

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1046

2001 HOUSE EDUCATION

HB 1046

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1046

House Education Committee

☐ Conference Committee

Hearing Date 2-19-01

Tape Number	Side A	Side B	Meter #
1	xx		4450--end
1		xx	1--530
Committee Clerk Signature <i>Pam Owen</i>			

Minutes: Chair Kelsch opened the hearing on HB1046.

Anita Thomas, Legislative Council : In support of HB1046. This is a rewrite. (SEE ATTACHED) (end tape 1, side A, begin side B) Anita continues to testify.

Rep. Mueller : On page 8, you have changed a great deal, the requirements for taxes to be put on a ballot. I would like the committee's feel on that.

Anita : We wanted to get the issue before the voters.

Rep. Nelson : Is there any consistency in code as to why we would use this? Where is that used?

Anita : When we looked beyond Title 15, we saw no consistency at all. It was just a number grabbed from the air.

Chair Kelsch : You need to remember this is just to get the petition on the ballot. Once it is on the ballot, then it is the supermajority that is for or against.

Rep. Hunsakor : Going to section 21, if a teacher would observe students using alcohol on school property, then that teacher is under no obligation to report this because it is not a school event.

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Anita : Correct.

Chair Kelsch : Any more testimony for or against? Hearing none, we are closed.

Rep. Hawken : I move a DO PASS.

Rep. Solberg : I second.

**VOTE: 14 YES and 0 NO with 1 absent. PASSED. Chair Kelsch will carry the bill.**

**FISCAL NOTE**  
 Requested by Legislative Council  
 12/14/2000

Bill/Resolution No.: HB 1046

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Revision of NDCC - no substantive changes were made to existing code.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Gary Gronberg	<b>Agency:</b>	Public Instruction
<b>Phone Number:</b>	328-1240	<b>Date Prepared:</b>	12/29/2000

Date: 2/19/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1046

House House Education Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Solberg

Representatives	Yes	No	Representatives	Yes	No
Chairman-RaeAnn G. Kelsch	✓		Rep. Howard Grumbo	✓	
V. Chairman-Thomas T. Brusegaard	✓		Rep. Lyle Hanson		
Rep. Larry Bellew	✓		Rep. Bob Hunsakor	✓	
Rep. C.B. Haas	✓		Rep. Phillip Mueller	✓	
Rep. Kathy Hawken	✓		Rep. Dorvan Solberg	✓	
Rep. Dennis E. Johnson	✓				
Rep. Lisa Meler	✓				
Rep. Jon O. Nelson	✓				
Rep. Darrell D. Nottestad	✓				
Rep. Laurel Thoreson	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep. R. Kelsch

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

**REPORT OF STANDING COMMITTEE (410)**  
**February 19, 2001 12:43 p.m.**

**Module No: HR-30-3857**  
**Carrier: R. Kelsch**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1046: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS**  
**(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1046 was placed on the**  
**Eleventh order on the calendar.**

2001 SENATE EDUCATION

HB 1046



2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1046

Senate Education Committee

☐ Conference Committee

Hearing Date 03-19-01

Tape Number	Side A	Side B	Meter #
1		x	34.5 - end
1 (03-21-01)	x		0-21.3
Committee Clerk Signature <i>Andrea Johnston</i>			

Minutes: CHAIRMAN FREBORG called the hearing on HB 1046 which is the reconciliation bill to HB 1045 which is the major rewrite to Chapter 15 in Century Code.

**Testimony on HB 1046:**

ANITA THOMAS, Legislative Council Attorney, explained the bill. Section 2, dealing with the oath taken by faculty members employed by an institution of higher education, and Section 3, dealing with faculty members who are not citizen of the US taking an oath, were moved to Chapter 15 - 10, which is the higher education chapter. Section 4 deals with correspondence courses offered through the division of independent study. Changed the references from "pupils" to "students". Also, in Section 4, the change has to do with what is now the standard verbiage for teachers, "an individual who is licensed to teach by the ESPB or approved to teach by the ESPB in both public or nonpublic schools. Section 6 restored verbiage about a child wanting to attend kindergarten. Section 7 changed the requirement for a school district name to be changed. In order for the name change to go on the ballot, the petition would have to be signed by 1/3 of

