

EDUCATION

CHAPTER 175

SENATE BILL NO. 2412
(Committee on Appropriations)

DICKINSON EXPERIMENT STATION LAND SALE LOAN

AN ACT to amend and reenact section 4 of chapter 208 of the 1979 Session Laws of North Dakota, authorizing the board of university and school lands to invest in property development related to the Dickinson experiment station land transfers; and providing an appropriation.

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

SECTION 1. AMENDMENT. Section 4 of chapter 208 of the 1979 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 4. The board of university and school lands may invest an amount not to exceed ~~two~~ three million two hundred sixty-five thousand dollars from the permanent fund of the common schools as a loan to the board of higher education for the section 1 unit purchase, section 2 committee implementation, and section 6 land sale. The board of higher education is authorized to borrow from the board of university and school lands the sum of ~~two~~ three million two hundred sixty-five thousand dollars, or so much thereof as may be necessary, for the purpose of the section 1 unit purchase, section 2 committee implementation, and section 6 land sale. The loan from the board of university and school lands shall be for a term not to exceed ten years, but the amount of the loan, interest rate, and method of repayment are to be negotiated by the board of university and school lands and the board of higher education. The board of higher education is authorized to grant a security interest to the permanent fund of the common schools in the property to be acquired. The members of the state board of higher education shall not be held personally liable for repayment of any loan obtained under this section, and the board shall be liable for repayment only in the manner provided pursuant to this section.

SECTION 2. APPROPRIATION. There is hereby appropriated the loan proceeds from any loan under section 1 to the state board of higher education for the following purposes:

Land development for sale	<u>\$1,000,000</u>
Total	<u>\$1,000,000</u>

There is also appropriated from any rents, profits, or proceeds described in section 7 of chapter 208 of the 1979 Session Laws of North Dakota an amount as necessary to pay interest due on loans made pursuant to this Act.

Approved March 26, 1981

CHAPTER 176

HOUSE BILL NO. 1333
(Reiten)

DEED OF LAND TO THE FELLOWS
OF THE UNIVERSITY

AN ACT to authorize the state board of higher education to deed property owned by the state of North Dakota for the use and benefit of the university of North Dakota to the fellows of the university of North Dakota, inc.; and to declare an emergency.

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

SECTION 1. AUTHORITY TO CONVEY. The university of North Dakota, through the state board of higher education, is hereby authorized to deed to the fellows of the university of North Dakota, inc., the real property, owned by the state of North Dakota for the use and benefit of the university of North Dakota, described as lot eleven, block two, of the dacotah place addition to the city of Grand Forks, Grand Forks County, North Dakota.

SECTION 2. SALE OF PROPERTY - NO COMPENSATION - QUITCLAIM DEED. The deed shall contain a provision that if the fellows of the university of North Dakota, inc., shall sell the property, the proceeds shall be used for the benefit of the university of North Dakota, as determined by the state board of higher education. The conveyance authorized herein shall be without compensation to the state of North Dakota from the fellows of the university of North Dakota, inc. The real property shall be conveyed by quitclaim deed executed in the name of the state of North Dakota by the governor and attested by the secretary of state.

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

Approved March 11, 1981

CHAPTER 177

SENATE BILL NO. 2128
(Committee on State and Federal Government)
(At the request of the Geological Survey)

GEOPHYSICAL DATA ACQUISITION AND CONFIDENTIALITY

AN ACT providing for the acquisition of geophysical data by the office of the state geologist, the purchase of such data, the acceptance of donated data, and the confidentiality of such data when requested by the seller or donor.

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

SECTION 1. AUTHORITY OF THE STATE GEOLOGIST - ACQUISITION OF
GEOPHYSICAL DATA - CONFIDENTIALITY. The state geologist has the
authority:

1. To acquire geophysical data including seismic, magnetic, and gravity data by purchase or by acceptance of donated proprietary data.
2. To provide for the confidentiality of geophysical data when requested by the seller or donor until such time as the seller or donor notifies the state geologist that confidentiality is no longer required. Confidential data shall be used only by the state geologist and such staff members as may be designated by the state geologist.

Approved March 9, 1981

CHAPTER 178

SENATE BILL NO. 2203
 (Senator Lips, Solberg, Wenstrom)
 (Representatives Berg, Hughes, Wagner)

COMMUNITY OR JUNIOR COLLEGE AID

AN ACT to amend and reenact sections 15-18-07 and 15-18-09 of the North Dakota Century Code, relating to state aid for community or junior colleges.

