

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2160

Introduced by

Transportation Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact sections 24-02-01.5, 24-02-08, and 24-02-16 of the
2 North Dakota Century Code, relating to department of transportation engineering consulting
3 services and construction contracts; and to repeal section 24-03-03 of the North Dakota
4 Century Code, relating to the annual construction program of the department of transportation.

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

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

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18 they are specifically amended or repealed by the department.

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

21 **24-02-08. Engineering consulting services ~~–Coordinator of highway, road, and~~**
22 **~~street program within state.~~** The director is ~~authorized to~~ may provide consulting engineering
23 services; upon request, ~~to~~ of any governmental unit.

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

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

10 **24-02-16. Basis of contracts for construction work.** The director may request bids
11 and award contracts for construction work requiring the contractor to furnish all equipment,
12 labor, materials, and supplies for each particular contract or project, or requiring the director to
13 furnish and provide the ~~said~~ contractor with ~~such~~ materials and supplies as ~~he~~ the director may
14 elect. ~~In the event that~~ If the director elects to provide materials and supplies for any project or
15 construction work, ~~such election must be made at the time of the adoption of the construction~~
16 ~~program, and~~ the director shall notify the office of management and budget of the fact that the
17 director has elected to furnish the materials and supplies. The office of management and
18 budget may either exempt the purchase and allow the director to request and let bids, and
19 make the purchase, or ~~it~~ the office of management and budget may handle the bidding and
20 purchasing through its central purchasing agency. Either the office of management and budget
21 or the director shall request proposals or bids for the total and aggregate of ~~such~~ the materials
22 and supplies for any and all ~~such~~ projects or construction work according to the class, type, and
23 nature of ~~such~~ the materials and supplies, and may ~~proceed to~~ award a contract or contracts
24 therefor upon ~~such~~ a basis ~~as is~~ deemed efficient and economical, whether upon the basis of
25 delivery to the construction project directly or to a central storehouse or storehouses maintained
26 by the state. ~~Such~~ The materials and supplies ~~so~~ purchased by the office of management and
27 budget or the department of transportation may be delivered to the project or construction work
28 without expense to the contractor doing ~~such~~ the construction work, or may be sold to ~~him~~ the
29 contractor at cost and made to constitute a part of ~~such~~ the construction cost, as the director
30 may elect.

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