those who voted in the most recent annual school district election. This is a change from 1/3 of the qualified electors of the district. SENATOR FREBORG stated this is a radical change in numbers. MS. THOMAS stated this was done to maintain consistency in law. Section 8, states the school board can increase by 5% the assessed valuation of all taxable property in the district with a petition signed by 1/3 of the voters who voted in the most recent annual school district election. Section 9 was from 1999 session and subsection 3 was to be omitted and was not. That is the reason for the overstrike. Section 10 pertains to military installation school districts. They delete some cross references to public school rules and add the military school districts into some rules. Section 11 states the size of a school board can be changed if a petition is signed by 1/3 of those who voted in the most recent school district election. Section 12 adds two reasons for a vacancy on a school board. Section 13 requires an individual to take an oath of office within 10 days of receiving notice they were elected or appointed. This was inadvertently left out of chapter 15 and this puts it back in. Section 14 broadens the purposes for which oaths and affirmations may be administered. Section 15 states the business manager shall require the newspaper publishing the board proceedings indicate that the published proceedings are subject to review. Section 16 sets forth the amount of purchases and acquisitions that may be obtained by a school district without going through the bidding procedure. The cross references are included so people understand there are specific requirements for these purchases in other sections of the title. Section 17 pertains to the manner in which vehicle fuel and heating fuel is purchased. Section 19 deals with reorganization and requires a vote by the electors residing within "each school district". Section 20 deals with the suspension and expulsion of students. Due process must be followed before expulsion. SENATOR COOK asked if there is a record of how many students were expelled within the last school year. Also, he asked if there are any

requirements for schools to report expulsions. MS. THOMAS stated there is nothing exactly requiring reporting. Section 21 requires a teacher notify the principal when a student is suspected of using, having or delivering alcohol or a controlled substance. Section 29 deals with proof of identification when a child is enrolled in school, daycare etc. Sections 30 - 35 are cross reference changes. Section 36 is the repeal of NDCC sections. These sections duplicate what is already in law, so now are deleted.

**Hearing no further testimony, the hearing on HB 1046 was closed.**

**03-21-01, Tape 1, Side A., 0 - 21.3**

SENATOR FREBORG called the committee to order. Roll call was taken with all members present.

SENATOR FLAKOLL presented an amendment (10068.0301) and moved to have the amendment adopted. Seconded by SENATOR COOK. Discussion.

SENATOR FLAKOLL stated this amendment takes Section 34 out of the bill. Because of Measure #6, which is where the 70% came from, and which is no longer in practice as it did not work, this section speaks to that Measure and therefore could be deleted. SENATOR KELSH is not comfortable taking this out of law. He feels legislative intent and the goal of 70% is noble and he feels it should be left in law. He thinks in the 1981 Legislative session there was a considerable amount of money put into education, from \$800 to \$1400 per student. Then, in addition to that, the 70% was put into law. He feels this would take care of so many equity issues if the 70% were to be reached. SENATOR KELSH feels most of the equity issues deal with property taxes. When asked by Senator Freborg if he thought more money would take care of equity issues, he answered yes. He feels the less you are dependent on property taxes the less issues there are on equity. SENATOR FLAKOLL stated he feels the inequity is just shifted to

another source. SENATOR KELSH is having a problem seeing a shift in money as an inequity. SENATOR COOK feels removing this won't make a big difference. He explained that he recalls Measure 6, where the 70% came from, was sold to the citizens as the "goose that laid the golden egg" and was going to fund education and bring in all kinds of dollars for education. The way the 70% came into play is that once Measure 6 generated the dollars available to fund education at 70%, then no longer would the dollars go to education but would go somewhere else. He believes this is still in place. It also defined where funds could be used and what they could fund. SENATOR CHRISTENSON feels the 70% should stay. SENATOR O'CONNELL feels the 70% is a goal and should stay even though that percentage hasn't been met. SENATOR FREBORG asked what happens if 70% isn't adequate to fund the programs needed for education. He doesn't feel the intent is to have a lower goal. He feels all legislators want to strive to adequately fund education.

**Roll Call Vote: 4 YES. 3 NO. 0 Absent. Amendment (10068.0301) adopted.**

**SENATOR FLAKOLL moved a DO PASS as Amended. Seconded by SENATOR WANZEK.**

SENATOR FREBORG spoke to Section 26 (exempting children from child labor laws when working on a farm) voicing opposition. SENATOR KELSH spoke on Measure #6. He stated it did it's job. The legislature changed it in 1981 and he feels that change was an attempt to make sure it did not do it's job. There were rebates and tax credits given, and if it would have been left alone it would have done a much better job and it would have made the funding level close to 70%. SENATOR FREBORG stated that he thought Measure #6 eliminated 60,000 tax payers with the \$100 tax credit. Now we are thinking of raising income tax. He isn't sure Measure #6

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did do it's job. However, it was a measure with something in it for everyone and that is how it passed.

