

**FIRST ENGROSSMENT
with House Amendments**

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2023

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for capital projects of various state departments;
2 to provide an appropriation for state facility energy improvement capital projects of various state
3 departments and institutions; to authorize the industrial commission to issue and sell evidences
4 of indebtedness for capital projects; to provide for a legislative council study; to provide an
5 appropriation; to amend and reenact section 48-01.1-09 of the North Dakota Century Code,
6 relating to the use of a construction manager; and to declare an emergency.

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

8 **SECTION 1. PROJECT AUTHORIZATIONS.** The industrial commission, acting as the
9 North Dakota building authority, shall arrange for the funding of the projects authorized in this
10 section, declared to be in the public interest, through the issuance of evidences of
11 indebtedness under chapter 54-17.2, beginning with the effective date of this Act and ending
12 June 30, 2007. The industrial commission shall issue evidences of indebtedness under this
13 section with the condition that lease rental payments need not begin until July 1, 2007. The
14 authority of the industrial commission to issue evidences of indebtedness under this section
15 ends June 30, 2007, but the industrial commission may continue to exercise all other powers
16 granted to it under chapter 54-17.2 and this Act and comply with any covenants entered into
17 before that date. The proceeds of the evidences of indebtedness and other available funds are
18 appropriated to the agencies listed in this section, beginning with the effective date of this Act
19 and ending June 30, 2007, for the following projects:

20 Office of management and budget fire suppression	\$3,155,000
21 Office of the attorney general crime lab addition and renovation	3,632,691
22 North Dakota state university hazardous material handling and 23 storage facility	3,500,000
24 North Dakota state college of science electrical distribution	736,000

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1	Dickinson state university murphy hall	4,100,557
2	Minot state university - Bottineau thatcher hall addition	2,500,000
3	Department of corrections and rehabilitation James River	980,000
4	correctional center ET building improvements	
5	Department of corrections and rehabilitation James River	584,000
6	correctional center programs building code improvements	
7	North central research center agronomy laboratory and greenhouse	440,000
8	Main research center greenhouse complex	2,000,000
9	Historical society chateau interpretive center	1,100,000
10	Parks and recreation Turtle River state park administrative office	<u>350,000</u>
11	Total special funds appropriation	\$23,078,248

12 The north central research center may obtain and utilize federal and other funds to
13 assist in the construction of an agronomy laboratory at the north central research center. There
14 is appropriated to the north central research center the sum of \$1,250,000, or so much of the
15 sum as may be necessary, from any federal acts, private grants, gifts and donations, or other
16 funds that may become available for this project for the biennium beginning the effective date of
17 this Act and ending June 30, 2007.

18 The main research center may obtain and utilize federal funds and other funds to assist
19 in the construction of a greenhouse complex at the main research center. There is
20 appropriated to the main research center the sum of \$5,000,000, or so much of the sum as may
21 be necessary, from any federal acts, private grants, gifts and donations, or other funds that may
22 become available for this project for the biennium beginning the effective date of this Act and
23 ending June 30, 2007.

24 The state historical society may obtain and utilize federal funds to assist in the
25 renovation and addition at the chateau interpretive center. There is appropriated to the state
26 historical society the sum of \$500,000, or so much of the sum as may be necessary, for any
27 federal or other funds that may become available for this project for the biennium beginning the
28 effective date of this Act and ending June 30, 2007.

29 The department of parks and recreation may obtain and utilize federal funds to assist in
30 the construction of the administrative office building at Turtle River state park. There is
31 appropriated to the department of parks and recreation the sum of \$350,000, or so much of the

1 sum as may be necessary, from any federal or other funds that may become available for this
2 project for the biennium beginning the effective date of this Act and ending June 30, 2007.

3 Grand total special funds appropriation \$30,178,248

4 **SECTION 2. BOND ISSUANCE REPAYMENT RESPONSIBILITY.** Of the total
5 amount of evidences of indebtedness issued under the provisions of section 1 of this Act, a
6 total of \$300,000 must be available from non-general fund sources to assist in the retirement of
7 the evidences of indebtedness issued for the project costs associated with the construction of
8 the projects authorized by this Act:

9 Historical society \$300,000

10 **SECTION 3. STATE FACILITY ENERGY IMPROVEMENT PROJECT**

11 **AUTHORIZATIONS.** The industrial commission, acting as the North Dakota building authority,
12 shall arrange for the funding of the projects authorized in this section, which are described in a
13 report dated November 3, 2004, filed with the governor by the division of community services of
14 the department of commerce, and which are declared to be in the public interest, through the
15 issuance of evidences of indebtedness under chapter 54-17.2 and section 54-44.5-08,
16 beginning with the effective date of this Act and ending June 30, 2007. The authority of the
17 industrial commission to issue evidences of indebtedness under this section ends June 30,
18 2007, but the industrial commission may continue to exercise all other powers granted to it
19 under chapter 54-17.2, section 54-44.5-08, and this Act and comply with any covenants
20 entered into prior to that date. The proceeds of the evidences of indebtedness and other
21 available funds are appropriated to the agencies and institutions listed in this section, beginning
22 with the effective date of this Act and ending June 30, 2007, for the following projects:

23 University of North Dakota sundry projects \$2,331,554

24 Total special funds appropriation \$2,331,554

25 **SECTION 4. LEGISLATIVE COUNCIL STUDY - DEFERRED MAINTENANCE -**

26 **INFRASTRUCTURE.** The legislative council shall consider studying, during the 2005-06
27 interim, deferred maintenance and infrastructure for all state agencies and institutions and
28 compile a list of all the deferred maintenance and long-term infrastructure needs. The
29 legislative council shall report its findings and recommendations, together with any legislation
30 required to implement the recommendations, to the sixtieth legislative assembly.

1 **SECTION 5. APPROPRIATION - HERITAGE CENTER STUDY.** There is appropriated
2 out of any moneys in the general fund in the state treasury, not otherwise appropriated, the
3 sum of \$150,000, or so much of the sum as may be necessary, to the office of management
4 and budget for the purpose of conducting a study regarding an expanded heritage center,
5 including archive storage, exhibit area, and all other such spaces necessary to complete the
6 facility as outlined in the North Dakota state capitol complex master plan dated December 14,
7 2000. The study also must examine an alternate location for a comparable replacement facility
8 on the capitol grounds taking into account the cost to retrofit the existing heritage center and
9 long-range plans for the capitol grounds. The office of management and budget shall present
10 the results of the study to the sixtieth legislative assembly.

11 **SECTION 6. AMENDMENT.** Section 48-01.1-09 of the North Dakota Century Code is
12 amended and reenacted as follows:

13 **48-01.1-09. Use of construction manager.** If a governing body uses a construction
14 manager on a public improvement, the construction manager must be a licensed contractor.
15 The architect awarded the design contract and the construction manager awarded the
16 construction management contract for a public improvement shall carry out their contractual
17 duties as agents to the public improvement entity. The architect and construction manager
18 may not construct any portion of the public improvement and may not contract with any
19 contractor or subcontractor to construct any portion of the work. The construction manager
20 awarded the contract for ~~construction~~ of a public improvement shall bond the entire cost of the
21 project through a single bond; or through bonds provided by all bid packages and the
22 construction manager's bond for the full amount of the construction manager's services. If the
23 total of the bonds is less than the total project bid, the construction manager shall bond the
24 difference between the total of the bonds and the total project bid.

25 **SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure.