

EDUCATION

CHAPTER 184

HOUSE BILL NO. 1112
(Committee on State and Federal Government)
(At the request of the Board of University and School
Lands and the Parks and Recreation Department)

LAND EXCHANGE

AN ACT to authorize the board of university and school lands and the North Dakota parks and recreation department to exchange certain lands in Oliver and McKenzie Counties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. The board of university and school lands is authorized to exchange the following property, comprising approximately eight hundred acres, for the property described in section 2 belonging to the North Dakota parks and recreation department:

The south one-half of section thirty-six, township one hundred forty-three north, range eighty-two west, and the north one-half and the southeast quarter of section thirty-six, township one hundred forty-four north, range eighty-two west, in Oliver County, state of North Dakota.

The board of university and school lands shall reserve one hundred percent of the minerals underlying such land as required by section 6 of article IX of the Constitution of North Dakota.

SECTION 2. The North Dakota parks and recreation department is authorized to exchange the following property, comprising approximately one thousand six hundred acres, for the property described in section 1, belonging to the board of university and school lands:

The south one-half of section six, all of section seven, and the north one-half of the north one-half of section eighteen, all in township one hundred forty-eight north, range ninety-nine west, and the south one-half of section twelve and the north one-half of the north one-half of section thirteen, all in township one hundred forty-eight north, range one hundred west, in McKenzie County, state of North Dakota.

The North Dakota parks and recreation department shall reserve fifty percent of the minerals underlying such land as required by section 38-09-01.

Approved March 3, 1983

CHAPTER 185

HOUSE BILL NO. 1660
(Whalen, Thompson)

LIABILITY OF LESSEE OF PUBLIC LAND

AN ACT to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to the liability of lessees of public land when the lease allows public access.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Liability of lessee to public. Whenever the board of university and school lands includes a provision in a lease authorizing public access to leased lands, the lessee is not liable to any person injured on the land except for gross negligence or malicious acts.

Approved March 10, 1983

CHAPTER 186

HOUSE BILL NO. 1207
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

APPRAISAL OF SCHOOL LANDS

AN ACT to amend and reenact sections 15-06-02 and 54-01-13.2 of the North Dakota Century Code, relating to appraisers and appraisals.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-06-02. County board of appraisers - How composed. The county superintendent of schools, the chairman of the board of county commissioners, and the county auditor of each county shall constitute the county board of appraisers of the original grant lands of the state in their respective counties. The county director of tax equalization shall serve as an assistant in making the appraisals.

SECTION 2. AMENDMENT. Section 54-01-13.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-01-13.2. Appraisal. The lands to be conveyed to the United States of America and also the lands to be taken in exchange therefor, under the provisions of section 54-01-13.1, shall be appraised by the county superintendent of schools, the county auditor, and the chairman of the board of county commissioners in the county where the land is situated, at its fair market value, but no state school lands shall be appraised and valued at less than ten dollars per acre [.40 hectare]. The county director of tax equalization shall serve as an assistant in making the appraisals.

Approved March 3, 1983

CHAPTER 187

SENATE BILL NO. 2434
(Parker, Moore, Adams, Bakewell)

**NONGRANT LANDS LEASING BY LAND
DEPARTMENT**

AN ACT to amend and reenact section 15-07-20 of the North Dakota Century Code, relating to the leasing of nongrant lands by the board of university and school lands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-07-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-07-20. Leasing of nongrant lands. The board of university and school lands may lease nongrant lands under such reasonable rules and regulations as it may establish. Such rules and regulations may provide for leasing with or without advertisement or competitive bidding. Leases made under the provisions of this section shall be for cash only, and the rental shall be collected in advance. No lease of nongrant lands shall extend for a period of more than three years, but any such lease may be renewed at the discretion of the board except pasture lands may be leased for a period of five years. Leases may be renewed at the discretion of the board. When nongrant lands are leased without advertisement or competitive bidding, the board shall determine the rental by taking into consideration the nature and adaptability of the lands and the improvements thereon.

Approved March 15, 1983

CHAPTER 188

SENATE BILL NO. 2250
(Committee on Education)
(At the request of the Board of Higher Education)

**BOARD OF HIGHER EDUCATION REVENUE
BOND AUTHORITY**

AN ACT to amend and reenact section 1 of chapter 216 of the 1981 Session Laws of North Dakota and to reenact section 2 of chapter 256 of the 1979 Session Laws of North Dakota and to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at North Dakota state university of agriculture and applied science and to provide an appropriation; to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing parking lot at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing, coal-fired generating boiler at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction or purchase and relocation of revenue-producing student housing at Minot state college and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at the university of North Dakota; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1 of chapter 216 of the 1981 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

Section 1. Board of higher education - Bond Issuance - Purposes. In accordance with chapter 15-55, the state board of higher education is hereby authorized and empowered to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing revenue-producing student housing facilities at North Dakota state university of agriculture and applied science, in an amount not to exceed three million dollars. The bonds authorized by this section

shall be retired solely from revenue from the student housing facilities, and shall not be a general obligation of the state of North Dakota.

SECTION 2. REENACTMENT. Section 2 of chapter 256 of the 1979 Session Laws is hereby reenacted to read as follows:

Section 2. Use of proceeds - Appropriation. The proceeds resulting from the sale of bonds authorized under section 1, or so much thereof as may be necessary, are hereby appropriated for constructing and equipping the student housing facilities authorized in section 1. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the bonds authorized in section 1.

SECTION 3. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding five hundred thousand dollars for the purpose of constructing a revenue-producing parking lot at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 4. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 3. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 5. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding three million five hundred thousand dollars for the purpose of constructing a revenue-producing, coal-fired generating boiler at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 6. USE OF PROCEEDS - APPROPRIATION. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction or purchase and relocation and equipment of the facility authorized in section 5. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 7. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding

one million five hundred thousand dollars for the purpose of constructing or purchasing and relocating revenue-producing student housing at Minot state college. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 8. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 7. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 9. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding three million dollars for the purpose of constructing revenue-producing student housing at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 10. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and the equipment of the facility authorized in section 9. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

Approved April 13, 1983

CHAPTER 189

HOUSE BILL NO. 1722
(C. Martin, Goetz)

MULTIPURPOSE REGIONAL FACILITY

AN ACT authorizing the state board of higher education to accept a multipurpose regional facility for the operation and maintenance of the multipurpose regional facility at Dickinson state college.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AUTHORIZATION. The state board of higher education is hereby authorized to accept as a gift a multipurpose regional facility to be built with private and local funds and located at Dickinson state college.

Approved March 14, 1983

CHAPTER 190

SENATE BILL NO. 2453
(Senators Stenehjem, Holmberg, Fritzell) ·
(Representatives Hamerlik, Kuchera, G. Martin)

UNIVERSITY STEAM LINE BOND AUTHORITY

AN ACT to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing a revenue-producing steam line at the university of North Dakota; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Board of higher education - Bond issuance - Purposes. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding seven hundred fifty thousand dollars for the purpose of constructing a revenue-producing steam line at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 2. Use of proceeds - Appropriation. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction and equipment of the facility authorized in section 1 of this Act. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 8, 1983

CHAPTER 191

HOUSE BILL NO. 1500
 (Representatives Haugland, Backes)
 (Senators Redlin, Reiten)

DAKOTA NORTHWESTERN UNIVERSITY - MINOT

AN ACT to amend and reenact sections 15-10-01, 15-13-01, and 15-47-02 of the North Dakota Century Code to provide a change in the name of "Minot state college" to the Dakota northwestern university.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
 STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-01. State board of higher education - Institutions administered by board. The state board of higher education shall have the control and administration of the following state educational institutions:

1. The state university and the school of mines, at Grand Forks, with their substations.
2. The North Dakota state university of agriculture and applied science and the experiment station, at Fargo, with their substations.
3. Dakota northwestern university - Minot.
4. The school of science at Wahpeton.
- 4- 5. The state normal schools and teachers colleges at Valley City, Mayville, ~~Minot~~, and Dickinson.
- 5- 6. The school of forestry at Bottineau.
- 6- 7. And such other state institutions of higher education as may be established.

SECTION 2. AMENDMENT. Section 15-13-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 15-10-01 was also amended by section 1 of Senate Bill No. 2073, chapter 192.

15-13-01. Normal schools - Location Dakota northwestern university - Locations. The state normal schools established at Valley City in the county of Barnes, at Mayville in the county of Traill, ~~at Minot in the county of Ward,~~ and at Dickinson in the county of Stark, and any other normal schools which may be established by law, shall be the normal schools of the state, and at such time as any such school shall offer curriculums leading to both the bachelor of science and bachelor of arts degrees, such school may be referred to as "state college", prefixed by the name of the applicable city. The state normal school established at Minot in the county of Ward, referred to as "Minot state college", may be known as Dakota northwestern university.

SECTION 3. AMENDMENT. Section 15-47-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-02. State institutions of higher education are part of free public school system. The university and the school of mines at Grand Forks, the North Dakota state university of agriculture and applied science, Dakota northwestern university - Minot, the state normal schools at Valley City, Mayville, ~~Minot,~~ and Dickinson, the school for the deaf at Devils Lake, the school of forestry at Bottineau, the school of science at Wahpeton, and all other schools established by law and maintained by taxation constitute the system of free public schools of the state.

Approved April 19, 1983

CHAPTER 192

SENATE BILL NO. 2073
(Higher Education Study Commission)

JUNIOR COLLEGE JURISDICTION

AN ACT to create and enact two new sections to title 15 and a new section to chapter 15-10 of the North Dakota Century Code, relating to jurisdiction of the board of higher education, or in the alternative the board of postsecondary education, over junior colleges and off-campus educational centers; to amend and reenact sections 15-10-01, 15-18-03, 15-18-04.2, 15-18-05, 15-18-06, and 15-55-18 of the North Dakota Century Code, relating to the assumption by the state of jurisdiction by the board of higher education or in the alternative the board of postsecondary education over junior colleges and off-campus educational centers; to repeal sections 15-18-01, 15-18-02, 15-18-04, 15-18-04.1, 15-18-07, 15-18-08, 15-18-09, and 15-18-10 of the North Dakota Century Code, relating to the operation of junior colleges and off-campus educational centers; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, section 15-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-01. State board of higher education - Institutions administered by board. The state board of higher education shall have the control and administration of the following state educational institutions:

1. The state university and the school of mines, at Grand Forks, with their substations.
2. The North Dakota state university of agriculture and applied science and the experiment station, at Fargo, with their substations.
3. The school of science at Wahpeton.

* NOTE: Section 15-10-01 was also amended by section 1 of House Bill No. 1500, chapter 191.

4. The state normal schools and teachers colleges at Valley City, Mayville, Minot, and Dickinson.
5. The school of forestry at Bottineau.
6. The following junior colleges and off-campus educational center: Bismarck junior college, Lake Region community college, and the university of North Dakota-Williston center.
7. And such other state institutions of higher education as may be established.

SECTION 2. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

State board of postsecondary education - Administration and control over junior colleges and off-campus educational center. The state board of postsecondary education shall have the control and administration over the following junior colleges and off-campus educational center: Bismarck junior college, Lake Region community college, and the university of North Dakota-Williston center.

SECTION 3. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, a new section to chapter 15-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Board of higher education to assume jurisdiction over junior colleges and off-campus educational centers. The state board of higher education shall assume jurisdiction over each junior college that was established under chapter 15-18 and in existence on January 1, 1983, and over each off-campus educational center that was established under section 15-18-04.1 and in existence on January 1, 1983. Prior to assuming such jurisdiction over junior colleges and educational centers, however, the board shall conduct negotiations with the governing bodies of these institutions to arrive at terms for the transfer of the institutions' real property and other assets to the state. The board shall not assume any operational debts of an institution described in this section until there has been a transfer to the state of the institution's real property and other assets.

SECTION 4. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Board of postsecondary education to assume jurisdiction over junior colleges and off-campus educational centers. The state board of postsecondary education shall assume jurisdiction over each junior college that was established under chapter 15-18 and in

existence on January 1, 1983, and over each off-campus educational center that was established under section 15-18-04.1 and in existence on January 1, 1983. Prior to assuming jurisdiction over junior colleges and educational centers, however, the board shall conduct negotiations with the governing bodies of these institutions to arrive at terms for the transfer of the institutions' real property and other assets to the state. The board shall not assume any operational debts of an institution described in this section until there has been a transfer to the state of the institution's real property and other assets.

SECTION 5. AMENDMENT. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, section 15-18-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-03. Tuition and fees in junior college - Use of tuition and fee revenue - Duty of school board - Tax levy authorized - Maintenance of junior college. On or before August fifteenth in each year, the school board of a public school district which maintains a junior college shall determine the rate of tuition and fees required to be paid by all students attending the department, and these tuition and fee charges may be at a different rate for the students nonresident in the district than for students resident in the district. The school board shall have the authority to adopt rules and regulations for classifying students as residents or nonresidents of the district for tuition purposes. Tuition and fee revenue may be used to retire bonds issued in accordance with section 15-55-18. Every School district tax levy authorized to finance residual or other junior college fiscal obligations. A public school district maintaining a junior college under the provisions of this chapter which maintained a junior college pursuant to this chapter as it existed on June 30, 1984, may levy a tax of not to exceed sixteen mills, the proceeds of which shall be used for the maintenance and operation of the junior college to finance any residual or other fiscal obligations of the school district under the terms of an agreement between the district and the state board of higher education pursuant to section 3 of this Act. Of the sixteen mills which may be levied pursuant to this section, the first eight mills shall be levied upon the resolution of the local school board. Any mills to be levied above the initial eight mills must first be approved by the voters of the district. When submitting the question at the election, the board may specify a levy of less than the additional eight-mill limit authorized, and if such a limited levy is approved by the voters, subsequent levies shall not exceed the limited levy without another election authorizing a greater levy, but no election shall ever authorize a greater aggregate levy under this section than sixteen mills. The tax levy for the support of a junior college to finance residual or other fiscal obligations of a junior college shall be in addition to all other levies authorized by law for such school districts, and the proceeds of the levy shall be used exclusively for the support, operation, and maintenance of a junior college.

SECTION 6. AMENDMENT. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, section 15-18-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-03. Tuition and fees in junior college - Use of tuition and fee revenue - Duty of school board - Tax levy authorized - Maintenance of junior college. On or before August fifteenth in each year, the school board of a public school district which maintains a junior college shall determine the rate of tuition and fees required to be paid by all students attending the department, and these tuition and fee charges may be at a different rate for the students nonresident in the district than for students resident in the district. The school board shall have the authority to adopt rules and regulations for classifying students as residents or nonresidents of the district for tuition purposes. Tuition and fee revenue may be used to retire bonds issued in accordance with section 15-55-18. Every School district tax levy authorized to finance residual or other junior college fiscal obligations. A public school district maintaining a junior college under the provisions of this chapter which maintained a junior college pursuant to this chapter as it existed on June 30, 1984, may levy a tax of not to exceed sixteen mills, the proceeds of which shall be used for the maintenance and operation of the junior college to finance any residual or other fiscal obligations of the school district under the terms of an agreement between the district and the state board of postsecondary education pursuant to section 15-10.2-03. Of the sixteen mills which may be levied pursuant to this section, the first eight mills shall be levied upon the resolution of the local school board. Any mills to be levied above the initial eight mills must first be approved by the voters of the district. When submitting the question at the election, the board may specify a levy of less than the additional eight-mill limit authorized, and if such a limited levy is approved by the voters, subsequent levies shall not exceed the limited levy without another election authorizing a greater levy, but no election shall ever authorize a greater aggregate levy under this section than sixteen mills. The tax levy for the support of a junior college to finance residual or other fiscal obligations of a junior college shall be in addition to all other levies authorized by law for such school districts, and the proceeds of the levy shall be used exclusively for the support, operation, and maintenance of a junior college.

* **SECTION 7. AMENDMENT.** If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, section 15-18-04.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-04.2. Mill levy for off-campus educational facilities - Election. For the purpose of maintaining and operating such off-campus educational center the school board may levy, upon their own resolution, eight mills. If it is found, after the board by resolution has levied its maximum eight mills, that additional funds are needed, the board may submit the question of an additional mill

* NOTE: Section 15-18-04.2 was also amended by section 19 of Senate Bill No. 2065, chapter 606, and section 1 of Senate Bill No. 2047, chapter 608.

levy not to exceed eight mills, to the electors of the district at any regular or special school election within the district. If approved by sixty percent of the electors voting, the school board may proceed with the levy and collection of the tax. In no case shall the total mills levied under this section exceed sixteen. School district tax levy authorized to finance residual or other off-campus educational center obligations. A public school district which maintained an off-campus educational center pursuant to this chapter as it existed on June 30, 1984, may levy a tax not to exceed sixteen mills to finance any residual or other fiscal obligations remaining in the school district under the terms of an agreement between the district and the state board of higher education pursuant to section 3 of this Act. Of the sixteen mills which may be levied pursuant to this section, the first eight mills shall be levied upon the resolution of the local school board. Any mills to be levied above the initial eight mills must first be approved by the voters of the district. When submitting the question at the election, the board may specify a levy of less than the additional eight-mill limit authorized, and if such a limited levy is approved by the voters, subsequent levies shall not exceed the limited levy without another election authorizing a greater levy, but no election shall ever authorize a greater levy under this section than sixteen mills. Such levy shall be in addition to all other mill levy limitations provided by law, and the proceeds shall be placed in a separate fund, accounted for separately, and used exclusively for the support, operation, and maintenance of such off-campus educational center. Expenditures from this levy may be made by the school board without going through the institution of higher education with whom an agreement has been entered.

SECTION 8. AMENDMENT. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, section 15-18-04.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-04.2. Mill levy for off-campus educational facilities - Election. For the purpose of maintaining and operating such off-campus educational center the school board may levy, upon their own resolution, eight mills. If it is found, after the board by resolution has levied its maximum eight mills, that additional funds are needed, the board may submit the question of an additional mill levy not to exceed eight mills, to the electors of the district at any regular or special school election within the district. If approved by sixty percent of the electors voting, the school board may proceed with the levy and collection of the tax. In no case shall the total mills levied under this section exceed sixteen. School district tax levy authorized to finance residual or other off-campus educational center obligations. A public school district which maintained an off-campus educational center pursuant to this chapter as it existed on June 30, 1984, may levy a tax not to exceed sixteen mills to finance any residual or other fiscal obligations remaining in the school district under the terms of an agreement between the district and the state board of postsecondary education pursuant to section 15-10.2-03. Of the sixteen mills which may be

levied pursuant to this section, the first eight mills shall be levied upon the resolution of the local school board. Any mills to be levied above the initial eight mills must first be approved by the voters of the district. When submitting the question at the election, the board may specify a levy of less than the additional eight-mill limit authorized, and if such a limited levy is approved by the voters, subsequent levies shall not exceed the limited levy without another election authorizing a greater levy, but no election shall ever authorize a greater levy under this section than sixteen mills. Such levy shall be in addition to all other mill levy limitations provided by law, and the proceeds shall be placed in a separate fund, accounted for separately, and used exclusively for the support, operation, and maintenance of such off-campus educational center. Expenditures expenditures from this levy may be made by the school board without going through the institution of higher education with whom an agreement has been entered.

* SECTION 9. AMENDMENT. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, section 15-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-05. County levy to aid in the financing of residual or other fiscal obligations of a junior college or educational center authorized. The board of county commissioners of any county, or part of a county, in which a junior college or off-campus educational center of a state-supported institution of higher education has been established, or any county, or part of a county, adjacent thereto, may upon approval of the electors of such county at a countywide election, levy a tax of not exceeding five mills upon all property in such county, to aid any special school district having established which maintained a junior college or off-campus educational center of a state-supported institution of higher education. The mill levy herein authorized shall be over and above any mill levy limitation provided by law, and shall be for the purpose of financing any residual or other fiscal obligations of the school district under the terms of an agreement between the district and the state board of higher education pursuant to section 3 of this Act. At any time after the approval of such levy, upon petition of five percent of the electors voting in the last preceding countywide election, the county commissioners shall submit the question of the continuance of such levy to the next countywide election, and if the majority of the electors shall vote to discontinue such levy, the levy shall be discontinued in subsequent years.

SECTION 10. AMENDMENT. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, section 15-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-05. County levy to aid in the financing of residual or other fiscal obligations of a junior college or educational center authorized. The board of county commissioners of any county, or part

* NOTE: Section 15-18-05 was also amended by section 20 of Senate Bill No. 2065, chapter 606, and section 2 of Senate Bill No. 2047, chapter 608.

of a county, in which a junior college or off-campus educational center of a state-supported institution of higher education has been established, or any county, or part of a county, adjacent thereto, may upon approval of the electors of such county at a countywide election, levy a tax of not exceeding five mills upon all property in such county, to aid any special school district having established which maintained a junior college or off-campus educational center of a state-supported institution of higher education. The mill levy herein authorized shall be over and above any mill levy limitation provided by law, and shall be for the purpose of financing any residual or other fiscal obligations of the school district under the terms of an agreement between the district and the state board of postsecondary education pursuant to section 15-10.2-03. At any time after the approval of such levy, upon petition of five percent of the electors voting in the last preceding countywide election, the county commissioners shall submit the question of the continuance of such levy to the next countywide election, and if the majority of the electors shall vote to discontinue such levy, the levy shall be discontinued in subsequent years.

SECTION 11. AMENDMENT. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, section 15-18-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-06. Proceeds of levy to be certified to special school district. The proceeds of any tax levy hereby authorized shall be certified quarterly to the clerk of any special school district having established such which maintained a junior college or off-campus educational center of a state-supported institution of higher education and pursuant to this chapter as it existed on June 30, 1984. The proceeds shall be placed in a special junior college fund or an off-campus center fund and shall be expended for the acquisition of property, construction, maintenance, and the operation of a junior college or off-campus center of a state-supported institution of higher education used to finance any residual or other fiscal obligations of the special school district under the terms of an agreement between the district and the state board of higher education pursuant to section 3 of this Act.

SECTION 12. AMENDMENT. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, section 15-18-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-06. Proceeds of levy to be certified to special school district. The proceeds of any tax levy hereby authorized shall be certified quarterly to the clerk of any special school district having established such which maintained a junior college or off-campus educational center of a state-supported institution of higher education and pursuant to this chapter as it existed on June 30, 1984. The proceeds shall be placed in a special junior college fund or an off-campus center fund and shall be expended for the

acquisition of property, construction, maintenance, and the operation of a junior college or off-campus center of a state-supported institution of higher education used to finance any residual or other fiscal obligations of the special school district under the terms of an agreement between the district and the state board of postsecondary education pursuant to section 15-10.2-03.

SECTION 13. AMENDMENT. Section 15-55-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-18. Bond issue for community junior colleges and off-campus educational centers. School district retirement of bonds for junior colleges and off-campus educational centers. The school board of a school district having a community which maintained a junior college or off-campus educational center as provided in pursuant to chapter 15-18 may issue and sell tax-exempt bonds in an amount limited to the cost of purchasing or constructing buildings, adding to or repairing or renovating existing buildings, furnishing or equipping these buildings, or operating and maintaining these buildings for its community junior college or off-campus educational center students. The total principal amount of the bonds shall not exceed four million dollars. The bonds authorized by this section shall be retired from revenues of the buildings and facilities purchased or constructed under this section. The school board may also use tuition and fee revenue to retire these bonds. These bonds shall never become a general obligation of the school district or the state as it existed on June 30, 1984, may use proceeds from the mill levies provided for in sections 15-18-03, 15-18-04.2, and 15-18-05 to retire tax-exempt bonds sold pursuant to this section as it existed on June 30, 1984.

SECTION 14. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, the following section is hereby created and enacted to read as follows:

Legislative intent. It is the intent of the legislative assembly that the state board for vocational education continue to provide state supervision for vocational and technical course offerings approved and funded by the board for vocational education and offered at junior colleges and off-campus educational centers.

SECTION 15. REPEAL. Sections 15-18-01, 15-18-02, 15-18-04, 15-18-04.1, 15-18-07, 15-18-08, 15-18-09, and 15-18-10 of the North Dakota Century Code are hereby repealed.

SECTION 16. EFFECTIVE DATE. This Act is effective on and after July 1, 1984.

Approved April 18, 1983

CHAPTER 193

HOUSE BILL NO. 1462
(Representatives Swiontek, Hamerlik, Horgan)
(Senator Stenehjem)

BOARD OF HIGHER EDUCATION STUDENT REPRESENTATIVE

AN ACT to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the selection process for a student representative to the state board of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-02. Membership of state board of higher education - Qualifications of members - Advisory student representative - How appointed. The state board of higher education shall consist of seven members, all of whom shall be qualified electors and taxpayers of the state who shall have resided in this state for five years immediately preceding their respective appointments. The members of the board shall be appointed by the governor and confirmed by the senate. Nominations shall be made by the governor from a list of three names for each position to be filled on such board, such names to be selected by the unanimous action of the president of the North Dakota education association, the chief justice of the supreme court, and the superintendent of public instruction. There shall not be on said board at any one time more than one graduate of any one of the institutions under the jurisdiction of the board. No person employed by any institution under the control of the board shall serve as a member of the board, nor shall any employee of any such institution be eligible for membership on the board for a period of two years following the termination of his employment. In addition to the regular board members, a nonvoting advisory representative from the North Dakota student association may attend and provide input at all board meetings. The North Dakota student association executive board shall submit to the state board of higher education a list of no fewer than three nor more than four student names, each from a different institution of higher learning, to fill this advisory position. The state board of higher education shall make the appointment from this list. The student advisory representative must be a resident of North Dakota and be a full-time student in good academic standing. The term of the student advisory

representative shall be one year, and the position shall not be filled by students attending the same institution for longer than two consecutive years. Transfer students and graduate students who either transfer or graduate from one institution and attend another may be nominated so as to represent either the institution they are presently attending or the one to which they plan to transfer or enroll. The student advisory representative shall be selected by the board at either its April, May, or June meetings. The student advisory representative shall receive necessary expenses for travel.

Approved March 10, 1983

CHAPTER 194

HOUSE BILL NO. 1128
(Committee on Education)
(At the request of the Board of Higher Education)

FACULTY ANNUITIES, SEVERANCE, AND INSURANCE

AN ACT to amend and reenact subsection 13 of section 15-10-17, subsection 1 of section 54-14-04.3, and section 54-52.1-03 of the North Dakota Century Code, relating to contributions toward the cost of annuity contracts, severance pay upon retirement of tenured faculty employees at state institutions, and payment of group insurance premium for tenured faculty employees of state institutions of higher learning.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 13 of section 15-10-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control subject to the following guidelines:
 - a. Benefits under the program shall be provided through annuity contracts purchased by the board but which shall become the property of the participants;
 - b. The cost of the annuity contracts shall be defrayed by equal contributions of the participant and employer institution made pursuant to rules of the state board of higher education; and
 - c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota shall be transferred to the employee's account in the alternate program. Such election shall be made prior to July 1,

1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2.

The board shall provide for the administration of the alternate retirement program and establish rules ~~and regulations~~ therefor consistent with the foregoing guidelines. Nothing in this subsection shall be construed in derogation of any existing retirement programs approved by the board.

SECTION 2. Subsection 1 of section 54-14-04.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For the purposes of this section, "severance pay" means compensation received, upon termination of employment, for reasons primarily beyond the control of the state employee or officer, for the purpose of assuring an employee or officer funds to depend upon while another job is sought. Severance pay does not include payments made to a terminated employee or officer for accrued annual or sick leave, or compensatory leave, where such payments are authorized. Severance pay also does not include payments made to or on behalf of tenured faculty employees at state institutions of higher learning where such payments are made pursuant to an agreed plan of retirement between the tenured faculty employee and the institution and according to the rules of the state board of higher education.

SECTION 3. Section 54-52.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.1-03. Employee participation in plan - Employee to furnish information - Benefits to continue upon retirement or termination. Any eligible employee may be enrolled in the uniform group insurance program created by this chapter by requesting enrollment with the employing department. An eligible employee who requests enrollment shall be enrolled with the board by the employing department within five days after the expiration of the payroll period during which enrollment was requested. The employee's insurance coverage shall become effective on the date of his enrollment. Upon the retirement of an eligible employee who is entitled to a retirement allowance from a department, board, or agency, or upon the termination of employment of an eligible employee not of retirement age who, upon retirement, will receive a deferred retirement allowance from a department, board, or agency, such employee may continue as a member of the uniform group under the provisions of this chapter; provided, that except for tenured faculty employees of state institutions of higher learning who have entered into agreed plans of retirement with the institution and subject to the rules of the state board of higher education no state contribution for such employee shall be made, and the employee shall pay the premiums directly to the board. Upon the termination of employment where the employee is not

entitled to either retirement benefits or a deferred retirement allowance, such employee shall not continue as a member of the uniform group unless the employee was on the uniform group insurance retiree billings as of July 1, 1974, but may continue on an individual basis with the carrier, with such coverage to be offered at the lowest possible rate, to be determined by the board. Each eligible employee requesting enrollment shall furnish the appropriate person in the employing department, board, or agency with such information and in such form as prescribed by the board to enable the enrollment of himself, or himself and his dependents, in the uniform group insurance program created by this chapter. In the event the participating employee is a teacher in a state charitable, penal, or educational institution who receives a salary or wages on a nine-month basis and has signed a contract to teach for the next ensuing school year, the agency shall make arrangements to include such employee in the insurance program on a twelve-month basis and make the contribution authorized by this section for each month of the twelve-month period.

Approved March 11, 1983

CHAPTER 195

HOUSE BILL NO. 1117
(Committee on Education)
(At the request of the Board of Higher Education)

VETERANS' TUITION WAIVER

AN ACT to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to waiver of tuition and fee charges in North Dakota institutions of higher education for dependents of disabled or deceased veterans, prisoners of war, or veterans declared missing in action; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-18.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-18.3. Free tuition in North Dakota institutions of higher education. Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any North Dakota state-supported institution of higher education or state-supported technical or vocational school, shall be allowed to obtain a bachelor's degree, or certificate of completion, for so long as he is eligible, free of any tuition and fee charges, except those charged to retire outstanding bonds; provided, however, that such bachelor's degree or certificate of completion is earned within a thirty-six month or eight-semester period or its equivalent; and further provided that tuition and fee charges shall not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, there shall be no removal from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 17, 1983

CHAPTER 196

HOUSE BILL NO. 1127
(Committee on Education)
(At the request of the Board of Higher Education)

NONRESIDENT STUDENT FOR TUITION PURPOSES

AN ACT to amend and reenact section 15-10-19 of the North Dakota Century Code, relating to the definition of nonresident students for tuition purposes at state institutions of higher learning.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-19. Nonresident student for tuition purposes defined - Exceptions.

1. A nonresident student is defined as follows:

- 1- a. A student less than eighteen years of age whose parents, custodial parent, or guardian resides in another state, a territory, or a foreign country, or whose parents, custodial parent, or guardian has resided within this state for a period of less than twelve months immediately prior to the date of his registration;
- 2- b. A student of age eighteen years or over who resides outside this state; or
- 3- c. A student of age eighteen years or over who has been a resident of this state for a period of less than twelve months immediately prior to the date of registration; provided, that a student, whose parents, custodial parent, or guardian does not reside in this state, shall not be deemed to have initiated residence in this state until reaching the age of eighteen years, and provided further that attendance at an institution of higher learning within the state shall not alone be sufficient to qualify for residence in this state.

2. Military personnel assigned to a military installation in this state and their dependents, dependents of instructors who live in this state and teach in any institution of higher learning in this state, and the spouse of a resident for tuition purposes of this state, are excluded from the foregoing provisions, and shall be regarded as residents of this state for purposes of tuition, whether such dependents are over or under eighteen years of age.
3. Any student less than eighteen years of age or any student deemed financially dependent on his parent or parents who may otherwise be classified as a nonresident under this section, but who is a citizen of the United States may, if his parent or parents, custodial parent, or a guardian lives in this state, provide to the institution of higher learning which he plans to attend a statement signed by the county treasurer and the city auditor, if his parent or parents, custodial parent, or guardian lives in a city, or by the county auditor if they reside outside a city, showing proof of their intent to establish residence in this state for a period of years. Such statements shall entitle the student to be regarded as a resident of this state for purposes of tuition if there is no substantial evidence to the contrary.
4. Any student who, because of peculiar or unusual circumstances, is aggrieved by the above definition of a nonresident student may appeal to the board of higher education and the board shall, if it determines the circumstances justify such action, admit such student to the institution of higher learning as a resident for tuition purposes.

Approved March 8, 1983

CHAPTER 197

HOUSE BILL NO. 1076
(Higher Education Study Commission)

REGIONAL EDUCATION COMPACT AUTHORITY

AN ACT to amend and reenact section 15-10-28 of the North Dakota Century Code, relating to the authority of the state board of higher education to enter into agreements with regional education compacts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-28. Agreements with other states' institutions of higher learning and regional education compacts. The state board of higher education ~~is hereby authorized to~~ may enter into agreements with institutions of higher learning in other states, and regional education compacts. The board, subject to the limits of legislative appropriations, ~~to~~ may make such expenditures as are necessary for the purpose of utilizing the educational facilities of such institutions for teaching North Dakota students. In addition, the ~~state board of higher education is authorized to~~ may enter into agreements with institutions of higher learning in other states and regional education compacts for the acceptance of students from other states in North Dakota institutions of higher learning.

Approved March 3, 1983

CHAPTER 198

HOUSE BILL NO. 1125
(Committee on Education)
(At the request of the Board of Higher Education)

STUDENT LOAN NOTE REQUIREMENTS

AN ACT to repeal section 15-10-28.1 of the North Dakota Century Code, relating to the requirement that the board of higher education require notes from veterinary medicine, optometry, or dental students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 15-10-28.1 of the North Dakota Century Code is hereby repealed.

SECTION 2. For notes executed prior to July 1, 1983, the provisions of section 15-10-28.1 of the North Dakota Century Code as it exists on June 30, 1983, shall govern until the terms of such notes are fulfilled.

Approved March 4, 1983

CHAPTER 199

HOUSE BILL NO. 1123
(Committee on Education)
(At the request of the Board of Higher Education)

LAW SCHOOL LIBRARY

AN ACT to amend and reenact section 15-11-19 of the North Dakota Century Code, relating to the library of the law college.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-11-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-11-19. Library of law college - Supervision. The dean of the college of law of the university shall direct the management of the university law library. The law library shall be a reference library only and shall be for the use of students attending the college of law and of others who may desire to consult the same during such hours as shall be prescribed by the dean. The dean shall make suitable rules for the use of the law library, one of which shall provide that no books shall be removed from the library room in which the books are contained. All additions to the library shall be branded and marked as soon as they are received. The dean may exchange, before branding, any duplicate books for other works of a legal nature suitable for use in the college of law.

Approved March 3, 1983

CHAPTER 200

SENATE BILL NO. 2119
(Committee on Education)
(At the request of the Secretary of State)

LAW LIBRARY ANNUAL INVENTORY REPORT

AN ACT to repeal section 15-11-20 of the North Dakota Century Code, relating to annual inventory report sent to the secretary of state by the university of North Dakota law library.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 15-11-20 of the North Dakota Century Code is hereby repealed.

Approved March 10, 1983

CHAPTER 201

SENATE BILL NO. 2188
(Committee on Education)
(At the request of the State Board for Vocational Education)

VOCATIONAL EDUCATION SUBJECT APPROVAL AND REIMBURSEMENT

AN ACT to amend and reenact sections 15-20.1-06 and 15-20.1-07 of the North Dakota Century Code, relating to the approval and reimbursement for vocational education subjects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-20.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-06. Reimbursement of schools teaching subjects in vocational education. The state board ~~shall~~ may reimburse approved public or private institutions or agencies, or political subdivisions of this state or of another state, giving instruction in vocational education from funds allocated for that purpose. The state board may prorate the sums available if funds are insufficient to reimburse at the rate established by the state board.

SECTION 2. AMENDMENT. Section 15-20.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-07. 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 in the establishment and maintenance of schools, departments, or classes giving instruction in vocational education as approved by the state board, 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, it ~~shall~~ may be entitled to share in any federal and state funds available for vocational education.

Approved March 15, 1983

CHAPTER 202

HOUSE BILL NO. 1253
(Representative Serenus Hoffner)
(Senator Peterson)

EDUCATION MILL LEVY MAJORITY APPROVAL

AN ACT to amend and reenact sections 15-20.1-08, 57-15-14, 57-15-52.1, and 57-16-05 of the North Dakota Century Code, relating to passage of mill levies with a fifty-five percent majority of approval by the voters.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-20.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-08. Mill levy for vocational education programs.

1. Any school district may, upon resolution of the school board, and approval of ~~sixty~~ fifty-five percent of those voting on the question at a regularly scheduled or special election in the school district, levy a tax of not to exceed ten mills upon all taxable property within such school district for the purpose of participating in cooperative vocational education programs approved by the state board. Such levy shall be in addition to any other mill levies authorized by law.
2. Any school district may, upon resolution of the school board, and approval of ~~sixty~~ fifty-five percent of those voting on the question at a regularly scheduled or special election in the school district, levy a tax of not to exceed five mills upon all taxable property within such school district for the purpose of maintaining a vocational education program only for that school district and approved by the state board. The levy shall be in addition to any other mill levies authorized by law.

** SECTION 2. AMENDMENT. Section 57-15-14 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

* NOTE: Section 15-20.1-08 was amended by section 21 of Senate Bill No. 2065, chapter 606, and repealed by section 22 of Senate Bill No. 2047, chapter 608.

** NOTE: Section 57-15-14 was also amended by section 15 of Senate Bill No. 2047, chapter 608, by section 1 of Senate Bill No. 2186, chapter 607, and by section 52 of Senate Bill No. 2071, chapter 593.

