

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1269

Introduced by

Representative Schreiber-Beck

1 A BILL for an Act ~~to create and enact a new section to chapter 15-19 of the North Dakota~~  
2 ~~Century Code, relating to the exemption of the North Dakota center for distance education from~~  
3 ~~forms management requirements; and~~ to amend and reenact ~~section~~sections 54-44.4-02 and  
4 54-44.6-02 of the North Dakota Century Code, relating to procurement exemptions and an  
5 exemption from forms management requirements for the North Dakota center for distance  
6 education.

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

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

10 ~~Exemption from forms management requirements.~~

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

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

15 **54-44.4-02. Office of management and budget purchasing services.**

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

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

- 3 ~~1-a.~~ Land, buildings, space, or the rental thereof.
- 4 ~~2-b.~~ Telephone and telegraph service and electrical light and power services.
- 5 ~~3-c.~~ Public books, maps, periodicals, resource materials, and technical pamphlets.
- 6 ~~4-d.~~ Department of transportation materials, equipment, and supplies in accordance  
7 with section 24-02-16.
- 8 ~~5-e.~~ Procurements by the industrial commission for energy-related programs under  
9 chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those  
10 statutes in title 38 authorizing the industrial commission to perform well and hole  
11 pluggings, reclamation work, equipment removal, leak prevention, and similar  
12 work.
- 13 ~~6-f.~~ Services for the maintenance or servicing of equipment by the manufacturer or  
14 authorized servicing agent of that equipment when the maintenance or servicing  
15 can best be performed by the manufacturer or authorized service agent, or when  
16 such a contract would otherwise be advantageous to the state.
- 17 ~~7-g.~~ Emergency purchases the office of management and budget or a purchasing  
18 agency cannot make within the required time and which involve public health or  
19 public safety, or when immediate expenditures are necessary for repairs of state  
20 property to protect it against further loss or damage, or to prevent or minimize  
21 serious disruption in state services.
- 22 ~~a-(1)~~ Emergency purchases made under this subsection must treat all bidders  
23 fairly and promote competition as is practicable under the circumstances;
- 24 ~~b-(2)~~ The procurement file must contain a written determination of:
- 25 ~~(1)(a)~~ The basis for the emergency; and
- 26 ~~(2)(b)~~ The basis for the selection of the particular contractor.
- 27 ~~e-(3)~~ If the emergency circumstances warrant a noncompetitive purchase, the  
28 office of management and budget or the purchasing agency shall document  
29 within the procurement file a written determination of the basis for the  
30 noncompetitive purchase, including the circumstances that justified the  
31 noncompetitive purchase.



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

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

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

11 **54-44.6-02. Definitions.**

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

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