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Sixty-ninth Legislative Assembly of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1269

Introduced by

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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	Gentury Code, relating to the exemption of the North Dakota center for distance education from
3	forms management requirements; and to amend and reenact 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	<u>1.</u>	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	

other commodities. The International Peace Garden may participate in the

state government, all materials, furniture, fixtures, printing, insurance, services, and

1	procurement authorized by this section. The following commodities and services,		
2	howev	ver, are not subject to the procurement requirements of this chapter:	
3	1. <u>a.</u> L	and, buildings, space, or the rental thereof.	
4	2. <u>b.</u> T	elephone and telegraph service and electrical light and power services.	
5	3. <u>с.</u> Р	Public books, maps, periodicals, resource materials, and technical pamphlets.	
6	4. <u>d.</u> D	Department of transportation materials, equipment, and supplies in accordance	
7	w	vith section 24-02-16.	
8	5.<u>e.</u> P	rocurements by the industrial commission for energy-related programs under	
9	cl	hapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those	
10	st	tatutes in title 38 authorizing the industrial commission to perform well and hole	
11	pl	luggings, reclamation work, equipment removal, leak prevention, and similar	
12	w	ork.	
13	6. <u>f.</u> S	ervices for the maintenance or servicing of equipment by the manufacturer or	
14	aı	uthorized servicing agent of that equipment when the maintenance or servicing	
15	Ca	an best be performed by the manufacturer or authorized service agent, or when	
16	SU	uch a contract would otherwise be advantageous to the state.	
17	7. g. Eı	mergency purchases the office of management and budget or a purchasing	
18	ag	gency cannot make within the required time and which involve public health or	
19	рι	ublic safety, or when immediate expenditures are necessary for repairs of state	
20	pr	operty to protect it against further loss or damage, or to prevent or minimize	
21	se	erious 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	c. (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.	

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1	d. (4)	If the emergency purchase is subject to federal funding reimbursement, the
2		office of management and budget or the purchasing agency shall ensure the
3		procurement procedures and documentation are adequate to satisfy
4		requirements for federal reimbursement.
5	e. (5)	If time allows, emergency purchases for commodities under this subsection
6		may require a sample for use in determining whether an offered product
7		meets specifications.
8	8. h. Co	ommodities and services costing less than a specified amount as determined
9	by	written directive by the director of the office of management and budget.
10	9. i. S _l	pecified commodities and services as determined by written directive by the
11	di	rector of the office of management and budget.
12	10. j. Еі	mployee benefit services, trust-related services, and investment management
13	se	ervices obtained by an agency with a fiduciary responsibility regarding those
14	se	ervices. Nothing in this subsection may be construed to allow an agency to
15	cr	eate or renew a contract perpetually and without limitation.
16	11.<u>k.</u> S	ervices to extract, tow, store, and dispose of abandoned or submerged vehicles
17	as	s defined in chapter 23.1-15.
18	12.]. C	ontracts by the agriculture commissioner for agricultural market news services
19	ur	nder cooperative agreements with the United States department of agriculture,
20	OI	mbudsmen for pipeline restoration under section 4.1-01-17, environmental
21	im	npact mitigation services under section 4.1-01-21.1, ombudsmen for wind
22	рі	roperty issues under section 4.1-01-23, weed control inspection agents under
23	Se	ection 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.
24	13. <u>m.</u> C	ontracts by the state auditor for audits of computer systems under section
25	54	4-10-29.
26	14. <u>n.</u> C	ontracts by the attorney general with experts under section 10-33-145.
27	15. o. C	ontracts by the department of health and human services for online virtual
28	m	nental health and suicide prevention simulation-based training programs under
29	SI	ubsection 28 of section 50-06-05.1 and brain injury informal supports under
30	S	ection 50-06.4-07.

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- <u>Purchases madeContracts</u> 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 deliverstudents 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:

- "Agency" means any department, office, commission, board, or other unit, however designated, of the executive branch of state government. <u>The term does not include</u> 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.