57-15-14. Tax levy limitations in school districts. The aggregate amount levied by any school district, except the Fargo school district, shall not exceed such amount as will be produced by a levy of twenty-four mills on the dollar of the net assessed valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the electors voting upon the question at any regular or special school district election.
 - b. There shall be no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand according to the last federal decennial census, there may be levied any specific number of mills that upon resolution of the school board has been approved by ~~sixty~~ fifty-five percent of the electors voting upon the question at any regular or special school election.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district shall be submitted to the electorate at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census shall be required. However, not fewer than twenty-five signatures shall be required unless the district has fewer than twenty-five electors, in which case the petition shall be signed by not less than twenty-five percent of the electors of the district. In those districts with fewer than twenty-five electors, the number of electors in the district shall be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority shall not affect the tax levy in the calendar year in which the election is held. The election shall be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

* SECTION 3. AMENDMENT. Section 57-15-52.1 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-52.1. School district levy for schoolbus costs. Upon resolution of the school board and approval of ~~sixty~~ fifty-five percent of the voters in the school district at the next election, a school district may levy an amount not to exceed five mills for the purpose of paying for the cost of purchasing, contracting, operating, and maintaining schoolbuses. Such levy may be discontinued by resolution of the school board, or if a petition signed by not less than twenty-five electors or five percent of the electors of the school district as indicated by the number of persons voting at the last school district election, whichever is greater, is presented to the school board and voted upon and approved by a majority of the voters at the next election. The levy provided in this section shall be over and above any mill levy limitations provided by law.

** SECTION 4. AMENDMENT. Section 57-16-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-16-05. Vote necessary for approval. If the question submitted is for an increase of not to exceed twenty-five percent in the levy over the legal limit, a favorable vote upon such question by a majority of the electors voting shall be sufficient to authorize such excess levy. If the question submitted is for an increase of more than twenty-five percent and not to exceed seventy-five percent in the levy over the legal limit, a favorable vote upon such question by ~~sixty~~ fifty-five percent of the electors voting on such question shall be sufficient to authorize such excess levy.

Approved March 25, 1983

* NOTE: Section 57-15-52.1 was also amended by section 94 of Senate Bill No. 2065, chapter 606, and repealed by section 22 of Senate Bill No. 2047, chapter 608.

** NOTE: Section 57-16-05 was repealed by section 22 of Senate Bill No. 2047, chapter 608.

CHAPTER 203

HOUSE BILL NO. 1074
(Higher Education Study Commission)

POSTSECONDARY EDUCATION COMMISSION

AN ACT to amend and reenact subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the definition of administrative agency; and to repeal chapter 15-20.3 of the North Dakota Century Code, relating to the postsecondary education commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 28-32-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
 - a. The office of management and budget except with respect to rules relating to the central personnel system as authorized under section 54-44.3-07 and rules relating to state purchasing practices as required under section 54-44.4-04.
 - b. The adjutant general with respect to the division of disaster emergency services.
 - c. The council on the arts.
 - d. The state auditor.
 - e. The economic development commission.

- f. The dairy products promotion commission.
- g. The education factfinding commission.
- h. The educational broadcasting council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota and the North Dakota mill and elevator association.
- m. The director of institutions.
- n. The board of pardons.
- o. The parks and recreation department.
- p. The parole board.
- q. ~~The postsecondary education commission.~~
- r. The superintendent of public instruction except with respect to rules prescribed under section 15-21-07, rules relating to teacher certification, and rules relating to professional codes and standards approved under section 15-38-18.
- s. r. The state board of public school education while administering the state school construction fund.
- t. s. The department of human services with respect to its rules under the family subsidy program.
- u. t. The state fair association.
- v. u. The state toxicologist.
- w. v. The board of university and school lands.
- x. w. The administrative committee on veterans affairs.
- y. x. The wheat commission.

SECTION 2. REPEAL. Chapter 15-20.3 of the North Dakota Century Code is hereby repealed.

Approved March 3, 1983

CHAPTER 204

HOUSE BILL NO. 1180
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

POWERS OF COUNTY SUPERINTENDENT OF SCHOOLS

AN ACT to repeal sections 15-21-11, 15-21-12, 15-22-03, 15-22-05, 15-22-19, and 15-38-15 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 15-21-11, 15-21-12, 15-22-03, 15-22-05, 15-22-19, and 15-38-15 of the North Dakota Century Code are hereby repealed.

SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 3, 1983

CHAPTER 205

HOUSE BILL NO. 1181
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

SCHOOL DISTRICT REPORT FORMS

AN ACT to amend and reenact section 15-21-13 of the North Dakota Century Code, relating to school district report forms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-21-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-13. School supplies, blanks, record books, forms, and school library lists Provision of required school district report forms. The superintendent of public instruction shall prepare and cause to be printed and furnished provide to the proper officers or persons, district clerks' record books and warrant books, school treasurers' record books, school registers, and reports, statements, notices, and returns needed or required to be used in the schools or by the school officers of the state. In preparing and furnishing the warrant book, he shall prepare a form for order and warrant checks of the school district which will conform, so far as consistent with statutory requirements, to approved banking practice in order to facilitate handling of such instruments by banks and other depositories. Such warrant shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the school district depository. He shall prepare and furnish to school officers, through the county superintendents, lists of publications approved by him as suitable for district libraries. Such lists shall contain the lowest price at which each publication can be purchased and such other information relative to the purchase of district libraries as he may deem requisite. No warrant upon the treasurer shall be delivered or mailed to the payee or his agent or representative until such warrant has been signed by the treasurer and entered on the treasurer's books as a check drawn on a bank depository in public school districts all report forms as may be required by the superintendent or otherwise by law.

Approved March 3, 1983

* NOTE: Section 15-21-13 was also amended by section 24 of House Bill No. 1058, chapter 82.

CHAPTER 206

SENATE BILL NO. 2192
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

COUNTY SUPERINTENDENT QUALIFICATIONS AND DUTIES

AN ACT to amend and reenact sections 15-22-02, 15-22-10, 15-22-11, 15-22-13, 15-22-16, 15-22-20, 15-22-23, 15-36-10, and 15-38-02 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-22-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-02. Qualifications. The county superintendent of schools shall be a qualified elector under the general laws of the state, a bachelor degree graduate of a reputable college, or other institution of higher learning regional or nationally accredited college or university approved for teacher education, shall hold at least a first grade professional a valid teacher's certificate, and successful experience in teaching in an approved elementary or secondary school. Be it further provided that this section shall not be retroactive but that anyone serving as county superintendent on July 1, 1957, shall show evidence annually of work toward a first grade professional certificate bachelor degree in teacher education.

SECTION 2. AMENDMENT. Section 15-22-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-10. School visitation - Records of visits. The county superintendent of schools shall visit each school under his the superintendent's supervision at least once each year and shall carefully observe the condition of the school, the mental and moral instruction given, the methods of teaching employed by the teacher, the teacher's ability, and the progress of the pupils. He The superintendent shall advise and direct the teachers, in regard to the instruction, classification, government, and discipline of the schools, and the courses of study. He The superintendent also shall keep a record of such visits and, by memoranda, shall indicate his the superintendent's judgment of the teacher's ability to teach and

govern and the condition and progress of the school. Such record shall be open to inspection by any school director or patron.

SECTION 3. AMENDMENT. Section 15-22-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-11. Duty to follow instructions of superintendent of public instruction --~~Teachers'~~ meetings. The county superintendent of schools shall carry into effect all lawful instructions of the superintendent of public instruction and shall distribute to the proper officers and teachers all forms furnished to him by such the superintendent of public instruction when required by such officers and teachers. Acting under the instructions of the superintendent of public instruction, he may convene the teachers of his county not to exceed one Saturday in each month during which the public schools are in session, or if the distance is too great, he may convene the teachers of two or more districts in each of the several portions of his county, in county or district meetings for professional instruction and for such other work as may be approved by the superintendent of public instruction. Each teacher shall attend the entire sessions of such meetings when required to do so, and shall participate in the exercises thereof or forfeit one day's wages for each day's absence, unless the absence is occasioned by sickness of the teacher or of others to whom his attention is due. When, on account of distance or otherwise, it would impose a hardship upon any teacher to attend or would cause the teacher to neglect his school, the county superintendent may excuse the teacher from attendance.

SECTION 4. AMENDMENT. Section 15-22-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-13. Annual meeting Meeting of school officers. For the purpose of discussing plans and methods for the improvement and general care of the schools, the county superintendent of schools shall convene the members and clerks of the several boards of the schools under his supervision within the county, or such representatives of the school officers of each such district as the president or members of the school boards may appoint in case he the board president or they the board members cannot attend personally. Meetings shall not be called under this section more often than at least once in each year.

SECTION 5. AMENDMENT. Section 15-22-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-16. Reporting teachers failing to instruct in required subjects. The county superintendent of schools shall see that the pupils in the schools in his the county are instructed in the several branches of study required by law to be taught therein as far as they are qualified to pursue them. If any teacher neglects or refuses to give instruction as required by law in physiology and hygiene and the nature and effect of alcoholic drinks and other narcotics, the

county superintendent promptly shall notify the superintendent of public instruction.

SECTION 6. AMENDMENT. Section 15-22-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-20. County superintendent's contingent fund - Budget request to contain items - Use. The county superintendent of schools shall include in his ~~the~~ superintendent's budget request an amount to be placed in the county superintendent's contingent fund. ~~Such amount shall not exceed two dollars for each school or separate school department in the county nor the probable needs of the superintendent~~ for the payment of expenses of district teachers' meetings, annual school officers' meetings, play days, industrial contests, county commencement exercises, and other special and incidental expenses of a like nature. The board of county commissioners shall appropriate such moneys as it may deem necessary for such purposes, and moneys appropriated to the contingent fund may be used only for the purposes specified in this section. Any balance remaining to the credit of the county superintendent's contingent fund when the county auditor's books are closed on June thirtieth of each year shall revert to and become a part of the general unappropriated balance in the county treasury.

SECTION 7. AMENDMENT. Section 15-22-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-23. County superintendent of schools to publish notice of annual election. At least fourteen days before the ~~Tuesday in June of each year chosen for the~~ annual election, the county superintendent of schools in each county shall publish, in the official newspaper of the county, notice that annual elections will be held ~~in common and special school districts on the first or second Tuesday in June in~~ public school districts. If no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state.

SECTION 8. AMENDMENT. Section 15-36-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-36-10. Teachers' certificates valid in county only when recorded ~~--Validity of certificates previously issued in the office of the county superintendent of schools of such county. Any certificate issued by the superintendent of public instruction shall authorize the holder to teach in any county of the state when it is recorded in the office of the county superintendent of schools of such county. The county superintendent shall record certificates presented to him. Nothing contained in this chapter shall affect the validity of any certificate lawfully issued prior to September 1, 1931. Teachers serving multidistrict or multicounty positions shall record the certificate only in the county containing the administrative unit.~~

SECTION 9. AMENDMENT. Section 15-38-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-02. **Opening and closing of schools - Notice.** Each teacher under the supervision of the county superintendent, on beginning a term of school, shall give written notice to the county superintendent of schools of the time and place of opening the school and the time when it probably will close. If the school is to be suspended for one week or more in the term, the teacher shall notify the county superintendent of such suspension.

Approved March 23, 1983

CHAPTER 207

HOUSE BILL NO. 1271
(Representative Swiontek)
(Senator Bakewell)

SCHOOL BOARD SIZE

AN ACT to amend and reenact section 15-28-01 of the North Dakota Century Code, relating to decreasing the size of a school board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-01. School board members, number, and terms - Elections to be at large - Reorganized districts vote once.

1. Each school board of a public school district in this state shall be composed of five members, unless:
 - a. Such district has increased its membership under the provisions of this section;
 - b. Such district has increased its membership under the provisions of any prior law permitting such increase; or
 - c. Such district is, at the time of July 1, 1971, operating with a school board composed of a greater or lesser number of members than five, in which case the number of members of such board shall remain unchanged unless increased under the provisions of subsection 2.
2. The number of school board members in any public school district may be increased to either five, seven, or nine or decreased to seven or five if a petition signed by at least one-third of the voters of the school district as determined by the number of persons voting at the most recent annual school district election is filed with the school board asking for such ~~increase~~ change, and the ~~increase~~ change is approved by a majority of the voters of the district voting at a special election called for that

purpose. If approved, the additional members shall be elected to the board at the next annual school district election in the same manner as other school board members. If the total number of board members after the increase is approved is five, two shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter. If the total number of board members after the increase is approved is seven, three shall serve until the first annual election, two until the second annual election, and two until the third annual election thereafter. If the total number of board members after the increase is approved is nine, three shall serve until the first annual election, three until the second annual election, and three until the third annual election thereafter. All such members shall serve for the terms prescribed above and until their successors are elected and qualified, and the length of the respective terms of those members elected as a result of the increase in membership of the board shall be determined by lot. In no event shall the length of any term which existed prior to the increase in membership and which is held by a member who has duly qualified, be modified by such determination. Terms subsequent to the first shall be for the normal term of three years, and until a successor is elected and qualified. School board members shall be elected at large, except that if the district in which they are elected has been reorganized under the provisions of chapter 15-53 or article III of chapter 15-53.1, such members may be elected either at large or by geographical area. In districts reorganized under the provisions of chapter 15-53 or article III of chapter 15-53.1, in which an increase in the membership of the board is proposed, the election on the reorganization plan shall take the place of the petition and election requirements of this subsection, and approval of the reorganization plan shall have the same effect as if the approval were by the election provided for in this subsection. Should a decrease to not less than five members be approved by the voters, the excess number of members will serve out existing terms until the number approved by the voters has been reached.

Approved March 8, 1983

CHAPTER 208

HOUSE BILL NO. 1580
(Representatives Sanstead, Lautenschlager)
(Senators Redlin, Reiten)

SCHOOL ELECTION DATE

AN ACT to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to the date for school elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-03. Annual and special elections - When held - Officers elected - Terms - Optional joinder with city election or primary election. An annual election shall be held in each public school district on the first or second Tuesday in June, at the discretion of the school board, of each year. At each annual election, members of the school board shall be elected to fill all vacancies therein caused by the expiration of terms of office or otherwise. Each member elected shall serve for a term of three years, except when elected to serve an unexpired term. Such term shall commence on the second Tuesday in July following his election, and he shall continue until his successor is elected and qualified. In addition to the annual election, a special election may be held at any time if approved by a resolution of the school board. Such election may be held for any purpose provided for by law. The annual election provided for in this section may, upon resolution of the school board, be held in conjunction with the regularly scheduled city election, established by state law or established pursuant to the home rule powers of the city, held in a city encompassing or encompassed by located wholly or partially within that school district. The school board may enter into an agreement with the city commission or the city council concerning the sharing of election personnel, the printing of election materials, and the apportioning of election expenses. If the school election is held in conjunction with the primary election, the school board may enter into an agreement with the governing body of the county or counties in which the district lies concerning use of a single canvassing board, the sharing of election personnel, the printing of election materials, and the apportioning of election expenses.

Approved March 10, 1983

CHAPTER 209

SENATE BILL NO. 2288
(Miller Heinrich)

SCHOOL DISTRICT ELECTION FILING REQUIREMENT

AN ACT to amend and reenact section 15-28-09 of the North Dakota Century Code, relating to filing deadlines and the printing of ballots for public school district elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-09. Election - Candidates - Ballots - Stickers. Any candidate for election as a member of the school board of a school district shall file with the clerk of the board, not less than ~~twenty~~ twenty-five days before the election and before four p.m. on the ~~twentieth~~ twenty-fifth day, a statement setting forth ~~his~~ the candidate's name and the position for which ~~he~~ that person is a candidate. A statement which is mailed to the clerk shall be in ~~his~~ the clerk's physical possession before four p.m. on the ~~twentieth~~ twenty-fifth day before the election. At least ~~fifteen~~ twenty days before the election, the clerk shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all persons who have filed as herein provided. The arrangement of the names of the candidates upon the ballot shall be determined by lot by such clerk in the presence of the candidates or their representatives. The ballot shall be headed "official ballot", shall be nonpartisan in form, and shall contain the following:

1. The name of the district.
2. The date of the election.
3. The number of persons to be elected to each office.
4. Blank spaces below the names listed as candidates for each office in which names not stated on the ballot may be written.

In school districts wherein membership on the school board is required to include persons residing on farms outside of the corporate limits of any city, the official ballot shall designate the candidates for such position or positions as "rural candidates". Nothing herein shall prevent any person who is qualified to hold the office, who desires to be a candidate at the election, and who has failed to file as herein provided, from providing stickers to be attached to the official ballot by the electors. A sticker shall not be more than one-half inch [12.7 millimeters] in width, and shall have printed thereon the name and address of one person.

Approved April 8, 1983

CHAPTER 210

SENATE BILL NO. 2277
(Matchie)

STUDENT COURSEWORK REQUIREMENTS

AN ACT to create and enact subsection 23 to section 15-29-08 of the North Dakota Century Code, relating to the general powers and duties of school boards; and to amend and reenact sections 15-40.1-07 and 15-41-06 of the North Dakota Century Code, relating to high school per-pupil payments and coursework requirements for high school students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Subsection 23 of section 15-29-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

23. To adopt alternative high school senior curriculum plans in accordance with section 15-41-06 under which high school students in their fourth year of standard high school coursework may be enrolled in fewer than four academic units.

SECTION 2. AMENDMENT. Section 15-40.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-07. High school per-pupil payments - Amount - Proportionate payments. There shall be paid each year from state funds to all school districts of the county operating high schools and to school districts contracting to educate high school pupils in a federal school, subject to adjustment as provided in section 15-40.1-09, payments as follows:

1. For high schools having under seventy-five pupils in average daily membership, the amount of money resulting from multiplying the factor 1.70 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

2. For high schools having seventy-five or more, but less than one hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.40 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
3. For high schools having one hundred fifty or more, but less than five hundred fifty pupils in average daily membership, the amount of money resulting from multiplying the factor 1.32 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.
4. For high schools having a total high school enrollment of five hundred fifty or more pupils in average daily membership, the amount of money resulting from multiplying the factor 1.20 times the educational support per pupil as provided in section 15-40.1-06 for each high school pupil registered in the schools each year.

Every high school district shall receive at least as much in total payments as it would have received if it had the highest number of pupils in the next lower category. No school district shall receive less in foundation program per-pupil payments ~~for the 1979-80 school year than such district would have received in such payments based upon the average enrollment in such district for the previous three school years, and no school district shall receive less in foundation program per-pupil payments for any year thereafter than such district would have received in such payments based upon the enrollment in such district for the previous school year.~~ However, no payment shall be made for those pupils for whom federal agencies provide education. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments shall be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district shall be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments shall be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs shall be eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation and comprises at least as many clock hours as courses offered during the regular school term.

