

HOUSE BILL NO. 1079

Introduced by

Education Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact sections 48-01.2-07 and 48-01.2-25 of the North
2 Dakota Century Code, relating to opening bids for public improvements and authority of the
3 state board of higher education to change or expand a public improvement.

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

5 **SECTION 1. AMENDMENT.** Section 48-01.2-07 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **48-01.2-07. Opening of bids - Award of contract.** At the time and place specified in
8 the notice, a governing body shall open publicly and read aloud each responsible bid received
9 ~~and. A governing body shall~~ award the contract to the lowest responsible bidder. ~~A governing~~
10 ~~body may or~~ reject any and all bids and readvertise for bids if no bid is satisfactory or if the
11 governing body determines any agreement has been entered by the bidders or others to
12 prevent competition. The governing body may advertise for new bids in accordance with this
13 chapter until a satisfactory bid is received.

14 **SECTION 2. AMENDMENT.** Section 48-01.2-25 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **48-01.2-25. Authorization of expansion of state agency or institution public**
17 **improvements ~~by legislative assembly or budget section.~~** Notwithstanding any other
18 provision of law, a state agency or institution may not significantly change or expand a public
19 improvement beyond what has been approved by the legislative assembly unless the legislative
20 assembly, or the budget section of the legislative council if the legislative assembly is not in
21 session, approves the change or expansion of the project or any additional expenditure for the
22 project. For the purposes of this section, a significant change or expansion ~~includes~~ means the
23 construction of an addition to a building, including skywalks or other type of enclosed walkway,
24 ~~or any other substantial increase in the area of the building, but does not include~~ excluding the

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1 construction of building entrances and stairwells, or additional expenditure in excess of an
2 appropriation made by the legislative assembly. However, if a state board of higher education
3 institution improvement is not significantly changed or expanded, the state board of higher
4 education may authorize the additional expenditure of available federal, grant, gift, or other
5 private funds, not exceeding twenty per cent of the total expenditure authorized by the
6 legislative assembly, in order to cover unanticipated cost increases.