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Deanna Ballarino
Operator's Signature

10/22/03
Date

2003 SENATE EDUCATION

SB 2372

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10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2372

Senate Education Committee

Conference Committee

Hearing Date 2-10-03

Tape Number	Side A	Side B	Meter #
1	x		14.7 - 23.7
Committee Clerk Signature <i>Diana Johnson</i>			

Minutes: VICE CHAIRMAN LEE called the committee to order. Roll Call was taken with (5) five members present and (1) one absent.

VICE CHAIRMAN LEE opened the hearing on SB 2372 which relates to a cross-reference to a school board nepotism statute, and repealing a section of code that relates to the employment of teachers related to school board members.

Testimony in support of SB 2372.

SENATOR FREBORG, Dist. 8, spoke to the bill. He stated it repeals the section of code that states if a board is hiring a teacher related to a board member, it takes a majority plus one to hire the teacher. He feels this is an antiquated law. What the bill does is require a simple majority.

SENATOR CHRISTENSON asked if there are any conflicts with federal rules and regulations by repealing these statutes. SENATOR FREBORG doesn't know of any.

BEV NIELSON, ND School Boards Assn., spoke in support of the bill. She stated that last session, when the rewrite was done on Sec. 15.1, we changed the conflict of interest statute for

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Date

Page 2

Senate Education Committee
Bill/Resolution Number SB 2372
Hearing Date 2-10-03

school boards (see attached sheet of century code). It was the desire of the legislature to take care of any conflict of interest at the conflict of interest level. At the point when a member has a conflict and the rest of the committee has unanimously decided to allow them to participate, this is the point where the conflict is put to rest and a simple majority will rule on any question.

SENATOR FREBORG asked for a definition of "blood relative". MS. NIELSON stated that the discussion in the interim and she doesn't know what was determined, but she knows it counts cousins.

SENATOR TAYLOR asked if there have been problems with this. MS. NIELSON stated this will take care of any problems with a unanimous vote from the board members. It was confusing with two different statutes saying two different things.

There was no opposition to SB 2372.

SENATOR COOK moved a DO PASS. Seconded by SENATOR CHRISTENSON.

Roll Call Vote: 5 YES. 0 NO. 1 Absent. Motion Carried.

SENATOR LEE asked if the committee wanted a clarification on "blood relative". NO.

Carrier: SENATOR G. LEE

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Dennis Hall
Operator's Signature

10/22/03
Date

REPORT OF STANDING COMMITTEE (410)
February 10, 2003 2:47 p.m.

Module No: SR-25-2159
Carrier: G. Lee
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2372: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2372 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-25-2159

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Operator's Signature

10/22/03

Date

2003 HOUSE EDUCATION

SB 2372

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Operator's Signature

10/22/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. SB 2372
House Education Committee

Conference Committee

Hearing Date March 19, 2003

Tape Number	Side A	Side B	Meter #
1	x		1410-1900
Committee Clerk Signature <i>Linda Guenther</i>			

Sen. Layton Freborg, District 8, Underwood

Hand out on what the statute 15.1-09-37 states for anyone's review.

The employment of relatives to require that you must have the majority plus one if the person in question is related to one of the boards members by blood or marriage.

Gloria Lokken, NDEA

We support this bill and agree that it a necessary step, we do not need to put road blocks in the way of hiring personnel.

Rep. Solberg has there been many of these occurrences of School boards hiring a relative and making a violation of this statute that you know of.

Lokken: Not that I am aware of, We know that the school board members and spouses serving in the same school districts, that is has not be miss used.

Opposition: None Closed the hearing

Rep. Hanson moves a DO PASS, **Rep. Jon Nelson** second the motion.

Roll Vote: 14-0-0 **Rep. Solberg** carry the bill to the floor.

