

# HIGHWAYS, BRIDGES, AND FERRIES

## CHAPTER 259

### SENATE BILL NO. 2146

(Senator Klein)  
(Representatives Nelson, Weisz)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating state highway 91 as North Dakota's shortest 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:

#### **North Dakota's shortest highway - State highway 91 - Continuing appropriation.**

The department shall designate state highway 91 from the junction of United States highway 52 and state highway 91 to the junction of state highway 91 and state highway 3 as North Dakota's shortest 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 91 as North Dakota's shortest highway.

Approved March 14, 2023

Filed March 15, 2023

## CHAPTER 260

### HOUSE BILL NO. 1117

(Representatives Monson, K. Anderson, Bellew, Brandenburg, D. Johnson, Klemin,  
Kreidt, Martinson)  
(Senators Meyer, Myrdal)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 18 as the veterans memorial bridge; 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 bridge - State highway 18 - Continuing appropriation.**

The department shall designate the bridge on state highway 18 between island place and park street east in Cavalier as the veterans memorial bridge 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 the bridge on state highway 18 as the veterans memorial bridge.

Approved March 14, 2023

Filed March 15, 2023

## CHAPTER 261

### HOUSE BILL NO. 1355

(Representatives Satrom, Brandenburg, Grueneich, Klemin, J. Olson, Pyle, Tveit)  
(Senators Clemens, Dever, Paulson)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 6 as the PFC. Ronald C. Goodiron Vietnam bridge; 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:

#### **PFC. Ronald C. Goodiron Vietnam bridge - State highway 6 - Continuing appropriation.**

The department shall designate the bridge on state highway 6 between state highway 24 and county road 134 near Breien as the PFC. Ronald C. Goodiron Vietnam bridge 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 the bridge on state highway 6 as the PFC. Ronald C. Goodiron Vietnam bridge.

Approved March 15, 2023

Filed March 16, 2023

## CHAPTER 262

### HOUSE BILL NO. 1354

(Representatives Satrom, Brandenburg, Grueneich, Kiefert, Ostlie)  
(Senators Conley, Wanzek)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the overpass on United States highway 281 as the hidden wounds veterans overpass; 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:

#### **Hidden wounds veterans overpass - United States highway 281 - Continuing appropriation.**

The department shall designate the overpass on United States highway 281 between twenty-fourth street southwest and twentieth street southwest in Jamestown as the hidden wounds veterans overpass 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 the overpass on United States highway 281 as the hidden wounds veterans overpass.

Approved March 15, 2023

Filed March 16, 2023

## CHAPTER 263

### HOUSE BILL NO. 1351

(Representatives Satrom, Bosch, Dockter, Grueneich, D. Johnson, Klemin, Nathe,  
Porter)  
(Senators Hogue, Paulson)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 1806 as the PVT. Albert Grass WWI bridge; 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:

#### **PVT. Albert Grass WWI bridge - State highway 1806 - Continuing appropriation.**

The department shall designate the southernmost bridge on state highway 1806 between county road 134 and seventy-first street in Cannonball as the PVT. Albert Grass WWI bridge 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 the bridge on state highway 1806 as the PVT. Albert Grass WWI bridge.

Approved March 15, 2023

Filed March 16, 2023

## CHAPTER 264

### HOUSE BILL NO. 1352

(Representatives Satrom, Brandenburg, Grueneich, Heinert, Klemin, Nelson, J.  
Olson, Vigesaa, Weisz)  
(Senators Conley, Klein)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 30 as the Petty Officer Third Class Patrick G. Glennon Vietnam bridge; 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:

**Petty Officer Third Class Patrick G. Glennon Vietnam bridge - State highway 30 - Continuing appropriation.**

The department shall designate the bridge on state highway 30 between the junction of seventeenth street northeast and the junction of nineteenth street northeast as the Petty Officer Third Class Patrick G. Glennon Vietnam bridge 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 the bridge on state highway 30 as the Petty Officer Third Class Patrick G. Glennon Vietnam bridge.

Approved April 11, 2023

Filed April 12, 2023

## CHAPTER 265

### HOUSE BILL NO. 1079

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to create and enact section 24-02-02.6 of the North Dakota Century Code, relating to the department of transportation entering into reciprocal agreements with adjoining states and provinces for the inspection and testing of fabricated products or materials.

