

§ 3. REPEAL.] That Section 13 of Chapter 138 of the Session Laws of North Dakota for the year 1929 and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1931.

HIGHWAYS

CHAPTER 152

(H. B. No. 107—Wilson and Lamb.)

CATTLE GUARDS ON PUBLIC HIGHWAYS

An Act authorizing boards of county commissioners and township supervisors to permit the erection of cattle guards on public highways and providing for repair and removal thereof; requiring gates to be closed and providing penalty.

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

§ 1. Whenever the erection of cattle guards is necessary to complete an enclosure which includes land on both sides of any highway in the State of North Dakota, except a highway which has been designated as part of the State Highway system under Chapter 159, Session Laws of North Dakota for 1927 and amendments thereto, the board of County Commissioners may, if the cattle guard is to be erected within unorganized territory of any county, or, the board of township trustees, if the cattle guard is to be erected within an organized township may issue permission to any person, firm or corporation to erect a cattle guard and gateway across said highway upon the conditions hereinafter prescribed.

§ 2. Before any cattle guard and gateway shall be erected across any highway as authorized in the preceding section, the County Commissioners or Township Board, as the case may be, shall approve written specifications of said cattle guard and gateway, which specifications shall be filed with the County Auditor, if approved by the County Commissioners, and with the Township Clerk, if approved by the Township Board.

Said specifications shall include specifications for warning signs to be placed approximately three hundred feet from and plainly visible to persons approaching said cattle guard upon the highway.

The cattle guards herein provided for shall be so constructed as to permit the passage of motor vehicles through and over the same. No cattle guard shall be erected upon any highway in this state unless there is also provided adjacent thereto an ample gateway in which shall be erected a gate which may be easily opened and closed by the public.

§ 3. Any person who shall open and fail to promptly close any gate provided for in this act shall be guilty of a misdemeanor and

shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty days, or both.

§ 4. The board having authority under this act to authorize the erection of a cattle guard and gateway hereunder shall also have authority to cause the same to be removed, if the same is not kept in repair, or, if in the judgment of said board it becomes necessary to remove said cattle guard and gateway for the purposes of improving said highway. In event said board determines upon the removal of any cattle guard or gateway as aforesaid, written notice by registered mail shall be sent to the occupant of the enclosure, notifying said occupant to remove said cattle guard and gateway within ten days from the date of mailing. In event said notice is not complied with, the board shall, upon its expiration, be authorized to remove or destroy the cattle guard and gateway.

§ 5. In event that the cattle guard and gateway herein provided for shall be sought to be erected upon any township or county line, the governing boards of the adjacent territory shall exercise joint authority and jurisdiction hereunder and filings herein required to be made shall be made in both jurisdictions.

§ 6. EMERGENCY.] Whereas no adequate provision for regulation of cattle guards exists, be it declared that an emergency exists and this act to be in full force and effect from and after its passage and approval.

March 7, 1931.

CHAPTER 153

(S. B. No. 157—Bonzer and Atkins.)

STATE HIGHWAY COMMISSION

An Act creating a State Highway Commission, defining its powers and duties and fixing the compensation of the Commission, and repealing Chapter 158, Laws of 1927.

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

§ 1. A State Highway Commission is hereby created and established, which shall consist of three members to be appointed by the Governor, one of whom shall be appointed as Chief Highway Commissioner, who shall be chairman of the commission. Not to exceed two members of said commission shall be appointed from the territory comprising any one of the three congressional districts created by Section 22 of the Political Code of the Compiled Laws of 1913. Each member of said commission shall serve for a term of three years except as otherwise provided herein, and shall be subject to removal by the Governor for neglect of duty or for nonfeasance or malfeasance in office.

Within thirty days after the taking effect of this act, the Governor shall appoint one member of said commission, whose term shall expire on the last day of January, 1932 or when his successor shall have been appointed and qualified; a second member whose term shall expire on the last day of January, 1933 or when his successor shall have been appointed and qualified; and the third member whose term shall expire on the last day of January, 1934 or when his successor shall have been appointed and qualified. All subsequent appointments shall be for a term of three years, except when such appointment is made to fill a vacancy, in which event it shall be for the unexpired term only. All vacancies shall be filled by appointment by the Governor.

Each Commissioner, upon appointment, shall take and file the oath prescribed by law for state officers. The members of the State Highway Commission shall be bonded in the State Bonding Fund; the Chief Highway Commissioner in the sum of twenty-five thousand dollars and each of the other Commissioners in the sum of ten thousand dollars, such bonds to be conditioned for the faithful performance by each member of the duties of his office.

No person appointed as Chief Highway Commissioner shall hold any other office under the laws of this state or any other state or of the United States. He shall reside at the capital of the state and shall devote his entire time to the duties of his office, and shall not hold any position of trust or profit, or engage in any business or occupation interfering or inconsistent with his duties, nor shall he serve on or under any committee of any political party.