Districts that did not maintain high schools during the year of 1964-1965 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

SECTION 3. AMENDMENT. Section 15-41-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-06. High school courses - Requirements - Credits - Alternative curriculum plans. Four units of high school work shall be considered the minimum number of any year from the ninth grade to through the twelfth grade. However, students in their fourth year of standard high school coursework may be enrolled in fewer than four units if the students require fewer than four units for graduation and if the school board of their school district of attendance has adopted an alternative high school senior curriculum plan. An alternative high school senior curriculum plan may be adopted by board action, and must contain specifically described criteria under which high school seniors may be enrolled in fewer than four units. An alternative high school curriculum plan of coursework shall become effective only following formal approval by the superintendent of public instruction, and no student shall be eligible to be enrolled in fewer than four units of coursework in his or her twelfth-grade year unless that student can graduate during that same school year while carrying fewer than four units. A school board is not obligated to adopt an alternative high school senior curriculum plan, but once having adopted such a plan, a district must permit high school seniors satisfying criteria set forth in the plan to be enrolled in fewer than four units in accordance with this section. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days, subject to the provisions of section 15-47-33, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise.

Approved April 19, 1983

CHAPTER 211

SENATE BILL NO. 2200
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

COMPULSORY SCHOOL ATTENDANCE EXCEPTION

AN ACT to amend and reenact subsection 4 of section 15-34.1-03 of the North Dakota Century Code, relating to compulsory attendance exceptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 15-34.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. That the child is in such physical or mental condition as to render attendance or participation in the regular or special education program inexpedient or impracticable. Such condition shall be shown by a declaration of a licensed physician if required by the board multidisciplinary team which includes the director of special education of the special education unit of which the school district of residence is a member, the school superintendent of the child's district of residence, the child's classroom teacher, the child's physician, and the child's parent or guardian.

Approved March 10, 1983

CHAPTER 212

HOUSE BILL NO. 1193
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

COUNTY EQUALIZATION FUND REFERENCES

AN ACT to amend and reenact subsection 1 of section 15-34.2-02 of the North Dakota Century Code, relating to transportation of nonresident students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Subsection 1 of section 15-34.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The school board of any school district may furnish vehicular transportation to nonresident students. No transportation shall be furnished unless the district of the students' residence and the admitting district have entered into an agreement for such transportation. Any district that furnishes transportation to nonresident students but has not entered into an agreement with the district of the students' residence therefor, shall not be entitled to receive ~~any county equalization fund or~~ state payments for the transportation of the nonresident students.

Approved March 3, 1983

* NOTE: Section 15-34.2-02 was also amended by section 26 of House Bill No. 1058, chapter 82.

CHAPTER 213

SENATE BILL NO. 2199
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

SCHOOLBUS DRIVER QUALIFICATIONS

AN ACT to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to qualifications, character, and age of schoolbus and school vehicle drivers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-34.2-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-14. Qualifications, character, and age of schoolbus and school vehicle drivers. The driver of a schoolbus or a school vehicle shall be in good physical and mental health, able-bodied, free from communicable diseases, and shall have normal use of both hands, both feet, both eyes, and both ears. It shall be the duty of school boards to designate reputable physicians to examine each driver annually. It shall be the duty of each driver to present the physician's certificate of physical fitness to the employing school board before a contract is signed. Such driver shall possess a good moral character, shall be at least eighteen and not more than sixty-five years of age, and shall be required to have a North Dakota driver's license. However, the school board, in its discretion, may extend the maximum age of a driver to age sixty-seven beyond sixty-five. Any driver reaching the age of sixty-seven during the school year may be allowed to drive until the completion of that school year. All drivers over the age of sixty-five must submit to a physical examination once every six months and present the physician's certificate of physical fitness to the school board after each examination. The term schoolbus as used in this section shall mean a passenger motor vehicle having an actual seating capacity of seventeen or more passengers. This section does not prohibit regular members of the faculty of an elementary or high school from operating vehicles for the purpose of transporting students to regular or special events related to the educational programs in which the students are enrolled.

Approved April 14, 1983

CHAPTER 214

SENATE BILL NO. 2078
(Barth)

BUS USE BY SENIOR CITIZEN ORGANIZATIONS

AN ACT to create and enact a new section to chapter 15-34.2 of the North Dakota Century Code, relating to the authority of school boards to negotiate with nonprofit organizations to allow those groups to use district-owned schoolbuses for their activities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-34.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

School boards may furnish district-owned schoolbuses to nonprofit organizations. The school board of any school district may furnish district-owned schoolbuses to nonprofit organizations for use in conjunction with those organizations' activities. If a school board determines that a district-owned schoolbus should be made available to a nonprofit organization, the board shall negotiate with the organization to arrive at terms of the bus lease agreement, including provision for the rental charge and insurance coverage. Drivers of district-owned schoolbuses used by nonprofit organizations pursuant to this section must satisfy the requirements for schoolbus drivers set forth in section 15-34.2-14.

Approved March 4, 1983

CHAPTER 215

SENATE BILL NO. 2275
(Wright)

PAYROLL DEDUCTION DUES PAYMENT

AN ACT to amend and reenact section 15-38.1-11.1 of the North Dakota Century Code, relating to payroll deduction for dues of representative organizations for teachers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-38.1-11.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38.1-11.1. Provision for payroll deduction for dues of representative organization for teachers. Whenever a petition is presented to a school board, signed by a majority of the teachers in a representative organization as created pursuant to the terms of this chapter, requesting that the dues for such representative organization be deducted from the regular paycheck of each teacher who is a member of such representative organization teacher, who is a member of the representative organization as created pursuant to the terms of this chapter, signs a petition requesting that the dues for such representative organization be deducted from the regular paycheck of said teacher, the school board shall be required to comply with the terms of such petition. Nothing herein shall be interpreted to mean that the dues of a nonmember shall be deducted in such manner. Any member of the representative organization may, upon notice to the school board, be exempted from the payroll deduction provisions as herein set forth.

Approved March 15, 1983

CHAPTER 216

SENATE BILL NO. 2088
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

TEACHERS' FUND FOR RETIREMENT (TFFR)

AN ACT to amend and reenact subsections 4 and 6 of section 15-39.1-04, and sections 15-39.1-18, 15-39.1-19.1, 15-39.1-22, and 15-39.1-27 of the North Dakota Century Code, relating to the definitions of "interest" and "teacher", disability retirement, discontinuance of annuities on resumption of teaching, the annual report of the board of trustees, and computing service credit for members.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 4 and 6 of section 15-39.1-04 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

4. "Interest", as applied to member assessments ~~accumulated as of June 30, 1981, or as applied to the purchase of credit for service performed prior to July 1, 1981, shall be equal to the rate paid on June 30, 1981, by the Bank of North Dakota on one year certificates of deposit repurchase of credit for withdrawn years, is six percent compounded annually.~~ "Interest", as applied to member assessments ~~accumulated on or after July 1, 1981, or as applied to the purchase of extra service credit for service performed on or after July 1, 1981, shall be five as defined in section 15-39.1-24, is eight percent compounded annually.~~
6. "Teacher" ~~shall include~~ includes:
 - a. All persons who are certified to teach in this state who are contractually employed either in teaching or as a teacher's aide for more than ten days in any one school year in any state institution or by any school board or other governing body of any school district of this state, including superintendents, assistant superintendents, business managers, principals, assistant principals, and special teachers employed in

any state institution or in the school system of any school district in this state, except that the superintendent and assistant superintendent of the Grafton state school may be brought within this definition at their option.

- b. The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, state school supervisors and inspectors, every person engaged as president, dean, school librarian, or registrar of any state institution, the secretary of the North Dakota education association, all assistant secretaries and professional staff of such association, the commissioner of higher education, and the professional staff of the North Dakota high school activities association.
- c. The executive director of the North Dakota school boards association, the executive secretary of the teachers' fund for retirement, the executive director of the North Dakota council of school administrators, and the secretary of the North Dakota school administrators association; provided, that such persons were previously members of and have credits in the fund.

The term "teacher" ~~shall~~ does not include persons connected with any professional school or college of any state institution as lecturers who are engaged in the practice of their respective professions and with whom teaching is merely an avocation.

SECTION 2. AMENDMENT. Section 15-39.1-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-18. Disability retirements. Any ~~teacher~~ as defined in this ~~chapter~~ member may also retire and receive a disability annuity if after a period aggregating ten years of service as a ~~teacher~~ member in this state, ~~such teacher~~ the member suffers from total disability, ~~such total disability to be as~~ determined by the board after an examination of such ~~teacher~~ member has been made by two physicians appointed by the board. The fees of such physicians shall be paid by the applicant.

The amount of the disability annuity shall ~~be equal to~~ the retirement benefit credits which the member ~~has had~~ earned to the date of disablement. The disability annuity shall continue until the death or prior recovery of the disabled annuitant. The board shall ascertain by examinations annually, ~~or as more often as if necessary to determine~~ in the opinion of the board, the continued disability status of a disabled annuitant.

If a disabled annuitant recovers and returns to active teaching, he shall retain the retirement benefit credits which he earned prior to the time of disablement and the credits which he earned after his return to active teaching shall be added to those earned prior to his disablement.

SECTION 3. AMENDMENT. Section 15-39.1-19.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-19.1. Annuities discontinued on resumption of teaching. The benefits payable to any retired person who has retired from teaching under the provisions of chapter 15-39, 15-39.1, or 15-39.2 and who again returns to teaching in a public school or state institution in this state or any other state shall be discontinued when the retired person's earnings during the fund's fiscal year exceed the maximum earnings allowed by the federal Social Security Act. Such person shall immediately notify the office of the fund in writing when the retired person's earnings have exceeded such maximum. Failure to notify the fund shall result in the loss of one month's annuity benefits when the payment of the annuity is resumed upon further retirement, in addition to the discontinuance of benefits paid after reaching such maximum.

Any retired person who returns to teaching shall pay the required assessments on those earnings received after the maximum has been exceeded in the fiscal year and the employer shall pay the required contributions in a like manner.

Upon the teacher's subsequent retirement, the member's benefit shall be resumed as follows:

1. If the teacher subsequently retires with less than two years of additional credited service, the teacher's assessments paid to the fund shall be refunded in accordance with section 15-39.1-20 and the teacher shall be entitled to receive the discontinued annuity for those months of the fiscal year during which the earnings were in excess of the maximum earnings so established.
2. If the teacher subsequently retires with more than two years of additional service, the retired person's annuity shall be the sum of the discontinued annuity, plus an additional annuity computed according to the provisions of this chapter based upon years of service and average salaries earned during such period of reemployment.

SECTION 4. AMENDMENT. Section 15-39.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-22. Annual report of board. On or before the first day of October of each year, the board shall report for the fiscal year ending the thirtieth day of June preceding. A copy of the report

shall be submitted at the annual meeting of the members, which shall be at the time and place of the annual meeting of the North Dakota education association, and a copy of the report shall be included in the biennial report of the superintendent of public instruction annually submitted to the governor.

SECTION 5. AMENDMENT. Section 15-39.1-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-27. "Year" defined - Computing for part-time teachers. In computing the terms of service of a ~~teacher~~ member under the provisions of this chapter, a year shall be one hundred seventy-five days of compensation. A time less than one hundred seventy-five days of compensation shall not be included as a full year but only as such proportion of a year as the number of days of compensation in each year ~~taught~~ of service bears to one hundred seventy-five days of compensation.

At least four duty hours per day for twenty days per month shall constitute a month's teaching credit toward a retirement annuity for part-time teachers.

Approved March 23, 1983

CHAPTER 217

HOUSE BILL NO. 1095
(Mertens)

EMPLOYER PAYMENT OF EMPLOYEE CONTRIBUTIONS

AN ACT to amend and reenact sections 15-39.1-09, 39-03.1-09, 39-03.1-10, 54-52-05, 54-52-06, and 54-52-06.1 of the North Dakota Century Code, relating to the employer payment of required employee contributions to the teachers', highway patrolmen's, and public employees retirement systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-39.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-09. Membership in fund and assessments - Employer payment of employee contribution.

1. Every teacher shall be a member of the fund and shall be assessed upon his salary six and twenty-five hundredths percent per annum, which shall be deducted monthly and paid to the state treasurer by the disbursing official of the governmental body by which the teacher is employed. Every governmental body employing a teacher shall pay to the state treasurer a sum equal to six and twenty-five hundredths percent per annum of the salary of each teacher employed by it. All such sums shall be certified by the disbursing official and shall be paid quarterly to the state treasurer who shall set the same aside in the teachers' fund for retirement.
2. Each employer, at its option, may pay the teacher contributions required by subsection 1 for all compensation earned after June 30, 1983. The amount paid shall be paid by the employer in lieu of contributions by the employee. If an employer decides not to pay the contributions, the amount that would have been paid will continue to be deducted from compensation. If contributions are paid by the employer, they shall be treated as employer contributions in determining income

tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they shall not be included as gross income of the teacher in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these teacher contributions from the same source of funds used in paying compensation to the teachers. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. If teacher contributions are paid by the employer, they shall be treated for the purposes of this chapter in the same manner and to the same extent as teacher contributions made prior to the date the contributions were assumed by the employer. The option given employers by this subsection shall be exercised in accordance with rules adopted by the board.

* SECTION 2. AMENDMENT. Section 39-03.1-09 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-09. Payments by contributors - Employer payment of employee contribution.

1. Every member shall be required to contribute into the fund a sum equal to seven percent of his monthly salary, but not to exceed one hundred thirty-three dollars, which sum shall be deducted from his salary and credited to his account in the fund. A contributor who was paid a refund or severance allowance upon a termination of employment with the patrol and who again becomes a contributor may, at any time prior to retirement, elect to return to the fund the amount which was paid him as a refund or severance allowance plus regular interest thereon for the period during which the amount was withdrawn from the fund. All such payments must be made in full before a retirement or optional retirement allowance is granted, and, if the contributor elects to make such payment, any survivor's allowance to which his survivor would otherwise be entitled shall be reduced by an amount and for such time as will assure that the back payments will be returned to the fund. Every contributor who shall elect to make such back payments shall receive full credit under this chapter for all contributions made into the fund and for all service credits to which he might thereby be entitled.

2. The state of North Dakota, at its option, may pay the member contributions required by subsection 1 for all compensation earned after June 30, 1983. The amount paid shall be paid by the state in lieu of contributions by the

* NOTE: Section 39-03.1-09 was also amended by section 3 of House Bill No. 1189, chapter 418.

member. If the state decides not to pay the contributions, the amount that would have been paid will continue to be deducted from compensation. If contributions are paid by the state, they shall be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the state, they shall not be included as gross income of the member in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The state shall pay these member contributions from the same source of funds used in paying compensation to the members. The state shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a combination of a reduction in gross salary and offset against future salary increases. If member contributions are paid by the state, they shall be treated for the purposes of this chapter in the same manner and to the same extent as member contributions made prior to the date the contributions were assumed by the state. The option given employers by this subsection shall be exercised in accordance with rules adopted by the board.

SECTION 3. AMENDMENT. Section 39-03.1-10 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-03.1-10. Contributions by the state of North Dakota. The state of North Dakota shall contribute to the fund a sum equal to twelve percent of the monthly salary or wage of a participating member. Such contribution shall not exceed two hundred twenty-eight dollars per month. If the member's contribution is paid by the state under subsection 2 of section 39-03.1-09, the state shall contribute, in addition, an amount equal to the required member's contribution.

*** SECTION 4. AMENDMENT.** Section 54-52-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-05. Membership and assessments - Employer payment of employee contributions.

1. Every eligible permanent state, county, city, or noncertified school district employee concurring in the plan shall so state in writing and all future eligible employees shall be participating members. An eligible employee shall be a permanent employee whose services are not limited in duration and who is filling an approved and regularly funded position, who is employed by the state, county, city, or school district, has reached age eighteen, and is employed for more than twenty hours per week for more than five months each year.

*** NOTE:** Section 54-52-05 was also amended by section 2 of Senate Bill No. 2090, chapter 573.

2. Each member shall be assessed and required to pay monthly four percent of the monthly salary or wage paid to him, and such assessment shall be deducted and retained out of such salary in equal monthly installments commencing with the first month of employment.
3. Each employer, at its option, may pay the employee contributions required by subsection 2 and section 54-52-06.1 for all compensation earned after June 30, 1983. The amount paid shall be paid by the employer in lieu of contributions by the employee. If the state decides not to pay the contributions, the amount that would have been paid will continue to be deducted from the employee's compensation. If contributions are paid by the employer, they shall be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they shall not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they shall be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer. An employer shall exercise its option under this subsection by July 15, 1983, and shall report its choice to the board in writing. The option chosen may not be revoked for the remainder of the biennium. Thereafter, the option choice shall be forwarded to the board, in writing by June fifteenth of each odd-numbered year.

SECTION 5. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06. Employer's contribution to retirement plan. Each governmental unit shall contribute an amount equal to five and twelve-hundredths percent of the monthly salary or wage of a participating member. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay monthly such contribution into the retirement fund from its funds appropriated for payroll and salary or any other funds available for such purposes. Any governmental unit failing to pay such contributions monthly shall be subject to a civil penalty of fifty

dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after such payment became due. The board shall report to each session of the legislative assembly, or such committee as may be designated by the legislative council to hear such report in the interim between legislative sessions, the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness.

* SECTION 6. AMENDMENT. Section 54-52-06.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06.1. Contribution by supreme and district court judges - Employer contribution. Each judge of the supreme or district court who is a member of the public employees retirement system shall be assessed and required to pay monthly four percent of the monthly salary paid to him, and such assessment shall be deducted and retained out of his salary in equal monthly installments. The state shall contribute an amount equal to five and twelve-hundredths percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution shall be paid from its funds appropriated for salary, or from any other funds available for such purposes. If the judge's contribution is paid by the state under subsection 3 of section 54-52-05, the state shall contribute, in addition, an amount equal to the required judge's contribution.

Approved March 16, 1983

* NOTE: Section 54-52-06.1 was also amended by section 2 of Senate Bill No. 2068, chapter 576.

CHAPTER 218

HOUSE BILL NO. 1109
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

TFFR BENEFITS

AN ACT to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement adjustments under the teachers' fund for retirement; and to amend and reenact sections 15-39.1-10 and 15-39.1-11 of the North Dakota Century Code, relating to the eligibility for benefits and vesting of the right to retirement benefits under the teachers' fund for retirement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-39.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Postretirement adjustments. Every person receiving monthly benefits from the fund on an account on which benefits were being paid on June 30, 1983, shall receive an increase in benefits beginning July 1, 1983, equal to fifteen percent of the person's present annuity. The percentage shall be adjusted, if necessary, so that the maximum increase would be no more than forty-five dollars per month. The fifteen percent increase in benefits shall be adjusted in percentage so that no person receives less than one dollar per month per year of teaching credit.

SECTION 2. AMENDMENT. Section 15-39.1-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-10. Eligibility for benefits.

1. The following teachers members are eligible to receive monthly lifetime retirement benefits under this section:
 - a. All teachers members who have completed ten years of teaching credit and who have attained the age of sixty-five years.

