

**FIRST ENGROSSMENT
with Conference Committee Amendments**

ENGROSSED SENATE BILL NO. 2023

Introduced by

Appropriations Committee

(At the request of the Governor)

1 A BILL for an Act to provide an appropriation for capital projects of various state departments;
2 to provide an appropriation for state facility energy improvement capital projects of various state
3 departments and institutions; to authorize the industrial commission to issue and sell evidences
4 of indebtedness for capital projects; to provide a statement of legislative intent; to provide for a
5 legislative council study; to provide an appropriation; to amend and reenact section 48-01.1-09
6 of the North Dakota Century Code, relating to the use of a construction manager; and to
7 declare an emergency.

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

9 **SECTION 1. PROJECT AUTHORIZATIONS.** The industrial commission, acting as the
10 North Dakota building authority, shall arrange for the funding of the projects authorized in this
11 section, declared to be in the public interest, through the issuance of evidences of
12 indebtedness under chapter 54-17.2, beginning with the effective date of this Act and ending
13 June 30, 2007. The industrial commission shall issue evidences of indebtedness under this
14 section with the condition that lease rental payments need not begin until July 1, 2007. The
15 authority of the industrial commission to issue evidences of indebtedness under this section
16 ends June 30, 2007, but the industrial commission may continue to exercise all other powers
17 granted to it under chapter 54-17.2 and this Act and comply with any covenants entered into
18 before that date. The proceeds of the evidences of indebtedness and other available funds are
19 appropriated to the agencies listed in this section, beginning with the effective date of this Act
20 and ending June 30, 2007, for the following projects:

21 Office of management and budget fire suppression	\$3,155,000
22 Office of the attorney general crime lab addition and renovation	3,632,691
23 North Dakota state university hazardous material handling and	3,500,000
24 storage facility	

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1	North Dakota state college of science electrical distribution	736,000
2	Dickinson state university murphy hall	4,100,557
3	Minot state university - Bottineau thatcher hall addition	2,500,000
4	Department of corrections and rehabilitation James River	980,000
5	correctional center ET building improvements	
6	Department of corrections and rehabilitation James River	584,000
7	correctional center programs building code improvements	
8	North central research center agronomy laboratory and greenhouse	440,000
9	Central grasslands research extension center office addition	270,000
10	Main research center greenhouse complex	2,000,000
11	Historical society chateau interpretive center	1,100,000
12	Parks and recreation Turtle River state park administrative office	<u>350,000</u>
13	Total special funds appropriation	\$23,348,248

14 The north central research center may obtain and utilize federal and other funds to
15 assist in the construction of an agronomy laboratory at the north central research center. There
16 is appropriated to the north central research center the sum of \$1,250,000, or so much of the
17 sum as may be necessary, from any federal acts, private grants, gifts and donations, or other
18 funds that may become available for this project for the biennium beginning the effective date of
19 this Act and ending June 30, 2007.

20 The central grasslands research extension center may obtain and utilize federal and
21 other funds to assist in the construction of an office addition at the central grasslands research
22 extension center. There is appropriated to the central grasslands research extension center
23 the sum of \$80,000, or so much of the sum as may be necessary, from any federal acts, private
24 grants, gifts and donations, or other funds that may become available for this project for the
25 period beginning with the effective date of this Act and ending June 30, 2007.

26 The main research center may obtain and utilize federal funds and other funds to assist
27 in the construction of a greenhouse complex at the main research center. There is
28 appropriated to the main research center the sum of \$5,000,000, or so much of the sum as may
29 be necessary, from any federal acts, private grants, gifts and donations, or other funds that may
30 become available for this project for the biennium beginning the effective date of this Act and
31 ending June 30, 2007.

1 The state historical society may obtain and utilize federal or other funds to assist in the
2 heritage center research collections expansion. There is appropriated to the state historical
3 society the sum of \$200,000, or so much of the sum as may be necessary, from any federal or
4 other funds that may become available for this project for the biennium beginning the effective
5 date of this Act and ending June 30, 2007.