§ 2. SALARY AND COMPENSATION.] The salary of the Chief Highway Commissioner shall be five thousand dollars per annum, payable monthly. The other two members of the said Commission shall each receive a per diem of ten dollars for not to exceed one hundred seventy-five days in any one year. In addition to such salary, each of said Commissioners shall receive his expenses actually and necessarily incurred in the performance of the official duties of his office.

§ 3. MEETINGS.] Within ten days after the appointment of said Commission, upon call of the Governor, said Commission shall hold its first meeting at the State Capital at the office of said Commission. Thereafter the Commission shall hold regular monthly meetings. Special meetings may be called by the Chief Highway Commissioner or by a majority of the Commission. The office of the Chief Highway Commissioner shall be open for the transaction of business every day of the year except Sundays and legal holidays, and said Commissioner or whoever may be designated by the Commission may hold sessions or conduct investigations or hearings, at the capital or at any other place within the state when deemed necessary to facilitate the work of the Commission.

§ 4. POWERS AND DUTIES.] The State Highway Commission shall have the full control, management, supervision, administration and direction of the State Highway Department or the State Highway Commission now existing or hereafter created, the office of Registrar of Motor Vehicles and such other offices and duties as may now or hereafter be imposed upon it, or placed under its jurisdiction. All powers and duties now vested or which hereafter may be vested by law in such State Highway Commission, now existing by law or any officer thereof, the State Highway Department, the office of the Registrar of Motor Vehicles or any officer thereof now existing or hereafter created and any other officer, department, bureau or agency placed under the control and direction of the State Highway Commission hereby created, shall be exercised and performed under the direction, control, supervision, management of and with the approval of the State Highway Commission hereby created. It is hereby declared to be the intent and purpose of this Act to make and constitute the State Highway Commission hereby created the final and ultimate authority to carry out the duties and exercise the powers of the departments and offices hereinbefore mentioned.

§ 5. THE CHIEF HIGHWAY COMMISSIONER, HIS POWERS AND DUTIES.] The Chief Highway Commissioner shall be the chief executive and administrative officer of said Commission. He shall have charge of the records of the State Highway Department. He shall cause minutes of the Commission and accurate and complete books of account to be kept, and supervise the signing of vouchers, orders for supplies, materials or any other expenditures. Subject to the supervision and control of the Commission, he shall have authority and it shall be his duty to employ all engineers, assistants, clerks, agents, attorneys and other employees as may be required for the proper transaction of the business of the Commission or of the State Highway Department, fix their titles, determine their duties, the amount of their bonds if any are required, their compensation, and discharge them in his discretion; sign and execute all documents and papers; contracts (contracts) and agreements for highway construction and purchase of machinery, materials and supplies when such contracts or agreements have been awarded and authorized by the Commission. It shall also be his duty to enforce the orders and regulations of the Commission and generally to manage and conduct the business of the Commission and of the State Highway Department under the supervision and direction of the Commission.

The State Highway Commission may appoint an employee of the State Highway Department as its secretary and prescribe his duties.

It shall be the duty of the Chief Highway Commissioner, on or before December fifteenth of each year, to transmit to the Governor a full and complete annual report of the activities of the Commission and the State Highway Department as of December first

of each year. It shall be the duty of the Chief Highway Commissioner to submit a biennial report as now required by law for other departments of the state government.

§ 6. SALARIES OF EMPLOYEES.] The Commission shall not pay to exceed the maximum sums hereinafter stated for the following classes of employees, to-wit: for bookkeepers not to exceed \$2,500.00 per annum; for draftsmen not to exceed \$2,400 per annum; for assistant engineers not to exceed thirty-six hundred dollars per annum; for engineers other than the chief engineer or his first assistant, not to exceed \$4,000 per annum. Provided that the total annual expense for the Highway Department, exclusive of all outside employees, assistants and engineers and inspection and maintenance work shall not exceed the sum on One hundred fifty thousand dollars per annum. Provided further, that during the years 1931 and 1932 the Commission may exceed said maximum limit if necessary to replace records and documents destroyed by the burning of the Capitol. In addition to the salaries fixed by the Commission for said employees they shall be entitled to receive their expenses actually and necessarily incurred in the performance of their duties, the amount of such expenses to be so allowed to be fixed and determined by the Commission.

§ 7. REPEAL.] All Acts or parts of Acts in conflict herewith, including Chapter 158, Laws of 1927, are hereby repealed.

Approved March 11, 1931.

CHAPTER 154

(H. B. No. 300—Brunsdale.)

AWARD CONTRACTS ROAD AND BRIDGE WORK AND MATERIALS

An Act governing the awarding of certain contracts, determining the lowest bidders thereon and the awarding thereof; and giving preference to resident North Dakota bidders.

