

# PUBLIC BUILDINGS

## CHAPTER 428

### SENATE BILL NO. 2045

(Energy and Natural Resources Committee)  
(At the request of the Department of Water Resources)

AN ACT to amend and reenact sections 43-07-12 and 48-01.2-05 of the North Dakota Century Code, relating to a bidding exception for water supply funds and contents of advertisement for public improvement projects.

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

**SECTION 1. AMENDMENT.** Section 43-07-12 of the North Dakota Century Code is amended and reenacted as follows:

##### **43-07-12. Bids to show license issued.**

1. All bids and proposals for the construction of any public contract project subject to this chapter must contain a copy of the license or certificate for the current contractor year of the license issued by the registrar, enclosed in the required bid bond envelope. A contract may not be awarded to any contractor unless the contractor is the holder of a license in the class within which the value of the project falls as provided under this section. A contractor must be the holder of a license at least ten days before the date set for receiving bids, to be a qualified bidder. A bid submitted without this information properly enclosed in the bid bond envelope may not be read or considered and must be returned to the bidder.
2. This section does not apply to bids submitted:
  1. a. To the department of transportation;
  2. ~~For use of municipal, rural, and industrial water supply funds authorized by Public Law No. 99-294 [100 Stat. 418];~~
  3. b. To the public service commission; or
  4. c. For use of federal aid highway funds authorized by Public Law No. 85-767 [72 Stat. 885; 23 U.S.C. 101 et seq.].

**SECTION 2. AMENDMENT.** Section 48-01.2-05 of the North Dakota Century Code is amended and reenacted as follows:

##### **48-01.2-05. Contents of advertisement.**

The advertisement for bids required by section 48-01.2-04 must state:

1. The nature of the work and the type and location of the proposed public improvement.
2. When and where the plans, drawings, and specifications may be seen and examined.
3. The place, date, and time the bids will be opened.
4. That each bid must be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five percent of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond and any condition of the governing body. A countersignature of a bid bond is not required under this section. If a successful bidder does not execute a contract within the ten days allowed, the bidder's bond must be forfeited to the governing body and the project awarded to the next lowest responsible bidder.
5. That a bidder, ~~except a bidder on a municipal, rural, and industrial water supply project using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C. 390a],~~ must be licensed for the full amount of the bid as required by section 43-07-12. ~~For projects using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C. 390a], the advertisement must state that, unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest responsible bidder, the bid must be rejected and the contract awarded to the next lowest responsible bidder.~~
6. That no bid may be read or considered if the bid does not fully comply with the requirements of this section and that any deficient bid submitted must be resealed and returned to the bidder immediately.
7. That the governing body reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received.

Approved March 17, 2025

Filed March 18, 2025

## CHAPTER 429

### HOUSE BILL NO. 1029

(Legislative Management)  
(Government Services Committee)

AN ACT to amend and reenact section 48-10-03 of the North Dakota Century Code, relating to the power and duties of the capitol grounds planning commission.

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

**SECTION 1. AMENDMENT.** Section 48-10-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **48-10-03. Powers and duties of the commission - Authority to accept gifts - Continuing appropriation.**

The capitol grounds planning commission shall confer with the state council on the arts with respect to the artistic value of monuments, memorials, or works of art to be constructed on the capitol grounds and with qualified consultants retained by it to select sites for buildings, facilities, monuments, memorials, or works of art to be constructed on the capitol grounds. The commission shall develop and modify long-term plans for the development of the capitol grounds. The commission shall approve or disapprove the basic style ~~and~~ exterior construction, ~~and physical and aesthetic features of the public interior areas~~ of any building, facility, monument, memorial, or work of art constructed on the capitol grounds. Except as otherwise provided by this section, the commission has exclusive authority to accept or reject gifts of any type or class of property for exterior placement on the capitol grounds or for the improvement of the exterior construction of any building or facility on the capitol grounds, including landscaping and improvements to the capitol grounds. Any gifts of money accepted pursuant to this section must be deposited in the capitol building fund and are appropriated on a continuing basis to the commission for purposes consistent with this section. No construction or placement of an item on the capitol grounds may be undertaken without the approval of the commission, unless the construction or placement is authorized by the legislative assembly. If the legislative assembly by law or resolution authorizes the construction or placement of an item on the capitol grounds, the commission shall approve the site, basic style, and exterior construction of the item within a reasonable period of time.

The commission shall advise the director of the office of management and budget and the legislative council on matters relating to the physical and aesthetic features of the nonpublic interior areas of all buildings on the capitol grounds. The commission must be called in and shall meet whenever major interior changes, including new construction, remodeling, or renovation of any kind, are proposed or considered for the buildings or facilities on the capitol grounds. The commission must be consulted before the purchase or installation of furniture or fixtures in public areas of the capitol and other buildings on the capitol grounds. The commission may receive reports on new facility construction and remodeling projects exceeding five million dollars, including owned and leased facilities from which the state operates. The commission may not receive new facility construction and remodeling reports on facilities operated by entities under the control of the state board of higher education or the national guard. The commission shall perform any other duties as may be prescribed by law.

Approved May 1, 2025

Filed May 2, 2025