

EDUCATION

CHAPTER 119

H. B. No. 539
(Brown, Unruh)
(From LRC Study)

BOARD OF UNIVERSITY AND SCHOOL LANDS INVESTMENTS

AN ACT

To amend and reenact sections 15-01-02, 15-03-04, 15-03-15, and 15-03-18 of the North Dakota Century Code, relating to changing the investment list and procedures for the various permanent funds under the control of the board of university and school lands and providing an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-01-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-01-02. Powers—Control of Public Lands and Permanent Funds.) The board shall have:

1. Full control of the selection, appraisalment, rental, sale, disposal, and management of:
 - a. Lands donated or granted by or received from the United States or from any other source for the support and maintenance of the common schools;
 - b. All lands which shall fall to the state by escheat;
 - c. All lands donated or granted by or received from the United States or from any other source for the maintenance of the educational, penal, or charitable institutions;
 - d. All lands acquired by the state through the investment of the permanent school funds of the state as the result of mortgage foreclosure or otherwise;
2. Full control of the investment of the permanent funds derived from the sale of any of the lands described in subsection 1 of this section;
3. Full control of such percent of the proceeds of any sale of public lands as may be granted to the state by the United States on such sale;

4. Full control of the proceeds of any property that shall fall to the state by escheat and of the proceeds of all gifts and donations to the state for the support or maintenance of the common schools, and of all other property otherwise acquired by the state for the maintenance of the common schools. Any gift to the state not specifically appropriated to any other purpose shall be considered as a gift for the support and maintenance of the common schools.

§ 2. **Amendment.)** Section 15-03-04 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-04. Investment of Funds—Purchase of Securities and Mortgages—Appraisal.) Subject to the provisions of section 15-03-05, the board of university and school lands shall invest the money belonging to the permanent funds under its control in the following securities:

1. First mortgages on farm lands and improvements thereon in this state to the extent such mortgages are guaranteed or insured by the United States or any instrumentality thereof, or if not so guaranteed or insured, not exceeding in amount one-half of the actual value of the property on which the same may be loaned, such value to be determined by the board of appraisal of school lands; and
2. All investments that are enumerated under section 21-10-07 of this Code as legal investments for the state investment board.

§ 3. **Amendment.)** Section 15-03-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-15. Meeting to Consider Investments and Approval of Farm Loans—Notice—Vote Required.) The board of university and school lands shall not purchase nor approve the purchase of any securities nor approve the application for any farm loan except at a meeting of the board held pursuant to a notice given by the secretary of the board to every member in time to afford each member an opportunity to be present at the meeting. The notice shall specify that the question of the purchase or the action on a proposal for the purchase of certain securities or the approval of the application for certain farm loans is to be considered at the meeting. A majority vote of all the members of the board shall be required to purchase any securities or to approve the application for any farm loan, and such vote shall be taken by yeas and nays and shall be duly recorded

in the books of the board. The manager of the bank of North Dakota shall serve as counsel and advisor to this board whenever they are considering the investment of funds in securities enumerated in section 21-10-07 of the North Dakota Century Code.

§ 4. **Amendment.**) Section 15-03-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-18. Commissioner to Receive and Present Offers for Bond Sales—Maintain Records of Mortgages and Securities.) The commissioner of university and school lands shall receive and present to the board all offers for the sale of bonds. He shall keep such books as may be necessary to register and describe all securities and mortgages purchased or taken by the board for the benefit of any of the permanent funds under its control. The books kept by the commissioner shall be ruled to permit:

1. The registry of the name and residence of the person offering to sell any bonds, securities, or mortgages;
2. If bonds, the designation of the municipality, corporation, or sovereignty for which the offer is made;
3. A full and detailed description of every governmental bond, whether of the United States, this or any other state, or a municipality, and the date, number, series, amount, and rate of interest of each bond, and when the interest and principal, respectively, are payable;
4. If mortgages, a description of the property mortgaged;
5. If any other security, a full and detailed description of the security according to sound accounting principles.

The foregoing record shall be made before the completion of the purchase of any bond, security, or mortgage.

§ 5. **Effective Date of Act.)** This Act shall not become effective unless and until the people approve the constitutional amendment submitted for approval to the electorate of this state at the general election in 1968 as designated in House Concurrent Resolution "A" of the Fortieth Legislative Assembly.

Approved March 15, 1967.

CHAPTER 120

H. B. No. 738
(Knudson, Austin, Rivinius)

BOARD OF UNIVERSITY AND SCHOOL LANDS
FARM LOAN INVESTMENTS

AN ACT

To amend and reenact section 15-03-09 of the North Dakota Century Code, relating to the term, interest and payment of farm loans in which the board of university and school lands make investment.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 15-03-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-09. Term, Interest, Payment of Farm Loans.) If the mortgage on farm lands is guaranteed or insured by the United States or any instrumentality thereof it may run for a period of not more than forty years and the fund so invested shall bear interest at a rate not less than three percent per annum. If the mortgage is not so guaranteed or insured it shall be for a period of not more than thirty years and the funds so invested shall bear interest at a rate not less than three and one-half percent per annum. The principal and interest shall be payable to the commissioner of university and school lands at Bismarck, North Dakota, and the interest shall be payable annually or at shorter intervals. The payment of such mortgage, both principal and interest, may be amortized over the period of such mortgage. The commissioner shall report and pay into the state treasury all collections of principal and interest payments. The borrower shall have the option of paying ten percent of the principal or any multiple thereof at any interest paying date. Any mortgage may be satisfied at any interest paying date on payment of the entire amount of indebtedness. When the interest is paid it shall become a part of the interest and income fund.

Approved March 4, 1967.

CHAPTER 121

H. B. No. 739
(Knudson, Austin, Rivinius)

EXCHANGE OF LANDS

AN ACT

To create and enact section 15-06-19.1 of the North Dakota Century Code, providing for the exchange of lands under control of the board of university and school lands with lands of the United States.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 15-06-19.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-06-19.1. Exchange of Lands with the United States.) Original grant school or institutional lands and any other lands controlled by the board of university and school lands may be exchanged for lands of like character and value belonging to the United States government when it appears that such exchange will be advantageous to the state of North Dakota and will effect an increase in the value of such lands by consolidation or by making lands more accessible. Such exchange shall be subject to the approval of the proper department of the federal government, and such lands shall be appraised as provided by law in the case of sale of real property owned by the state. The state also may execute and deliver proper conveyances of such land in the manner and form provided by law without the necessity of complying with any statute requiring the giving of notice of exchange or competitive bidding, and may accept in return therefor a proper instrument of conveyance to the state of North Dakota of the land for which such lands are exchanged, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject.

Approved March 4, 1967.

CHAPTER 122

H. B. No. 540
(Brown, Unruh)
(From LRC Study)

CONTROL OF FUNDS AND COMPENSATION BY AND FOR
STATE BOARD OF HIGHER EDUCATION

AN ACT

To amend and reenact sections 15-10-08 and 15-10-16 of the North Dakota Century Code, relating to compensation and expenses of the state board of higher education and control of funds and appropriations of the institutions of higher learning, and declaring an effective date.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-10-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-08. Compensation and Expenses of Board Members.) All members of the state board of higher education shall receive twenty-five dollars per day for their attendance at regular or special meetings of the board or in the performance of such special duties as the board may direct. In addition to such compensation, they shall receive travel expenses in the same manner and at the same rates as provided by law for other state officials for necessary travels in the performance of their duties. The amounts herein specified shall be the only compensation allowable.

§ 2. **Amendment.)** Section 15-10-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-16. Control of Funds and Appropriations of Educational Institutions.) The state board of higher education shall have control of the expenditures of all funds allocated by the Constitution or by law to each of the institutions under its jurisdiction; provided, however, no funds shall be used for any institution or purpose other than that for which it was received or as allocated by law.

§ 3. **Effective Date of Act.)** This Act shall not become effective unless and until the people approve the Constitutional Amendment submitted for approval to the electorate of this state at the general election in 1968 as designated in House Concurrent Resolution "A" of the Fortieth Legislative Assembly.

Approved March 14, 1967.

CHAPTER 123

S. B. No. 109
(Redlin, Pyle, Stafne)

DUTIES OF HIGHER EDUCATION FACILITIES COMMISSION

AN ACT

To create and enact subsection 6 of section 15-10-30 of the 1965 Supplement to the North Dakota Century Code, relating to the powers and duties of the higher education facilities commission.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Subsection 6 of section 15-10-30 of the 1965 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

6. To administer such other federal programs affecting higher education as the governor may designate.

Approved February 27, 1967.

CHAPTER 124

H. B. No. 657
(Aamoth, Duncan, McDonald(21), Jenkins)

EASEMENTS UPON REAL PROPERTY UNDER CONTROL OF
BOARD OF HIGHER EDUCATION

AN ACT

To provide for authorization to the state board of higher education to grant easements upon real property under its administrative jurisdiction.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Granting Easements to State-Owned Land by the State Board of Higher Education.)** The state board of higher education is hereby authorized to grant an easement to any public utility or governmental entity upon or across any real property which it administers and which is owned by the state for the use or benefit of a state-supported institution of higher learning after such board has determined that the granting of the easement would be to the distinct advantage and benefit of an institution of higher learning or the state of North Dakota.

Any property rights transferred under the authority of this section shall be transferred and conveyed by quitclaim instrument or easement executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

Upon the granting of an easement under the authority of this section, any proceeds shall be deposited in the general fund in the state treasury.

Approved March 6, 1967.

CHAPTER 125

S. B. No. 30
(Christensen, Lips)

(Recommended by Legislative Audit and Fiscal Review Committee)

HIGHER EDUCATION CONTINGENCY FUNDS

AN ACT

To provide for the authorization of contingency funds to institutions under the board of higher education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Authorization of Contingency Funds at Institutions Under the Board of Higher Education.) Upon approval by the director of the department of accounts and purchases, the state auditor, and the state treasurer, any institution under the board of higher education may maintain a local contingency fund from funds appropriated by the legislature in an amount and method approved by the director of the department of accounts and purchases from which it can make disbursements or refunds for the immediate use of the payee in instances where timely payment cannot be made under regular expenditure procedures. When such local contingency funds shall be so depleted as to require replenishment, a voucher shall be drawn upon the state treasurer, subject to the approval of the state auditing board, for the amount necessary to replenish such fund. Such voucher, or an accompanying abstract, shall itemize the purpose for which funds have been expended, the name of the payee, and the amounts paid.

