

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2088

Introduced by

Appropriations Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subsection 1 of section 54-44-11, sections 54-44.4-02,
2 and 54-44.4-03 of the North Dakota Century Code, relating to providing a continuing
3 appropriation from the state purchasing operating fund, delegation of purchasing authority by
4 the director of the office of management and budget, and cooperation with political subdivisions
5 for purchasing; and to provide a continuing appropriation.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 54-44-11 of the 1995 Supplement
8 to the North Dakota Century Code is amended and reenacted as follows:

9 1. The office of management and budget shall establish a state purchasing operating
10 fund to be used for the procurement and maintenance of an inventory of equipment
11 and supplies for the state departments and agencies. The state purchasing
12 operating fund is hereby appropriated on a continuing basis to the office of
13 management and budget for the procurement and maintenance of an inventory of
14 equipment and supplies as provided in this subsection.

15 **SECTION 2. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **54-44.4-02. Office of management and budget purchasing services.** The office of
18 management and budget shall purchase or lease or otherwise arrange for the procurement, for
19 all state agencies and institutions in the executive branch of state government, all materials,
20 furniture, fixtures, printing, insurance, and other commodities, except the following:

- 21 1. Land, buildings, space, or the rental thereof.
22 2. Telephone and telegraph service, and electrical light and power services.
23 3. Public books, maps, periodicals, and technical pamphlets.

- 1 4. Department of transportation materials, equipment, and supplies in accordance
- 2 with the provisions of chapters 24-02 and 24-03.
- 3 5. Professional services pursuant to written contract.
- 4 6. Services for the maintenance or servicing of equipment by the manufacturer or
- 5 authorized servicing agent of that equipment where the maintenance or servicing
- 6 can best be performed by the manufacturer or authorized service agent, or where
- 7 such a contract would otherwise be advantageous to the state.
- 8 7. Emergency purchases the office of management and budget cannot make within
- 9 the required time and which involve public health or public safety, or where
- 10 immediate expenditures are necessary for repairs of state property to protect it
- 11 against further loss or damage, or to prevent or minimize serious disruption in state
- 12 services.
- 13 8. Such specific items or items costing less than a specified amount as determined
- 14 and indicated by written directive by the director of the office of management and
- 15 budget.

16 The office of management and budget shall purchase items as requested by agencies and
17 institutions under the jurisdiction of the state board of higher education and the legislative and
18 judicial branches of state government. The agencies and institutions under the jurisdiction of
19 the state board of higher education ~~shall, together~~ with the office of management and budget,
20 shall make such joint purchases of like items of high common usage as determined jointly by
21 the agencies and institutions under the jurisdiction of the state board of higher education and
22 the office of management and budget as will result in less cost to the state. The office of
23 management and budget, pursuant to terms and conditions imposed by it, may agree with
24 political subdivisions that have organized a purchasing group pursuant to a joint powers
25 agreement under chapter 54-40.3 to cooperatively purchase certain specific items designated
26 by the office of management and budget if the cooperative purchase will result in a benefit to
27 the state and to the political subdivisions participating in the joint powers agreement.

28 **SECTION 3. AMENDMENT.** Section 54-44.4-03 of the North Dakota Century Code is
29 amended and reenacted as follows:

30 **54-44.4-03. Director of the office of management and budget may delegate**
31 **purchasing authority.** The director of the office of management and budget may delegate to

- 1 state agencies and institutions the authority to make purchases of items not otherwise
- 2 exempted by law ~~when the purchases are necessary due to an agency being able to obtain a~~
- 3 ~~lower price with equal quality, the perishability of items, or the location of the items.~~ Any
- 4 delegation of purchasing authority must be in writing and must ~~indicate~~ specify what ~~is to~~ may
- 5 be purchased by the agency or institution and the duration of the delegation.