

Fifty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2066

Introduced by

Senator Freborg

1 A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, or
2 in the alternative to amend and reenact section 15.1-09-34 of the North Dakota Century Code,
3 relating to school district bid requirements for used motor vehicles.

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

5 **SECTION 1. AMENDMENT.** If House Bill No. 1034 does not become effective, section
6 15-47-15 of the 1997 Supplement to the North Dakota Century Code is amended and
7 reenacted as follows:

8 **15-47-15. School contracts - Advertisement for bids - Publication - Exceptions -**
9 **Penalty.**

10 1. Except as provided in this section, a school board may not enter into a contract
11 involving the expenditure of an aggregate amount greater than eight thousand
12 dollars unless the school board has given ten days' notice by at least one
13 publication in the official newspaper of the school district, received sealed bids, and
14 accepted the bid of the lowest responsible bidder who in the opinion of the school
15 board will best serve the interests of the school district. The provisions of this
16 section do not apply to ~~contracts for~~:

- 17 ~~4-~~ a. ~~Personal~~ Contracts for the personal services of employees of the district.
18 ~~2-~~ b. ~~School text~~ Contracts for the purchase of school textbooks or reference
19 books.
20 ~~3-~~ c. ~~Articles~~ The purchase of articles not sold on the open market.
21 ~~4-~~ d. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold devices
22 or features required to match articles already in use.
23 ~~5-~~ e. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold articles
24 so distinctive that only one brand can be purchased.

- 1 6- f. Building contracts under chapters 48-01.1 and 48-02.
2 7- g. School transportation services or fuel for vehicles the purchase of which is
3 made by direct negotiation with a contractor using the procedure described in
4 section 15-34.2-07.1.
5 8- h. The purchase of heating fuel which is made by direct negotiation with a
6 contractor using the procedure described in section 15-34.2-07.1.

7 ~~Such exceptions must be strictly construed.~~

- 8 i. The purchase of a used motor vehicle, including a schoolbus, motorbus, or
9 van, intended primarily for the transportation of students.
10 2. For purposes of this section, a "used motor vehicle" means a motor vehicle that
11 has been sold or the title to which has been transferred to another, by the person
12 who first acquired it from the manufacturer or importer, dealer, or agent of the
13 manufacturer or importer, and which has an odometer reading in excess of ten
14 thousand miles [16090 kilometers].
15 3. Any member of a school board who participates in a violation of this section is
16 guilty of a class B misdemeanor.

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

20 **15.1-09-34. Contracts by school boards - Bids - Penalty.**

- 21 1. Except as provided in this section, the board of a school district may not enter a
22 contract involving the expenditure of an aggregate amount greater than eight
23 thousand dollars unless the school board has given ten days' notice by publication
24 in the official newspaper of the district, received sealed bids, and accepted the bid
25 of the lowest responsible bidder. This section does not apply to contracts for:
26 a. The personal services of district employees.
27 b. Textbooks and reference books.
28 c. Articles not sold on the open market.
29 d. Patented, copyrighted, or exclusively sold devices or features required to
30 match articles already in use.

- 1 e. Patented, copyrighted, or exclusively sold articles so distinctive that only one
- 2 brand can be purchased.
- 3 f. Building ~~contracts~~ construction projects under chapters 48-01.1 and 48-02.
- 4 g. School transportation services.
- 5 h. Vehicle fuel.
- 6 i. Heating fuel.
- 7 j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or
- 8 van, intended primarily for the transportation of students.
- 9 2. For purposes of this section, a "used motor vehicle" means a motor vehicle that
- 10 has been sold or the title to which has been transferred to another, by the person
- 11 who first acquired it from the manufacturer or importer, dealer, or agent of the
- 12 manufacturer or importer, and which has an odometer reading in excess of ten
- 13 thousand miles [16090 kilometers].
- 14 3. A board member who participates in a violation of this section is guilty of a class B
- 15 misdemeanor.