the majority of landowners of the area affected or at the request
20 of the board of county commissioners, township supervisors, or a water resource board, shall
21 determine as nearly as practicable the design discharge ~~that the crossing is required to carry to~~
22 meet the stream crossing standards prepared by the department and the state engineer. When
23 the determination has been made by the state engineer, the department, the board of county

commissioners, or the board of township supervisors, as the case may be, upon notification of the determination, shall install a culvert or bridge of sufficient capacity to permit the water to flow freely and unimpeded through the culvert or under the bridge. If the department, the board of county commissioners, or the board of township supervisors, as the case may be, fails to install a culvert or bridge of sufficient capacity for the design discharge determined by the state engineer within one year after receiving the state engineer's determination, and does not have good cause for failing to do so, a court may award reasonable court costs and attorney's fees to a person that incurred the expenses in an action to enforce this section. The department, county, and township are not liable for any damage to any structure or property caused by water detained by the highway at the crossing if the highway crossing has been constructed in accordance with the stream crossing standards prepared by the department and the state engineer and any recommendations from the state engineer for a specific size or design for the culvert or bridge.

SECTION 3. AMENDMENT. Section 24-08-01 of the North Dakota Century Code is amended and reenacted as follows:

24-08-01. Construction of bridges by board of county commissioners - Petition - Bids - Rejection.

~~Whenever~~In addition to the power of a board of county commissioners under section 11-11-14 to initiate a road or bridge project independently, a board of county commissioners shall view and investigate the necessity of a proposed bridge when a majority of the freeholders of a civil township, or a majority of the freeholders living within a radius of three miles [4.83 kilometers] of the proposed location, petition the board of county commissioners for a bridge at a specified location within ~~such~~the township, or within any incorporated city, if the cost of the bridge exceeds the sum of five hundred dollars, ~~the board of county commissioners shall view and investigate the necessity of the proposed bridge.~~ If the board approves the petition, ~~it~~the board shall ~~proceed to~~ advertise in the official newspaper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, ~~asking for~~requesting sealed bids for ~~the building of such~~construction of the bridge, to be submitted to ~~it~~the board at the next regular or special meeting, at which the board shall ~~proceed to~~ examine all ~~proposals or~~ bids for ~~the building of such~~construction of the bridge. ~~The~~Unless the board rejects all bids received, the board shall award the contract to the lowest responsible bidder, requiring the bidder to give a

1 bond in a sum not less than the amount stipulated in the bid or contract, conditioned for the
2 faithful compliance with the terms of the bid or contract, ~~the bond to be approved. The bond is~~
3 ~~subject to approval~~ by the board and ~~must be~~ filed in the office of the county auditor ~~but the~~
4 ~~board may reject all bids~~. If all bids are rejected, the board shall readvertise ~~the request for bids~~
5 as provided ~~herein~~ ~~in this section~~. ~~Provided, however, that~~ ~~However~~, if the amount of the lowest
6 responsible bid is less than fifteen thousand dollars ~~and all bids are rejected~~, the board may
7 ~~refuse all bids received and proceed to~~ construct the bridge ~~under its own supervision as it as~~
8 ~~the board~~ deems most expedient and may enter into contracts for the labor or material to be
9 used in the construction of the bridge.