

**HOUSE BILL NO. 1353**

Introduced by

Representatives Klemin, Keiser

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.

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~~ fifty 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 books.  
19 ~~3.~~ c. ~~Articles~~ The purchase of articles not sold on the open market.  
20 ~~4.~~ d. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold devices  
21 or features required to match articles already in use.  
22 ~~5.~~ e. ~~Patented~~ The purchase of patented, copyrighted, or exclusively sold articles  
23 so distinctive that only one brand can be purchased.  
24 ~~6.~~ f. Building contracts under chapters 48-01.1 and 48-02.

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

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

- 7           2. Any member of a school board who participates in a violation of this section is
- 8                                   guilty of a class B misdemeanor.

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

12           **15.1-09-34. Contracts by school boards - Bids - Penalty.**

- 13           1. Except as provided in this section, the board of a school district may not enter a
- 14                                   contract involving the expenditure of an aggregate amount greater than ~~eight~~ fifty
- 15                                   thousand dollars unless the board has given ten days' notice by publication in the
- 16                                   official newspaper of the district, received sealed bids, and accepted the bid of the
- 17                                   lowest responsible bidder. This section does not apply to contracts for:
  - 18                   a. The personal services of district employees.
  - 19                   b. Textbooks and reference books.
  - 20                   c. Articles not sold on the open market.
  - 21                   d. Patented, copyrighted, or exclusively sold devices or features required to
  - 22                                   match articles already in use.
  - 23                   e. Patented, copyrighted, or exclusively sold articles so distinctive that only one
  - 24                                   brand can be purchased.
  - 25                   f. Building ~~contracts~~ construction projects under chapters 48-01.1 and 48-02.
  - 26                   g. School transportation services.
  - 27                   h. Vehicle fuel.
  - 28                   i. Heating fuel.
- 29           2. A board member who participates in a violation of this section is guilty of a class B
- 30                                   misdemeanor.