Approved February 27, 1967.

CHAPTER 126

S. B. No. 188

(Larson(32), Lips, Wilhite)

STATE AID FOR JUNIOR COLLEGES OR EDUCATIONAL
CENTERS

AN ACT

To amend and reenact section 15-18-07 of the 1965 Supplement to the North Dakota Century Code, relating to state aid for junior colleges or educational centers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-18-07 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-07. State Aid for Junior Colleges or Educational Centers.) There shall be paid to each school district maintaining a junior college or educational center operated by a state-supported institution of higher education meeting the standards prescribed in section 15-18-08, out of funds appropriated for this purpose, the sum of two hundred dollars which shall be paid immediately preceding October first of each year, for every student in attendance during the two full semesters or fall, winter and spring quarters. In addition, the sum of two hundred fifty dollars shall be paid immediately preceding October first of each year for every student in attendance during the two full semesters or fall, winter and spring quarters at a junior college or educational center, provided the school district, city or county shall levy taxes of not less than four mills for the support of such junior college or educational center in accordance with the provisions of sections 15-18-03, 15-18-04.2 or 15-18-05. For the purpose of this section, a "student" shall mean a person enrolled and in attendance, exclusive of temporary absences, in a junior college or educational center operated by a state-supported institution of higher education for a period of not less than thirty days, and carrying a course of study of not less than twelve class hours during each calendar week in academic courses meeting standards prescribed by the state board of higher education, or in trade courses meeting standards prescribed by the state board for vocational education. A class hour shall mean not less than fifty minutes of instruction or supervised laboratory training. Each student enrolled for a period of more than thirty days in any one quarter or semester, but less than two complete

semesters or three complete quarters shall entitle the school district to receive proportionate payments based upon the number of weeks the student is enrolled and in attendance, exclusive of temporary absences, bears to the total weeks in the two complete semesters or three quarters. Such calculations shall exclude weeks of regular vacation time.

If the funds appropriated for the purpose of carrying out the provisions of this section should prove to be insufficient based on the number of students in attendance at a junior college or educational center as provided in this section, the amounts to be paid to such junior colleges or educational centers shall be reduced in such manner so that the payments for each student in attendance at a junior college or educational center will be made on a pro rata basis.

Approved March 15, 1967.

CHAPTER 127

H. B. No. 706

(Jones, Tollefson, Halcrow, Wagner)

JUNIOR COLLEGE BOARDS OF CONTROL

AN ACT

To provide for the establishment of junior college boards of control.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Junior College Boards of Control — Expenditures — Budget—Members—Terms—Compensation.) The school board of any public school district maintaining a junior college shall have the authority to appoint a board of control to direct the management and operation of such junior college. The board of control may have the authority to employ teachers and other personnel, prescribe courses of study, and purchase equipment and supplies and may have the duty of generally managing such junior college. The board of control shall prepare and submit to the school board an annual budget for the operation of such junior college and shall have the authority to approve the expenditures of funds, within the limitations of the budget and perform such other functions as the school board may prescribe. The school board shall have the right to approve, amend, or deny any decision made by the junior college board of control. The board of control may appoint a secretary to keep the minutes and records of said board.

The board of control shall consist of five members. Each member of the board shall hold office subject to removal at the pleasure of the school board for a term of five years except that the five members first appointed under the authority of this Act shall be appointed for the following terms: One for one year, one for two years, one for three years, one for four years, and one for five years as designated by the members of the school board. Any appointment to fill a vacancy shall be for the unexpired portion of the term. Members of the board of control shall serve without pay, but they may receive reimbursement for actual and necessary expenses incurred in the performance of their duties in the same manner and amounts as members of the school board.

Approved March 15, 1967.

CHAPTER 128

H. B. No. 602

(Johnson(23), Giffey, Sandness)

DUTIES OF STATE BOARD OF PUBLIC SCHOOL EDUCATION RELATING TO VOCATIONAL EDUCATION

AN ACT

To amend and reenact section 15-20-04 of the North Dakota Century Code, relating to school district contracts and joint programs.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-20-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-04. Powers and Duties of State Board of Public School Education Relating to Vocational Education.) The state board of public school education shall have all authority necessary to cooperate with the United States office of education in the department of health, education and welfare or other department or agency of the United States of America in the administration of Acts of Congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with Acts of Congress relating to vocational education;
2. To administer the funds provided by the federal government and by this state for the promotion of vocational

- education in agricultural, trade, industrial, home economics, distributive education, office education, health occupations, and technical education subjects;
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state;
 4. To provide for the preparation of teachers of the subjects mentioned in this section;
 5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose;
 6. To make studies and investigations relating to vocational education;
 7. To promote and aid in the establishments of schools, departments, or classes giving training in the subjects mentioned in this section, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes;
 8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors in the subjects mentioned in this section; and
 9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

Approved February 24, 1967.

CHAPTER 129

H. B. No. 603
(Johnson(23), Giffey, Sandness)

COOPERATION OF SCHOOL BOARDS IN VOCATIONAL
EDUCATION

AN ACT

To amend and reenact sections 15-20-06 and 15-40-04 of the North Dakota Century Code, relating to cooperation of school boards in vocational education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-20-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-06. Cooperation of School Boards in Vocational Education.) The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the state board of public school education in the establishment and maintenance of schools, departments, or classes in vocational education giving instruction in agricultural, trade, industrial, home economics, distributive education, office education, health occupations, or technical education subjects, and may use any moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. When any school, department or class giving instruction in vocational education has been approved by the state board of public school education, it shall be entitled to share in any federal and state funds available for vocational education.

§ 2. **Amendment.)** Section 15-40-04 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-04. Vocational Education in Agriculture, Home Economics, and Distributive Education—Cooperation with Federal Programs.) The department of accounts and purchases shall pay moneys appropriated by the legislative assembly in any biennium for the purposes of vocational education in agriculture, trade, industrial, home economics, distributive education, office education, health occupations, or technical education subjects, and occupational information and guidance in cooperation with federal programs, to such school districts and in

such manner as shall be directed in the certificate of the state board of public school education, and such board shall be charged with the duty of administering said funds through the state director of vocational education and shall do all things necessary to cooperate with the program outlined in the Smith-Hughes Act, in the George-Deen Act, and in other federal legislation adopted to further vocational education.

Approved March 14, 1967.

CHAPTER 130

H. B. No. 895
(Fossum, Freeman)

JOINT SERVICE OF COUNTY SUPERINTENDENT
OF SCHOOLS

AN ACT

To allow a county which has a vacancy in the office of county superintendent of schools to enter into an agreement with an adjacent county to provide services to such county, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Contract for Services from Office of Adjacent County Superintendent of Schools.) In any county in which no qualified person has been elected to the office of county superintendent of schools or in which a vacancy exists for other reasons, the board of county commissioners of such county shall, if no qualified person is appointed to such office, enter into an agreement, pursuant to the provisions of section 54-40-08 of the North Dakota Century Code, with the board of county commissioners of an adjacent county which has a county superintendent of schools to have such county's superintendent of schools provide county superintendent of school services to the county in which the office is vacant. The board of county commissioners of each county shall determine the salary of such county superintendent of schools for providing such service, and the combined population of both counties may be taken into consideration for determining such salary. Such salary paid may exceed the limitation set forth in section 11-10-10 of the North Dakota Century Code for a single county. Any contracts or agreements entered into pursuant to the provisions of this Act shall be approved by the state board of public education. Each agreement entered into shall not

exceed one year in duration and each such agreement shall expire on January first of each year.

§ 2. **Emergency.)** This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 4, 1967.

CHAPTER 131

H. B. No. 588
(Rundle, Johnson(39))

ELECTION OF JOINT COUNTY SUPERINTENDENT OF SCHOOLS

AN ACT

Providing for the election of a county superintendent of schools to serve two or more counties or parts thereof, which office and area are to be served by a single county superintendent of schools to be established either upon a petition of the electorate or upon initiation of a plan by boards of county commissioners setting forth the area and approved by the electorate of such affected counties and providing for the sharing of the costs of such office.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Two or More Counties or Parts Thereof May Have a Common County Superintendent of Schools—Boards of County Commissioners to Initiate or Petition by Electors and Formulate Plan—Approval.)** Whenever five percent of the qualified electors of a county or part thereof, as determined by the vote cast for the office of governor at the last general election at which such office was voted upon, shall sign and file a petition setting forth the areas with the county auditor of such county requesting that a county superintendent be elected by two or more contiguous counties or parts thereof to perform the functions of such office for such counties, the county auditor shall transmit a certified copy of such petition to the county auditors of the counties set forth in such petition. Upon receiving such petitions the boards of county commissioners of each county affected by said petition shall either by joint action or upon a resolution passed by a majority of each board formulate a plan for a county superintendent of schools to be elected for a term of four years and serve as the county superintendent of schools for the counties or parts thereof designated by such plan. In formulating such plan, the boards of county commissioners shall consult with school board presidents

affected by such plan. Such plan shall encompass all necessary provisions relating to location and sharing of costs of the office so established and the boards of county commissioners shall be authorized to expend funds of the several counties or parts thereof pursuant to such plan. By joint action the boards of county commissioners shall call a public hearing by publishing a notice in the official newspaper in each county at least fourteen days prior to the date of hearing on the proposed plan. Pursuant to such public hearing such plan shall be submitted to the state board of public school education for approval or disapproval. Upon approval by the state board of public school education, the plan shall be submitted by the county auditor to a vote of the people in each county or parts of a county at an election held prior to July first preceding the expiration of the current term of office of county superintendent of schools. If a majority of the votes cast in each county or parts of a county be in approval, the plan shall go into effect with the beginning of the next term of office for the county superintendent of schools, provided the remaining part or parts of the county are embraced in a similar plan with another county which has been approved by the necessary vote. The county auditors of each county or parts thereof shall place the office on the regular no-party ballot. The canvassing of votes, certifying of nominations, and certifying of elections for any county superintendent elected under the provisions of this Act shall be carried out in the same manner as for candidates for the legislative assembly.

