

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the  
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,  
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2160  
(Transportation Committee)  
(At the request of the Department of Transportation)

AN ACT to amend and reenact sections 24-02-01.5, 24-02-08, and 24-02-16 of the North Dakota Century Code, relating to department of transportation engineering consulting services and construction contracts; and to repeal section 24-03-03 of the North Dakota Century Code, relating to the annual construction program of the department of transportation.

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

**SECTION 1. AMENDMENT.** Section 24-02-01.5 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**24-02-01.5. Department of transportation - Administrative rules.** The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, ~~24-03-03~~, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 2 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

**SECTION 2. AMENDMENT.** Section 24-02-08 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-08. Engineering consulting services - Coordinator of highway, road, and street program within state.** The director ~~is authorized to~~ may provide consulting engineering services; upon request, ~~to~~ of any governmental unit.

The director has the authority and responsibility for the coordination of the total highway, road, and street program within this state, including the designation of systems, which ~~he~~ the director may functionally classify as to the types of service, and the development of construction standards as hereinafter provided for, ~~and shall review the annual programs for each of the major systems to ensure coordination of planning and general conformity with the law. To obtain coordination, programs for the road systems of the counties and cities must be initiated by the respective county and city authorities and approved by the director.~~

**SECTION 3. AMENDMENT.** Section 24-02-16 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-16. Basis of contracts for construction work.** The director may request bids and award contracts for construction work requiring the contractor to furnish all equipment, labor, materials, and supplies for each particular contract or project, or requiring the director to furnish and provide the ~~said~~ contractor with ~~such~~ materials and supplies as ~~he~~ the director may elect. ~~In the event that~~ If the director elects to provide materials and supplies for any project or construction work, ~~such election must be made at the time of the adoption of the construction program, and~~ the director shall notify the office of management and budget of the fact that the director has elected to furnish the materials and supplies. The office of management and budget may either exempt the purchase and allow the director to request and let bids, and make the purchase, or ~~if~~ the office of management and budget may handle the bidding and purchasing through its central purchasing agency. Either the office of management

and budget or the director shall request proposals or bids for the total and aggregate of ~~such~~ the materials and supplies for any and all ~~such~~ projects or construction work according to the class, type, and nature of ~~such~~ the materials and supplies, and may ~~proceed to~~ award a contract or contracts therefor upon ~~such~~ a basis ~~as is~~ deemed efficient and economical, whether upon the basis of delivery to the construction project directly or to a central storehouse or storehouses maintained by the state. ~~Such~~ The materials and supplies ~~se~~ purchased by the office of management and budget or the department of transportation may be delivered to the project or construction work without expense to the contractor doing ~~such~~ the construction work, or may be sold to ~~him~~ the contractor at cost and made to constitute a part of ~~such~~ the construction cost, as the director may elect.

**SECTION 4. REPEAL.** Section 24-03-03 of the North Dakota Century Code is repealed.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2160.

Senate Vote:    Yeas    48        Nays    0        Absent    1

House Vote:    Yeas    97        Nays    0        Absent    1

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 1999.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 1999,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State