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

**SECTION 1.** Section 24-02-02.6 of the North Dakota Century Code is created and enacted as follows:

#### **24-02-02.6. Reciprocal inspection agreements for fabricated products and materials.**

The director may contract with adjoining states and provinces to request or to provide inspection and testing of fabricated products or materials needed for highway construction.

Approved March 14, 2023

Filed March 15, 2023

## CHAPTER 266

### SENATE BILL NO. 2113

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact section 24-02-37.3 of the North Dakota Century Code, relating to the creation of a flexible transportation fund.

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

<sup>154</sup> **SECTION 1.** Section 24-02-37.3 of the North Dakota Century Code is created and enacted as follows:

#### **24-02-37.3. Flexible transportation fund.**

There is created in the state treasury the flexible transportation fund. The fund consists of eligible federal or state funding and any contributed private funds.

1. The flexible transportation fund must be administered and expended by the director and may be used for the following:
  - a. Providing a match for federal funding obtained by the department of transportation.
  - b. State-funded road and bridge construction and maintenance, and transportation support costs including staffing, facilities, and operational expenditures on the state highway system.
  - c. State-funded road and bridge construction and maintenance activities within the state but off of the state highway system. The director shall establish the terms and provisions of the program.
2. All money derived from the investment of the flexible transportation fund or any portion of the fund, must be credited to the flexible transportation fund. The director shall monthly transmit all money collected and received under this chapter to the state treasurer to be transferred and credited to the flexible transportation fund.

Approved April 4, 2023

Filed April 5, 2023

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<sup>154</sup> Section 24-02-37.3 was amended by section 10 of House Bill No. 1012, chapter 12, and section 31 of Senate Bill No. 2015, chapter 47. The North Dakota Supreme Court declared Senate Bill No. 2015 void in *Board of Trustees of The North Dakota Public Employees' Retirement System v. North Dakota Legislative Assembly*, by judgment filed October 12, 2023.

## CHAPTER 267

### SENATE BILL NO. 2110

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact section 24-02-45.4 of the North Dakota Century Code, relating to a cooperative maintenance agreement with Theodore Roosevelt national park.

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

**SECTION 1.** Section 24-02-45.4 of the North Dakota Century Code is created and enacted as follows:

**24-02-45.4. Cooperative agreement with Theodore Roosevelt national park for the maintenance of roadways off of the state highway system.**

Notwithstanding any other provision of law, the director may enter a cooperative agreement with the Theodore Roosevelt national park for the joint maintenance of the park's transportation network, off of the state highway system, for use by the traveling public. The director may expend moneys from the state highway fund within the limits of legislative appropriations for the maintenance of roadways within the Theodore Roosevelt national park, provided the director requires the Theodore Roosevelt national park to reimburse all department costs.

Approved April 12, 2023

Filed April 13, 2023

## CHAPTER 268

### SENATE BILL NO. 2063

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact section 24-02-45.4 of the North Dakota Century Code, relating to reimbursable federal electric vehicle infrastructure grants; and to provide for a legislative management report.

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

**SECTION 1.** Section 24-02-45.4 of the North Dakota Century Code is created and enacted as follows:

**24-02-45.4. Reimbursable federal electric vehicle infrastructure grants - Agreements with public or private entities for the administration of federal aid programs - Report.**

1. Notwithstanding any other provision of law but subject to legislative appropriation, the director may enter agreements and may accept any federal or nonstate funds for the administration of reimbursable electric vehicle charging grant programs.
  - a. The director may enter an agreement with any person for the administration, approval, and inspection of a project to be constructed by a public or private entity, or a political subdivision.
  - b. The cost-share for any project may consist only of federal, public, political subdivision, or private funding.
  - c. A political subdivision may not have an ownership interest in an electric vehicle charging station.
  - d. Any federal formula funding for reimbursement grants must be at least ten percent of the cost-share for a project, but may not exceed eighty percent.
  - e. The director may establish criteria for the grants and determine a reasonable grant reimbursement cost-share or limit for the project in accordance with federal aid provisions.
2. In accordance with the federal formula program, the director shall establish criteria for the consideration of operation and maintenance costs of the electric charging stations in the grant award.
3. Before July 1, 2024, the department of transportation shall present a report to the legislative management regarding an update on the deployment and administration of electric vehicle charging stations.

Approved April 24, 2023

Filed April 24, 2023

## CHAPTER 269

### HOUSE BILL NO. 1102

(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to create and enact section 24-02-51 of the North Dakota Century Code, relating to authority to acquire and administer federal transportation-related grants; and to declare an emergency.

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

**SECTION 1.** Section 24-02-51 of the North Dakota Century Code is created and enacted as follows:

##### **24-02-51. Federal transportation-related grants.**

The director is authorized and empowered to make all contracts and to do all things necessary to cooperate with the United States government in the administration of grants and other discretionary funding mechanisms administered through any appropriate federal agency which the department is otherwise eligible for. The department may accept all eligible matching funding sources, whether public or private, as authorized by the provisions of the federal agency providing the grant or funding, for the purpose of administering a program. All eligible match funding must be deposited with the state treasurer in the flexible transportation fund and be made available in accordance with the grant requirements.

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

Approved April 20, 2023

Filed April 21, 2023

## CHAPTER 270

### HOUSE BILL NO. 1127

(Representatives Roers Jones, Mock, Murphy, Pyle, Stemen)  
(Senators Sickler, Sorvaag)

AN ACT to amend and reenact subsection 1 of section 24-05-04, section 24-08-01, and subsection 2 of section 24-08-03 of the North Dakota Century Code, relating to county highways and bridges; and to repeal section 24-08-09 of the North Dakota Century Code, relating to cost limitations for a county bridge.

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

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

1. If a contract for a highway improvement exceeds ~~one~~two 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~~two hundred thousand dollars, the county, when possible, shall seek quotes from at least two contractors. If a road is destroyed by a flood or other casualty and the public interest would suffer by the delay from advertising for bids and awaiting the contract, the county commissioners may promptly contract for the rebuilding or repair of the road without advertising for bids, regardless of the cost.

**SECTION 2. 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 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~~ If the board of county commissioners for ~~approves the construction of a bridge at a specified location within such 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 county shall proceed to advertise by publication at least once each week, for two successive weeks, in the official newspaper 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 construction of the bridge, to be submitted to~~ the board of county commissioners ~~at the next regular or special meeting of the board, at which time the board shall proceed to examine all proposals or bids for the building of such bridge. The first publication for bids must be made at least fifteen days before the meeting of the board to examine the proposals or bids. The~~ Upon the receipt of satisfactory bids, the ~~board shall award the contract to the lowest responsible bidder, requiring the 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 the bid or contract, the bond to be approved by the board and filed in the office of the county auditor ~~but if no satisfactory bids are received, the board may reject all bids. If all bids are rejected, the board shall readvertise as provided herein for bids in accordance with this section. Provided, however, that if~~ the amount of the lowest responsible bid is less than fifteen thousand dollars, the board may refuse all bids received and proceed to construct the bridge under its own supervision as it deems most expedient and may enter into contracts for the labor or material to be used in the construction of the bridge.

**SECTION 3. AMENDMENT.** Subsection 2 of section 24-08-03 of the North Dakota Century Code is amended and reenacted as follows:

2. If the cost of rebuilding or repairing a bridge would exceed ~~thirtytwo hundred~~ thousand dollars on estimate of the county engineer and upon the approval of the estimate by the department, the county commissioners shall advertise for bids and award the contract pursuant to section 24-08-01. For any contract for a bridge improvement that exceeds fifty thousand dollars but does not exceed two hundred thousand dollars, the county, when possible, shall seek quotes from at least two contractors. If a bridge is destroyed by a flood, fire, or other casualty and the public interest would suffer by the delay from advertising for bids and awaiting the contract pursuant to section 24-08-01, the county commissioners may promptly contract for the rebuilding or repair of the bridge without advertising for bids, regardless of the cost.

**SECTION 4. REPEAL.** Section 24-08-09 of the North Dakota Century Code is repealed.

Approved March 14, 2023

Filed March 15, 2023