- b. All ~~teachers~~ members who have attained the age of sixty-five years and who completed their final year of teaching in 1971.
 - c. All ~~teachers~~ members who have attained the age of sixty years and who have completed thirty-five years of teaching credit a combined total of years of service credit, of which one year must be completed after July 1, 1979, and years of age which equals ninety.
2. The amount of retirement benefits shall be calculated as follows: One and five hundredths percent of the final average monthly salary of the ~~teacher~~ member multiplied by the number of years of credited service. For the purposes of this subsection, monthly salary means one-twelfth of the annual salary paid the ~~teacher~~ member. Final average monthly salary shall be the average of the ~~teacher's~~ member's highest monthly salaries received for any five three years employed during the last ten years of employment membership in the fund.
 3. Notwithstanding any other provision of this section, no full-time ~~teacher~~ member who retired in 1971 or after such year, eligible to receive or who is receiving benefits under former chapter 15-39, chapter 15-39.1, or section 15-39.2-02, shall receive benefits which are less than:
 - a. Six dollars per month per year of teaching to twenty-five years.
 - b. Seven dollars and fifty cents per month per year of teaching over twenty-five years.

Teachers, superintendents, assistant superintendents, principals, assistant principals, special teachers, supervisors of instruction and other supervisors, presidents, deans, school librarians, and registrars employed by any state institution under the supervision and control of the board of higher education shall not be eligible for the minimum benefits provided by this subsection.

4. The greater benefit available from this chapter as it existed on July 1, 1977, and July 1, 1979, shall be available to any ~~teacher~~ member who had rights vested in the chapter on June 30, 1979.

SECTION 3. AMENDMENT. Section 15-39.1-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-11. Vesting of rights. When any ~~teacher~~ member has paid assessments for a period of ten years, he shall have a vested right

to a retirement annuity but he shall receive no payments hereunder until he attains the age of sixty-five years or is sixty years of age with thirty-five years of teaching credit of which one year must be completed after July 1, 1979 meets the requirements set forth in section 15-39.1-10 or 15-39.1-12.

Approved March 17, 1983

CHAPTER 219

SENATE BILL NO. 2461
(Lips)

TFFR INVESTMENTS

AN ACT to amend and reenact section 15-39.1-26 of the North Dakota Century Code, relating to legal investments for the teachers' fund for retirement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-39.1-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-26. Investment of moneys in fund. Investment of the fund shall be under the supervision of the state investment board in accordance with chapter 21-10, except that the investments shall not be limited to those specified in section 21-10-07 and except that the state investment board shall have the authority to contract with insurance companies, trust banks, or other financial institutions to hold and invest fund moneys; provided, that the total amount of all moneys so placed shall not exceed an amount equal to twenty percent of the total moneys of the fund. Such moneys shall be placed for investment only with a firm or firms whose primary endeavor is money management, and only after a trust agreement or contract has been executed. Such moneys may be expended by the state investment board by the preparation of an appropriate voucher and submitting such voucher to the office of management and budget.

Approved March 15, 1983

CHAPTER 220

HOUSE BILL NO. 1110
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

COLLEGE TEACHER MILITARY SERVICE RETIREMENT CREDIT

AN ACT to create and enact a new section to chapter 15-39.2 of the North Dakota Century Code, relating to college teachers retired under the provisions of chapter 15-39 of the North Dakota Century Code purchasing military service credit as provided in section 15-39.1-24 of the North Dakota Century Code; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

College teachers - Military service credit purchase. College teachers who elected to remain under the provisions of chapter 15-39 may purchase military service as credit in the fund as allowed under the provisions of section 15-39.1-24.

SECTION 2. **EMERGENCY.** This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved March 10, 1983

CHAPTER 221

SENATE BILL NO. 2276
(Senators Peterson, Nelson)
(Representative Swiontek)

PER-PUPIL SUPPORT AND TRANSPORTATION AID

AN ACT to amend and reenact sections 15-40.1-02, 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to the apportionment of funds to school districts, educational support per pupil, and aid for transportation; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. State school aid - Appropriation. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. ~~Funds distributed to each school district pursuant to section 2 of article IX of the Constitution of North Dakota are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools.~~

SECTION 2. AMENDMENT. Section 15-40.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-06. Declaration of legislative intent - Educational support per pupil - School district equalization factor - Limitations.

1. It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state ~~and county~~ funds based on the educational cost per pupil. In determining the educational cost per pupil, the following criteria shall not be used:

- a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2. It is hereby determined that the educational support per pupil during ~~the first each year~~ of the ~~1981-83~~ 1983-85 biennium shall be one thousand four hundred ~~twenty-five~~ dollars and for the second year of the biennium the educational support per pupil shall be one thousand ~~five hundred ninety-one~~ three hundred fifty dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40.1-07 and 15-40.1-08. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall be supported in the amount of two hundred twenty dollars, which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40.1-07.
3. In determining the amount of payment due school districts for per-pupil aid under this section, ~~the following shall be subtracted from the amount of such aid-~~
- a- ~~The product of twenty mills times the latest available net assessed and equalized valuation of property of the school district shall be subtracted from the amount of such aid.~~
 - b- ~~Repealed by S-L 1979, ch. 243, § 12-~~
 - e- ~~The amount of funds estimated by the superintendent of public instruction to be received by each school district for the period from May first of the current year through April thirtieth of the following year from distributions of oil and gas bonus payments pursuant to section 15-08-01-1, which shall be subtracted from the school district's November first foundation program payment. The May first foundation program payment shall be adjusted to reflect a subtraction for the actual amounts received pursuant to section 15-08-01-1 by the school district during this period-~~

SECTION 3. AMENDMENT. Subsection 1 of section 15-40.1-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in

which the school the pupil is enrolled is located, a sum equal to ~~thirty-four~~ thirty-six cents per mile [1.61 kilometers] during the first year of the ~~1981-83~~ 1983-85 biennium and thirty-eight cents during the second year of the ~~1981-83~~ 1983-85 biennium for ~~schoolbuses~~ vehicles having a capacity of ~~sixteen~~ nine or fewer pupils and ~~sixty-eight~~ seventy-three cents per mile [1.61 kilometers] during the first year of the ~~1981-83~~ 1983-85 biennium and seventy-six cents per mile [1.61 kilometers] the second year of the ~~1981-83~~ 1983-85 biennium for schoolbuses having a capacity of ~~seventeen~~ ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ~~seventeen~~ ten or more pupils shall be entitled to an amount equal to nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses.

SECTION 4. APPROPRIATION - PER-PUPIL PAYMENT. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,000,000 to the state superintendent of public instruction to make, in the manner provided in sections 15-40.1-07 and 15-40.1-08, per-pupil foundation payments for the year ending June 30, 1983. If this section becomes effective after June 30, 1983, the superintendent of public instruction shall distribute the payments provided for in this section no later than July 15, 1983.

SECTION 5. EMERGENCY. Section 4 of this Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 26, 1983

CHAPTER 222

SENATE BILL NO. 2226
(Nothing)

FOUNDATION PAYMENT DISTRIBUTION SCHEDULE

AN ACT to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to the schedule for distribution of foundation program payments to school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-05. Distribution of payments to school districts - Duty of office of management and budget. The superintendent of public instruction shall certify to the office of management and budget a list of all school districts in the state, together with a statement of payments equal to ~~one-fourth~~ thirty percent of the total payments made to each respective school district during the previous fiscal year, and the office of management and budget shall pay each school district ~~the amounts due~~ half of the amount certified, within the limits of legislative appropriation, on or before September first and the other half on October first of each year. The superintendent of public instruction shall determine what amounts in addition to the September first and October first payments are necessary to constitute ~~one-half~~ forty percent of the payments due to each school district for the current school year, and shall certify to the office of management and budget a list of all school districts in the state, together with a statement of the payments due them. On or before November first, the office of management and budget shall pay to each school district, within limits of legislative appropriation, the amounts needed in addition to the payments of September first payment and October first in order to constitute ~~fifty~~ forty percent of the sum found to be due under the provisions of this chapter. On or before January first the first day of December, January, February, March, April, and May, payments equal to ~~one-fourth~~ ten percent of the total payments shall be made to each respective school district, ~~on or before March first~~, payments equal to one-eighth of the total payments shall be made to each respective school district; and the balance shall be paid ~~on or before May first~~.

Approved April 28, 1983

CHAPTER 223

SENATE BILL NO. 2201
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

DROPOUT STUDENT ALTERNATIVE PROGRAM

AN ACT to create and enact a new section to chapter 15-40 of the North Dakota Century Code, relating to school aid appropriation for alternative programs for dropout students age sixteen through eighteen.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

* SECTION 1. A new section to chapter 15-40 of the North Dakota Century Code is hereby created and enacted to read as follows:

Payments for alternative programs. Payments made pursuant to section 15-40.1-07 must be made to high school districts which provide alternative programs for students from the ages of sixteen through eighteen who have dropped out of school. Upon determination by the local school district of nonmembership in the regular program of a high school, a district may apply to the superintendent of public instruction for continuation of the foundation aid funding for high school students enrolled in an approved alternative education program. A subtraction will be made from the district average daily membership when a student is dropped from membership and added back for the days of membership in an approved alternative program. Proportionate payments must be made for students enrolled in less than four units and must be based on the number of units carried and the high school weighting factor.

Approved March 23, 1983

* NOTE: This section has been codified as North Dakota Century Code section 15-40.1-07.2.

CHAPTER 224

HOUSE BILL NO. 1269
(Representatives D. Olsen, W. Meyer, Knudson, Jacobson)
(Senators Erickson, Moore)

ELEMENTARY SCHOOL PER-PUPIL PAYMENT

AN ACT to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to the elementary school per-pupil payments under the foundation program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-08. Elementary per-pupil payments - Amount. There shall be paid from state funds to school districts of the county operating elementary schools and to school districts contracting to educate elementary pupils in a federal school, employing teachers holding valid certificates or permits, payments based on the number of registered students at the beginning of each school year, adjusted as provided in section 15-40.1-09, as follows:

1. For one-room rural schools there shall be paid that amount of money resulting from multiplying the factor 1.30 times the educational support per pupil as provided in section 15-40.1-06 for each of the first sixteen pupils in grades one through eight in average daily membership, and for each additional pupil in grades one through eight in average daily membership there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment shall be made for more than twenty pupils in average daily membership.
2. For elementary schools having under one hundred pupils in average daily membership there shall be paid that amount of money resulting from multiplying the factor 1.0 times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty pupils in grades one through six in average daily membership in each classroom or for each teacher and for each additional pupil in grades one through six in average daily

membership in each classroom or for each teacher there shall be paid .9 times the educational support per pupil as provided in section 15-40.1-06, except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher.

3. For elementary schools having one hundred or more pupils in average daily membership, and provided the districts in which such schools are located have an average daily membership of less than one thousand elementary pupils, there shall be paid that amount of money resulting from multiplying the factor .9 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six 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 daily membership in each classroom or for each teacher.
4. For elementary schools in school districts having an average daily membership of one thousand or more elementary pupils, there shall be paid that amount of money resulting from multiplying the factor .95 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades one through six 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 daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools, there shall be paid that amount of money resulting from multiplying the factor 1.0 times the educational support per pupil as provided in section 15-40.1-06 for each of the first thirty pupils in grades seven and eight 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 daily membership in each classroom or for each teacher.
6. For elementary schools having pupils under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, there shall be paid that amount of money resulting from multiplying the factor .49 times the educational support per pupil as provided in section 15-40.1-06 for each special education pupil under the compulsory age for school attendance in average daily membership in each classroom or for each teacher.
7. For elementary schools providing kindergartens which are established according to provisions of section 15-45-01, and for out-of-state kindergarten programs, approved by the state superintendent and utilized by North Dakota

school districts bordering other states, there shall be paid that amount of money resulting from multiplying the factor .50 times the educational support per-pupil payment for that elementary school as determined under this section for each of the first twenty-five pupils in average daily membership in each classroom or for each teacher, except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. The full per-pupil payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil payment.

Every school district shall receive at least as much in total payments for elementary pupils as it would have received if it had the highest number of pupils in the next lower category.

No school district shall receive less in foundation program per-pupil payments for the 1979-80 school year than such district would have received in such payments based upon the average enrollment in such district for the previous three school years; and no school district shall receive less in foundation program per-pupil payments for any year thereafter than such district would have received in such payments based upon the enrollment in such district for the previous school year. Payments pursuant to this chapter to school districts in bordering states shall be made after subtracting the amount realized from a twenty-mill levy in the sending school district divided by the total number of resident pupils enrolled in the school district plus the number of resident pupils from the district attending school in another state.

Approved April 8, 1983

CHAPTER 225

HOUSE BILL NO. 1331
(Representatives Sanstead, Lautenschlager, Wentz)
(Senators Waldera, Holmberg)

REQUIRED SCHOOL TERM

AN ACT to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota Century Code, relating to parent-teacher conference days included in the required one hundred eighty days of elementary and secondary school terms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal. Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the clerk of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. Such certification shall include an adjustment in the amounts to which the districts and schools are entitled, based upon the difference between payments made under this chapter to such districts and schools for the previous school year as compared to the amount calculated, as provided in sections 15-40.1-07 and 15-40.1-08, upon the average daily membership during the previous school year. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including days set aside for the North Dakota education association convention, plus

any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, ~~and~~ the total days all students are absent, and the two parent-teacher conference days authorized in section 15-47-33, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one-hundred-eighty-day school term.

Immediately upon the termination of the school term and in no event later than July fifteenth of each year, the clerk of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. Such statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement 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 in each district in his county for the previous school year upon which any adjustment may be based as provided in this section. If any statement is disallowed in whole or in part, notice thereof and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. 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.

SECTION 2. AMENDMENT. Section 15-47-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-33. Length of elementary and secondary school year term. All elementary and secondary schools in this state shall provide at least one hundred eighty days of classroom instruction during each school term. Any three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after consultation with the teachers, any two days, or fractions of days not to exceed a total of two days, which are devoted to parent-teacher conferences and which are selected by the local school board after consultation with the teachers, and any day in which classes cannot be held because of acts of God, epidemic, or failure of physical facilities shall be included in the one hundred eighty days provided for in this section and teachers shall be paid therefor.

Approved March 17, 1983

CHAPTER 226

HOUSE BILL NO. 1634
(Hamerlik, Lautenschlager)

KINDERGARTEN PUPIL TUITION

AN ACT to amend and reenact sections 15-40.2-01, 15-40.2-02, 15-40.2-03, and 15-40.2-05 of the North Dakota Century Code, to permit tuition for kindergarten pupils.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.2-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-01. Transfer of pupils to other districts or institutions - Tuition agreements. The school board of any district may send kindergarten, elementary, or high school pupils into another school district or to an accredited institution of another state when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and in such instances the board may pay the tuition of such pupils to the district or institution to which they are sent. The school board may arrange, and when petitioned to do so by a majority of electors of the district, shall arrange with the school boards of other districts or with the institutions, to send pupils to such other districts or institutions who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from such other schools or institutions.

SECTION 2. AMENDMENT. Section 15-40.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-02. Receiving of pupils by admitting districts. Any school district shall admit kindergarten, elementary, and high school pupils from other districts to its schools when it can be done without injuring or overcrowding such schools and after the board of the sending district and the board of the admitting district have entered into an agreement governing the attendance of such pupils as may be enrolled or when tuition will be paid by a parent or guardian in the manner provided for in this chapter.

* SECTION 3. AMENDMENT. Section 15-40.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-03. Legislative intent relating to tuition payments. It is the intent of the legislative assembly that school districts educating pupils in other school districts shall pay the full cost of education. Such costs shall be determined on the basis of average daily membership and shall include annual expenditures from the general fund and annual educational expenditures from all special funds; provided, that only those expenditures permitted in determining the educational cost per pupil in section 15-40.1-06 shall be included in determining average current operating expenses. To such average current operating expense in the county for kindergarten, elementary, or high school students, as the case may be, shall be added double the statewide total of all school districts' annual expenditures from sinking and interest funds, plus double the statewide total of all school districts' annual tax receipts to the building funds, including any amounts expended from school districts' general funds for capital outlay, divided by the average daily membership of the state. From this amount, the following shall be deducted for each individual pupil:

1. Such payments as are received for him from the county equalization fund and state payments received by the admitting district, less the average amount per North Dakota resident pupil enrolled in the school district realized from a twenty-mill school district levy; and
2. A credit applied for any school taxes paid to the admitting district by the parent or guardian of the admitted pupil.

The amount remaining shall be the tuition charge for the individual pupil, and shall be paid under the provisions of this chapter.

The amount calculated for kindergarten students shall be one-half of the amount calculated for elementary students.

If the district of residence and the parent or guardian are both paying tuition, the credit allowed under this section for taxes paid to the admitting district by the parent or guardian shall be credited to the district of residence and the parent or guardian in proportion to the amount of tuition paid by each.

Nothing contained in this chapter shall affect the right of a school district to charge and collect such tuition as may be fixed by agreement from pupils who are not residents of this state, in accordance with the provisions of section 15-40.2-10.

** SECTION 4. AMENDMENT. Section 15-40.2-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- * NOTE: Section 15-40.2-03 was also amended by section 28 of House Bill No. 1058, chapter 82.
- ** NOTE: Section 15-40.2-05 was also amended by section 1 of House Bill No. 1297, chapter 227.

15-40.2-05. Application of parent or guardian for payment of tuition by district. The parent or guardian of any pupil who is a resident of a district may apply in writing to the school board of the school district of residence of the pupil for approval of the payment of tuition charges to another school district for attendance of the pupil in such other school district. The school board shall, within sixty days of its receipt of such application, meet with the parent or guardian of the pupil concerned and render a decision in regard to payment of tuition charges. If the school board has not rendered a decision within sixty days of receipt of the application, the application shall be deemed approved. If the school board of the district of residence shall approve such application, it shall pay the tuition charges. In the event such application shall be disapproved, the parent or guardian of the pupil may file an appeal with the county superintendent of schools, and a three-member committee consisting of the county judge, state's attorney, and the county superintendent of schools shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to payment of the tuition charges. In making such decision, the committee shall determine whether the pupil is a high school pupil, which, for purposes of this section, shall be defined to mean grades nine through twelve, or whether the pupil is an elementary school pupil, which, for purposes of this section, shall be defined to mean grades one through eight, or whether the pupil is a kindergarten pupil, which, for purposes of this section, shall be defined as a program established pursuant to chapter 15-45, and then proceed in accordance with the following:

1. **High School.** If the pupil is a high school pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the educational needs of the particular pupil, or other reasons of convenience, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition may be for any fixed number of school terms, up to the completion of the pupil's high school education. The decision of the committee may be appealed to the state board of public school education and the decision of the board shall be final.
2. **Elementary.** If the pupil is an elementary pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances or other reasons of convenience, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition shall be limited to one school term, and subsequent

applications for the payment of tuition may be made annually. The decision of the committee shall be final.