Approved March 4, 1967.

CHAPTER 132

H. B. 795
(Kelsch)

ANNEXATION OF SCHOOL DISTRICT TERRITORY

AN ACT

To amend and reenact section 15-27-06 of the North Dakota Century Code, relating to limitations on power to detach and attach territory.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 15-27-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-27-06. Limitations on Power to Detach and Attach Territory.) No territory shall be detached from one school district for annexation to another school district if the part of the original district remaining after the proposed annexation would have a net assessed valuation as defined in subsection 7 of section 57-02-01 of less than one hundred thousand dollars, if one teacher is employed, or less than one hundred twenty-five thousand dollars for each teacher employed in the remaining territory if the remaining territory has a graded school with two or more teachers. This limitation shall not apply when the proposed annexation shall have the consent of both school boards involved, reorganization committee or committees, the county and state and county superintendent or superintendents involved.

Approved March 14, 1967.

CHAPTER 133

H. B. No. 717

(Ganser, Larson(29), Bernabucci, Ferguson, Reimers)

COMPENSATION OF SCHOOL BOARD AND COMMITTEE FOR REORGANIZATION MEMBERS

AN ACT

To amend and reenact sections 15-29-05 and 15-53-05 of the North Dakota Century Code, relating to the compensation of school board members and to the county committee for reorganization of school districts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 15-29-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-29-05. Compensation of Board Members.) Each member of the school board may receive not in excess of five dollars as compensation for each meeting of the board actually attended by him, but no compensation shall be allowed for more than eighteen meetings in any one year. In addition thereto, each member of the school board may receive eight and one-half cents for every mile of necessary travel in going to and returning from the place of meeting of the school board, on the most usual route. No mileage shall be allowed for more than eighteen meetings in any one year.

§ 2. Amendment.) Section 15-53-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-05. County Committee—Size, Compensation, Vacancies, Term.) In each county in this state there shall be a county committee having the same number of members as there are county commissioner districts in the county. One member of such county committee shall be chosen from among the residents domiciled within each commissioner district of the county. The county committee that has been duly selected and is serving at the time that this section takes effect shall continue to serve in like capacity unless such committee seeks and secures from the state committee a discharge showing that the duties imposed upon it by this chapter have been fully performed, or, in case a county committee shall fail or refuse to submit plans, records, reports and other data as provided for in this chapter, until a new committee is appointed by the state committee. Each member shall receive his actual and necessary expenses incurred by him in attending scheduled meetings and in the performance of his official duties. In addition thereto, each member may also receive five dollars as compensation for each meeting of the committee actually attended by him. The term of each county committee member shall be three years, staggered so that the term of one committee member shall expire each year. Vacancies in any county committee shall be filled by appointment by the county superintendent of schools with the approval of the board of county commissioners. In the event a committee member shall fail, refuse, or be unable to perform his duties as a member of such committee the county superintendent of schools shall, upon petition of a majority of the school boards having territory in whole or in part within the district which such committee member was appointed to represent, shall declare the position of such member upon the committee to be vacant, and shall immediately appoint a new member to the committee from that district.

Approved March 6, 1967.

CHAPTER 134

H. B. No. 848
(Knudson)

SCHOOL BOARD ORGANIZATION

AN ACT

To create and enact subsection 19 of section 15-29-08 of the North Dakota Century Code, relating to school board's authority to organize.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Subsection 19 of section 15-29-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

19. The legislative assembly hereby recognizes the necessity for school boards to organize on the county and state levels, and the legislative assembly hereby authorizes local school boards to pay membership dues to county and state associations and further authorizes county associations to pay membership dues to the state association.

Approved March 14, 1967.

CHAPTER 135

S. B. No. 57
(Lips, Trenbeath)

CANCELLATION AND DESTRUCTION OF WARRANTS

AN ACT

To create and enact sections 15-29-14 and 40-17-09.1 of the North Dakota Century Code, relating to the cancellation of outstanding warrants and the destruction of canceled warrants.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Section 15-29-14 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-29-14. Warrants—Cancellation—Destruction—Description in Minutes.) The school board, at a regular meeting, may cancel and destroy all warrants drawn on any fund of the

school district which have remained on file for a period of six years or more next preceding the regular meeting on which the cancellation takes place. The school board may cancel and destroy all warrants and checks which have been subject to payment and which have not been presented for payment for a period of six years or more next preceding such regular meeting. The school board, before canceling and destroying any such warrants or checks, shall cause to be entered in the minutes of its proceedings a brief description of the warrant or check, containing the name of the payee, and the number, date, and amount of each warrant or check to be canceled and destroyed. If the party entitled to any such warrant or check, or to payment thereon, shall appear thereafter and give good and sufficient reason for his delay in calling for such warrant or in presenting the same for payment, the school board may issue to him a new warrant or check in the amount to which he is entitled, except for the statute of limitations. After the same have been first offered to the state historical society, the school board may destroy by burning any canceled warrant after the passage of ten years from its date of cancellation.

§ 2.) Section 40-17-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

40-17-09.1. Warrants—Cancellation—Destruction—Description in Minutes.) The governing body, at a regular meeting, may cancel and destroy all warrants drawn on any fund of the city which have remained on file for a period of six years or more next preceding the regular meeting at which the cancellation takes place. The governing body may cancel and destroy all warrants and checks which have been subject to payment and which have not been presented for payment for a period of six years or more next preceding such regular meeting. The governing body, before canceling and destroying any such warrants or checks, shall cause to be entered in the minutes of its proceedings a brief description of the warrant or check, containing the name of the payee, and the number, date, and amount of each warrant or check to be canceled and destroyed. If the party entitled to any such warrant or check, or to payment thereon, shall appear thereafter and give good and sufficient reason for his delay in calling for such warrant or check or in presenting the same for payment, the governing body may issue to him a new warrant or check in the amount to which he is entitled, except for the statute of limitations.

Approved February 11, 1967.

CHAPTER 136

H. B. No. 830
(Solberg(9), Wilkie)

CONTRACTS FOR SCHOOL TRANSPORTATION

AN ACT

To amend and reenact section 15-34-12 of the North Dakota Century Code, relating to contracts for school transportation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 15-34-12 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-12. Vehicular Transportation — Bids, Contracts, Bonds.) The school board of any school district which furnishes vehicular transportation to any of its schools, prior to the opening of school each year, shall enter into written contracts for the furnishing of such transportation, for the ensuing school year. If the vehicle furnished is privately owned, the owner or lessee of the vehicle and the school board may enter into a contract not to exceed seven years. The board shall give at least ten days' notice of the time and place of the letting of such contracts and shall call for sealed bids therefor by posting notices thereof in at least three of the most public places in the school district or by publishing such notices in a newspaper of general circulation within such district. The notices shall describe the route to be covered by each contract, and shall state that the board reserves the right to reject any and all bids, that a bond will be required of each successful bidder, in the sum of five hundred dollars or such greater sum as may be set by the board, conditioned for the faithful performance of the duties prescribed by the contract, and that the bids submitted must name the person or persons who will operate the vehicle and describe the nature of the vehicle.

Approved March 14, 1967.

CHAPTER 137

H. B. No. 697
(Olienyk, Bier, DeKrey, Kelsch)

TRANSPORTATION OF NONPUBLIC STUDENTS ON
PUBLIC SCHOOL BUSES

AN ACT

To provide that nonpublic school students may be transported on public school buses when authorized by the school board of a public school district and under certain conditions.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Transportation of Nonpublic Elementary and High School Students—Conditions.) When authorized by the school board of a public school district providing transportation for public elementary and high school students, elementary and high school students attending nonpublic schools may be transported on public school buses to and from the point or points on established public school bus routes on such days and during the times that the public school buses normally operate. The school board of a public school district may authorize and agree to the transportation of such students only when there is passenger room available on such buses, according to the legal passenger capacity for such buses, when such buses are scheduled according to the provisions of this Act; provided, however, no payments shall be made from the county or state equalization funds for any mileage costs for any deviation from the established public routes which may be caused by any agreement entered into pursuant to this section.

Approved March 6, 1967.

CHAPTER 138

H. B. No. 774

(Froelich, McDonald(21), Knudson, Olienyk)

LIGHTING IN SCHOOL ROOMS

AN ACT

To amend and reenact subsection 3 of section 15-35-02 of the 1965 Supplement to the North Dakota Century Code, relating to admission of light in elementary and high schools, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Subsection 3 of section 15-35-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. a. Elementary schools

In elementary school buildings they shall provide for the admission of light from the side, sides, or rear of the classrooms by one or any combination of these sources. The use of skylights to strengthen natural light sources shall be permitted, except that interior classrooms shall be exempted from this provision.

b. High schools

1. In single story portions of high schools they shall provide for the admission of light from the side, sides, rear or ceiling of the classrooms, through one or more of these sources, except that interior classrooms shall be exempted from this provision.
2. In multistory portions of high schools they shall provide for the admission of light from the side, sides, rear or ceiling of the classrooms through one or more of these sources, except that interior classrooms shall be exempted from this provision;

§ 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 6, 1967.

CHAPTER 139

S. B. No. 61
(Longmire, Larsen, Lowe)

EXTENSION OF TEACHERS' INSURANCE AND
RETIREMENT FUND

AN ACT

To amend and reenact subdivision j and to create and enact subdivision k of subsection 1 of section 15-39-01 of the North Dakota Century Code, relating to the extension of the coverage of the teachers' insurance and retirement fund.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) Subdivision j of subsection 1 of section 15-39-01 is hereby amended and reenacted and subdivision k of subsection 1 of section 15-39-01 of the 1965 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

- j. Any person who serves in the capacity of substitute or part-time teacher and earns more than the maximum allowed by the Federal Social Security Act for the receipt of full social security benefits in any one school year;
- k. All certified and qualified teachers employed by any state institution, school board, or governing body who are assigned to duties directly related to the public school program but who may not be directly engaged in teaching.

Approved March 15, 1967.

