

PUBLIC BUILDINGS

CHAPTER 426

SENATE BILL NO. 2311
(Melland)

BID REQUIREMENTS FOR DEMOLITION OF BUILDINGS

AN ACT to amend and reenact section 48-02-02 of the North Dakota Century Code, relating to prerequisites for building or repairing public buildings.

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

SECTION 1. AMENDMENT.) Section 48-02-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-02. PREREQUISITE TO BUILDING AND REPAIR BY CONTRACT - EXCEPTIONS.) In altering, repairing, or constructing any building belonging or appertaining to any of the public institutions of the state, or to any county, city, park district, school district, or other political subdivision of the state, or in making any improvements connected therewith or pertaining thereto, or in doing any work thereon, the estimated cost of which amounts to more than twenty-five thousand dollars, the governing body of such public institution, or of such municipality or political subdivision, shall procure such plans, drawings, and specifications thereof, upon competitive bids or otherwise as such board may deem necessary. In all cases where the estimated cost of such work exceeds twenty-five thousand dollars, such plans, drawings, and specifications shall be procured from a licensed architect, provided that any state agency or institution contemplating doing any work amounting to more than five thousand dollars without such plans, drawings, and specifications, shall first obtain the approval of the state superintendent of construction, and that, in the case of public buildings in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, such plans, drawings, and specifications may, with the approval of the board of higher education, be procured from a registered professional engineer, providing such engineer is in the regular employment of the agricultural experiment station. Any type or class of engineering or electrical modifications in any state building must be done by or under the supervision of a licensed engineer or electrician if so directed by the state superintendent of construction. The competitive bid requirements of this section shall be waived upon determination by the state construction superintendent that an emergency situation exists requiring the prompt destruction, demolition, or repair of an existing building, facility, or portion thereof owned by the state, and a contract may be made for such prompt destruction, demolition, or repair without seeking bids. The state construction superintendent shall notify the agency or institution having charge of the building of his determination in writing.

Approved March 13, 1975

CHAPTER 427

SENATE BILL NO. 2288

(Lips)

INVESTMENT OF RETAINAGE

AN ACT to amend and reenact section 48-02-07 of the North Dakota Century Code, relating to investment of retainage on public building construction contract payments.

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

SECTION 1. AMENDMENT.) Section 48-02-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-07. ALLOWANCE AND PAYMENT OF ESTIMATES - INVESTMENT OF RETAINAGE.) At least once in each calendar month during the continuance of work upon any public building or erection begun and carried on under the provisions of this chapter, the governing board, or a committee thereof duly authorized by the board for that purpose, shall meet and receive and consider estimates furnished by the supervising architect or the superintendent of construction of such building or erection, and shall allow such estimates in an amount of the estimated value of the labor and material furnished upon such contract, and of the material then upon the ground for use in the construction thereof, subject to retentions as follows: ten percent of each estimate presented until such time as the project is fifty percent completed, with no further retainage on estimates during the continuance of the contract. The governing board may, however, upon completion of ninety-five percent of the contract according to the estimates, pay to the contractor ninety-five percent of the amount retained from previous estimates. The remaining amount retained shall be paid to the contractor in such amounts and at such times as are approved by the supervising architect or superintendent of construction, with final payment of all moneys due to the contractor to be made immediately following completion and acceptance of the project. If no supervising architect and no superintendent of construction is employed upon such contract, the contractor, at the end of each calendar month during the continuance of work under any such contract, may furnish to such board or public body in charge of such work like estimates which shall be allowed in like manner. Said board or committee thereof, immediately after considering and allowing any such estimate, shall certify and forward the same to the state auditor, county auditor, city auditor, or other official having the power to draw warrants, who forthwith shall draw his warrant upon the proper fund and transmit the same promptly to the contractor entitled thereto. On the amounts of estimates retained, as provided herein, the governing board, authorized committee, or public body in charge of such work may invest or deposit said retained amounts in any financial association or institution in North Dakota, so that the contractor's money will be earning interest or dividends for the benefit of the contractor. Any amounts so invested or deposited shall remain in the name of the governing board, authorized committee, or public body in charge of such work until final payment of all money due to the contractor is to be made. Further, no contractor shall use such account in any manner whatsoever until released and received by him upon completion of the contract.

Approved March 13, 1975

CHAPTER 428

SENATE BILL NO. 2159
(Lashkowitz)

PUBLIC FACILITIES FOR THE HANDICAPPED

AN ACT to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to public buildings and facilities accessible to the physically handicapped.

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

SECTION 1. AMENDMENT.) Section 48-02-19 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-19. PUBLIC BUILDINGS AND FACILITIES TO BE USABLE BY PHYSICALLY HANDICAPPED - DUTIES OF CONSTRUCTION SUPERINTENDENT.) All public buildings and facilities constructed, 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 in accordance with the provisions of this section by July 1, 1979. 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 (All7.1-1961) 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 section. 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 section or that exceptions to the section 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. Adequate space for the physically handicapped to park automobiles near the facility without the necessity of crossing a street to reach such facility shall be provided. All city curbs and crosswalks at principal intersections in the vicinity of public buildings shall be made useable to persons in wheelchairs. In cases of practical difficulty, unnecessary hardship, or extreme differences, the state construction superintendent may grant exceptions within the limits of legislative appropriation, from the literal requirements of the standards provided by this section or permit the use of other methods or materials, or, in the case of existing multiple story buildings, provide such access to only one floor.

Approved March 25, 1975

CHAPTER 429

HOUSE BILL NO. 1492
(Lang, Schindler)

SMOKING RESTRICTIONS

AN ACT to authorize the designation of areas for smoking or non-smoking of tobacco products in publicly owned buildings, and to provide a penalty.

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

SECTION 1. AUTHORITY TO DESIGNATE AREAS FOR SMOKING OR NON-SMOKING OF TOBACCO PRODUCTS IN PUBLICLY OWNED BUILDINGS.) The legislative assembly finds that smoking of tobacco products may be dangerous to the health and welfare of each person, and that smoking in publicly owned buildings may be harmful to the health of those persons working in and frequenting such buildings. The governing authority or person having responsibility for the supervision of any publicly owned building is authorized to designate by sign those areas within such building where smoking of tobacco products shall be prohibited or permitted. As used in this section, "publicly owned buildings" means buildings owned, and occupied or operated, or both, by the state, or by any political subdivision; and "smoking" means the igniting of any tobacco product followed by the drawing of the smoke caused by that ignition into the mouth of the person to be charged.

SECTION 2. PENALTY.) Any person who shall smoke a tobacco product in an area designated for nonsmoking as provided in section 1 of this Act shall be guilty of an infraction.

Approved March 18, 1975