**Roll Call Vote: 6 YES. 1 NO. 0 Absent. Motion Carried.**

**Carrier: SENATOR FLAKOLL**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1046

Page 1, line 7, after "15.1-09-34" insert ", 15.1-09-44"

Page 1, line 10, after the fourth comma insert "and" and remove "and 57-51.1-08,"

Page 1, line 12, after "contracts" insert ", schoolbuses"

Page 1, line 17, replace the second "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Page 1, line 18, replace "and" with a comma and after "fees" insert ", and legislative intent"

Page 9, after line 23, insert:

**"SECTION 18. AMENDMENT.** Section 15.1-09-44 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-44. Schoolbuses - Use of nonprofit organizations.** The board of a school district may make a schoolbus available to a nonprofit organization for use in conjunction with the organization's activities. The board shall negotiate the terms of usage with the organization. The terms must address rental charges and insurance coverage. The driver of a schoolbus used by a nonprofit organization under this section must satisfy the requirements for a schoolbus driver set forth in section ~~15.1-07-24~~ 15.1-07-20."

Page 22, remove lines 25 through 31

Page 23, remove lines 1 through 13

Page 24, line 3, replace "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Renumber accordingly

Date: 3/21/01

Roll Call Vote #: /

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1046**

Senate	Education	Committee
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☐ Subcommittee on \_\_\_\_\_  
or \_\_\_\_\_

☐ Conference Committee

Legislative Council Amendment Number

Action Taken adopt amendment 10068.0.301

Motion Made By Sen. Flaherty Seconded By Sen. Cook

[illegible]

Total (Yes) 4 No 3

Absent

### Floor Assignment

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

Date: 3/1  
Roll Call Vote #: 2

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1046**

Senate Education Committee

☐ Subcommittee on \_\_\_\_\_  
or \_\_\_\_\_

☐ Conference Committee

Legislative Council Amendment Number

Action Taken DPA

Motion Made By Sen. Flakoll Seconded By Sen. Wanyik

[illegible]

Total (Yes) 6 No 1

Absent 0

Floor Assignment Sen. Takoll

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



**REPORT OF STANDING COMMITTEE**

**HB 1046: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1046 was placed on the Sixth order on the calendar.

Page 1, line 7, after "15.1-09-34" Insert ", 15.1-09-44"

Page 1, line 10, remove "and 57-51.1-08,"

Page 1, line 12, after "contracts" Insert ", schoolbuses"

Page 1, line 17, replace the second "and" with a comma and after "15.1-09-37" Insert ", and 57-51.1-08"

Page 1, line 18, replace "and" with a comma and after "fees" Insert ", and legislative intent"

Page 9, after line 23, Insert:

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Page 22, remove lines 25 through 31

Page 23, remove lines 1 through 13

Page 24, line 3, replace "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Renumber accordingly

2001 TESTIMONY

HB 1046

draws plans or specifications for the construction of a public school building or facility in violation of this chapter; superintendents construction in violation of this chapter, actually engages in construction in violation of this chapter, or violates any other provision of the chapter.

A school board member is likewise guilty of an infraction if there was concurrence by the member in the improper activity.

An infraction carries with it a maximum fine of \$500.

## **HOUSE BILL NO. 1046 TESTIMONY**

This is a reconciliation bill. Like the last time, when we make changes to Title 15, we also affect sections of the code that are outside of Title 15. The only reason we didn't combine all this is one bill was -- like last session with House Bills 1034 and 1035 -- all the new material in the Title rewrite would have had to be underlined.

**Section 1.** This section deals with a school district's duty to make payments on its bonds. The section contains a reference to chapter 15-40.1 which is the education finance chapter. In the rewrite, that chapter becomes 15.1-27.

**Section 2.** Under present law, the oaths required by faculty members at our public institutions of higher education are set forth in a portion of the code that otherwise relates to K-12. This is all current language and the only thing we're doing here is moving it to chapter 15-10, which relates to higher education. The interim committee had given higher education written notice of its intent to move the section.

**Section 3.** This section deals specifically with oaths required of faculty members who are not citizens of the United States. Like the previous section, it was found in a portion of the code that otherwise related to K-12. Again, the only thing that the committee did was move the section from the K-12 chapters to the higher education chapters.