CHAPTER 140

H. B. No. 577
(Brown, Boustead)

TEACHERS' RETIREMENT ANNUITIES

AN ACT

To amend and reenact section 15-39-28.1 of the 1965 Supplement to the North Dakota Century Code, relating to teachers' retirement annuities.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-39-28.1 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-28.1. Retirement Annuities — Minimum.) Notwithstanding any other provision of law to the contrary, the amount of annuity payable to any teacher who has retired under the provisions of this chapter, shall not be less in amount than the sum of sixty dollars per month. Provided, however, that any teacher who has taught in North Dakota and paid into the fund for twenty-five years or more and has reached the age of seventy shall receive an annuity of not less than the sum of one hundred dollars per month.

Approved March 4, 1967.

CHAPTER 141

S. B. No. 112
(Mutch, Ringsak, Roen, Robinson)

WITHDRAWAL OF TEACHER FROM RETIREMENT PLAN

AN ACT

To amend and reenact section 15-39-40 of the North Dakota Century Code, relating to teachers' insurance retirement fund, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-39-40 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-40. Withdrawal of Member from Fund—Death of Member—Refund.) Any teacher who shall cease to be a teacher in the public schools or state institutions of this state without receiving any benefit or annuity from the fund upon such retirement, upon making written application therefor to the board shall be entitled to the return of one-half of the amount of assessments which he has paid into the fund on salaries earned prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947, without interest. If such teacher, after having withdrawn from the fund as provided in this section, shall become a teacher again in the public schools or state institutions of this state, he, during either the first three years he begins teaching after such withdrawal or within three years of the time when such prior North Dakota teaching combined with North Dakota teaching after such withdrawal shall aggregate twenty-five years, shall elect either to return to the fund the amount which was returned to him, with simple interest at the rate of four percent per annum, from the time of such withdrawal, or to commence participation in the fund as though teaching for the first time. If the teacher who is or was a member of the fund shall die before he has retired as provided in this chapter his designated beneficiary, or if no beneficiary has been designated, his executor or administrator, or if no executor or administrator has been appointed then the surviving spouse or heirs at law shall be entitled to receive from the fund the total amount without interest to which the beneficiary or heirs may be entitled.

§ 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1967.

CHAPTER 142

S. B. No. 228

(Trenbeath, Kelly(24), Kautzmann, Roen, Ruummele,
(Nasset, Geving, Sands, Pyle, Becker)

ELEMENTARY AND SECONDARY SCHOOL FOUNDATION
PROGRAM

AN ACT

To amend and reenact sections 15-40-12 and 15-40-24 of the North Dakota Century Code, relating to legislative intent as to elementary and secondary education and to provide for the effective date or period of the Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.**) Section 15-40-12 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-12. Declaration of Legislative Intent.) Except as otherwise provided in section 15-40-24 of the North Dakota Century Code, it is hereby declared to be the intent of the legislative assembly to support elementary and secondary education through the foundation program by increasing the payments to school districts over and above that paid in the 1965 biennium by twenty-two dollars for each elementary student and increasing the payments to school districts over and above that paid in the 1965 biennium by fifty-eight dollars and eight cents for each high school student and for the purpose of carrying out such legislative intent, it is hereby found that the educational cost per pupil is two hundred and twenty dollars and such cost shall be the basis of calculating grants-in-aid on a per-pupil basis as provided in sections 15-40-14 and 15-40-24.

§ 2. **Amendment.**) Section 15-40-24 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-24. Elementary Per-Pupil Payments—Amount.) There shall be paid out of the county equalization fund, to the school districts of the county operating elementary schools, to school districts contracting to educate elementary pupils in a federal Indian school, and to the state school for the blind, the state school for the deaf and the state training school, employing teachers holding valid certificates or permits, payments based on the average daily membership as provided for in section 15-40-14, the following amounts:

1. In one-room rural schools there shall be paid that amount of money resulting from multiplying the factor of 1.25 times the educational cost per pupil as provided in section 15-40-12 for each of the first sixteen pupils in average daily membership and for each additional pupil in average daily membership there shall be paid .9 times the educational cost per pupil as provided in section 15-40-12 except that no payment shall be made for more than twenty pupils in average daily membership; and
2. In elementary schools having under one hundred pupils in average daily membership there shall be paid that amount of money resulting from multiplying the factor of 1. times the educational cost per pupil as provided in section 15-40-12 for each of the first twenty pupils in average daily membership in each classroom or for each teacher and for each additional pupil in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational cost per pupil as provided in section 15-40-12 except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher; and
3. In elementary schools having one hundred or more pupils in average membership there shall be paid that amount of money resulting from multiplying the factor of .9 times the educational cost per pupil as provided in section 15-40-12 for each of the first thirty pupils in average daily membership in each classroom or for each teacher except that no payment shall be made for more than thirty pupils in average membership in each classroom or for each teacher.

Payment shall not be made for Indian pupils in districts in which the school facilities are being provided, maintained and staffed wholly or in part by the federal government for the education of Indian children.

§ 3. Provisions of Act to Remain in Effect—When.) The provisions of this Act shall become effective and remain in effect only if and so long as the provisions of Senate Bill Number 403 as approved by the Fortieth Legislative Assembly become effective or remain in effect. If the provisions of Senate Bill Number 403 as approved by the Fortieth Legislative Assembly should be suspended or terminated or should not go into effect, the provisions of this Act shall likewise be suspended or terminated or shall not go into effect and the provisions of sections 15-40-12 and 15-40-24 of the North Dakota Century Code in effect during the period of July 1, 1965, through June 30, 1967, shall supersede the provisions of this Act, and the

moneys appropriated in Senate Bill Number 1, as approved by the Fortieth Legislative Assembly, for the purpose of carrying out the provisions of this Act, shall be available and paid only in such amounts as will be required to carry out the provisions of this section. If the provisions of this Act are suspended or terminated or do not go into effect because the provisions of Senate Bill Number 403 are likewise suspended or terminated or do not go into effect, the moneys appropriated pursuant to Senate Bill Number 1 for the purpose of carrying out the provisions of this Act, shall be paid out only in such amounts as will be required for grants-in-aid under sections 15-40-12 and 15-40-24 of the North Dakota Century Code as they were in effect during the period of July 1, 1965, through June 30, 1967.

Approved March 14, 1967.

CHAPTER 143

H. B. No. 561

(Johnson (Barnes), Tollefson, Jones)

TIME FOR FOUNDATION PAYMENTS TO BE MADE

AN ACT

To amend and reenact sections 15-40-16, 15-40-19, and 15-40-29 of the North Dakota Century Code, relating to the time state and local school foundation payments shall be made, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-40-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-16. Application for Payments—Report of County Superintendent of Schools—Appeal.) Immediately upon the termination of the school year and in no event later than July fifteenth of each year the clerk of each district claiming payments from the county equalization fund under the provisions of this chapter shall file with the county superintendent of schools a verified claim stating the name, residence, and the average daily membership as provided for in section 15-40-14, and number of units of high school work taken by each enrolled high school student for whom payment is claimed. Such claim shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the claim and shall determine the residence and other qualifica-

tions of each student named in a claim filed with him. He shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students for which each district in his county is entitled to receive payment from the county equalization fund. At the same time, he shall give notice to any district the claim of which has been disallowed in whole or in part and shall state in such notice the name of any student for whom payment has been disallowed. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final. Not later than December first the superintendent of public instruction shall certify to the department of accounts and purchases a list of the school districts and schools not operated by school districts entitled to payments from the county equalization fund, together with the amounts to which the several districts are entitled.

§ 2. Amendment.) Section 15-40-19 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-19. Distribution of Payments to County Equalization Funds—Duty of Department of Accounts and Purchases.) The superintendent of public instruction shall certify to the department of accounts and purchases a list of all county equalization funds in the state together with a statement of payments equal to one-fourth of the total payments made to each respective equalization fund during the previous fiscal year and the department of accounts and purchases shall pay each county equalization fund such amounts due from the general fund, within the limits of legislative appropriation, upon warrants prepared and issued by the department and signed by the state auditor on or before September fifteenth of each year. Upon receiving the certifications of the county superintendents, the superintendent of public instruction, after certifying to the respective county auditors the amount that shall be levied on all taxable property in accordance with section 15-40-18, shall determine what amounts in addition to the September fifteenth payments are necessary to constitute one-half of the payments due to each county equalization fund for the current school year and shall certify to the department of accounts and purchases a list of all county equalization funds in the state together with a statement of the payments due such funds. The department of accounts and purchases shall pay to each

county equalization fund from the general fund, within the limits of legislative appropriation, upon warrants prepared and issued by the department and signed by the state auditor, the amounts needed in addition to the September fifteenth payment in order to constitute fifty percent of the sum found to be due under the provisions of this chapter on or before December first, on or before February first payments equal to one-fourth of the total payments made to each respective equalization fund and the balance on or before April first.

§ 3. Amendment.) Section 15-40-29 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-29. Payments to Schools and School Districts.) As soon as possible after receiving per-pupil payments from the state as provided for in section 15-40-19, and not later than September twenty-fifth, December fifteenth, February fifteenth, and April fifteenth, the county superintendent of schools shall certify to the county auditor a list of the school districts or schools entitled to per-pupil payments from the county equalization fund together with the amounts to which the several districts or schools are entitled. The county auditor shall pay to each district or school the amount received by the county from the state under the provisions of this chapter upon receiving such certificate. All moneys accumulated in the county equalization fund from the county levy and all other sources shall be paid by the county auditor to the school districts or schools on or before March thirty-first and on or before May fifteenth of each year. Payments shall be made by auditor's warrants drawn upon the county equalization fund to the respective school districts or schools. The payment shall be deposited in the general fund of the district or school.

§ 4. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 21, 1967.