6 The department of parks and recreation may obtain and utilize federal funds to assist in
7 the construction of the administrative office building at Turtle River state park. There is
8 appropriated to the department of parks and recreation the sum of \$350,000, or so much of the
9 sum as may be necessary, from any federal or other funds that may become available for this
10 project for the biennium beginning the effective date of this Act and ending June 30, 2007.

11 Grand total special funds appropriation \$30,528,248

12 **SECTION 2. BOND ISSUANCE REPAYMENT RESPONSIBILITY.** Of the total
13 amount of evidences of indebtedness issued under the provisions of section 1 of this Act, a
14 total of \$300,000 must be available from non-general fund sources to assist in the retirement of
15 the evidences of indebtedness issued for the project costs associated with the construction of
16 the projects authorized by this Act:

17 Historical society \$300,000

18 **SECTION 3. STATE FACILITY ENERGY IMPROVEMENT PROJECT**

19 **AUTHORIZATIONS.** The industrial commission, acting as the North Dakota building authority,
20 shall arrange for the funding of the projects authorized in this section, which are described in a
21 report dated November 3, 2004, filed with the governor by the division of community services of
22 the department of commerce, and which are declared to be in the public interest, through the
23 issuance of evidences of indebtedness under chapter 54-17.2 and section 54-44.5-08,
24 beginning with the effective date of this Act and ending June 30, 2007. The authority of the
25 industrial commission to issue evidences of indebtedness under this section ends June 30,
26 2007, but the industrial commission may continue to exercise all other powers granted to it
27 under chapter 54-17.2, section 54-44.5-08, and this Act and comply with any covenants
28 entered into prior to that date. The proceeds of the evidences of indebtedness and other
29 available funds are appropriated to the agencies and institutions listed in this section, beginning
30 with the effective date of this Act and ending June 30, 2007, for the following projects:

1	University of North Dakota sundry projects	\$2,331,554
2	Total special funds appropriation	\$2,331,554

3 **SECTION 4. LEGISLATIVE INTENT - OLD MAIN RENOVATION.** It is the intent of the
4 fifty-ninth legislative assembly that no state funding be used for any renovation projects of old
5 main at Minot state university - Bottineau.

6 **SECTION 5. LEGISLATIVE COUNCIL STUDY - DEFERRED MAINTENANCE -**
7 **INFRASTRUCTURE.** The legislative council shall consider studying, during the 2005-06
8 interim, deferred maintenance and infrastructure for all state agencies and institutions and
9 compile a list of all the deferred maintenance and long-term infrastructure needs. The
10 legislative council shall report its findings and recommendations, together with any legislation
11 required to implement the recommendations, to the sixtieth legislative assembly.

12 **SECTION 6. APPROPRIATION - HERITAGE CENTER STUDY.** There is appropriated
13 out of any moneys in the general fund in the state treasury, not otherwise appropriated, the
14 sum of \$150,000, or so much of the sum as may be necessary, to the office of management
15 and budget for the purpose of conducting a study regarding an expanded heritage center,
16 including archive storage, exhibit area, and all other such spaces necessary to complete the
17 facility as outlined in the North Dakota state capitol complex master plan dated December 14,
18 2000. The study also must examine an alternate location for a comparable replacement facility
19 on the capitol grounds taking into account the cost to retrofit the existing heritage center and
20 long-range plans for the capitol grounds. The office of management and budget shall present
21 the results of the study to the sixtieth legislative assembly.

22 **SECTION 7. AMENDMENT.** Section 48-01.1-09 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **48-01.1-09. Use of construction manager.** If a governing body uses a construction
25 manager on a public improvement, the construction manager must be a licensed contractor.
26 The architect awarded the design contract and the construction manager awarded the
27 construction management contract for a public improvement shall carry out their contractual
28 duties as agents to the public improvement entity. The architect and construction manager
29 may not construct any portion of the public improvement and may not contract with any
30 contractor or subcontractor to construct any portion of the work. The construction manager
31 awarded the contract for ~~construction~~ of a public improvement shall bond the entire cost of the

1 project through a single bond, or through bonds provided by all bid packages and the
2 construction manager's bond for the full amount of the construction manager's services. If the
3 total of the bonds is less than the total project bid, the construction manager shall bond the
4 difference between the total of the bonds and the total project bid.

5 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.