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

SECTION 1. AMENDMENT. Section 15-18-07 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-07. STATE AID FOR COMMUNITY OR JUNIOR COLLEGES OR EDUCATIONAL CENTERS. ~~There shall be paid to each~~ Each school district maintaining a community or junior college or educational center operated by a state-supported institution of higher education meeting the standards and eligibility requirements prescribed in section 15-18-08, ~~out of funds appropriated for this purpose, the sum of twenty-four dollars per calendar week, which shall be paid for every full-time student in attendance shall have appropriated on its behalf such amounts as are determined necessary by the legislative assembly,~~ provided the school district, city, or county shall levy taxes of not less than eight mills for the support of such community or junior college or educational center in accordance with the provisions of sections 15-18-03, 15-18-04.2, or 15-18-05. ~~For the purpose of this section, a "full-time student" means a person enrolled and in attendance, exclusive of temporary absences, in a junior college or educational center operated by a state-supported institution of higher education carrying a course of study of not less than twelve class hours during each calendar week in academic courses meeting standards prescribed by the state board of higher education, or in vocational courses meeting standards prescribed by the state board for vocational education. In addition, an amount equal to the weekly payment made for each full-time student shall be made for each full-time equivalent student enrolled for each calendar week of attendance in an approved academic or vocational program meeting the standards prescribed by the respective boards. The number of full-time equivalent students enrolled in each junior college or educational center for each~~

calendar-week shall be computed as follows:--the total--class--hours of--all--students--in--attendance, exclusive of temporary absences, who are enrolled in less than twelve class hours, shall--be--divided--by twelve.---A--class--hour--means--not--less--than--fifty--minutes--of instruction or supervised laboratory training.---Payments--shall--be made--on--a--fiscal--year--basis, which shall mean the period from July first of one calendar year through June thirtieth of--the--following calendar year.

If--the--funds--appropriated--for--the--purpose--of--carrying--out--the provisions of this section should prove to be insufficient based--on the--number--of--students--in--attendance--at--a--junior--college--or educational center as provided in this section, the--amounts--to--be paid to such junior colleges or educational centers shall be reduced in such a manner so that the payments for each student in attendance at a junior college or educational center will be made on a pro-rata basis. Community or junior colleges shall operate within the limits of their legislative appropriation. Before estimated income in excess of that included in the legislative appropriation acts can be spent by the community or junior college, and before transfers between line items in the legislative appropriation acts can be made, the community or junior college must receive emergency commission approval.

SECTION 2. AMENDMENT. Section 15-18-09 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-09. METHOD OF PAYMENT --VERIFICATION OF STUDENTS. On or before July first of each year,--the The chief administrative officer of each community or junior college or educational center operated by a state-supported institution of higher education or the superintendent of each school district claiming state aid payments under section 15-18-07, shall file with the state board of public school education--a--verified--statement--containing--the--name--and residence of each student enrolled in academic and vocational courses--for--whom--payments--are--claimed, together with a listing of each course of study and the number of class hours--for--which--such student--was--enrolled--and--in--attendance, exclusive of temporary absences, during each week of--the--period--for--which--payment--is claimed.---Such--other--information--shall--be--submitted--as--may--be requested by the state board of public school education.---The--state board of public school education shall consider all claims submitted for payment from each school district,--and--shall--forward--to--the director of accounts and purchases a certified list of all school districts entitled to payments under section 15-18-07, together with the amount of the approved payments.---The director of accounts and purchases shall immediately issue a warrant to each school district entitled to payment in accordance with the certified statements submitted by the state board of public school education.---The decision of the state board of public school education in regard to all claims for payment shall be final.---The staff of the state board of vocational education shall provide such professional and clerical assistance as the state board of public school education may require

~~in--performing-the-duties-required-by-this-section~~ vouchers with the department of accounts and purchases to receive funds from their legislative appropriation. Other than amounts necessary to maintain operating cash balances, the community or junior colleges shall be required to expend appropriated local funds before requesting revenues from the appropriated state moneys.

Approved April 3, 1981

CHAPTER 179

HOUSE BILL NO. 1051
(Legislative Council)
(Interim Education Committee)

RECIPROCAL VOCATIONAL EDUCATION
AGREEMENTS

AN ACT to authorize reciprocal postsecondary vocational education agreements with Minnesota; and to provide an effective date.

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

SECTION 1. POSTSECONDARY VOCATIONAL EDUCATION RECIPROCITY WITH MINNESOTA. The state board for vocational education may enter into agreements with the Minnesota higher education coordinating board or with the governing board of any public postsecondary vocational technical institute in that state to enable, on a reciprocal basis, any resident of North Dakota to attend an approved vocational education program in Minnesota and to permit any resident of Minnesota to attend an approved vocational education program in North Dakota without being required to pay nonresident tuition fees. For the purposes of this Act, "approved vocational education program" means any postsecondary vocational or technical program offered by a Minnesota area vocational technical institute or a district-operated junior college in North Dakota.

SECTION 2. LEGISLATIVE INTENT. Any agreement made pursuant to this Act may provide for the transfer of funds between the states and any payment to Minnesota by North Dakota shall be within the limitations of the payment due North Dakota from Minnesota under the authority contained in chapter 15-10.1. Any payment to North Dakota by Minnesota shall be deposited in the state's general fund.

SECTION 3. EFFECTIVE DATE. If section 3 of Senate Bill No. 2007 relating to the continued availability of appropriations to Lake Region junior college after July 1, 1982, is enacted, then the provisions of this Act shall be effective on and after July 1, 1982.