CHAPTER 144

S. B. No. 224
(Pyle, Trenbeath)

SCHOOL DISTRICT BOUNDARY CHANGES AND TUITION OF
NONRESIDENT STUDENTS LIVING ON FEDERAL
INSTALLATIONS

AN ACT

To permit restricted changes in school district boundaries with retention of equivalent taxable valuation by the district involved and retention of substantially similar district boundaries, and to amend and reenact section 15-40-17.1 of the North Dakota Century Code, relating to the tuition of nonresident students who are living and employed on installations of the federal government.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Restricted Changes in Boundaries—Petition—Requirements.) Notwithstanding the provisions of section 15-27-06 of the North Dakota Century Code, a resident or residents of a school district may request annexation of the property upon which his or their residence is situated to an adjacent school district by a petition for an exchange of property between the district of his residence and such adjacent district under the following conditions:

1. The signer of such petition must reside upon the property which he requests be annexed to the adjacent district.
2. There is an agreement for the exchange of property between the petitioners and the owner of the property in the adjacent district which property is to be exchanged for property of the petitioner; provided, however, that the owner of the property in the adjoining district need not reside thereon in order to enter into such agreement.
3. The school boards of the districts involved approve such exchange of property.
4. The difference in taxable valuation of the property involved in such exchange does not exceed one thousand dollars.

Except as provided in this section the other provisions of this chapter applicable to annexation proceedings generally shall apply to the proceedings in this section. The approval by the

county and state committees for the reorganization of school districts shall contain a finding that the above requirements have been met.

§ 2. Amendment.) Section 15-40-17.1 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-17.1. Payment of Tuition by Parents of Nonresident Students—Federal Payments Accepted.) 1. Notwithstanding the provisions of section 15-40-17 a school district may admit nonresident students for whom tuition payments have not been approved by the school board of their residence or the three-member county committee, if such admittance can be done without injuring or overcrowding the school to which the student will be admitted, and if tuition is paid by the parent or guardian in the amount and manner prescribed in this section. Tuition shall be equal to the actual per-pupil cost in the admitting district and shall be based on the actual cost of educating a high school student for the previous school year, less payments from county equalization funds. Such costs shall include expenditures from the general and sinking and interest funds and receipts from the building fund. Credit on tuition charges shall be given by the admitting district to the extent of school taxes paid to the admitting district by the parent or guardian of the admitted student. Not less than one-half of the yearly tuition shall be paid by the parent or guardian in cash on the date of enrollment and the school board shall execute a contract in writing with the parents or guardian of the student requiring the payment of any balance of the tuition in cash on or before the first day of second semester.

2. Notwithstanding the provisions of section 15-40-17 and subsection 1 of this section, a school district may accept payments, under title 1 of Public Law 874, in lieu of tuition for a nonresident student, if the parent of such student both resides and is employed upon an installation owned by the federal government, and the school boards of the district of residence and the district where the student attends school both approve the payment of such sum in lieu of other tuition for the nonresident student.

Approved March 3, 1967.

CHAPTER 145

H. B. No. 601

(Johnson(23), Giffey, Sandness, Allen)

JOINT EDUCATIONAL ENDEAVORS

AN ACT

To amend and reenact section 15-47-32 of the 1963 Supplement to the North Dakota Century Code, relating to sharing educational programs.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-47-32 of the 1963 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-32. Contracts of School Districts for Joint Educational Endeavors.) In addition to its general powers to make contracts, any school district may contract with any other school district for the joint use or employment of qualified driver education instructors, driver training cars, or equipment to be used in establishing complete driver training courses in the respective school districts or may contract with any other school district for the use of joint instructors for any other courses of study or may contract with any other school district for sharing the costs of operating vocational education programs without regard to any other statutory tuition provision.

Approved February 24, 1967.

CHAPTER 146

H. B. No. 584

(Knudson, Sanstead, Froelich)

TEACHERS' ABSENCES

AN ACT

To amend and reenact section 15-47-35 of the North Dakota Century Code, relating to the number of days of permissible absence annually due to sickness that shall be provided in the employment contract of any teacher.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-47-35 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-35. Ten Days' Annual Sick Absence — Cumulative.) The employment contract of any teacher, as defined in section 15-47-26 shall provide for at least ten days' permissible absence annually due to sickness, without loss in pay for the period; and shall further provide for any unused portion of such annually permissible absence to be cumulative from year to year, with a minimum accumulation of thirty days.

Approved March 4, 1967.

CHAPTER 147

SENATE BILL No. 94

(Trenbeath, Larson (Burleigh), Roen, Holand)

DISCHARGE OR FAILURE TO RENEW TEACHING
CONTRACTS

AN ACT

Relating to a statement of legislative intent in regard to the employment of teachers, and providing for conferences when requested for the purpose of explaining reasons for discharge or failure to renew teaching contracts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Legislative Intent in Employment of Teachers.) The legislative assembly, in recognition of the value of good employer-employee relationships between school boards of this state and the teachers employed in the school systems, the need to recruit and retain qualified teachers in this state, and further in recognition of the many intangibles in evaluating the performance of individual members of the teaching profession, urges that each school board of this state ensure through formally adopted policies, that channels of communication exist between the board, supervisory personnel, and teachers employed within its school system. It is the intent of the legislative assembly that in the very sensitive area of discharge of teachers for cause prior to the expiration of the term of the teachers' contracts, or in decisions not to renew the contracts of teachers, that recognition be given by school boards to damage that can result to the professional stature and reputation of such teachers, which stature and reputation were acquired only after the expenditure of substantial time and money in obtaining the necessary qualifications for such profession and in years of practicing the profession of teaching; and that in all decisions of school boards relating to discharge or refusal to renew contracts, all actions of the board be taken with consideration and dignity, giving the maximum consideration to basic fairness and decency.

§ 2. Notification of Discharge or Failure to Renew—Hearing.) The school board of any school district contemplating discharging a teacher prior to the expiration of the term of the teacher's contract, or contemplating not renewing a teacher's contract, shall notify such teacher in writing of such fact at least ten days prior to the date of discharge or final date to renew the teacher's contract. Such teacher shall be informed in writing that he may request and

appear at a meeting to be held by the school board prior to the final decision on such teacher's discharge or failure to renew such teacher's contract. The school board shall give an explanation and shall discuss at such meeting its reasons for the contemplated decision of the board in discharging such teacher or refusing to renew the teaching contract of the teacher. The meeting shall be an executive session of the board unless both the school board and the teacher requesting such meeting shall agree that it shall be open to other persons or the public. No cause of action for libel or slander shall lie for any statement expressed either orally or in writing at any executive session of a school board held for the purposes provided in this section.

Approved February 2, 1967.

CHAPTER 148

S. B. No. 100
(Redlin, Longmire)

INTERSTATE SCHOOL DISTRICT AGREEMENTS

AN ACT

To allow certain school districts, upon approval of the electorate of such districts and the superintendent of public instruction, to enter into agreements with school districts of adjoining states for the joint operation and maintenance of school facilities and activities and to levy and collect taxes for such purpose.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Agreements Between School District and School District of Adjoining States—Provisions—Election—Tax Levy.)

Notwithstanding any other provisions of law, subject to the provisions of this section, the board of any school district with boundaries touching upon a school district in another state may enter into a written agreement with the board of such school district for the joint operation and maintenance of school facilities and activities in either district. Such agreement shall be submitted to the superintendent of public instruction and, in approving or disapproving such agreements, shall take into consideration the enrollment, valuation of the district and future possibilities of the district and, if approved and endorsed by him, shall be submitted to the electorate of the school district at any annual election or at a special election. There shall be published by the school board in a newspaper having general circulation within the district, at least fourteen

days next preceding such election, a statement of the purpose of the election and the terms of the agreement. The question on the ballot shall be:

Shall the proposed agreement between this school district and school district number in county, state of as approved by the superintendent of public instruction by endorsement dated be executed?

YES

NO

Upon approval by the electorate the board of the school district may levy and collect taxes to carry out the provisions of the agreement pursuant to chapters 15-48, 57-16 and sections 57-15-13 and 57-15-14. In the event that a school district which has entered into an agreement with an out-of-state district is annexed or reorganized into another school district, the school board of the reorganized or annexing district shall have all powers, duties, and responsibilities of the board of the district which executed the agreement in effect at the time of the annexation or reorganization.

Approved March 3, 1967.

CHAPTER 149

H. B. No. 579

(Solberg, Reimers, Davis)

(From LRC Budget Committee)

MEDICAL CENTER EXPENDITURES

AN ACT

To amend and reenact section 15-52-09 of the North Dakota Century Code, relating to medical center expenditure of proceeds of the medical center one mill levy.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 15-52-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-09. Expenditure of Proceeds of One Mill Levy Authorized—Limitation.) The proceeds of the one mill tax levy established by Article 60 of the Amendments to the Constitution of North Dakota, together with any other funds that may

be received by the state treasurer, from time to time, for the benefit of the North Dakota state medical center, shall be expended to establish, develop and maintain said North Dakota state medical center, as provided in this chapter, by the issuance of state warrants drawn on such funds by the director of the department of accounts and purchases in payment of vouchers approved by the state board of higher education, or its successor in authority.

Approved February 23, 1967.

CHAPTER 150

S. B. No. 105

(Longmire, Larson(32), Lowe, Larsen)

HIGHER EDUCATION REVENUE BONDS

AN ACT

To amend and reenact sections 15-55-01, 15-55-02, 15-55-02.1, 15-55-03, 15-55-04, 15-55-05, 15-55-06, 15-55-07, 15-55-09, 15-55-10 and 15-55-14 of the North Dakota Century Code, relating to the issuance of revenue bonds for the construction of buildings and other campus improvements at the state institutions of higher learning.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-55-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-01. Board of Higher Education May Set Aside Portions of Campuses for Authorized Revenue Producing Buildings or Other Revenue Producing Campus Improvements.) Subject to and in accordance with the terms of this chapter, the state board of higher education, for and on behalf of the several institutions now and hereafter under its supervision and control, from time to time, may set aside such portions of the respective campuses of said institutions as may be necessary and suitable for the construction thereon of such revenue producing buildings or other revenue producing campus improvements as, from time to time, may be authorized by the legislative assembly of the state of North Dakota, and including additions to existing buildings or other campus improvements used for such purposes, and may construct such campus improvements and buildings or additions thereon and may equip, furnish, maintain and operate such buildings and other campus improvements.

