

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

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 it ~~at the board of county commissioners~~ 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 hereinfor bids in accordance with this section.~~ Provided, however, that if 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~~ 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.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1127.

House Vote: Yeas 91 Nays 0 Absent 3

Senate Vote: Yeas 47 Nays 0 Absent 0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State