3. Kindergarten. If the pupil is a kindergarten pupil, the school board of the district of the pupil's residence may pay tuition to the receiving district. The committee shall not hear an appeal from the parents or guardian as provided for in this section if the school board of the district of residence decides not to pay tuition to the admitting district. If the school board of the district of residence does not pay the tuition to the admitting district, the parent or guardian of the pupil may pay the tuition to the admitting district under the provisions of section 15-40.2-02 of the North Dakota Century Code.

If any portion of the school district lies in more than one county, the committee shall consist of the county judge, state's attorney, and county superintendent of schools from each county lying within the district, and the concurrence of at least two members from each county shall be necessary for a majority of the committee. In the event that the district of residence of the pupil does not comply with the decision requiring that the tuition charges be paid, the admitting district shall notify the county superintendent of schools of the county of the pupil's residence and the state superintendent of public instruction of such fact, and upon verification by the county superintendent of schools that such tuition payments are in fact due the admitting district and are unpaid, all payments from the state for foundation aid to the district of residence of the pupil, shall be withheld until the tuition due has been fully paid.

This section shall not be construed to require the district of residence to provide pupil transportation or payments in lieu thereof, for pupils for whom the payment of tuition has been approved.

Approved March 8, 1983

CHAPTER 227

HOUSE BILL NO. 1297
(R. Larson)

TUITION PAYMENT DETERMINATION

AN ACT to amend and reenact section 15-40.2-05 of the North Dakota Century Code, relating to convenience as a consideration for determining tuition payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-40.2-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-05. Application of parent or guardian for payment of tuition by district. The parent or guardian of any pupil who is a resident of a district may apply in writing to the school board of the school district of residence of the pupil for approval of the payment of tuition charges to another school district for attendance of the pupil in such other school district. The school board shall, within sixty days of its receipt of such application, meet with the parent or guardian of the pupil concerned and render a decision in regard to payment of tuition charges. If the school board has not rendered a decision within sixty days of receipt of the application, the application shall be deemed approved. If the school board of the district of residence shall approve such application, it shall pay the tuition charges. In the event such application shall be disapproved, the parent or guardian of the pupil may file an appeal with the county superintendent of schools, and a three-member committee consisting of the county judge, state's attorney, and the county superintendent of schools shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to payment of the tuition charges. In making such decision, the committee shall determine whether the pupil is a high school pupil, which, for purposes of this section, shall be defined to mean grades nine through twelve, or whether the pupil is an elementary school pupil, which, for purposes of this section, shall be defined to mean grades one through eight, and then proceed in accordance with the following:

* NOTE: Section 15-40.2-05 was also amended by section 4 of House Bill No. 1634, chapter 226.

1. High School. If the pupil is a high school pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the educational needs of the particular pupil, or ~~other reasons of convenience~~ in cases of extreme family or pupil hardship, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition may be for any fixed number of school terms, up to the completion of the pupil's high school education. The decision of the committee may be appealed to the state board of public school education and the decision of the board shall be final.
2. Elementary. If the pupil is an elementary pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances or ~~other reasons of convenience~~ in cases of extreme family or pupil hardship, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition shall be limited to one school term, and subsequent applications for the payment of tuition may be made annually. The decision of the committee shall be final.

If any portion of the school district lies in more than one county, the committee shall consist of the county judge, state's attorney, and county superintendent of schools from each county lying within the district, and the concurrence of at least two members from each county shall be necessary for a majority of the committee. In the event that the district of residence of the pupil does not comply with the decision requiring that the tuition charges be paid, the admitting district shall notify the county superintendent of schools of the county of the pupil's residence and the state superintendent of public instruction of such fact, and upon verification by the county superintendent of schools that such tuition payments are in fact due the admitting district and are unpaid, all payments from the state for foundation aid to the district of residence of the pupil, shall be withheld until the tuition due has been fully paid.

This section shall not be construed to require the district of residence to provide pupil transportation or payments in lieu thereof, for pupils for whom the payment of tuition has been approved.

Approved March 17, 1983

CHAPTER 228

SENATE BILL NO. 2184
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

RESIDENCY DETERMINATION IN CHILD PLACEMENT CASES

AN ACT to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to residency determination and the payment of tuition in cases of child placement for purposes other than education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. AMENDMENT. Section 15-40.2-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-08. Residency determination in child placement cases - Decision by three-member committee - Provisions of section 15-40.2-05 to apply and the payment of tuition in cases of child placement for purposes other than education. For purposes of applying this chapter, the school district in which a child resides shall be construed to be the ~~residence~~ district of residence of such child:

1. At the time any court order or order of a juvenile supervisor shall have been issued requiring such child to stay for any prescribed period at a foster home, or home maintained by any nonprofit corporation, or any referrals made from a state-operated institution;
2. At the time of any placement for any prescribed period of time by a county or state social service agency with the consent of the parent or guardian at a foster home or home maintained by any nonprofit corporation; or
3. At the time of any voluntary admission to ~~Grafton state school or any~~ a state-licensed child care home or agency.

Such ~~residence~~ district of residence shall be liable for tuition upon claim of the admitting district; provided, that both the ~~residence~~ district of residence and the admitting district be notified of the placement, admission, or court order at the time the

* NOTE: Section 15-40.2-08 was also amended by section 29 of House Bill No. 1058, chapter 82.

same is ordered. Notification shall be made by the placement agency. Where the parent or parents of the child were residents of the district at the time of placement under subsections 1 through 3, but such parent or both parents have subsequently moved elsewhere, so that there is no parent residing in said ~~residence~~ district of residence, then the tuition and excess cost due the admitting district shall be paid by the state from funds appropriated by the legislative assembly for the foundation aid program. If the child is handicapped or otherwise requires special education or related services approved by the director of special education, the ~~residence~~ district of residence shall be liable ~~for the cost of tuition and for the excess educational costs related to such special education unless~~ to pay the admitting district as part of the cost of educating such student an amount for the school year equal to two and one-half times the state average per-pupil elementary or high school cost, depending on whether the enrollment would be in a grade or high school department; provided that such payment may not exceed the actual per-pupil cost incurred by the admitting district. The remainder of the actual cost of educating the handicapped student not covered by other payments or credits shall be paid from funds provided to the department of public instruction by the legislative assembly for special education. If the handicapped child does not have a parent or legal guardian residing in North Dakota, ~~in which case,~~ the state shall pay the cost of tuition and the excess educational costs. In the event of placement by a county or state social service agency with the consent of the parent or guardian, or the a voluntary admission to any state-licensed child care home or agency, ~~including referrals made therefrom,~~ the determination of tuition may be subject to an appeal filed with the county superintendent of schools and the. The three-member committee referred to in section 15-40.2-05, ~~which~~ shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition charges. Those provisions of section 15-40.2-05 relating to multicounty districts, notification of unpaid tuition, and withholding of ~~county equalization fund payments and~~ state payments shall apply to this section.

Approved April 8, 1983

CHAPTER 229

SENATE BILL NO. 2202
(Committee on Education)
(At the request of the Superintendent of Public Instruction)

LENGTH OF KINDERGARTEN TERM

AN ACT to amend and reenact section 15-45-02 of the North Dakota Century Code, relating to kindergarten curriculum, rules, and length of kindergarten term.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-45-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-45-02. Kindergarten curriculum - ~~Rules and regulations~~ - Length of kindergarten term. The school board shall establish a curriculum for kindergarten and such other rules ~~and regulations~~ governing the kindergartens as it may deem best, and shall govern them, so far as practicable, in the manner and by the officers provided by law for the government of other public schools. All kindergartens shall provide ~~at least six weeks of classroom instruction but not more than the equivalent of ninety full days of classroom instruction during any twelve-month period~~ the equivalent of a minimum of thirty full days of instruction. The school board shall determine whether kindergarten shall be provided on a half-day or a full-day basis.

Approved March 4, 1983

CHAPTER 230

SENATE BILL NO. 2394
(Senators Erickson, Nelson)
(Representative Swiontek)

TEACHER CONTRACT NONRENEWAL

AN ACT to create and enact section 15-47-27.1 of the North Dakota Century Code, relating to the renewal and nonrenewal of first-year teachers; and to amend and reenact sections 15-47-26, 15-47-27, and subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to school board procedures with respect to the renewal and nonrenewal of contracts of teachers who have taught for more than one year.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-47-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-26. "Teacher" defined. The term "teacher", as used in sections 15-47-27 and 15-47-28, shall be construed to include all teachers, principals, and superintendents in all public school districts within this state, and all persons employed in teaching in any state institution, except institutions of higher education. The term "teacher", as used in section 15-47-38, shall be construed to include all teachers and principals in all public school districts within this state, and all persons employed in teaching in any state institution, except institutions of higher education. For purposes of the sections above referenced, the term "teacher" shall not include teachers who are replacing teachers on leave of absence or sabbatical leave or, for purposes of nonrenewal, teachers who are in their first year of teaching.

SECTION 2. AMENDMENT. Section 15-47-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-27. Time for renewal of teachers' contracts. Any teacher who has been employed by any school district or the director of institutions in this state during any school year, shall be notified in writing by the school board or the director of institutions, as the case may be, not earlier than the fifteenth day of February March first and not later than the fifteenth day of April May first in the school year in which he or she has been employed to teach, of

the determination not to renew the teacher's contract for the ensuing school year, if such determination has been made; and failure to give such written notice on or before said date shall constitute an offer to renew the contract for the ensuing school year under the same terms and conditions as the contract for the then current year. On or before ~~April fifteenth~~ May first in any year and not earlier than ~~February fifteenth~~ March first, all teachers shall be notified of a date, which shall not be less than thirty days after the date of such notice, upon which they will be required to accept or reject proffered reemployment, and failure on the part of the teacher to accept said offer within such time shall be deemed to be a rejection of the offer. Any teacher who shall have accepted the offer of reemployment, either by the action or nonaction of the school board or the director of institutions, ~~or~~ on or before ~~April fifteenth~~ May first, as herein provided, shall be entitled to the usual written contract for the ensuing school year, as provided by law and shall notify the school board or the director of institutions in writing of his or her acceptance or rejection on or before the date specified or before ~~May fifteenth~~ June first, whichever is earlier. Failure on the part of the teacher to provide such notification shall relieve the school board or the director of institutions of the continuing contract provision of sections 15-47-26 through 15-47-28. Nothing in this section shall be construed as in any manner repealing or limiting the operation of any existing law with reference to the dismissal of teachers for cause. Each district shall have an established system through which two written evaluations are prepared for every teacher employed by the district during each school year. These written performance reviews shall be completed and made available to the teacher no later than December fifteenth for the first review and February twenty-eighth for the second review each year.

SECTION 3. Section 15-47-27.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-47-27.1. Renewal, nonrenewal, and evaluation of first-year teachers. Each school district and the director of institutions in this state shall have an established system through which two written evaluations are prepared during each school year for every teacher who is in his or her first year of teaching. The evaluation must be in the form of written performance reviews, and the first review must be completed and made available to first-year teachers no later than December fifteenth and the second review must be completed and made available no later than February twenty-eighth of each year.

If a school board or the director of institutions determines not to renew the contract of a first-year teacher, written notification of the decision of nonrenewal must be given to the teacher no earlier than April fifteenth nor later than May first. Failure by a school board or the director of institutions to provide written notification of nonrenewal to a first-year teacher by May first constitutes an offer to renew the contract of the teacher for the ensuing school year under the same terms and conditions as

the contract for the current year. Such notification of nonrenewal given to a first-year teacher must contain a detailed description of the reason or reasons for the nonrenewal.

* SECTION 4. AMENDMENT. Subsection 5 of section 15-47-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The school board of any school district contemplating not renewing a teacher's contract, as provided in section 15-47-27, shall notify the teacher in writing of such contemplated nonrenewal no later than April ~~first~~ fifteenth. The teacher shall be informed in writing of the time, which shall not be later than April ~~seventh~~ twenty-first, and place of a special school board meeting for the purpose of discussing and acting upon such contemplated nonrenewal. The teacher shall also be informed in writing of the reasons for nonrenewal. The reasons given by the school board for its decision not to renew a teacher's contract must be drawn from specific and documented findings arising from formal reviews conducted by the board with respect to the teacher's overall performance. Each district shall have an established system through which two written evaluations are prepared for every teacher employed by the district during each school year. These written performance reviews shall be completed and made available to the teacher no later than December fifteenth for the first review and February twenty-eighth for the second review each year. The reasons given by the board for not renewing a teacher's contract shall be sufficient to justify the contemplated action of the board and shall not be frivolous or arbitrary but shall be related to the ability, competence, or qualifications of the teacher as a teacher, or the necessities of the district such as lack of funds calling for a reduction in the teaching staff. At the meeting with the board the teacher may then produce such evidence as may be necessary to evaluate the reasons for nonrenewal, and either party may produce witnesses to confirm or refute the reasons. The school board shall give an explanation and shall discuss and confirm at the meeting its reasons for the contemplated nonrenewal of the contract. The meeting shall be an executive session of the board unless both the school board and the teacher shall agree that it shall be open to other persons or the public. The teacher may be represented at the meeting by any two representatives of his own choosing; and the teacher's spouse, or one other family member of the teacher's choice, may also attend the meeting if the teacher so desires. In addition to board members, the school district clerk, and the superintendent, the school board may be represented by two other representatives of its own choosing at such executive session. At the meeting, if the teacher so requests, he shall be granted a

* NOTE: Section 15-47-38(5) was also amended by section 1 of House Bill No. 1670, chapter 232.

continuance of not to exceed seven days. No cause of action for libel or slander shall lie for any statement expressed either orally or in writing at any executive session of the school board held for the purposes provided for in this section. The determination not to renew a contract if made in good faith shall be final and binding on all parties. Final notice of the determination not to renew a contract shall be given in writing by ~~April fifteenth~~ May first as provided in section 15-47-27.

Approved April 13, 1983

CHAPTER 231

SENATE BILL NO. 2386
(Senator Nelson)
(Representative Swiontek)

SCHOOL CALENDAR AND SCHEDULE MODIFICATION

AN ACT to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to modification of the traditional public school calendar following approval by the superintendent of public instruction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is hereby created and enacted to read as follows:

Modification of public school calendar and schedule with approval of the superintendent of public instruction. The school board of a public school district may apply to the superintendent of public instruction for approval of a pilot program in which the school calendar of the district is modified so that fewer than one hundred eighty days of classroom instruction would be provided by the district during the course of a school term. The superintendent may approve pilot programs which are designed to evaluate the advantages and disadvantages of modifications in the traditional school calendar through increased use of school facilities and which the superintendent finds to offer educational opportunities equivalent to those offered in a one hundred eighty day school program. Any district which proposes to operate a pilot program under this section shall specify in its application the minimum number of days of school and the comparable instructional time for which its pupils would be enrolled during any school year. Upon approval by the superintendent of a pilot program for a school district, the district is eligible to receive full state educational aid as provided for under chapter 15-40.1. Any district which has operated an approved pilot program under this section for a period of three years may apply to the superintendent to have the program permanently established. The superintendent shall prescribe rules governing the submission of applications, the evaluation of proposals, and any other matters necessary for the administration of pilot programs provided for by this section.

Approval by the superintendent of public instruction of pilot programs permitting modifications in the traditional school calendar satisfies the minimum requirements for school operation and instructional time provided in sections 15-41-06, 15-47-04, and 15-47-33. Approval by the superintendent of a pilot program pursuant to this section does not affect accrual of teachers' benefits provided by statute.

Approved April 8, 1983

CHAPTER 232

HOUSE BILL NO. 1670
(Representatives Serenus Hoffner, Black)
(Senators Matchie, Holmberg)

TEACHER CONTRACT NONRENEWAL

AN ACT to amend and reenact subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the nonrenewal of a teacher's contract.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

* SECTION 1. Subsection 5 of section 15-47-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. The school board of any school district contemplating not renewing a teacher's contract, as provided in section 15-47-27, shall notify the teacher in writing of such contemplated nonrenewal no later than April first. The teacher shall be informed in writing of the time, which shall not be later than April seventh, and place of a special school board meeting for the purpose of discussing and acting upon such contemplated nonrenewal. The teacher shall also be informed in writing of the reasons for nonrenewal. The reasons shall be sufficient to justify the contemplated action of the board and shall not be frivolous or arbitrary but shall be related to the ability, competence, or qualifications of the teacher as a teacher, or the necessities of the district such as lack of funds calling for a reduction in the teaching staff. At the meeting with the board the teacher may then produce such evidence as may be necessary to evaluate the reasons for nonrenewal, and either party may produce witnesses to confirm or refute the reasons. The school board shall give an explanation and shall discuss and confirm at the meeting its reasons for the contemplated nonrenewal of the contract. The administrator shall substantiate the reasons with written or oral evidence presented at the meeting. All witnesses are subject to questioning for the purposes of clarification. At the meeting, the board shall discuss the reasons and determine whether or not the administrator has, in fact, substantiated the reasons. If

* NOTE: Section 15-47-38(5) was also amended by section 4 of Senate Bill No. 2394, chapter 230.

the board finds that the reasons have not been substantiated, the nonrenewal proceedings will be dismissed. The meeting shall be an executive session of the board unless both the school board and the teacher shall agree that it shall be open to other persons or the public. The teacher may be represented at the meeting by any two representatives of his own choosing; and the teacher's spouse, or one other family member of the teacher's choice, may also attend the meeting if the teacher so desires. In addition to board members, the school district clerk, and the superintendent, the school board may be represented by two other representatives of its own choosing at such executive session. At the meeting, if the teacher so requests, he shall be granted a continuance of not to exceed seven days. No cause of action for libel or slander shall lie for any statement expressed either orally or in writing at any executive session of the school board held for the purposes provided for in this section. The determination not to renew a contract if made in good faith shall be final and binding on all parties. Final notice of the determination not to renew a contract shall be given in writing by April fifteenth as provided in section 15-47-27.

Approved April 6, 1983

CHAPTER 233

HOUSE BILL NO. 1516
(Boyle, C. Williams, G. Martin, Sanstead, Erdman)

SCHOOL DISTRICT SUPERINTENDENT DISCHARGE

AN ACT to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school district evaluation, renewal, or discharge of superintendents of school districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is hereby created and enacted to read as follows:

Evaluation, renewal, or discharge of superintendents of school districts.

1. The term "superintendent" as used in this section includes district superintendents of schools and chief administrators of multidistrict special education units and multidistrict vocational education centers.
2. At least once before March first, the school board of each school district shall conduct a formal and written evaluation of the performance of the superintendent employed by the district, which shall be provided to the superintendent. The written evaluation of a superintendent's performance must include recommendations with respect to all subject areas within which the school board considers the performance to be unsatisfactory. The governing body must provide in reasonable detail the basis for its assessment of the unsatisfactory performance.
3. The superintendent, upon receipt of an evaluation, may respond in writing to the substance and content of the evaluation, and such a response shall become a permanent attachment to the superintendent's personnel file. The school board shall meet with the superintendent to discuss the evaluation.
4. Throughout the term of a contract between a school district and a superintendent, the superintendent shall be

subject to discharge for good and just causes, provided however, that the school board may not arbitrarily or capriciously require the superintendent's dismissal.

