

**FIRST ENGROSSMENT
with House Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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~~ twenty-five
12 thousand 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,
14 and accepted the bid of the lowest responsible bidder who in the opinion of the
15 school board will best serve the interests of the school district. The provisions of
16 this 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 previously owned or leased and which has an odometer reading in
12 excess of twenty-five thousand miles [40225 kilometers].

13 3. Any member of a school board who participates in a violation of this section is
14 guilty of a class B misdemeanor.

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

18 **15.1-09-34. Contracts by school boards - Bids - Penalty.**

19 1. Except as provided in this section, the board of a school district may not enter a
20 contract involving the expenditure of an aggregate amount greater than ~~eight~~
21 twenty-five thousand dollars unless the school board has given ten days' notice by
22 publication in the official newspaper of the district, received sealed bids, and
23 accepted the bid of the lowest responsible bidder. This section does not apply to
24 contracts for:

- 25 a. The personal services of district employees.
26 b. Textbooks and reference books.
27 c. Articles not sold on the open market.
28 d. Patented, copyrighted, or exclusively sold devices or features required to
29 match articles already in use.
30 e. Patented, copyrighted, or exclusively sold articles so distinctive that only one
31 brand can be purchased.

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- 1 f. Building ~~contracts~~ construction projects under chapters 48-01.1 and 48-02.
- 2 g. School transportation services.
- 3 h. Vehicle fuel.
- 4 i. Heating fuel.
- 5 j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or
- 6 van, intended primarily for the transportation of students.
- 7 2. For purposes of this section, a "used motor vehicle" means a motor vehicle that
- 8 has been previously owned or leased and which has an odometer reading in
- 9 excess of twenty-five thousand miles [40225 kilometers].
- 10 3. A board member who participates in a violation of this section is guilty of a class B
- 11 misdemeanor.