

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2066
(Senator Freborg)

AN ACT to amend and reenact section 15-47-15 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to school district bid requirements for used motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1034 does not become effective, section 15-47-15 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-15. School contracts - Advertisement for bids - Publication - Exceptions - Penalty.

1. Except as provided in this section, a school board may not enter into a contract involving the expenditure of an aggregate amount greater than ~~eight~~ twenty-five thousand dollars unless the school board has given ten days' notice by at least one publication in the official newspaper of the school district, received sealed bids, and accepted the bid of the lowest responsible bidder who in the opinion of the school board will best serve the interests of the school district. The provisions of this section do not apply to ~~contracts for~~:
4. ~~a.~~ a. ~~Personal~~ Contracts for the personal services of employees of the district.
2. ~~b.~~ b. ~~School text~~ Contracts for the purchase of school textbooks or reference books.
3. ~~c.~~ c. ~~Articles~~ The purchase of articles not sold on the open market.
4. ~~d.~~ d. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
5. ~~e.~~ e. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
6. ~~f.~~ f. Building contracts under chapters 48-01.1 and 48-02.
7. ~~g.~~ g. School transportation services or fuel for vehicles the purchase of which is made by direct negotiation with a contractor using the procedure described in section 15-34.2-07.1.
8. ~~h.~~ h. The purchase of heating fuel which is made by direct negotiation with a contractor using the procedure described in section 15-34.2-07.1.

~~Such exceptions must be strictly construed.~~

- ~~i.~~ i. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].
3. Any member of a school board who participates in a violation of this section is guilty of a class B misdemeanor.

SECTION 2. AMENDMENT. Section 15.1-09-34 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

15.1-09-34. Contracts by school boards - Bids - Penalty.

1. Except as provided in this section, the board of a school district may not enter a contract involving the expenditure of an aggregate amount greater than ~~eight~~ eighty-five thousand dollars unless the school board has given ten days' notice by publication in the official newspaper of the district, received sealed bids, and accepted the bid of the lowest responsible bidder. This section does not apply to contracts for:
 - a. The personal services of district employees.
 - b. Textbooks and reference books.
 - c. Articles not sold on the open market.
 - d. Patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
 - e. Patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
 - f. Building ~~contracts~~ construction projects under chapters 48-01.1 and 48-02.
 - g. School transportation services.
 - h. Vehicle fuel.
 - i. Heating fuel.
 - j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].
3. A board member who participates in a violation of this section is guilty of a class B misdemeanor.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2066.

Senate Vote: Yeas 46 Nays 0 Absent 3

House Vote: Yeas 92 Nays 0 Absent 6

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State