

PUBLIC BUILDINGS

CHAPTER 375

HOUSE BILL NO. 1459
(Winkjer)

CLAIMS OF SUBCONTRACTORS

AN ACT to amend and reenact sections 48-02-15 and 48-02-17 of the North Dakota Century Code, relating to time for filing and period of limitations for filing subcontractor's claims for labor or materials furnished a contractor for improvements to a public institution; and to repeal section 48-02-16 of the North Dakota Century Code, relating to contents of notice to subcontractors.

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

SECTION 1. AMENDMENT.) Section 48-02-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-15. CLAIM FOR WORK OR IMPROVEMENT - SUIT ON CONTRACTOR'S BOND.) Any person who has furnished labor or material for any work or improvement for this state, any of its departments, or any school district, city, county, or township in the state in respect of which a bond is furnished under chapter 48-01 and who has not been paid in full within ninety days after completion of his contribution of labor or materials, shall have the right to sue on such bond for the amount unpaid at the time of institution of suit. However, any person having a direct contractual relationship with a subcontractor, but no contractual relationship with the contractor furnishing the bond, shall not have a right of action upon the bond unless he has given written notice to the contractor, within ninety days from the date on which the person completed his contribution, stating with substantial accuracy the amount claimed and the name of the person for whom the contribution was performed. Each notice shall be served by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office, conducts his business, or has a residence.

The contracting body and the agent in charge of its office are authorized and directed to furnish a certified copy of the bond and the contract for which it was given to anyone making an application therefor who submits an affidavit that either he has supplied labor or materials for such work or improvement and that payment has not been made, or that he is being sued on any such bond. Applicants shall pay the actual cost of the

preparation of the certified copy of the bond and the contract. The certified copy of the bond shall be prima facie evidence of the contents, execution, and delivery of the original.

SECTION 2. AMENDMENT.) Section 48-02-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-17. CLAIMS - WHEN BARRED AS LIENS AGAINST CONTRACTOR AND SURETY.) All claims for any labor, material, or supplies furnished for improvements, upon which suit is not commenced within one year after completion of the claimant's contribution of labor, material, or supplies, shall be barred as liens or claims against said contractor and his surety. No action upon any such claim so barred shall be maintained nor any right of setoff or counterclaim thereon enforced in any court in this state against the state or contractor or his surety. Nothing in this chapter in any manner shall bar the right of any person who has furnished labor, supplies, or material to any subcontractor to enforce the same against the subcontractor.

SECTION 3. REPEAL.) Section 48-02-16 of the North Dakota Century Code is hereby repealed.

Approved March 21, 1973

CHAPTER 376

HOUSE BILL NO. 1129

(Raymond, Eagles, A. Olson, Solberg, Lundene)

PUBLIC BUILDINGS TO BE ACCESSIBLE
TO HANDICAPPED

AN ACT to make public buildings and facilities accessible to, and usable by, the physically handicapped, and to repeal section 48-02-18 of the North Dakota Century Code, relating to public buildings.

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

SECTION 1. PUBLIC BUILDINGS AND FACILITIES TO BE USABLE BY PHYSICALLY HANDICAPPED - DUTIES OF CONSTRUCTION SUPERINTENDENT.) All public buildings and facilities constructed after the effective date of this Act, in whole or in part, from funds of the state or of its political subdivisions shall be accessible to, and usable by, the physically handicapped. The state construction superintendent after consultation with the state board of architecture shall promulgate rules and regulations for agencies and institutions of the state and its political subdivisions to follow in making public buildings and facilities reasonably accessible and usable by the physically handicapped. The state construction superintendent, in preparing and promulgating such rules, shall give full consideration to the rules and regulations recommended in and provided by the American standard specifications (A117.1-1961) approved October 31, 1961, by the American standards association, and future amendments thereto. Such rules and regulations promulgated by the state construction superintendent shall be issued in accordance with chapter 28-32. No state agency or institution shall construct a building or facility unless the state construction superintendent determines that the plans and specifications for such building or facility are in conformity with the standards provided in this Act. Governing bodies of political subdivisions shall require a statement from the person or persons preparing the plans and specifications for the building or facility that such are in conformance with the provisions of this Act or that exceptions to the Act have been granted by the state construction superintendent. Any exceptions granted to a governing body shall be made a part of the motion or resolution of approval of the drawings and specifications by the governing body and shall be recorded in the minutes of the meeting where such approval is given. In cases of practical difficulty, unnecessary hardship, or extreme differences, the state construction superintendent may grant exceptions from the literal requirements of the standards provided by this Act or permit the use of other methods or materials, but only when it is clearly evident that reasonably

equivalent facilitation and protection are thereby secured.

SECTION 2. REPEAL.) Section 48-02-18 of the North Dakota Century Code is hereby repealed.

Approved March 3, 1973

CHAPTER 377

SENATE BILL NO. 2221
(Berube, Nething)

MEMBERSHIP OF CAPITOL GROUNDS
PLANNING COMMISSION

AN ACT to amend and reenact section 48-10-01 of the North Dakota Century Code, relating to the capitol grounds planning commission, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 48-10-01 of the 1971 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-10-01. CAPITOL GROUNDS PLANNING COMMISSION.) There is hereby created a planning commission to be known as "The Capitol Grounds Planning Commission" consisting of the governor as chairman and eight other members selected biennially in a manner as herein provided. The governor shall appoint two citizen members, the president of the senate shall appoint three senators, and the speaker of the house of representatives shall appoint three representatives, as members, who, together with the governor, shall constitute the capitol grounds planning commission and serve for a term of two years. The planning commission shall function for the purpose of conferring with qualified consultants retained by it to select sites for buildings to be constructed on the capitol grounds and otherwise developing and modifying long-term plans for the development of the capitol grounds and performing such other duties as may be prescribed by law. The planning commission shall approve or disapprove the basic style and exterior construction of any building or facility constructed upon the capitol grounds. Legislative and citizen members of the planning commission shall be entitled to per diem payments and expenses in such amount and in the same manner as provided by law for members of the legislative council.

SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 25, 1973