§ 2. Amendment.) Section 15-55-02 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-02. Board May Borrow Money and Issue Bonds—Conditions—Bonds Tax Free.) For the purpose of paying all or part of the cost of construction, equipment and furnishing of any such buildings or any addition to existing buildings, or other campus improvements, or in order to refund any outstanding bonds issued for such purpose, the state board of higher education may borrow money on the credit of the income and revenue to be derived from the operation of the said building or buildings or other campus improvements, and, in anticipation of such collections of such income and revenues, may issue negotiable bonds in such an amount as, in the opinion of said board, may be necessary for such purposes, all within the limits of the authority granted by the legislative assembly in each instance, and may provide for the payment of such bonds and the rights of the holders thereof as provided in this chapter. Such bonds shall be payable serially, and may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest as may be provided by resolution or resolutions to be adopted by the state board of higher education. Such bonds may be sold in such manner and at such price or prices not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed five percent per annum, computed on the basis of average maturities according to standard tables of bond values. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota, or by any county, municipality, or political subdivision therein. The board, in its discretion may authorize one issue of bonds hereunder for the construction, furnishing and equipment of more than one building or other campus improvement and may make the bonds payable from the combined revenues of all buildings or other campus improvements acquired in whole or in part with the proceeds thereof, and where bonds are so issued the words "the building"; as herein used, shall be construed to refer to all the buildings or other campus improvements so acquired.

§ 3. Amendment.) Section 15-55-02.1 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-02.1. Refunding Bonds.) The amount of refunding bonds which the state board of higher education may issue under this chapter shall not exceed the principal amount of the bonds to be refunded. Bonds may be refunded whether heretofore or hereafter issued, but no bonds may be refunded hereunder unless they either mature or are callable for prior redemption under their terms within fifteen years from the date of issuance of the refunding bonds, or unless the holder or holders thereof voluntarily surrender them for exchange or payment. Outstanding bonds of more than one issue or series and bonds for refunding and other bonds to construct, furnish or equip any building or addition or other campus improvement for which bonds are authorized may be combined into one issue or series and may provide for and restrict the combination of future series with the issue. Except as in this section otherwise provided, such bonds shall mature and bear interest and shall have such details and shall be authorized and issued in the manner in this chapter provided. Refunding bonds so issued may carry forward for the payment of the refunding bonds such security and sources of payment as were pledged to the payment of the bonds refunded, and a combined issue of refunding and other bonds may combine such security and sources of payment with a pledge of the revenues of buildings or other campus improvements acquired in whole or in part from the proceeds of the issue, including the security and sources of payment of any future series of refunding bonds or revenues of any building or other campus improvement acquired from the proceeds of a future series if and to the extent that provision is made for combination of future series with the issue. If refunding and other bonds are combined into one issue or series, the word "building" as used in this chapter shall be construed to refer to all the buildings or other campus improvements the revenues of which are pledged. Any bonds issued for refunding purposes may either be delivered in exchange for the outstanding bonds authorized to be refunded or may be sold at either public or private sale for not less than the par value of the bonds, or may be sold in part and exchanged in part. The sale price may exceed the principal amount of refunding bonds and the excess may be used to provide for payment of redemption premiums of the bonds to be refunded and to provide for expenses of the issuance and sale of the bonds and the retirement of the outstanding bonds, but the interest cost to maturity shall not exceed the limitation imposed by section 15-55-02. All other proceeds of the sale shall, to the extent

needed, be immediately applied to the retirement of the bonds to be refunded, or such proceeds or investments thereof shall be placed in escrow to be held and applied to the payment of the bonds to be refunded.

Such proceeds may, in the discretion or pursuant to covenant of the board, be invested in obligations of the United States of America, or in obligations fully guaranteed by the United States of America, but the obligations so purchased must have such maturities and bear such rates of interest payable at such times as will assure the existence of money sufficient to pay the bonds to be refunded when due or when redeemed pursuant to call for redemption, together with interest and redemption premiums, if any. The proceeds or obligations so purchased shall be deposited in trust with the trustee for the refunded bonds, or with the banking corporation or association which is the paying agent for the refunded bonds, or with the state treasurer, to be held, liquidated and the proceeds of such liquidation paid out for the payment of the bonds to be refunded and interest and redemption premiums thereon as such refunded bonds become due or subject to redemption under call for redemption previously made, or upon earlier voluntary surrender thereof with the consent of the board. The determination of the board in issuing refunding bonds that the issuance and sale of refunding bonds is necessary for the best interests of the institution and that the limitations herein imposed upon the issuance of refunding bonds have been met shall be conclusive in the absence of fraud or arbitrary and gross abuse of discretion.

§ 4. Amendment.) Section 15-55-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-03. Bonds Are Special Obligations and Board May Insert Special Provisions in Bonds.) The bonds issued under the provisions of this chapter shall not be an indebtedness of the state of North Dakota nor of the institution for which they are issued nor of the state board of higher education thereof, nor of the individual members, officers or agents thereof nor shall any building or other campus improvement or the land upon which it is situated, or any part thereof be security for or be levied upon or sold for the payment of said bonds, but the said bonds shall be special obligations payable solely from the revenues to be derived from the operation of the building or other campus improvement, and the board is authorized and directed to pledge all or any part of such revenues to the payment of principal and interest on the bonds. In order to secure the prompt payment of such principal and interest and the proper application of the revenues

pledged thereto the board is authorized by appropriate provisions in the resolution or resolutions authorizing the bonds:

1. To covenant as to the use and disposition of the proceeds of the sale of such bonds;
2. To covenant as to the operation of the building or other campus improvement and the collection and disposition of the revenues derived from such operation;
3. To covenant as to the rights, liabilities, powers and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;
4. To covenant and agree to carry such insurance on the building or other campus improvement, and the use and occupancy thereof as may be considered desirable and, in its discretion, to provide that the cost of such insurance shall be considered as part of the expense of operating the building or other campus improvement;
5. To vest in a trustee or trustees for the bondholders the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure the bonds and to execute and deliver a trust agreement or agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and may limit the liabilities thereof and prescribe the terms and conditions upon which such trustee or trustees or the holder or holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all such covenants and resort to such remedies as may be appropriate;
6. To fix rents, charges and fees to be imposed in connection with and for the use of the building or other campus improvement and the facilities supplied thereby, which rents, charges and fees shall be considered to be income and revenues derived from the operation of the building or campus improvement, and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building or campus improvement, and with reference to requiring any class or classes of students to use the buildings or other campus improvements as it may deem desirable

- for the welfare of the institutions and its students or for the accomplishments of the purposes of this chapter;
7. To covenant to maintain a maximum percentage of the occupancy of the building or other campus improvement;
 8. To covenant against the issuance of any other obligations payable from the revenues to be derived from the building or other campus improvement; and
 9. To make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to affect the purposes of this chapter.

All such agreements and covenants entered into by the board shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

§ 5. Amendment.) Section 15-55-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-04. Board May Enter into Contract with Federal Agencies.) The board may enter into any agreements or contracts with the United States of America or any agency or instrumentality thereof which it may consider advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of the construction, furnishing and equipment of the building or other campus improvement.

§ 6. Amendment.) Section 15-55-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-05. Deposit and Use of Proceeds of Bonds—Authorizing Issuing of Warrants—Contracts.) The proceeds from the sale of the bonds herein authorized shall be deposited to the credit of the board and kept in a separate fund in the state treasury, in the bank of North Dakota or in a bank which is a duly designated depository for state funds and is a member of the federal deposit insurance corporation. Provided that when such funds are deposited in a bank other than the bank of North Dakota or a bank which is not a duly designated depository for the state funds, such bank shall be required to pledge as security for such deposit, securities in an amount equal to the sum by which such deposit exceeds the amount of federal deposit insurance corporation insurance. Securities which shall be eligible for such pledge shall be notes or bonds

issued by the United States government, its agencies or instrumentalities, all bonds and notes guaranteed by the United States government, federal land bank bonds or bonds issued by any state of the United States. In lieu of the deposit of such securities, a surety bond may be accepted from the bank designated as a depository in a sum equal to the amount of funds such bank may receive in excess of the amount guaranteed by the federal deposit insurance corporation. Such proceeds shall be used solely for the purpose for which the bonds are authorized except that the board may invest such funds in direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America, or obligations of the state of North Dakota or of any municipality as defined in section 21-03-01 prior to or during building or other campus improvement construction except to the extent such investment is prohibited or restricted by any covenant made with or for the benefit of bondholders. The board is authorized to make all contracts and to cause the execution of all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing and equipment of the building or other campus improvement or for the sale of the bonds or for interim financing deemed necessary or advisable pending the sale of the bonds and pledging the proceeds of the bonds. The state auditor is hereby authorized and directed to issue warrants upon the state treasury against such funds, if any, deposited by the board in the state treasury for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose.

§ 7. **Amendment.)** Section 15-55-06 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-06. Designations of Agent and Depositories—Disposition and Use of Revenues—Funds Created.) All income and revenues derived from the operation of any building or other campus improvement financed or the revenues of which are pledged in the manner provided in this chapter shall be collected by such officer or agent of the institution where the building or other campus improvement is located as the state board of higher education from time to time, may designate, and shall be accounted for by him, deposited and remitted as in this section provided. The said board, in its resolution authorizing the bonds or in the trust agreement or agreements executed and delivered by the board, shall provide for the disposition of and accounting for all such revenues by such officer or agent, including the designation of a depository or depositories, the payment of expenses of operation and main-

tenance, the remittance of revenues to the paying agent designated in the bonds for payment of principal of and interest on the bonds when due, and the investment and disposition of revenues not immediately required for payment of expenses, principal and interest. The board may designate as a depository for such revenues and funds either the state treasury or the bank of North Dakota or the trustee under the trust agreement for the bondholders or a bank which is a duly designated depository for state funds or as provided in section 15-55-05. The said board may in its resolution authorizing the bonds or in the trust agreement or agreements executed and delivered by the board provide for an expense fund to be retained by the collecting officer for the purpose of paying and may direct him to pay the accrued or anticipated expenses of operation and maintenance of the building or campus improvement, and if the board so directs or if such expense fund is so provided, the collecting officer may pay such expenses as so directed by the board or from said fund. The funds required to be remitted to the state treasurer, if any, and any funds derived from revenues pledged to the bondholders shall be held by him or in the depository for such funds designated by the board in a special fund or funds, to be applied solely to the payment of the principal and interest on said bonds, and the establishment of a reserve for future payments until all of the said bonds and interest thereon have been fully paid, provided that to the extent not prohibited or restricted by any covenant made with or for the benefit of the bondholders, the board may invest any such funds in direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America, or obligations of the state of North Dakota or of any municipality as defined in section 21-03-01 and may devote revenues not currently required for payment of principal and interest, for the creation or maintenance of a debt service reserve, or for expenses of operation and maintenance to such purposes as the board may from time to time designate, including replacing the furnishings and equipment of such building or buildings or campus improvements and improving said building or buildings or campus improvements. As principal and interest become due, the state auditor, not less than fifteen days prior to the payment dates, shall issue warrants upon the treasurer for the amount of such payment coming due, and the state treasurer shall make payment from any such fund of the amounts due.