5. In the event that a school district governing body intends to discharge a superintendent, the superintendent shall be served with a detailed and written description of the reasons given by the school board for the proposed dismissal. Following service of the written description of the reasons for proposed dismissal, the superintendent shall be granted a hearing before the governing body for which reasonable advance notice shall be required. If a superintendent chooses to be accompanied by an attorney, the legal expenses attributable to that representation must be incurred by the superintendent.
6. The superintendent may then produce such witnesses as may be necessary to refute charges made by the board against the superintendent or reasons given by the board for its proposal to discharge the superintendent, and such witnesses are subject to cross-examination.
7. All procedures relative to evidence, subpoena of witnesses, oaths, record of testimony, decision, rehearing, appeals, certification of record, scope and procedure for appeals, and appeals to the supreme court shall be conducted in accordance with the provisions of sections 28-32-06, 28-32-07, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-13, 28-32-14, 28-32-15, 28-32-16, 28-32-17, 28-32-18, 28-32-19, 28-32-20, and 28-32-21. The meeting shall be conducted in an executive session of the board, unless both the school board and the superintendent agree that the meeting shall be open to the public.
8. The superintendent may be represented at the meeting by two representatives of the superintendent's own choosing, and the superintendent's spouse, or one other family member of the superintendent's choice, may also attend the meeting if the superintendent so desires.
9. In addition to board members and the school district clerk, the school board may be represented by two other representatives of its own choosing at the executive session.
10. If the superintendent so requests, the superintendent shall be granted a continuance by the board not to exceed seven days unless good cause for a longer continuance is shown.
11. No cause of action for libel or slander shall accrue from any statement expressed either orally or in writing at an executive session of the school board held for the purposes provided for in this section.

12. If a school district fails to provide notification to a superintendent in writing between March first and May first of each year that the school board intends not to renew the superintendent's contract, the district shall be deemed to have renewed the contract for a period of one year extending from the termination date set forth in the existing contract. If a school district provides notification to the superintendent in writing before May first of its intent not to renew the superintendent's contract, the school board shall meet with the superintendent to convey the reason or reasons for the nonrenewal if the superintendent requests such a meeting.

Approved April 14, 1983

CHAPTER 234

SENATE BILL NO. 2043
(Legislative Council)
(Interim Budget "B" Committee)

MEDICAL CENTER LOAN FUND

AN ACT to amend and reenact sections 15-52-16, 15-52-17, 15-52-18, 15-52-20, and 15-52-22 of the North Dakota Century Code, relating to the medical center loan fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-52-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-16. Qualifications of loan applicants. An applicant ~~shall be~~ is deemed qualified only if ~~he or she~~ the applicant:

1. Has been a resident of the state of North Dakota at least two years prior to the date of ~~his~~ entering medical school or dental school;
2. Has successfully completed the first ~~and second~~ year of the curriculum in medicine at the university of North Dakota or has successfully completed the first ~~and second~~ year of the curriculum in dentistry in a qualified and reputable dental school;
3. Can present to the university satisfactory proof that ~~he or she~~ the applicant has been accepted as a student in the second, third, or fourth year of a qualified and reputable four-year school of medicine or dentistry, or will be so accepted upon payment of tuition; and
4. Is of good moral character.

SECTION 2. AMENDMENT. Section 15-52-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-17. Loan investigations. The university shall make a careful investigation to ascertain the truth of all matters set forth in applications received by it, and for that purpose may propound such examinations and questions for each applicant as it

deems proper. The investigation shall include a study of the ability of the applicant or the applicant's parents to pay his own the applicant's expenses at the university of North Dakota school of medicine or an out-of-state medical or dental school, and preference shall be given to qualified applicants who, or whose parents, are unable to pay the applicant's expenses at such medical or dental school.

SECTION 3. AMENDMENT. Section 15-52-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-18. Amount of loans. Loans may be granted to qualified applicants by the university in amounts not in excess of two four thousand dollars for the purpose of completing the third year of medical or dental study and a sum not to exceed two thousand dollars each year for the purpose of completing the second, third, and fourth year of medical or dental study in a qualified and reputable four-year school of medicine or dentistry. However, if the applicant agrees in writing to enter medical or dental practice in a city, town, or municipality in this state which is without a qualified physician or dentist or in need of additional medical or dental personnel, then such applicant may be granted a loan of two thousand five hundred dollars for the purpose of completing the third year of medical or dental study and a like sum for the purpose of completing the fourth year of medical or dental study.

SECTION 4. AMENDMENT. Section 15-52-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-20. Loan conditions. Loans granted by the university under section 15-52-10 and sections 15-52-15 through 15-52-28 are to be upon the condition that the full amount thereof shall be repaid in cash with ~~six~~ nine percent interest annually from the date of each payment pursuant to a loan agreement, the repayment to be in yearly installments on a schedule set by the university and the first installment becoming due and payable one year from the date on which the applicant completes his internship the first year of residency if a medical student or one year from the date of graduation from a dental school if a dental student. If prior approval is obtained from the university, such first installment shall not become due and payable until one year from the date on which the applicant completes additional residency or other advanced study or military service of not more than three years' duration. In the case of applicants who have agreed to enter medical or dental practice in a North Dakota city of five thousand population or less which is either without a qualified physician or dentist or in need of additional medical or dental personnel, each year of actual practice in the city shall be equivalent to repayment of one-fifth of the unpaid balance of the loan and of one-fifth of the accrued interest thereon. The term "practice" under the agreement and repayment provisions of this chapter includes employment in the state of North Dakota as a medical intern.

SECTION 5. AMENDMENT. Section 15-52-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-22. Loan cancellation or suspension. The university shall have authority to may cancel any contract, or ~~to~~ suspend or recall payments thereunder, ~~in the event~~ if an applicant:

1. Fails in his course of study;
2. Withdraws from the school of medicine or dentistry he is attending;
3. Is expelled or suspended by such school; or
4. Otherwise becomes a clearly unsuitable risk; ~~or~~
- 5- Having agreed to enter practice in a specified city, town, or other municipality, fails to carry out such agreement within a reasonable time or withdraws from practice therein before full repayment of his loan.

Approved March 29, 1983

CHAPTER 235

HOUSE BILL NO. 1458
(E. Pomeroy, Kretschmar, O'Connell)

PUBLIC SCHOOL DISTRICT ANNEXATION

AN ACT to create and enact section 15-53.1-05.2 of the North Dakota Century Code, relating to public school district annexation; and to amend and reenact sections 15-53.1-01, 15-53.1-05.1, 15-53.1-06, 15-53.1-07, 15-53.1-08, 15-53.1-16, 15-53.1-17, 15-53.1-18, 15-53.1-19, 15-53.1-20, 15-53.1-21, 15-53.1-22, 15-53.1-25, 15-53.1-29, 15-53.1-30, 15-53.1-37, 15-53.1-38, 15-53.1-39, 15-53.1-41, and 15-53.1-42 of the North Dakota Century Code, relating to public school district annexation, reorganization, and dissolution; and to repeal section 15-53.1-10 of the North Dakota Century Code, relating to the state committee for the reorganization of school districts; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-53.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-01. Definitions. In this chapter unless the context or subject matter otherwise clearly requires:

- 1. "Annexation" as used in this chapter means an alteration of the boundaries of school districts through the attachment of territory from one existing operating school district to another existing operating school district.
- 2. "County committee" and "state committee" shall mean, respectively, means the county committee for the reorganization of school districts and the state committee for the reorganization of school districts hereinafter provided for by this chapter.
- 2- 3. "County superintendent" shall mean means the county superintendent of schools.
- 3- 4. "Dissolution of school districts" means the process through which an existing operating school district ceases

its active functions in its present organizational form and the district's territory is attached to one or more adjoining existing operating school districts.

5. "Elector" means a person who possesses the qualifications of an elector as provided in section 16.1-01-04.

6. "Reorganization of school districts" shall mean and include the formation of new school districts, the alteration of the boundaries of established school districts, and the dissolution or disorganization of established school districts, through or by means of:

a. The uniting of two or more established districts-

b. The subdivision of one or more districts-

c. The transfer to an established district of a part of the territory of one or more districts, or the attachment thereto of all or any part of the territory of one or more districts subject to disorganization for any of the reasons now specified by law, or the transfer therefrom of any part of the territory of one or more districts subject to disorganization for any of the reasons now specified by law, or the transfer therefrom of any part of the territory of said established districts-

d. Any combination of the methods of the aforementioned

means the formation of a new school district by either the unification of two or more existing operating districts into one larger district or separation of territory from one or more operating districts to create one or more new operating districts.

7. "State board" means the state board of public school education.

SECTION 2. AMENDMENT. Section 15-53.1-05.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-05.1. Restricted changes in boundaries - Petition - Requirements. 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 the 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 committee for the reorganization of school districts and the state board shall contain a finding that the above-mentioned requirements have been met.

SECTION 3. Section 15-53.1-05.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-53.1-05.2. Proposed annexations involving ten percent or more of a school district's assessed valuation.

1. If a county committee receives an annexation petition made under section 15-53.1-05 which involves the transfer of territory accounting for ten percent or more of a school district's net assessed property valuation, the county committee shall submit the petition directly to the state board without first taking action on the petition. The state board shall then make the sole determination of whether the proposed annexation described in the petition would cause the district which would lose the territory to be unable to levy sufficient taxes to carry on normal school operations.
2. In determining whether a school district would be unable to levy sufficient taxes to carry on normal school operations, the state board shall consider the quality and types of programs that are being offered by the school district which would lose ten percent or more of its net assessed property valuation under the proposed annexation.
3. If the state board determines that the proposed annexation would cause the district losing the territory to be unable to levy sufficient taxes to carry on normal school operations, the board shall find that the annexation petition made under section 15-53.1-05 is a proposed dissolution of the school district.

4. Upon finding that the annexation petition is a proposal for dissolution of the district, the state board shall return the petition to the county committee with the directive that the county committee consider the petition under the provisions of article IV of this chapter relating to involuntary dissolution of public school districts.
5. Once the state board has made the finding that such a petition is a proposed dissolution of the school district, article II of this chapter, relating to annexation of public school districts, may not be applied by the county committee to that petition.
6. If the state board determines that the proposed annexation would not cause the district losing the territory to be unable to levy sufficient taxes to carry on normal school operations, the board shall find that the petition made under section 15-53.1-05 is a proposed annexation.
7. Upon finding that the petition is a proposal for annexation of the involved territory, the state board shall return the petition to the county committee with the directive that the county committee consider the petition under the provisions of article II of this chapter relating to annexation of public school districts.
8. The determination of the board made pursuant to this section is not subject to the provisions of chapter 28-32.

SECTION 4. AMENDMENT. Section 15-53.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-06. Annexation hearings - Equalization - Notice of hearings.

1. Before detaching territory from one school district or annexing territory to another school district, the county committee shall hold a hearing on the annexation thereof.
2. At least fourteen days prior to the time the hearing is to be held, the committee shall cause notice of such hearing to be published in the official newspaper of the county in which the school district is located, or if no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in this state.
3. At such hearing the county committee shall receive consider testimony for the purpose of determining the and documentary evidence with respect to any of the following factors:
 - a. The value and amount of all school property and all bonded and other indebtedness of each school district

- affected by a change in boundaries; ~~and shall consider the;~~
- b. The amount of all outstanding indebtedness of each district and ~~make that which would constitute an equitable adjustment of all property, assets, debts, and liabilities among the districts involved;~~
 - c. The taxable assessed valuation of existing districts and the differences in such valuation which would accrue under the proposed annexation;
 - d. The size, geographical features, and boundaries of the districts;
 - e. The number of pupils attending school and the population of the districts;
 - f. The location and condition of the districts' school buildings and their accessibility to affected pupils;
 - g. The location and condition of roads, highways, and natural barriers within the respective districts;
 - h. The school centers where children residing in the districts attend high school;
 - i. Conditions affecting the welfare of the pupils in the land area the subject of the annexation petition.
 - j. The boundaries of other governmental units and the location of private organizations in the territories of the respective districts;
 - k. The educational needs of local communities in the involved districts;
 - l. An objective in economizing in the use of transportation and administrative services;
 - m. Projected future use of existing satisfactory school buildings, sites, and playfields in the involved districts;
 - n. A reduction in disparities in per-pupil valuation between school districts and the objective of equalization of educational opportunities for pupils;
 - o. Any other relevant factors which, in the judgment, of the county committee, are of importance.
4. Following the county committee's consideration of testimony and documentary evidence with respect to any of the factors listed in subsection 3, the county committee

shall make specific findings with reference to every one of those factors to which testimony or documentary evidence was directed.

5. All proposed annexations must be given final approval by the state board of public school education following a hearing conducted by the board at which testimony and documentary evidence shall be considered with respect to any of the factors listed in subsection 3. The state board shall make specific findings with reference to every one of those factors to which testimony or documentary evidence was directed.
6. If the annexation is approved by the state committee board, the county committee may cause a tax to be levied against each district affected in accordance with the provisions of section 15-47-21 which will equalize the several interests fairly.
7. If the school districts involved in the proposed annexation are situated in more than one county, the county committee of the county encompassing the major portion of each school district shall consider and jointly effect the annexation if a majority of the members of each of such county committees approves the annexation. In the event that the annexation is approved by a majority of the members of one of the two county committees, the county superintendent of the county in which the annexing district is located shall submit the annexation to the state committee board for approval or disapproval, and in such instance approval of the annexation shall have the same effect as approval by all county committees. ~~If the annexation does not receive the approval of any county committee, it shall not be presented to the state committee. In such an instance, an appeal from the decision of the state committee may be had to the district court of the county in which the annexing district is located, in accordance with applicable provisions of chapter 28-32.~~
8. Whenever a petition for annexation has failed to be approved by any county committee, a petition involving any of the same area shall not be submitted for a period of three months and such petition shall in no event be submitted more than twice in twelve consecutive months.
9. Whenever a petition for annexation has failed to be approved by the state committee board, a petition involving any of the same area shall not be submitted for a period of three months and such petition shall in no event be submitted more than twice in twelve consecutive months.

10. If the school districts are situated in more than one county but the major portions of both such school districts are situated in the same county, the county committee of such county shall consider the matter.
11. Any determination made by a county committee or committees with respect to an annexation proposed under this section may be appealed to the state board. A decision of the state board with respect to a proposed annexation may in turn be appealed to the district court of the judicial district in which the territory proposed is located in accordance with chapter 28-32.

SECTION 5. AMENDMENT. Section 15-53.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-07. Effective date of attachment or detachment - Equalization - Voting places. If territory is annexed to a school district or detached therefrom, under the provisions of this article, the change in boundaries shall become effective the next July first after the final approval by the state ~~committee board~~ unless another effective date is provided for by the county committee or in the petition, and all the assets and liabilities of the district involved shall be equalized as provided in section 15-53.1-15. If territory is attached to an existing school district, the electors in such attached territory shall vote on school matters at the nearest polling place in the district to which it is attached. Prior to the completion of the annexation of any school district under the provisions of this article, the existing school board of any school district shall not contract or place such district under any obligation, except upon the recommendation of the county committee.

SECTION 6. AMENDMENT. Section 15-53.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-08. Title and purpose. This article shall be known and may be cited as an "Act to Provide for the Reorganization of School Districts". It shall ~~have for its purpose enable~~ the formation of new school districts and the alteration of the boundaries of established ~~school districts in order to provide a more nearly equalized educational opportunity for pupils of public schools, a higher degree of uniformity of school tax rate among districts, and wiser use of public funds expended for the support of the public school system by either the unification of two or more existing operating districts into one larger district or separation of territory from one or more operating districts to create one or more new operating districts.~~

SECTION 7. AMENDMENT. Section 15-53.1-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-16. Public hearing on proposals for reorganization - Hearing testimony for adjusting. The county committee shall hold a public hearing on the advisability of any proposal by such committee for the reorganization of school districts which involves the formation of a new district ~~or the transfer from one established district to another of any territory in which children of school age reside by either the unification of two or more existing operating districts into one larger district or separation of territory from one or more operating districts to create one or more new operating districts.~~ Notice of hearings shall be given by publishing a notice in the official county newspaper at least fourteen days prior to the date of such hearing. If the county committee fails to call such hearing and to give the required public notice, a petition signed by twenty-five percent of the electors in the area proposed to be included in the new school district and presented to the committee shall make it mandatory for a hearing to be called. The notice of such hearing shall be published within ten days after the date of filing of the petition, and shall set forth the date selected for the hearing, which shall not be more than twenty days after the date of publication. The county committee shall also hear at such time as may be fixed by it, testimony offered by any person or school district interested in any proposal of the county committee to form a new district, to transfer territory from one school district to another, or to attach to an established district or districts all or any part of another district subject to disorganization for any of the reasons now specified by law; ~~such testimony to be heard for the purpose of finding and determining and documentary evidence to be considered by the county committee with respect to any of the following factors:~~

1. The value and amount of all school property of whatever nature involved in the proposed action;‡
2. The nature, amount, and value of all bonded, warrant, and other indebtedness of each school district affected by the proposed action, including all unexecuted obligations with separate consideration given to the amount of outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements, and the location of such improvements in order that an equitable adjustment of all property, debts, and liabilities among the districts involved be made;‡
3. The taxable assessed valuation of the existing districts and the differences in such valuation which would accrue under a proposed reorganization;
4. The size, geographical features, and boundaries of the districts;
5. The number of pupils attending school and the population of the districts;

6. The location and condition of the districts' school buildings and their accessibility to affected pupils;
7. The location and condition of roads, highways, and natural barriers within the respective districts;
8. The school centers where children residing in the districts attend high school;
9. Conditions affecting the welfare of the teachers and pupils of the involved districts;
10. The boundaries of other governmental units and the location of private organizations in the territories of the respective districts;
11. The educational needs of local communities in the involved districts;
12. An objective in economizing in the use of transportation and administrative services;
13. Projected future use of existing satisfactory school buildings, sites, and playfields in the involved districts;
14. A reduction in disparities in per-pupil valuation between school districts and the objective of equalization of educational opportunities for pupils;
15. Any other relevant factors which, in the judgment of the county committee, are of importance.

Following the county committee's consideration of testimony and documentary evidence with respect to any of the factors listed in subsection 3, the county committee shall make specific findings with reference to every one of those factors to which testimony or documentary evidence was directed in proceedings before the committee.

The county committee shall keep a record of all hearings on the reorganization of school districts and of all findings and terms of adjustment of property, debts, and liabilities among the districts involved, and shall submit the same to the state committee board at the time of submitting a plan as provided in section 15-53.1-17. A subcommittee composed of not less than three members of a county committee, or three members of the county committee of each county concerned in case territory in two or more counties is involved, may hold any hearing that the county committee is required to hold.

