

**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.