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Deanna Wallin
Operator's Signature

10/22/03
Date

Date: 3/19/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2372

House HOUSE EDUCATION Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Hanson Seconded By Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓				
Rep. Johnson	✓				
Rep. Nelson	✓				
Rep. Haas	✓				
Rep. Hawken	✓				
Rep. Herbel	✓				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Hanson	✓				
Rep. Hunsakor	✓				
Rep. Mueller	✓				
Rep. Solberg	✓				
Rep. Williams	✓				

Total (Yes) 14 No 0

Absent 0

Floor Assignment Solberg

If the vote is on an amendment, briefly indicate intent:

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Deanna Hall Operator's Signature 10/22/03 Date

REPORT OF STANDING COMMITTEE (410)
March 19, 2003 9:42 a.m.

Module No: HR-49-5162
Carrier: Solberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2372: Education Committee (Rep. R. Keisch, Chairman) recommends DO PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-49-5162

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Deanna Dallen
Operator's Signature

10/22/03
Date

2003 TESTIMONY

SB 2372

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Deanna Hall
Operator's Signature

10/22/03

Date

SB 2372

Bur Nelson

2-10-03

15.1-09-38. Duties of school board — Employment of relatives. The board of a school district may not employ as a teacher an individual who is related to a member of the board by blood or marriage, unless a majority of the board members, plus one, vote their concurrence with the employment.

Source: S.L. 1999, ch. 196, § 9.

15.1-07-17. School district contracts — Conflict of interest — Penalty.

1. A school board member or other school officer who has a conflict of interest in any contract requiring the expenditure of school funds shall disclose the conflict to the board and may not participate in any discussions or votes regarding that contract without the consent of all other board members.
2. For purposes of this section, a conflict of interest means the personal, professional, or pecuniary interest of an individual, the individual's spouse or relative, or the individual's business or professional associate.
3. Any person who violates this section is guilty of a class A misdemeanor.

Source: S.L. 1999, ch. 196, § 7; 2001, ch. 161, § 9.

Effective Date.

The 2001 amendment of this section by section 9 of chapter 161, S.L. 2001 became effective July 1, 2001.

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15.1-09-37 ELEMENTARY AND SECONDARY EDUCATION

4. This section does not preclude the operation of a school store where students may purchase school supplies and materials.
5. If a board charges fees not authorized by law and refuses to discontinue the charges when directed to do so by the superintendent of public instruction, the superintendent shall withhold the per student and transportation aid payments to which the district is entitled for each student charged an unauthorized fee.

Source: S.L. 1999, ch. 196, § 9.

15.1-09-37. Duties of school board — Postsecondary instructional programs — Fees. Repealed by S.L. 2001, ch. 161, § 37.

Note. The repeal of this section by S.L. 2001, chapter 161, section 37, became effective July 1, 2001.

15.1-09-38. Duties of school board — Employment of relatives. The board of a school district may not employ as a teacher an individual who is related to a member of the board by blood or marriage, unless a majority of the board members, plus one, vote their concurrence with the employment.

Source: S.L. 1999, ch. 196, § 9.

15.1-09-39. Districts in bordering states -- Contract.

1. Notwithstanding any other provision of law, the board of a school district in this state may contract with the board of a school district in another state for the joint operation and maintenance of school facilities and for joint activities, if the districts are contiguous. To be valid, the contract must be approved by the superintendent of public instruction and by a majority of the qualified electors residing in the district.
2. In assessing the contract, the superintendent shall consider the district's enrollment, its valuation, and its longevity.
3. If the superintendent approves the contract, the board shall submit the contract to the electorate of the district, for approval, at an annual or a special election.
4. The board shall publish notice of the election in the official newspaper of the district at least fourteen days before the election. The notice must include a statement regarding the purpose of the election and the terms of the contract.
5. On the ballot, the board shall seek the voters' permission to execute the proposed contract, as approved by the superintendent of public instruction.
6. If the voters approve the execution of the contract, the board may levy and collect taxes to carry out the contract pursuant to law.
7. If a district that is a party to a contract under this section dissolves, any district to which the land of the dissolved district is attached shall assume the contractual responsibilities.

Source: S.L. 1999, ch. 196, § 9.

15.1-09-40. Sharing of levied taxes — Contract. The boards of two or more school districts may contract to share levied taxes in all or a portion