

# PUBLIC BUILDINGS

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## CHAPTER 337

S. B. No. 54

(Holand, Roen, Johnson, Gefreh, Wenstrom, Krause)  
(From LRC Study)

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### ADDITIONAL STATE OFFICE SPACE

#### AN ACT

Authorizing the board of administration to obtain additional office space outside the state capitol for state departments, agencies, and boards, which office space shall be considered to be a part of the state capitol.

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

**§ 1. Additional Office Space May Be Obtained Outside State Capitol.)** In the event that office space in the state capitol building becomes insufficient to accommodate the various state departments, agencies and boards, the board of administration may contract for and obtain such additional office space outside the state capitol in the city of Bismarck or in the Bismarck area as is necessary in order to provide accommodations for all state departments, agencies and boards. When office space is obtained in this manner, any department, agency or board which occupies such office space shall be deemed to be located at the state capitol for purposes of statutes which require that a department, agency or board must be maintained at the state capitol.

Approved February 11, 1959.

## CHAPTER 338

H. B. No. 831

(Fossum, Hilleboe, Karabensh)

## CONTRACTORS BONDS

## AN ACT

To amend and reenact section 48-0102 of the North Dakota Revised Code of 1943, relating to contractors bonds.

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

§ 1. **Amendment.)** Section 48-0102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**48-0102. Payment of Premium on Bonds; Suspension of License of Noncompliance.)** Every bond furnished by a contractor, as required by this chapter, shall be furnished by a surety company organized or authorized to transact business in this state, and the premium thereon shall be paid by the contractor. No surety company shall furnish a bond to any contractor unless the governing body certifies to such surety company that the contract to be awarded has been developed, advertised, and bid in accordance with all the provisions of chapter 48-02 relative to such construction. Violation of this provision shall be cause for temporary or permanent suspension of the surety company's license to do business in this state. Any taxpayer, a contractor who has bid upon such project, the attorney general, or a member of the governing board acting upon such bid may bring such action or initiate proceedings as may be required to prevent the award of the contract, provided such action or proceeding is commenced within a period of ten days from the date of the opening of said bids.

Approved March 11, 1959.

## CHAPTER 339

S. B. No. 102  
(Garaas, Vendsel, Murphy)

CONSTRUCTION OF PUBLIC BUILDINGS; INDUSTRIAL  
COMMISSION

## AN ACT

To amend and reenact section 48-0201 of the North Dakota Revised Code of 1943, relating to the construction of public buildings.

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

**§ 1. Amendment.)** Section 48-0201 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**48-0201. Definition of Governing Board.)** In this chapter, unless the context or subject matter otherwise requires, the term "governing board" shall mean the governing board of any public institution of the state including the industrial commission and the North Dakota mill and elevator association, and the governing body of any county, city, park district, village, school district, or other political subdivision of the state.

Approved March 10, 1959.

## CHAPTER 340

S. B. No. 168  
(Ringsak, Krause, Mutch, Brooks, Kee)

PUBLIC BUILDINGS; DRAWINGS AND SPECIFICATIONS  
BY ARCHITECT

## AN ACT

To amend and reenact section 48-0202 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the procurement of plans, drawings, and specifications from a licensed architect when a public building is altered, repaired, or constructed.

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

**§ 1. Amendment.)** Section 48-0202 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**48-0202. Building and Repair by Contract: Prerequisite to.)**

In altering, repairing, or constructing any building belonging or appertaining to any of the public institutions of the state, or to any county, city, park district, village, school district, or other political subdivision of the state, or in making any improvements connected therewith or pertaining thereto, or in doing any work thereon amounting to more than twelve thousand dollars, the governing body of such public institution, or of such municipality or political subdivision, shall procure such plans, drawings, and specifications thereof, upon competitive bids or otherwise as such board may deem necessary. In all cases where the work exceeds twelve thousand dollars such plans, drawings, and specifications shall be procured from a licensed architect.

Approved March 10, 1959.

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**CHAPTER 341**

H. B. No. 832

(Neukircher, Wheeler, Vinje)

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**PUBLIC CONSTRUCTION ESTIMATES, PAYMENTS****AN ACT**

To amend and reenact section 48-0207 of the North Dakota Revised Code of 1943, relating to allowance and payment of estimates upon public construction; and providing for the repeal of section 48-0214 of the North Dakota Revised Code of 1943.

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

**§ 1. Amendment.)** Section 48-0207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

**48-0207. Allowance and Payment of Estimates.)** At least once in each calendar month during the continuance of work upon any public building or erection begun and carried on under the provisions of this chapter, the governing board, or a committee thereof duly authorized by the board for that purpose, shall meet and receive and consider estimates furnished by the supervising architect or the superintendent of construction of such building or erection, and shall allow such estimates in an amount of the estimated value of the labor then performed upon such building or erection, and of the material then upon the ground for use in the construction thereof, subject to retentions as follows: ten percent of each

estimate presented until such time as the project is fifty percent completed, with the privilege and option of the board to withhold ten percent of further estimates so presented until the project has reached ninety-five percent of completion, when fifty percent of the entire amount retained may be paid to the contractor. The remaining amount retained shall be paid to the contractor in such amounts and at such times as are approved by the supervising architect or superintendent of construction, with final payment of all moneys due to the contractor to be made immediately following completion and acceptance of the project. If no supervising architect and no superintendent of construction is employed upon such contract, the contractor, at the end of each calendar month during the continuance of work under any such contract, may furnish to such board or public body in charge of such work like estimates which shall be allowed in such manner. Said board or committee thereof, immediately after considering and allowing any such estimate, shall verify and forward the same to the state auditor, county auditor, city auditor, or other official having the power to draw warrants, who forthwith shall draw his warrant upon the proper fund and transmit the same promptly to the contractor entitled thereto.

**§ 2. Repeal.)** Section 48-0214 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 12, 1959.