

PUBLIC BUILDINGS.

CHAPTER 133.

[S. B. 33.]

SECURING PERSONS WHO FURNISH MATERIAL OR LABOR ON PUBLIC BUILDINGS.

AN ACT to Secure From Loss Persons Who Furnish Materials or Labor in the Alteration, Repair, Erection or Betterment of Public Buildings, or Any Other Public Improvements.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TO SECURE PERSONS FURNISHING MATERIALS OR LABOR ON PUBLIC BUILDINGS.] It shall be the duty of every public officer or board authorized to enter into a contract for the erection, repair, alteration or betterment of any public building or any other public improvements before entering into any such contract, to take from the contractor a good and sufficient bond for an amount at least equal to the price stated in the contract, condition to be void if the contractor and all sub-contractors shall pay all bills and claims on account of labor or materials furnished in and about the performance of said contract, including all demands of sub-contractors, said bond to stand as security for all such bills, claims and demands until the same are fully paid. The obligee in said bond shall be the state of North Dakota; but any person having any lawful claim against the contractor, or any sub-contractor, on account of labor or materials, or both, furnished in and about the performance of said contract, may institute an action to recover the same in his own name upon said bond, in the same manner and with like effect as though the said bond were made payable to him.

§ 2. PERSONALLY LIABLE FOR BILLS.] Any officer and the members of any board who shall fail to take such a bond before entering into such a contract shall be personally liable for all such bills, claims and demands which shall not be paid within thirty days after the completion of the work.

§ 3. SURETIES.] When the penal sum of said bond is \$5,000 or under, the same shall be signed by at least two sureties, each of whom shall justify in the full amount of said bond. When the penal sum of said bond is in excess of \$5,000 and not greater than \$20,000, said bond shall be signed by at least four sureties, who shall justify in the amount thereof. And when said penal sum is in excess of \$20,000 and not greater than \$50,000, said bond shall be signed by at least eight sureties, each of whom shall justify in at least one-half the

amount of said bond. But it shall be sufficient in any case if said bond is signed by a reputable surety company authorized to enter into such an obligation.

§ 4. BOND SHALL BE FILED.] Before said contract is entered into, said bond, duly signed and acknowledged, with the proper affidavits of justification attached thereto, shall be filed in the office of the clerk of the district court of the county in which such contract is to be performed, and approved by said clerk, to be kept as one of the permanent records of the office.

§ 5. That all acts or laws or parts thereof inconsistent herewith be, and the same hereby are repealed.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there exists no protection for the persons protected by this statute; this act shall take effect immediately upon its passage and approval.

Approved February 27, 1901.

PUBLIC HIGHWAYS.

CHAPTER 134.

[S. B. 25.]

PUBLIC HIGHWAY.

AN ACT Granting a Right of Way for a Public Highway Across the Military Encampment Grounds at Rock Island, Ramsey County, North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. RIGHT-OF-WAY ACROSS MILITARY GROUNDS.] A right of way is hereby granted for the laying out of a public highway across the military encampment grounds at Rock Island, Ramsey county, N. D., from north to south, upon a route to be determined by the proper authorities of Ramsey county, subject to the approval of the governor.

§ 2. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved February 26, 1901.