SECTION 8. AMENDMENT. Section 15-53.1-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-17. Reorganization plan prepared and submitted to state committee board. The county committee shall prepare and submit to the state committee board a comprehensive plan for the reorganization of school districts within the county. Such plan shall be accompanied by:

1. A map showing the boundaries proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this article.
2. A description of the boundaries aforementioned.
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school district except as otherwise provided by law.
4. A summary of the reasons for such proposed reorganization of school districts.
5. Recommendations specifying whether such reorganized districts shall have five-member, seven-member, or nine-member school boards, and whether such members shall be elected at large or from designated geographic districts.
6. Such other reports, records, and materials as the state committee board may require.

SECTION 9. AMENDMENT. Section 15-53.1-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-18. Plan involving territory in more than one county. If the school districts involved in the proposed plan for reorganization are situated in more than one county, a special committee composed of not less than three members of the county encompassing the major portion of each school district shall prepare a plan for the reorganization of the school districts which shall be submitted to each county committee for its approval. In the event that the reorganization plan is approved by a majority of the members of one of the two county committees, or the members of one or more of the special committees fail or refuse to meet with the committee or committees from other counties, the county superintendent of the county in which the largest number of pupils who would be affected by the proposed new district reside shall submit the reorganization plan to the state committee board for approval or disapproval. Approval of the reorganization plan by the state committee board shall have the same effect as approval by all the county committees. If the reorganization plan fails to receive the approval of any

county committee, it shall not be presented to the state ~~committee~~ board for review. If the school districts are situated in more than one county but the major portions of both such school districts are situated in the same county, the county committee of such county shall consider the matter.

SECTION 10. AMENDMENT. Section 15-53.1-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-19. Completed plans for district or districts may be submitted prior to comprehensive county plan. The county committees, from time to time, may submit to the state ~~committee~~ board a plan for the reorganization of one or more districts without awaiting the completion of a comprehensive plan; provided, however, that such plan fits into and becomes an integral part of such comprehensive plan as the county committee is required to prepare.

SECTION 11. AMENDMENT. Section 15-53.1-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-20. State ~~committee~~ board - Powers and duties. The state ~~committee~~ board shall:

1. Aid county committees in carrying out their powers and duties under this article by furnishing them, with the assistance of the employed staff of the state committee, with other necessary clerical assistance, and with such plans of procedure, standards, data, maps, forms, and other materials and services as may be necessary.
2. Receive, file, and examine plans and data for the reorganization of school districts submitted by county committees, and shall approve such plans and data when they are found by the state ~~committee~~ board to provide for a satisfactory school district system for the counties and the state and for an equitable adjustment of property, debts, and liabilities. Whenever a plan submitted by a county committee is found by the state ~~committee~~ board to be unsatisfactory, or whenever the terms of adjustment so submitted are found not to be fair and equitable, the state ~~committee~~ board shall so notify the county committee and upon request shall assist the county committee in the revision of the plan or terms of adjustment, which revision shall be completed by the county committee and resubmitted within ninety days after such notification.
3. Appoint a county committee, in case no county committee is elected, as required in section 15-53.1-11, or in case a committee so elected shall fail or refuse to submit plans, records, reports, and other data as provided for in this article.

4. Transmit to the county superintendent of each county affected a copy of the plan for reorganization of school districts approved by the state committee board; a copy of approved terms of adjustment of property, debts, and liabilities; a statement of the findings and conclusions of the state committee board respecting such approved plans and terms of adjustment; and copies of maps, reports, records, and all other pertinent material submitted to the state committee board by the county committee.
5. Establish standards by the promulgation of rules and regulations to govern the county committee and state committees board for school district reorganization in the development and approval of school district reorganization plans or annexation proceedings. Such standards shall require any school district to be formed or reorganized under any reorganization plan or annexation proceedings providing for the operation of a high school to have sufficient tax base and fiscal capacity to clearly permit the reorganized district to offer the minimum curriculum prescribed by section 15-41-24 taught by teachers possessing the qualifications required by section 15-41-25. Exceptions to such standards shall be allowed by the county committee or state committees board only in extreme cases where because of sparsity of population or geographical barriers it is absolutely impossible to obtain compliance with them. No reorganization plan or annexation proceedings shall be approved by the county committee or state committees board unless it shall have logical boundaries following a uniform pattern without undue irregularities.

SECTION 12. AMENDMENT. Section 15-53.1-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-21. State committee board - Employees. The superintendent of public instruction shall be the director of school district reorganization. The director shall appoint and employ such personnel as may be necessary to enable the committee state board to carry out the powers and duties imposed upon it by this chapter and to fix the compensation for such appointees and employees.

* SECTION 13. AMENDMENT. Section 15-53.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-22. Approved plan received by county superintendent - Duty of superintendent to call special election - Definition of voting units - Favorable results. Upon receipt from the state committee board of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts, and liabilities among the districts involved, the county superintendent shall call a special

* NOTE: Section 15-53.1-22 was also amended by section 2 of Senate Bill No. 2048, chapter 236.

election of the voters residing within the territory of the proposed new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. The special election shall be held after July first and no later than December thirty-first of the year in which the approved plan is received unless there are not sufficient business days left in that year to accomplish the required publication of notice, in which event the special election shall be held the following year. In holding such election, all existing districts within the proposed new district containing one or more incorporated cities regardless of number or size shall vote as a single unit, and all existing districts within such proposed new district regardless of number or size which do not contain one or more incorporated cities shall vote as a single unit. For the purposes of this section, all districts containing incorporated cities shall be considered an incorporated area, and all districts which do not contain at least one incorporated city shall be considered an unincorporated area. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper at least fourteen days before the election. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts, and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the election shall be held and conducted in the same manner and the polls shall open and close at the same time as specified for elections in public school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within the unincorporated area of a proposed new district and the majority of all votes cast by the electors within the incorporated area of a proposed new district are both in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

* SECTION 14. AMENDMENT. Section 15-53.1-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-25. Proposal rejected, revision made - New election held. If a proposal for the formation of a new school district is rejected by the voters at the election provided for in section 15-53.1-22, the county committee may at any time after three months from the date of such election, and after a public hearing is held in the manner

* NOTE: Section 15-53.1-25 was also amended by section 3 of Senate Bill No. 2048, chapter 236.

provided in section 15-53.1-16, make such revision as it deems advisable in the boundaries proposed for such new district and in the terms of adjustment of the property, debts, and liabilities thereof, as the case may be, and resubmit the same to the state ~~committee~~ board for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state ~~committee~~ board, notice thereof shall be transmitted to the county superintendent, as provided for in section 15-53.1-20. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in section 15-53.1-22, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within the unincorporated area of a proposed new district and a majority of all votes cast by electors within the incorporated area of the proposed new district are both in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in section 15-53.1-22.

SECTION 15. AMENDMENT. Section 15-53.1-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-29. Voluntary proposals for organization or alteration of school districts. Proposals for the organization of a new school district, for the consolidation of two or more districts, or for the alteration of the boundaries of established school districts, by any of the means provided for by law, must be submitted by the county committee to the state ~~committee~~ board for final approval:

1. After a hearing on petitions is held by the county committee;
2. After action is taken by the county committee in cases where no petition is required; or
3. For approval before proposals are submitted to the vote of the electors,

as the law may require in each case. Such proposals ~~shall~~ may be approved by the county committee and approved by the state ~~committee~~ board, if in the judgment of ~~said committees~~ the county committee and the state board, they constitute an acceptable part of a comprehensive program for the reorganization of the school districts of the county.

SECTION 16. AMENDMENT. Section 15-53.1-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-30. County and state officers to cooperate with committees. The county and state officers shall make available to the county committee and the state ~~committee~~ board such information from public

records in their possession as is essential to such committees in the performance of their duties.

SECTION 17. AMENDMENT. Section 15-53.1-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-37. Reorganized school districts - Proportionate rate of tax - Definition of "agricultural lands". Where any school district is in the process of being formed or reorganized under the provisions of this article, the county committee shall include in its reorganization plan submitted under the provisions of section 15-53.1-17, a recommendation for a proportionate rate of tax for school purposes to be levied on and between agricultural land and personal property having taxable situs on agricultural land as one class of property within the proposed reorganized school district, and other taxable property as a second class of property in the same school district, where an unequal tax burden would result from a uniform rate of tax on all property in the district. This proportionate rate between classes of property shall be approved, disapproved, or adjusted by the state ~~committee~~ board. For purposes of this section, "agricultural lands" shall have the same meaning and classification as "agricultural lands" within the purview of subsection 15 of section 57-02-08 wherein farm structures and improvements located on such lands are in a class for tax exemption.

SECTION 18. AMENDMENT. Section 15-53.1-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-38. Alteration of proportionate rate. After approval or adjustment by the state ~~committee~~ board, the proportionate rate of tax between the two classes of property set forth in section 15-53.1-37 shall not be altered by the school board of the new district without approval by vote of a majority in each class of the respective taxpayers affected. For the purposes of such vote, a person shall vote as a member of one class only, and where there is a conflict in his interests because he will pay taxes under section 15-53.1-37 on properties in both classes, he shall vote as an owner of the class of property on which his residence is situated.

SECTION 19. AMENDMENT. Section 15-53.1-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-39. Changes in reorganization plan. At any time after the reorganization plan has become effective, any provision of the reorganization plan theretofore or thereafter adopted, including those affecting the adjustment of assets and liabilities but excepting those provisions defining the boundaries of the district, may be changed by a majority vote of the electorate without approval of the state board or county ~~committees~~ committee. The school board in the reorganized district may, upon its own motion, or shall, upon the filing with it of a petition containing a number of signatures

equal to at least one-third of the total number of votes cast at the most recent school district election, submit the question of authorizing the change at the next regular or special election. The new election shall follow the election procedure provided in section 15-53.1-22 and shall involve the same geographic areas as were concerned with the original reorganization election. Electors within any territory which has been annexed to the reorganized district shall vote with either an incorporated area or unincorporated area depending on the status of the annexed area at the time of its annexation and as defined by section 15-53.1-22. If a majority of all votes cast by the electors residing in each of the geographic areas are in favor of the proposed change, then the proposed change shall be effected.

SECTION 20. AMENDMENT. Section 15-53.1-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-41. Dissolution of school districts - Responsibility of the county committee - Duty of county superintendent. The county superintendent shall notify the county committee shall forthwith schedule and provide notice of a hearing to dissolve a school district and attach the territory to other districts in the manner provided in section 15-53.1-29 in the event of any of the following occurrences:

1. When any Receipt by the county committee of notice from the county superintendent that:
 - a. A school district can no longer levy sufficient taxes to carry on normal school operations;
- 2- When any
 - b. A school district within the county has not operated a school by the thirty-first of December of the year following the calendar year in which such operation ceased, providing fifty percent of the pupils from such school district are not attending schools in another state;
- 3- Of the existence of
 - c. There exists territory not organized into a school district; or
- 4- When any
 - d. Any portion of a school district within the county is has been severed from such district by the expansion and growth of a city and the severed portion is not contiguous with such district. As used in this subsection subdivision, the word "contiguous" shall

have the same meaning as is ascribed to it in section 15-53.1-05.

2. Receipt by the county committee from the state board of a returned annexation petition sent back to the county committee pursuant to the provisions of section 15-53.1-05.2.

Upon receipt of such notice, the county committee shall forthwith give notice of hearing to dissolve the school district or attach the territory to other districts in the manner provided in section 15-53.1-29 and shall, after approval by the state committee, board of the proposed dissolution, the county committee shall provide for ~~its~~ the attachment of the territory of the dissolved district to one or more adjoining school districts effective July first next following the approval unless another effective date is provided for by the county committee. Qualified electors residing in the attached territory shall be entitled to vote and hold office in the school district to the same extent as all other qualified electors residing therein, and such territory shall be part of the school district as fully in every respect as if it had been included in the district when organized. Nothing herein shall prevent the district from providing for the education of such children to the extent that its current budget in the judgment of the school board will permit, or shall relieve the district from any existing responsibility for the education of children attending its schools before the effective date of the order. Nothing herein shall change the effect of any election held within the school district pursuant to chapter 15-48 before the effective date of the order. This section applies to all school districts in the state including the board of education of the city of Fargo and the district under its jurisdiction for school purposes.

SECTION 21. AMENDMENT. Section 15-53.1-42 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-42. Notice of hearing - Order of attachment - Joint county action. The county superintendent, upon order of the county committee, shall notify the clerk of each school district adjoining any district which is to be dissolved pursuant to section 15-53.1-41, and any unorganized territory recommended for attachment as therein provided, that a hearing will be held and the time and the place of the hearing by the county committee, for the purpose of determining to which school district or districts the dissolved or unorganized territory will be attached. At such hearing, the county committee shall receive testimony for the purpose of ~~adjusting properties, debts, and liabilities of the district to be dissolved in accordance with the provisions of determining and considering the factors listed in section 15-53.1-06.~~ Upon or after such hearing, the county committee shall by resolution order the district dissolved and its territory attached, or the unorganized territory attached, to one or more adjoining school districts in such manner as will, in its judgment, provide the best educational opportunities

for pupils of the public schools and the wisest use of public funds for the support of the public school system in such school districts and attached territory. The district to be dissolved shall be attached to a contiguous ~~district~~ operating an accredited high school ~~if the district to be dissolved is contiguous to such a district or districts~~. The order shall become effective July first following the date of the order or resolution and after approval by the state ~~committee~~ board, unless another effective date is provided for by the county committee, as provided in section 15-53.1-41. If that portion of the order providing for attachment of the dissolved or unorganized territory is rendered ineffective or suspended for any reason, the portion of the order providing for the dissolution shall also be suspended until such time as the attachment becomes effective. If any of such adjoining district is situated wholly or partly in a county other than that which included the district to be dissolved or the unorganized territory affected, any order attaching territory to such adjoining school district shall become effective only upon the adoption of a concurring resolution by the county committee of the other county in which it is situated. In the event that the county committees cannot agree upon an order attaching territory to adjoining districts, the county superintendent of the county in which the majority of the district being dissolved is located shall submit the dissolution and attachment to the state ~~committee~~ board, and in such instance the state ~~committee~~ board shall dissolve and attach the district to be dissolved, or the unorganized territory, in the manner as will, in its judgment, provide the best educational opportunities for pupils of the public school system in such school districts and attached territories. The action of the state ~~committee~~ board shall have the same effect as approval by all county committees.

SECTION 22. REPEAL. Section 15-53.1-10 of the North Dakota Century Code is hereby repealed.

SECTION 23. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval.

Approved April 6, 1983

CHAPTER 236

SENATE BILL NO. 2048
(Legislative Council)
(Interim Educational Finance Committee)

REORGANIZED SCHOOL DISTRICT LEVY AUTHORIZATION

AN ACT to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to mill levy authorizations for reorganized school districts; and to amend and reenact sections 15-53.1-22 and 15-53.1-25 of the North Dakota Century Code, relating to the inclusion of a proposed mill levy in the special election regarding a reorganization plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-53.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reorganized school districts - Determination of mill levy. Prior to the submission of a proposal for the reorganization of school districts, the county committee or committees shall determine the amount necessary to meet the expenses of the proposed reorganized district and shall propose a mill levy sufficient to meet those expenses. The proposed mill levy shall be submitted to the state committee as a part of the proposed reorganization plan and, if approved by the state committee, shall be included as a part of the plan and submitted to the electors of the proposed new district as provided in this chapter. Mill levies submitted as a part of a reorganization plan which is approved as provided in this chapter shall not be subject to mill levy limitations provided by law.

* SECTION 2. AMENDMENT. Section 15-53.1-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-22. Approved plan received by county superintendent - Duty of superintendent to call special election - Definition of voting units - Favorable results. Upon receipt from the state committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts, and liabilities among the districts

* NOTE: Section 15-53.1-22 was also amended by section 13 of House Bill No. 1458, chapter 235.

involved, the county superintendent shall call a special election of the voters residing within the territory of the proposed new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. The special election shall be held after July first and no later than December thirty-first of the year in which the approved plan is received unless there are not sufficient business days left in that year to accomplish the required publication of notice, in which event the special election shall be held the following year. In holding such election, all existing districts within the proposed new district containing one or more incorporated cities regardless of number or size shall vote as a single unit, and all existing districts within such proposed new district regardless of number or size which do not contain one or more incorporated cities shall vote as a single unit. For the purposes of this section, all districts containing incorporated cities shall be considered an incorporated area, and all districts which do not contain at least one incorporated city shall be considered an unincorporated area. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper at least fourteen days before the election. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts, and liabilities applicable thereto, and the proposed mill levy. The county superintendent shall appoint judges and clerks of the elections and the election shall be held and conducted in the same manner and the polls shall open and close at the same time as specified for elections in public school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within the unincorporated area of a proposed new district and the majority of all votes cast by the electors within the incorporated area of a proposed new district are both in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

* SECTION 3. AMENDMENT. Section 15-53.1-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53.1-25. Proposal rejected, revision made - New election held. If a proposal for the formation of a new school district is rejected by the voters at the election provided for in section 15-53.1-22, the county committee may at any time after three months from the date of

* NOTE: Section 15-53.1-25 was also amended by section 14 of House Bill No. 1458, chapter 235.

such election, and after a public hearing is held in the manner provided in section 15-53.1-16, make such revision as it deems advisable in the boundaries proposed for such new district ~~and~~, in the terms of adjustment of the property, debts, and liabilities thereof, and the proposed mill levy, as the case may be, and resubmit the same to the state committee for approval. If the boundaries of the proposed new district ~~or~~, the terms of adjustment, or the proposed mill levy, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in section 15-53.1-20. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in section 15-53.1-22, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within the unincorporated area of a proposed new district and a majority of all votes cast by electors within the incorporated area of the proposed new district are both in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in section 15-53.1-22.

Approved March 10, 1983

CHAPTER 237

HOUSE BILL NO. 1648
(Representatives Hill, Serenus Hoffner, Unhjem)
(Senators Lips, Grotberg)

EDUCATION OF HANDICAPPED CHILDREN

AN ACT to amend and reenact subsection 1 of section 15-59-01 and section 15-59-04 of the North Dakota Century Code, relating to the education of handicapped children three to six years of age.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15-59-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Exceptional child" means a natural person who has reached the age of three years by midnight August thirty-first and has not reached the age of twenty-one years by midnight August thirty-first, who, because of mental, physical, emotional, or learning characteristics, requires special education services. This may include a handicapped child or a gifted child. ~~Services to handicapped children from three to six years of age may be provided in accordance with regulations as established by the state superintendent of public instruction.~~

SECTION 2. AMENDMENT. Section 15-59-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-04. School districts to provide special education. School districts shall provide special education to handicapped children in accordance with the provisions of this chapter and in so doing may act jointly with one or more other districts and shall cooperate with the director of special education and with the institutions of the state. Each school district shall submit a plan with the superintendent of public instruction for implementing special education in the district by July 1, 1975. Special education services to handicapped children three to six years of age shall be fully implemented by July 1, ~~1980~~ 1985. School districts may provide special education to gifted children in accordance with the provisions of this chapter and in so doing may act jointly with one or more other districts and shall cooperate with the director of special education.

Approved March 22, 1983