**Section 4.** This section deals with correspondence courses offered through the division of independent study. On page three, the committee replaced references to "pupils" with references to "students". This change of verbiage has been an ongoing effort for the last decade.

On page four, we have another section number change and we have what is becoming standards verbiage in referring to teachers -- i.e. that the individual is licensed by the ESPB or approved by the ESPB. To require that an individual be only a licensed teacher, would be akin to accepting a teaching license from another state, and more often than not, what is intended is that the individual be licensed in ND.

**Section 5.** Here again we have reference to correspondence courses offered through the division of independent study and here again, we are reconciling section numbers.

**Section 6.** Prior to the rewrite, ND law provided that a child who is not yet six may be considered for admission to grade one if the child can demonstrate special talents and abilities by means of a readiness screening test. That same provision existed for children who were not yet five and who were seeking admission to kindergarten. In the process, this verbiage was somehow missed and it is now being restored.

**Section 7.** In this section, the committee tried to address what it thought were unreasonable requirements for petitions. Prior to the rewrite, the law stated that if one wanted to change the name of one's school district, one had to convince the school board to put the issue on the ballot, or get a petition signed by one-third of the district's qualified voters, and upon submitting such a petition, the issue would be on the ballot at the next school district election.

The interim committee was told that it should attempt to reconcile petition requirements, so here too the committee provided that a petition would require the signatures of qualified electors in the district, equal in number to at least 1/3 of those who voted at the most recent annual school district election. Once it's on the ballot, the name change would still hinge on obtaining the necessary majority vote.

**Section 8.** In this section, the committee again tried to address what it thought were unreasonable requirements for petitions. Here we are dealing with the placement on the ballot of a resolution seeking to raise the district's limit of indebtedness by an additional five percent beyond that fixed by the constitution. Article X Sec. 15 of the ND constitution provides that the debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per cent upon the assessed value of the taxable property in the political subdivision. A school district may, by a majority vote, increase its indebtedness five percent on such assessed value beyond the five per cent limit.

This section deals with the petition to place the question before the voters. Prior to the rewrite, the requirement was one-third of the district's qualified voters. The interim committee changed this to require on the petition signatures equal only to 1/3 of those who voted at the most recent annual school district election.

**Section 9.** In the waning days of the 1999 session, a great deal of work was done to address conflicts of interest in school district contracts. What the parties agreed to was that a school board member or other school officer who has a conflict of interest must disclose the conflict and may not participate in any discussions or votes regarding the contract unless all other board members consent to his participation.

What you see overstricken in subsection 3 (on page 6, lines 22-24) was to have been removed in the 1999 amendment. It was inadvertently left in, and that oversight is now being corrected.

**Section 10.** This section pertains to military installation school districts. Present law cross references the duties of a military installation school district with those of a standards school district. It also cross references the duties of a military installation school district business manager with those of a standards school district's business manager. The ND School Board's

association had pointed out to the committee that additional sections should be subject to the cross reference. As suggested, a military installation business manager would be subject to all the duties required of a school district business manager in section 15.1-07-21, he would have to file a bond as required under section 15.1-07-23, and he would have to account for all funds, as required under section 15.1-07-24.

(15.1-07-24 was referenced above and 15.1-07-26 doesn't exist.)

**Section 11.** This section involves a petition to alter the size of a school board. Prior to the rewrite, the petition required 1/3 of the qualified electors who voted at the most recent annual school district election. In the rewrite, language was inadvertently omitted. The result was that the petition would have required the signatures of 1/3 of the qualified electors of the district. The committee wanted this restored to its earlier version, which required the signatures of 1/3 of the qualified electors voting in the most recent annual school district election. This is consistent with the position taken by the committee in earlier sections.

**Section 12.** During the 1999 session, the ND school board's association had asked the interim committee to clarify the purposes for which a school board member's office could be declared vacant. Those purposes were the traditional death, resignation, removal from office, relocation. The school board had asked that those be expanded to include an individual's refusal to serve or failure to qualify for the office. This generally happens when an individual's name is hand written on the ballot and that individual has no desire to be a board member.

Anyway, this verbiage was agreed to but did not make it into amendment form last time.

**Section 13.** During the 1999 session, this particular change was, I believe, introduced by the Secretary of State's office. It requires an individual elected or appointed as a school board member to take or file the oath or affirmation within 10 days after receiving notice of the appointment or election. Failure to do so disqualifies the individual.