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

§ 1. CONTRACTS FOR ROAD AND BRIDGE WORK AND MATERIALS: LOWEST BIDDER: HOW AWARDED IN CERTAIN CASES.] In the letting of any contract for the construction of any road or bridge, road work, or for road material or culvert, by the State Highway Department, or by any political subdivision of the State, when the bid of any contractor or bidder who has maintained a residence and place of business within the State of North Dakota continuously for a period of more than one year prior to the filing of such bid thereon, shall be in approximately the same amount as the lowest bid received thereon, and the party making such low bid, and the principal, if any, of such party, shall not have maintained such residence and place of business within the state during such period;

then in such event, other considerations being equal, the bid of such bidder having such residence and place of business within this state, shall be deemed and held to be the lowest bid, and such contract awarded accordingly.

§ 2. EMERGENCY.] Whereas resident North Dakota contractors bidding upon such work and materials, are entitled to a preference over bidders not residents of this State, this Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 155

(H. B. No. 262—Halvorson.)

CONTRIBUTION CITIES AND VILLAGES TOWARD FEDERAL HIGHWAY CONSTRUCTION

An Act permitting cities and villages to contribute towards the expense of the construction of Federal Aid Highways passing through such cities and villages, to the same extent and in the same proportion that counties are permitted so to do, and authorizing funds for that purpose to be raised through either special assessment or general taxation, and declaring an emergency.

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

§ 1. Cities or villages through their respective boards are hereby authorized and empowered wherever Federal Aid highways are routed through such city or village, to contribute towards the construction or betterment of said highway in the same manner and proportion as counties are by law permitted to so contribute.

§ 2. Said cities and villages are hereby expressly authorized to raise funds for the purpose of meeting their share of said construction or betterment through general taxes to be levied at large throughout said city or village, or, where said highway in the opinion of said city or village board particularly and materially benefits property abutting thereon, to provide said sum through special assessment, the procedure for so doing to be in all things as now provided where improvements are made under the Special Assessment law.

All provisions of law relating to the levying of taxes for internal improvements of villages and cities and the levying of special assessments for such improvements are applicable hereto insofar as they are not inconsistent with the general purpose hereof, namely, to permit said cities and villages to participate in Federal Aid highway construction through and within their limits.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this bill shall be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 156

(H. B. No. 226—Rulon.)

MILEAGE STATE HIGHWAY SYSTEM

An Act designating the number of miles of main market, arterial and interstate public roads to be included in the State "Highway System" of the State of North Dakota. Repeal.

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

§ 1. THE STATE HIGHWAY SYSTEM.] The State Highway System of the State of North Dakota consisting of main market, arterial and interstate public roads, as heretofore created, shall not exceed seven per cent of the entire road mileage of the State, whether such roads be township, county or state roads, and in no case shall such highway system exceed 7600 miles in length.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

CHAPTER 157

(H. B. No. 146—Strutz.)

SETTLEMENT A. M. FORREST CLAIM

An Act authorizing the State Highway Commission to compromise and settle the claim of A. M. Forrest for damages suffered in a collision with a snow plow, operated by an employee of the State Highway Department.

WHEREAS, A. M. Forrest suffered due to a collision on February 3rd, 1930 upon the Public Highways in North Dakota with a snow plow negligently operated by an employee of the State Highway Department; and

WHEREAS, The State Highway Department has no authority to pay out of any of its funds for damages, resulting from accidents or injuries to others, without legislative authority, NOW THEREFORE:

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

That the State Highway Commission is hereby authorized and empowered to compromise and settle the claim heretofore presented to it by A. M. Forrest for a sum not to exceed Three Hundred and

Ninety Six (\$396.00) Dollars, if in the opinion of such Commission, after a full investigation, the facts warrant and justify such settlement.

Approved March 10, 1931.

CHAPTER 158
(S. B. No. 223—Ettestad.)

SPEED RESTRICTIONS VEHICLES ON PUBLIC HIGHWAYS

An Act to amend and re-enact Section 4 of Title II, Chapter 162, of the 1927 Session Laws, relating to the operation of vehicles upon public Highways and restricting the speed.

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

§ 1. AMENDMENT.] That Section 4 of Title II, Chapter 162 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 4. RESTRICTIONS AS TO SPEED. (a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existng, and no person shall drive any vehicle upon a highway at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this Act, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceedng the following, but in any case when such speed would be unsafe it shall not be lawful.

1. Twenty miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;

2. Twenty miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

3. Twenty miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such

intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Twenty miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;

5. Twenty-five miles an hour on any highway in a business district, as defined herein, when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;

6. Twenty-five miles an hour on all other highways in a business district, as defined herein;

7. Twenty-five miles an hour in a residence district, as defined herein, and in public parks unless a different speed is fixed by local authorities and duly posted;

8. Fifty miles an hour under all other conditions.

It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in sub-division (c) of this section. In every charge of violation of this section the complaint shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

(c) Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie lawful upon through highways at the entrances to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such through highways. Local authorities shall place and maintain upon all through highways upon which the permissible speed is increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any said through highway, appropriate stop signs which shall be illuminated at night or so placed as to be illumniated by the headlights of an approaching vehicle or by street lights.

Approved March 11, 1931.