Prepared by the Legislative Council
staff for Representative Schreiber-Beck
February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO**

# HOUSE BILL NO. 1269

Introduced by

Representative Schreiber-Beck

A BILL for an Act ~~to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to the exemption of the North Dakota center for distance education from forms management requirements; and~~ to amend and reenact ~~section~~sections 54-44.4-02 and 54-44.6-02 of the North Dakota Century Code, relating to procurement exemptions and an exemption from forms management requirements for the North Dakota center for distance education.

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

~~**SECTION 1.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:~~

~~**Exemption from forms management requirements.**~~

~~The North Dakota center for distance education is exempt from the forms management requirements under chapter 54-44.6.~~

**SECTION 1. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.4-02. Office of management and budget purchasing services.**

1. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities. The International Peace Garden may participate in the

procurement authorized by this section. The following commodities and services, however, are not subject to the procurement requirements of this chapter:

~~1.~~a. Land, buildings, space, or the rental thereof.

~~2.~~b. Telephone and telegraph service and electrical light and power services.

~~3.~~c. Public books, maps, periodicals, resource materials, and technical pamphlets.

~~4.~~d. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.

~~5.~~e. Procurements by the industrial commission for energy-related programs under chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.

~~6.~~f. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.

~~7.~~g. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.

~~a.~~(1) Emergency purchases made under this subsection must treat all bidders fairly and promote competition as is practicable under the circumstances~~;~~.

~~b.~~(2) The procurement file must contain a written determination of:

~~(1)~~(a) The basis for the emergency; and

~~(2)~~(b) The basis for the selection of the particular contractor.

~~c.~~(3) If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.

~~d.~~(4) If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.

~~e.~~(5) If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications.

~~8.~~h. Commodities and services costing less than a specified amount as determined by written directive by the director of the office of management and budget.

~~9.~~i. Specified commodities and services as determined by written directive by the director of the office of management and budget.

~~10.~~j. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation.

~~11.~~k. Services to extract, tow, store, and dispose of abandoned or submerged vehicles as defined in chapter 23.1-15.

~~12.~~l. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1, ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.

~~13.~~m. Contracts by the state auditor for audits of computer systems under section 54-10-29.

~~14.~~n. Contracts by the attorney general with experts under section 10-33-145.

~~15.~~o. Contracts by the department of health and human services for online virtual mental health and suicide prevention simulation-based training programs under subsection 28 of section 50-06-05.1 and brain injury informal supports under section 50-06.4-07.

p. ~~Purchases made~~Contracts by the North Dakota center for distance education for ~~technology and~~ educational content, educational technology tools, and related services for virtual delivery of education to ~~deliver~~students in kindergarten through grade twelve ~~education and related services virtually~~.

2. All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget.

**SECTION 2. AMENDMENT.** Section 54-44.6-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.6-02. Definitions.**

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Agency" means any department, office, commission, board, or other unit, however designated, of the executive branch of state government. The term does not include the North Dakota center for distance education.
2. "Form" means any document designed to record information and containing blank spaces and which may contain headings, captions, boxes, or other printed or written devices to guide the entry and interpretation of the information.