This change was agreed to during the 1999 session. What no one caught was that the section was drafted just to Title 15 and not double drafted to Title 15.1. After the session, the provision in Title 15 was literally repealed and so to was the amended to it.

**Section 14.** This section deals with oaths. Prior law had stated that any school district officer could administer an oath or an affirmation required in any matter pertaining to school offices or affairs. The ND school boards association pointed out that the rewrite allowed for oaths or affirmation by school board members, but it didn't extend to matter such as school board hearing, where outside witnesses might have to be sworn in. This amendments broadens the purposes for which oaths and affirmations may be administered.

**Section 15.** The ND school board's association indicated that when school board minutes are published, they are published subject to review and revision by the board. The association wanted to ensure that the business manager had the authority to require that the newspaper publishing the

minutes indicate that they are subject to review and revision.

**Section 16.** This section sets forth the types of purchases and acquisitions that may be made by a school district without having to engage in the bidding procedure. The ND School Boards Association asked that cross references be included here so that people understand there are specific requirements for these purchases in other sections of the title.

**Section 17.** This section pertains to the manner in which school districts must purchase vehicle and heating fuel. This section looks like new language but it is not. The concept had been located in the school district transportation chapter. It was repealed from that section and at the direction of the committee, placed in the chapter dealing with school boards and their rights and responsibilities.

**Section 18.** If during a rewrite, one section is added, all internal references need to be changed. In this section, which deals with the powers of the Fargo school board, this one cross reference change was missed. It should be a cross reference to section 15.1-09-33 not 32.

**Section 19.** When the 1999-2000 interim committee worked to craft language regarding the reorganization of school districts, we ended up with one section that referenced a vote by the electors within the boundaries of the proposed new district and the other referenced a vote by the electors residing within each school district. The intent was to require a vote by the electors residing within each school district and that is now reflected in this section.

**Section 20.** This section deals with the suspension and expulsion of students. The committee was asked to make clear that a due process hearing must occur before a student may be expelled. This is not a requirement prior to a suspension.

This section also removes from the list of causes for expulsion, the reference to a violation of the school district weapons policy. That issue is dealt with in another section of the code and has its own procedure.

**Section 21.** During the last interim, work was done on the chemical abuse and prevention chapter. This particular language requires that a teacher notify the principal when a student is suspected on using, having, or delivering alcohol or a controlled substance. This is not new language -- it's just language that doesn't fit very well in a particular chapter. The interim committee determined that since this section dealt with substance use by students, perhaps the best choice was to place it in the chapter dealing with students.

**Section 22.** This is a bonding section and again, the committee had to change internal references from sections in Title 15 to sections in Title 15.1.

**Section 23.** This section starts out by referencing any school district established under chapter 15-47 or a board of education established under chapter 15-51 . . . Since both cross references would be in need of change and since both cross references aren't necessary in the first place, the committee agreed to simply remove them and refer just to any school district.

**Section 24.** This section includes a cross references to a special education section. That section is now found in chapter 15.1-32 not in chapter 15-59.

**Section 25 and 26.** The next two sections relate to the employment of students who are fourteen or fifteen. The only changes here are cross references to Title 15.1

**Section 27.** This section deals with early childhood services offered by the Department of Human Services. Again, the committee had to change internal references to Title 15.1.

**Section 28.** This section deals with boards and commissions. Again, an internal reference change was all the committee did.

**Section 29** This section requires proof of identification when a child is enrolled in school, in a day care etc. The section makes reference to home-based instruction. We no longer refer to home based instruction, but rather to home education. That change was made and the definition of home education was added in place of a cross reference.

**Section 30.** This section addresses tax levy limitations. Again, no change was made other than a reconciliation of section numbers to the proposed Title 15.1

**Section 31.** Like the previous section, this one too receive no substantive changes. The only thing the committee did was reconcile the section numbers to the new Title 15.1.

In fact, the same comment is applicable to sections 32 through 35.

**Section 36.** This section repeals a couple of current NDCC sections.

**15.1-07-22** states that an individual appointed as a school district business manager shall take and file an affirmation or oath of office before commencing duties. According to the ND School Boards Association, this is not being done and hasn't been done for some time. School district business managers are bonded and the association consequently suggested that the oath pr affirmation requirement could be repealed.

**15.1-09-37.** This section authorizes a school board to charge reasonable fees for books and services in connection with any postsecondary instructional program. There was no problem with the concept. It's just that this same verbiage appears in section 15.1-09-36, which contains a list of all the things a school board may do.

The duplication was not necessary and therefore, the committee recommended repeal.