

Sixty-ninth  
Legislative Assembly  
of North Dakota

**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 54-44.4-02 of the North  
4 Dakota Century Code, relating to procurement exemptions.

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

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

8 **Exemption from forms management requirements.**

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

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

13 **54-44.4-02. Office of management and budget purchasing services.**

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

20 1-a. Land, buildings, space, or the rental thereof.

21 2-b. Telephone and telegraph service and electrical light and power services.

22 3-c. Public books, maps, periodicals, resource materials, and technical pamphlets.

23 4-d. Department of transportation materials, equipment, and supplies in accordance  
24 with section 24-02-16.

- 1           ~~5-e.~~   Procurements by the industrial commission for energy-related programs under  
2                    chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those  
3                    statutes in title 38 authorizing the industrial commission to perform well and hole  
4                    pluggings, reclamation work, equipment removal, leak prevention, and similar  
5                    work.
- 6           ~~6-f.~~   Services for the maintenance or servicing of equipment by the manufacturer or  
7                    authorized servicing agent of that equipment when the maintenance or servicing  
8                    can best be performed by the manufacturer or authorized service agent, or when  
9                    such a contract would otherwise be advantageous to the state.
- 10          ~~7-g.~~   Emergency purchases the office of management and budget or a purchasing  
11                   agency cannot make within the required time and which involve public health or  
12                   public safety, or when immediate expenditures are necessary for repairs of state  
13                   property to protect it against further loss or damage, or to prevent or minimize  
14                   serious disruption in state services.
- 15          ~~a.(1)~~   Emergency purchases made under this subsection must treat all bidders  
16                   fairly and promote competition as is practicable under the circumstances;
- 17          ~~b.(2)~~   The procurement file must contain a written determination of:
- 18                   ~~(1)(a)~~   The basis for the emergency; and
- 19                   ~~(2)(b)~~   The basis for the selection of the particular contractor.
- 20          ~~e.(3)~~   If the emergency circumstances warrant a noncompetitive purchase, the  
21                   office of management and budget or the purchasing agency shall document  
22                   within the procurement file a written determination of the basis for the  
23                   noncompetitive purchase, including the circumstances that justified the  
24                   noncompetitive purchase.
- 25          ~~d.(4)~~   If the emergency purchase is subject to federal funding reimbursement, the  
26                   office of management and budget or the purchasing agency shall ensure the  
27                   procurement procedures and documentation are adequate to satisfy  
28                   requirements for federal reimbursement.
- 29          ~~e.(5)~~   If time allows, emergency purchases for commodities under this subsection  
30                   may require a sample for use in determining whether an offered product  
31                   meets specifications.

- 1           ~~8-h.~~ Commodities and services costing less than a specified amount as determined  
2                   by written directive by the director of the office of management and budget.
- 3           ~~9-i.~~ Specified commodities and services as determined by written directive by the  
4                   director of the office of management and budget.
- 5           ~~10-j.~~ Employee benefit services, trust-related services, and investment management  
6                   services obtained by an agency with a fiduciary responsibility regarding those  
7                   services. Nothing in this subsection may be construed to allow an agency to  
8                   create or renew a contract perpetually and without limitation.
- 9           ~~11-k.~~ Services to extract, tow, store, and dispose of abandoned or submerged vehicles  
10                   as defined in chapter 23.1-15.
- 11          ~~12-l.~~ Contracts by the agriculture commissioner for agricultural market news services  
12                   under cooperative agreements with the United States department of agriculture,  
13                   ombudsmen for pipeline restoration under section 4.1-01-17, environmental  
14                   impact mitigation services under section 4.1-01-21.1, ombudsmen for wind  
15                   property issues under section 4.1-01-23, weed control inspection agents under  
16                   section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.
- 17          ~~13-m.~~ Contracts by the state auditor for audits of computer systems under section  
18                   54-10-29.
- 19          ~~14-n.~~ Contracts by the attorney general with experts under section 10-33-145.
- 20          ~~15-o.~~ Contracts by the department of health and human services for online virtual  
21                   mental health and suicide prevention simulation-based training programs under  
22                   subsection 28 of section 50-06-05.1 and brain injury informal supports under  
23                   section 50-06.4-07.
- 24          p.   Purchases made by the North Dakota center for distance education for  
25                   technology and educational content to deliver kindergarten through grade twelve  
26                   education and related services virtually.
- 27          2. All purchases made by the office of management and budget or a state agency or  
28                   institution to which authority to purchase has been delegated by the office of  
29                   management and budget must be made in accordance with this chapter, rules adopted  
30                   under this chapter, and written policies of the office of management and budget.