

SENATE BILL NO. 2353

Introduced by

Senators Davison, Bekkedahl, Rummel

Representative Bosch

1 A BILL for an Act to amend and reenact sections 15.1-09.1-02.1 and 54-44.4-02 of the North
2 Dakota Century Code, relating to regional education associations.

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

4 **SECTION 1. AMENDMENT.** Section 15.1-09.1-02.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-09.1-02.1. Regional education association - Services to be offered.**

- 7 1. ~~In order to~~To be eligible for state funding, a regional education association ~~must~~shall
8 offer the following services to its member districts:
- 9 a. Coordination and facilitation of professional development activities for teachers
10 and administrators employed by its member districts;
 - 11 b. Supplementation of technology support services;
 - 12 c. Assistance with achieving school improvement goals identified by the
13 superintendent of public instruction;
 - 14 d. Assistance with the collection, analysis, and interpretation of student
15 achievement data; and
 - 16 e. Assistance with the expansion and enrichment of curricular offerings.
- 17 2. Subsection 1 does not preclude a regional education association from offering
18 additional services, including services to a district that is not a member of the regional
19 education association.
- 20 3. A regional education association may enter a contract with the superintendent of
21 public instruction to offer services.

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

1 **54-44.4-02. Office of management and budget purchasing services.**

2 1. The office of management and budget shall purchase or lease or otherwise arrange
3 for the procurement, for all state agencies and institutions in the executive branch of
4 state government, all materials, furniture, fixtures, printing, insurance, services, and
5 other commodities. The International Peace Garden may participate in the
6 procurement authorized by this section. The following commodities and services,
7 ~~however,~~ are not subject to the procurement requirements of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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- 1 e. (3) If the emergency circumstances warrant a noncompetitive purchase, the
2 office of management and budget or the purchasing agency shall document
3 within the procurement file a written determination of the basis for the
4 noncompetitive purchase, including the circumstances that justified the
5 noncompetitive purchase.
- 6 d. (4) If the emergency purchase is subject to federal funding reimbursement, the
7 office of management and budget or the purchasing agency shall ensure the
8 procurement procedures and documentation are adequate to satisfy
9 requirements for federal reimbursement.
- 10 e. (5) If time allows, emergency purchases for commodities under this subsection
11 may require a sample for use in determining whether an offered product
12 meets specifications.
- 13 ~~8.~~ h. Commodities and services costing less than a specified amount as determined
14 by written directive by the director of the office of management and budget.
- 15 9. i. Specified commodities and services as determined by written directive by the
16 director of the office of management and budget.
- 17 ~~10.~~ j. Employee benefit services, trust-related services, and investment management
18 services obtained by an agency with a fiduciary responsibility regarding those
19 services. Nothing in this subsection may be construed to allow an agency to
20 create or renew a contract perpetually and without limitation.
- 21 ~~41.~~ k. Services to extract, tow, store, and dispose of abandoned or submerged vehicles
22 as defined in chapter 23.1-15.
- 23 ~~42.~~ l. Contracts by the agriculture commissioner for agricultural market news services
24 under cooperative agreements with the United States department of agriculture,
25 ombudsmen for pipeline restoration under section 4.1-01-17, environmental
26 impact mitigation services under section 4.1-01-21.1, ombudsmen for wind
27 property issues under section 4.1-01-23, weed control inspection agents under
28 section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.
- 29 ~~43.~~ m. Contracts by the state auditor for audits of computer systems under section
30 54-10-29.
- 31 ~~44.~~ n. Contracts by the attorney general with experts under section 10-33-145.

- 1 15. o. Contracts by the department of health and human services for online virtual
2 mental health and suicide prevention simulation-based training programs under
3 subsection 28 of section 50-06-05.1 and brain injury informal supports under
4 section 50-06.4-07.
- 5 p. Contracts by the department of public instruction with a regional education
6 association under section 15.1-09.1-02.1.
- 7 2. All purchases made by the office of management and budget or a state agency or
8 institution to which authority to purchase has been delegated by the office of
9 management and budget must be made in accordance with this chapter, rules adopted
10 under this chapter, and written policies of the office of management and budget.