§ 8. **Amendment.**) Section 15-55-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-07. Endorsement of Bonds—Attorney General to Approve—Incontestable—Exception.) All bonds issued under the provisions of this chapter, shall have endorsed thereon, a statement to the effect that the same do not constitute an obligation of the state of North Dakota, the state board of higher education, nor the individual members, officers or agents thereof, nor of the institution upon the campus of which the building or campus improvement is located, and that the said bonds are payable solely and only out of the revenues to be produced and received from the operation of said building or campus improvement. Such bonds shall be submitted to the attorney general of North Dakota for his examination and when such bonds have been examined and certified as legal obligations by the attorney general in accordance with such requirements as he may make, shall be incontestable in any court in this state unless suit thereon shall be brought in a court having jurisdiction thereof within thirty days from the date of such approval. Bonds so approved by the attorney general shall be prima facie valid and binding obligations according to their terms and the only defense which may be offered thereto in any suit instituted after such thirty day period shall have expired shall be forgery, fraud, or violation of the Constitution.

§ 9. Amendment.) Section 15-55-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-09. Construction of Chapter Not To Permit Obligation of State.) Nothing in this chapter shall be construed to authorize or permit the state board of higher education, or any officer or agency of the state, to create any state debts, or to incur any obligations of any kind or nature, except as shall be payable solely and only from the special funds to be created from the revenues of the building or buildings or other campus improvements erected or constructed under the terms and provisions of this chapter, nor shall the state of North Dakota or any funds or moneys of this state other than the special funds derived from the income of said building or buildings or campus improvements respectively ever be deemed obligated for the payment of the said bonds or any part thereof.

§ 10. Amendment.) Section 15-55-10 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-10. Limitation on Buildings and Other Campus Improvements and Issuance of Bonds.) No building or buildings or other campus improvements shall be erected or constructed,

and no bonds shall be issued for the payment of the cost of any building or buildings or other campus improvements under the terms of this chapter, save and except for such specified buildings or other campus improvements as may be from time to time designated and authorized by legislative act, nor shall any such building or buildings or other campus improvements be erected at a cost exceeding the amount fixed by the legislature in such act as the maximum to be expended for each such building or other campus improvement. Refunding bonds may be issued by the state board of higher education under the provisions of this chapter without legislative act to refund, at or prior to the maturity of or pursuant to any privilege of prepayment reserved in or granted with respect to, any bonds issued to pay the cost of buildings or other campus improvements designated and authorized by legislative act.

§ 11. **Amendment.)** Section 15-55-14 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-14. Rental Income from Unencumbered Revenue Producing Buildings or Other Campus Improvements May Be Applied to Bond Retirement.) The state board of higher education, when issuing bonds under the provisions of this chapter and the powers herein granted, shall have additional powers as follows:

1. When the state board of higher education has issued bonds as provided in this chapter for the purpose of securing funds for all or part of the cost of construction, equipment, and furnishing of any new revenue producing building or other campus improvement for any of the state-supported institutions of higher learning of the state of North Dakota, or for the purpose of refunding any such bonds, said board is hereby authorized to cover, from time to time, into the interest and principal payment fund for bonds issued, or into a fund for operation and maintenance of the building or other campus improvement so financed or into a fund for repair or replacement of the building or other campus improvement, its equipment and furnishings, the rental or income from revenue producing buildings or other campus improvements which are not encumbered or impressed with any lien and which are located upon the campuses of such institutions.
2. In case of destruction of such revenue producing buildings or campus improvements by fire, tornado, cyclone, or other cause, the proceeds from insurance on such

revenue producing buildings or campus improvements shall be covered into the bond payment fund for the payment of bonds issued under this chapter unless such insurance may be and is used for the repair or replacement of the building or campus improvement, its equipment and furnishings.

3. The rental income from said revenue producing buildings or other revenue producing campus improvements, and the proceeds of insurance thereon may be irrevocably pledged to the payment of the principal and interest of the bonds issued as in this chapter provided, or to the expenses of operation and maintenance or repair or replacement of the building or campus improvement, its equipment and furnishings.
4. The bonds issued under the provisions of this chapter shall not be an indebtedness or obligation of the state of North Dakota or of any of the state institutions nor of any board, bureau, or officer of the state of North Dakota, but such bonds shall be payable solely out of income and revenue as provided in this chapter.

The rental income from the revenue producing buildings or other revenue producing campus improvements, as defined herein, of any educational institutions of higher learning of the state shall be covered only into a fund for a revenue producing building or other revenue producing campus improvement for such educational institution and not to any other institution.

Approved March 15, 1967.

CHAPTER 151

S. B. No. 78
(Wenstrom)

DORMITORY BOND ISSUES OF JUNIOR COLLEGES
AND EDUCATION CENTERS

AN ACT

To amend and reenact section 15-55-18 of the 1965 Supplement to the North Dakota Century Code, relating to dormitory bond issues for junior colleges and educational centers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 15-55-18 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-18. Dormitory Bond Issue for Junior Colleges and Educational Centers.) The board of education of any school district having a junior college or off campus educational center as provided in chapter 15-18 is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue producing dormitories for its junior college or off campus educational center students, the total principal amount of such bonds not to exceed \$1,000,000.00. The bonds authorized by this section shall be retired solely from revenues of the building and facilities constructed under the provisions of this section, and such bonds shall never become a general obligation of the school district, or the state of North Dakota.

Approved February 24, 1967.

CHAPTER 152

S. B. No. 179

(Melland, Trenbeath, Roen, Larson(32), Decker, Ringsak, Holand)

EDUCATION OF HANDICAPPED

AN ACT

To amend and reenact section 15-59-07 of the North Dakota Century Code, relating to the education of physically handicapped.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 15-59-07 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-07. Education of Physically Handicapped—Contract.) If any school district in this state has any elementary or high school student who because of his physical handicap is unable to attend the public schools in the district, such school district shall contract with any accredited private nonsectarian non-profit corporation within or without the state which has proper facilities for the education of such student, if there are no public schools in the state with the necessary facilities which will accept such student. Prior to the time any school district enters into a contract with any private nonsectarian nonprofit corporation for the education of any physically handicapped student the curriculum provided by such school and the contract shall be approved by the superintendent of public instruction. The contract shall provide that such school district agrees to pay to the private nonsectarian nonprofit corporation as part of the cost of educating such student an amount for the school year equal to three times the county average per-pupil elementary or high school cost depending on whether enrollment would be in grade or high school department, in the county in which the contracting district is located. If the attendance of such student at such school is operated for less than a school year, then the contract shall provide for such lesser amount prorated on a monthly basis. For the purpose of this section, any student contracted for to attend a school as herein provided shall be considered as enrolled in the contracting district and the district shall be entitled to the per-pupil payment out of the county equalization fund the same as other regularly enrolled students in the district.

Approved March 13, 1967.

CHAPTER 153

S. B. No. 294
(Larson, Berube)

INDIAN SCHOLARSHIPS

AN ACT

To amend and reenact sections 15-63-03 and 15-63-05 of the North Dakota Century Code, relating to the number and nature of Indian scholarships and the scholarship payments thereunder.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Amendment.)** Section 15-63-03 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-63-03. Number and Nature of Scholarships.) The state board for Indian scholarships shall provide five scholarships each year for resident persons of at least one-fourth degree of Indian blood to entitle persons so selected to enter and attend any institution of higher learning within North Dakota upon compliance with all requirements for admission and to pursue any course or courses offered in such institutions.

§ 2. **Amendment.)** Section 15-63-05 of the 1965 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-63-05. Scholarship Payments — Conditions.) Upon the granting of a scholarship and acceptance thereof, the recipient shall be entitled to a credit in fees in the enrolling institution of higher learning to apply toward the cost of registration, health, activities, board, books, and other necessary items of not to exceed four hundred and twenty dollars per quarter for three quarters, or six hundred and thirty dollars per semester for two semesters, in any academic year. At the beginning of each quarter or semester of a regular academic year, the board for Indian scholarships shall certify to the state auditor the name of each recipient and the amount payable, and the state auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship to the institution of higher learning in which the recipient is enrolled. Renewal of the scholarship award shall be subject to the maintenance of a minimum grade average of "C" in the courses taken.

Approved March 1, 1967.

CHAPTER 154

S. B. No. 406
(Committee on Delayed Bills)

COMPACT FOR EDUCATION

AN ACT

To provide for an interstate compact to provide for and maintain cooperation and understanding among executive, legislative, professional educational, and lay leadership upon educational problems on a nationwide basis and at the state and local levels, and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **Compact for Education.**) The compact for education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

Compact for Education

ARTICLE I

Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational, and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization, and recommendation of public policy alternatives in the field of education.

3. Provide a clearing house of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet

adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods, and facilities.

- B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement, and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.
- C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare, and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II

State Defined

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III

The Commission

- A. The education commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of seven members representing each party state. One of such members shall be the governor; two shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience,

knowledge, or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and non-public educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

- B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to article III (j).
- C. The commission shall have a seal.
- D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.
- E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

- F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.
- G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize, and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (f) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.
- H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.
- I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.
- J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE IV

Powers

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze, and interpret information and data concerning educational needs and resources.
2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instruc-

- tional methods and standards employed or suitable for employment in public educational systems.
3. Develop proposals for adequate financing of education as a whole and at each of its many levels.
 4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
 5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies, and public officials.
 6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V

Cooperation with Federal Government

- A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.
- B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI

Committees

- A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which,

subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two-term limitation.

