

House Government and Veteran Affairs Committee

House Bill 1445 – A BILL for an Act to amend and reenact sections 48-01.2-01 and 48-01.2-02.1 of the North Dakota Century Code, relating to the definition of a pre-engineered structure and the threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement.

Testimony by Jolene Rieck, PLA; Bismarck, North Dakota

Thursday, February 7, 2025

Good morning, Chairman Schauer, and members of the Committee. I am Jolene Rieck, a North Dakota Licensed Landscape Architect (License #8). Please vote **DO NOT PASS** on HB 1445.

Design professionals, including landscape architects, play a critical role in ensuring the health, safety, and welfare of the public. By overseeing the design and construction of public improvements, we are responsible for compliance with building codes, site integration, accessibility requirements, and environmental considerations.

A pre-engineered structure is a public improvement. There is no need for a separate definition. Most people think of a pre-engineered structure as a pre-engineered metal building, but without proper terminology, this can include any type of building: steel or wood frame. Others may confuse this with the term “prefabricated” building, which is not addressed in this bill.

Most pre-engineered buildings are effectively design-build services for structural integrity. Manufacturers and suppliers are typically not licensed nor insured to provide professional design services in mechanical, electrical or plumbing as well as fire protection. Most state agencies and political subdivisions do not have North Dakota licensed design professionals on staff to properly review a proposed design. This often results in delays and rejections from the local building code and fire officials.

The risks with pre-engineered structures are errors or inaccuracies in the design phase, which can lead to deficiencies or mismatches during fabrication and construction. Another risk is poor quality fabrication with substandard components, compromising the integrity and safety of the building, leading to costly rework, delays and future repairs.

One advantage of utilizing pre-engineered structure is that it can administratively speed up the funding obligation process. However, the tradeoff is that pre-engineered structures are often more expensive – up

to 150% more expensive due to a need for customization – a common trait of most public improvement projects.

An example provided by one of my colleagues was a project in Jamestown that originally started with a prefabricated building because of how straightforward the project seemed. However, the client pivoted to a traditional stick-built structure because the moment that plumbing and HVAC were added to the prefabricated structure, the cost nearly doubled. Additionally, the geotechnical investigation found fat clay soils that required substantial engineering and site work to reduce/eliminate differential settling.

Because of the current statute, that client had a licensed design professional on the project, who identified the need for a geotechnical investigation. Many political subdivisions and agencies do not have licensed design professionals on staff. Their level of awareness of all the components in a public improvement may lead to violations in permitting, code compliance, mechanical/electrical/plumbing (MEP), non-pre-engineered components, leading to compromise in health and safety.

By raising the construction cost threshold for requiring agencies and political subdivisions to engage in the services of licensed design professional risks undermining these safeguards. A higher threshold could lead to bypassed professional oversight, increasing the likelihood of design flaws, code violations, and safety risks. Across the country, we have seen examples of structures that failed, resulting in costly repairs, injuries, and even loss of life.

Cost thresholds are a blunt instrument that do not account for the specific complexities of individual projects. The bill is also problematic because it does not define if “cost” only includes the shell of a pre-engineered structure? What about the utilities serving the building? The site work? The fire suppression systems? Does the “cost” include the assembly on location? Does the “cost” include each individual structures or the sum of the “costs” in a multi-structure project?

I urge the committee to prioritize the safety and welfare of our communities by maintaining the current cost threshold for requiring design professionals in pre-engineered building projects. The potential savings from raising the threshold are far outweighed by the risks to public safety and the potential for increased long-term costs.

Please vote **DO NOT PASS** on HB1445.