- B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.
- C. The commission may establish such additional committees as its bylaws may provide.

ARTICLE VII

Finance

- A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.
- B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise

- and employ a formula which takes equitable account of the populations and per-capita income levels of the party states.
- C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III (g) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III (g) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.
 - D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.
 - E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.
 - F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII

Eligible Parties; Entry Into and Withdrawal

- A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official and such jurisdiction.
- B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: Provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

- C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.
- D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

§ 2. Bylaws To Be Filed.) Pursuant to article III (i) of the compact, the commission shall file a copy of its bylaws and any amendment thereto with the office of the secretary of state.

§ 3. Appropriation.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$11,250.00 or so much thereof as may be necessary, to carry out the provisions of this Act and for the payment of the proper share of costs of operation of the compact allocated to North Dakota for the biennium beginning July 1, 1967, and ending June 30, 1969,

Approved March 14, 1967.

CHAPTER 155

S. B. No. 69

(Coughlin, Larsen, Freed, Litten, Larson (Burleigh), Stafne,
(Sorlie, Luick, Decker, Butler)

BONDS FOR REVENUE PRODUCING BUILDINGS

AN ACT

To authorize the state board of higher education to sell tax-exempt bonds and provide for the use of the proceeds of such bonds for the purpose of constructing or purchasing revenue producing buildings and other campus improvements at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as is hereinafter provided.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. In accordance with the provisions of chapter 15-55 of the North Dakota Century Code, the state board of higher education is hereby authorized and empowered to issue and sell tax-exempt bonds for the purpose of constructing revenue producing buildings and other campus improvements at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as is hereinafter provided:

1. University of North Dakota, Grand Forks,
North Dakota
 - a. Student dormitories and food service.....\$3,000,000
 - b. Central food service building..... 450,000
 - c. Parking lots..... 100,000
2. North Dakota state university, Fargo,
North Dakota
 - a. Married student housing..... 2,000,000
 - b. Student dormitories..... 2,500,000
 - c. Memorial union addition..... 1,200,000
3. Minot state college, Minot, North Dakota
 - a. Student union addition..... 150,000
4. Valley City state college, Valley City,
North Dakota
 - a. Student dormitory and food center..... 975,000
 - b. Addition to student center..... 600,000

- 5. Dickinson state college, Dickinson,
North Dakota
 - a. Student dormitory..... 750,000
 - b. Married student housing..... 300,000

- 6. North Dakota state school of science,
Wahpeton, North Dakota
 - a. Student dormitories..... 3,225,000
 - b. Food service building..... 750,000
 - c. Married student housing..... 350,000

- 7. North Dakota state school of forestry,
Bottineau, North Dakota
 - a. Student dormitory..... 100,000

- 8. University of North Dakota - Ellendale
branch, Ellendale, North Dakota
 - a. Student dormitory and food service..... 1,000,000

The bonds authorized by this Act for the construction of married student housing shall be retired solely from revenues from such buildings. Bonds issued under the provisions of this Act shall never become a general obligation of the state of North Dakota.

§ 2.) The proceeds resulting from the sale of bonds authorized under section 1 of this Act, or so much thereof as may be necessary, are hereby appropriated for the construction and equipment of the buildings and facilities authorized in section 1. Any unexpended proceeds from the sale of bonds shall be placed in sinking funds for the retirement of the bonds authorized in section 1.

Approved February 21, 1967.

CHAPTER 156

H. B. No. 846

(Ferguson, Erickson(26), Jenkins, Bier)

4-H CENTER

AN ACT

Authorizing the state board of higher education to enter into an agreement with the North Dakota 4-H club foundation, incorporated, to allow such foundation to build a 4-H center on lands of the North Dakota state university of agriculture and applied science, with title to such center passing to the state upon completion of the construction of the building.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Board of Higher Education Authorized to Allow Construction of a 4-H Center by the North Dakota 4-H Club Foundation, Incorporated, on the Campus of North Dakota State University of Agriculture and Applied Science—Terms of Agreement.) The state board of higher education is hereby authorized to enter into an agreement with the North Dakota 4-H club foundation, incorporated, a nonprofit North Dakota corporation, to authorize such foundation to construct a 4-H educational center building on the campus of the North Dakota state university of agriculture and applied science. The board shall select the building site for such center; approve the plans for the construction of the building; and require in such agreement that upon completion of the building such foundation shall pass title to the building to the state of North Dakota free and clear of any type of liens. Upon passage of the title of the building to the state, the North Dakota state university of agriculture and applied science shall assume the responsibility for the administration, operation, and maintenance of such center. Such building shall be used primarily for 4-H programs and activities but may also be used for institutional purposes not inconsistent with 4-H programs and activities. Provided, however, the state board of higher education shall not allow the construction of such building until it has determined that the North Dakota 4-H club foundation, incorporated, has sufficient funds to build and complete such building.

Approved March 10, 1967.

CHAPTER 157

S. B. No. 350
(Geving)

COLLEGE BUILDING FUND APPROPRIATIONS

AN ACT

To provide for a conditional transfer of funds to the college building fund, and making an appropriation from the college building fund for the construction of college buildings.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Transfer of Funds to College Building Fund and Administration Thereof.) Commencing July 1, 1967, and at the same date each year thereafter until the sum of \$8,843,153.00 shall have been transferred to the college building fund, the director of the department of accounts and purchases shall determine the cash balance in the general fund of the state. In the event the cash balance in the general fund as of the close of business on the previous thirtieth day of June shall exceed twelve million dollars, the director of accounts and purchases shall direct the state treasurer to transfer to the college building fund the sum of two million dollars. Such funds shall be expended by the board of higher education for the construction, reconstruction, and equipping of buildings at state-operated institutions of higher learning in accordance with specific appropriations to be made by the legislative assembly.

§ 2. Appropriations.) There is hereby appropriated out of any moneys in the college building fund the sum of \$8,843,153.00, or so much thereof as may be available in such fund, and from federal and private sources the sum of \$6,674,076.00 for the construction, reconstruction, and equipping of buildings and facilities at state-operated institutions of higher learning for purposes as follows and within the limitations of the costs hereafter stated:

Name of Institution and Type of Facility	State Funds	Federal and Private Source Funds	Total Funds
State college located at the city of Mayville in the county of Traill—A classroom building.....	\$ 320,000.00	\$ 155,000.00	\$ 475,000.00
North Dakota state university of agriculture and applied science located at the city of Fargo in the county of Cass—A biological science building.....	274,153.00	137,076.00	411,229.00
University of North Dakota and school of mines located at the city of Grand Forks in the county of Grand Forks—A classroom building.....	1,000,000.00	500,000.00	1,500,000.00
North Dakota state university of agriculture and applied science located at the city of Fargo in the county of Cass—A physical education classroom building.....	1,750,000.00	1,500,000.00	3,250,000.00
School of science located at the city of Wahpeton in the county of Richland—A combination library-classroom building	420,000.00	280,000.00	700,000.00
University of North Dakota and school of mines located at the city of Grand Forks in the county of Grand Forks—An auditorium building.....	1,000,000.00	2,000,000.00	3,000,000.00
State college located at the city of Valley City in the county of Barnes—A science building.....	500,000.00	250,000.00	750,000.00
State college located at the city of Dickinson in the county of Stark—Scott gymnasium renovation and addition and stadium.....	550,000.00	150,000.00	700,000.00
University of North Dakota and school of mines located at the city of Grand Forks in the county of Grand Forks—Engineering building	672,000.00	928,000.00	1,600,000.00

Name of Institution and Type of Facility	State Funds	Federal and Private Source Funds	Total Funds
University of North Dakota and school of mines located at the city of Grand Forks in the county of Grand Forks—Law building.....	536,000.00	264,000.00	800,000.00
State college located at the city of Minot in the county of Ward—Classroom building.....	400,000.00	200,000.00	600,000.00
School of forestry located at the city of Bottineau in the county of Bottineau—Science building.....	240,000.00	160,000.00	400,000.00
North Dakota state university of agriculture and applied science located at the city of Fargo in the county of Cass—Addition to maintenance building.....	225,000.00	.....	225,000.00
State college located at the city of Valley City in the county of Barnes—Service and storage building.....	36,000.00	.....	36,000.00
University of North Dakota and school of mines located at the city of Grand Forks in the county of Grand Forks—Service building.....	450,000.00	.....	450,000.00
School of science located at the city of Wahpeton in the county of Richland—Maintenance—storage building	150,000.00	.....	150,000.00
State college located at the city of Dickinson in the county of Stark—Library addition.....	300,000.00	150,000.00	450,000.00
School of forestry located at the city of Bottineau in the county of Bottineau — Workshop — garage-storage building	20,000.00	.....	20,000.00

The construction of a specific building or facility shall not be commenced until the amount of funds indicated for such building or facility in the column "Federal and Private Source Funds" has been either actually received or irrevocably promised from such sources for such facilities except that should the funds received or to be received from the federal and private fund sources be less than the amount indicated in the column "Federal and Private Source Funds", the board of higher education shall determine whether the facility should be constructed, basing its determination on whether the facility can, if constructed at a lower cost, reasonably meet the original purposes of the authorized facility. In no event shall any facility exceed the cost indicated in the column "Total Funds" except to the extent funds from the federal and private fund sources exceed the amount authorized for the specific building or facility. The order of appearance of the facilities set forth above is not necessarily the order of priority for the construction of such facilities and the board of higher education, in its discretion, may direct the construction of such buildings and facilities in a different order or priority than that listed in this section. The state funds herein appropriated shall remain available for expenditure for the purposes specified until the buildings and facilities herein authorized shall be constructed, except that upon the completion of the construction and equipping of any specific building or facility, any unexpended state funds specifically appropriated and designated herein for such building or facility shall revert to the college building fund.

Approved March 15, 1967.