Approved April 1, 1981

CHAPTER 180

SENATE BILL NO. 2404
(Senator Melland)
(Representative Hughes)

HIGHER EDUCATION STUDY COMMISSION

AN ACT to establish a higher education study commission and to provide for its membership, duties, responsibilities, and administrative procedures; to provide an appropriation; and to declare an emergency.

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

SECTION 1. HIGHER EDUCATION STUDY COMMISSION - MEMBERSHIP - APPOINTMENT - COMPENSATION - ASSISTANCE AND STAFF SERVICES.

1. The higher education study commission shall consist of nine members to be appointed by the chairman of the legislative council.
2. Members of the commission shall receive compensation and reimbursement for expenses in the same manner and amount as members of the legislative council.
3. The legislative council shall provide staff services for the commission, and the commission may hire such consultants as it deems necessary, within the limits of legislative appropriations.
4. The board of higher education, the state board for vocational education, the superintendent of public instruction, the president of each junior college or educational center, and all other agencies, departments, and institutions of the executive branch shall provide such reasonable assistance and such information as the commission may from time to time request.

SECTION 2. LEGISLATIVE FINDINGS.

1. The legislative assembly finds increasing competition among all postsecondary educational institutions in North Dakota, public and private, for students, for state support, and for private contributions, all brought about

by an anticipated decline in enrollment and the pressures generated by inflation and other demands being made on the public resources of this state.

2. The legislative assembly also finds the public institutions of this state searching for new missions to meet the demands of the future, to accommodate local changing conditions, to stabilize local economies, and to provide security for faculty and students.
3. Finally, the legislative assembly finds that the machinery for governance of postsecondary educational institutions is inadequate, encumbered by constitutional mandates, a multiplicity of governing boards and authorities, a variety of formulas and standards to provide public support for various types of institutions, and by various special interests vying for the same public dollars.

SECTION 3. DUTIES OF COMMISSION.

1. The higher education study commission shall review the entire structure of higher education in North Dakota, including both public and private institutions of higher education, vocational education, and continuing education. The first priority of this commission is a study of the state's junior colleges as to function, curriculum areas, and placement within the state system of higher education.
2. The commission shall make a comprehensive review of present offerings of each of the institutions and evaluate the effectiveness of each program area.
3. The commission shall study and review previous studies and reports on postsecondary education in North Dakota.
4. The commission shall consider, but shall not be limited by, the following alternatives or areas of concern with a view toward possible constitutional or statutory reform, or both:
 - a. The possibility of a single university system with one chancellor in charge of all programs.
 - b. The elimination of certain underclass divisions at universities.
 - c. The assignment of program offerings on an exclusive basis by particular institutions.
 - d. The role of the junior colleges, including the possibility of bringing them into the state system, as well as expanding the junior college concept to other institutions.

- e. The need for the variety of boards which now exist with responsibilities over segments of postsecondary public education in North Dakota.
 - f. The type of postsecondary institution best suited to serve the interests of the local community and the state in each location in which institutions now exist.
 - g. The method of nomination of board of higher education members, including existing constitutional restrictions on board memberships.
 - h. The fiscal authority and responsibility over postsecondary institutions and the methods of providing state aid to each institution.
 - i. Private fundraising activities of public postsecondary institutions.
 - j. Staffing patterns for governance of postsecondary institutions.
5. The commission shall report its findings and recommendations, along with any legislation necessary to implement those recommendations, to the forty-eighth legislative assembly and, following adjournment of the forty-eighth legislative assembly, the commission shall be dissolved.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much thereof as may be necessary, to the higher education study commission for the purpose of carrying out the provisions of this Act for the period beginning with the effective date of this Act and ending June 30, 1983.

SECTION 5. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved April 8, 1981

CHAPTER 181

HOUSE BILL NO. 1337
(Swiontek, Jacobson, Knudson, G. Larson)

UNIFORM ACCOUNTING AND REPORTING SYSTEM FOR SCHOOL DISTRICTS

AN ACT to direct the implementation of a uniform accounting and reporting system for school districts.

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

SECTION 1. UNIFORM ACCOUNTING AND REPORTING SYSTEM. The superintendent of public instruction shall implement a uniform system for the accounting, budgeting, and reporting of fiscal data for all school districts in the state. The accounting system shall be based on Handbook II-B, Revised, as developed and piloted in the state's school districts during the past two years. All school districts shall, upon request, submit additional reports concerning finances to the superintendent.

Approved March 5, 1981

CHAPTER 182

SENATE BILL NO. 2154
(Committee on Education)

(At the request of the Department of Public Instruction)

BOARD OF PUBLIC SCHOOL EDUCATION COMPENSATION

AN ACT to amend and reenact section 15-21-17 of the North Dakota Century Code, relating to compensation for state board of public school education members.

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

SECTION 1. AMENDMENT. Section 15-21-17 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-17. COMPOSITION OF STATE BOARD OF PUBLIC SCHOOL EDUCATION. The state board of public school education shall consist of the superintendent of public instruction, and one qualified elector from each of the following districts within the state, to be appointed by the governor subject to the consent of the senate:

1. District one shall consist of the counties of Barnes, Cass, Grand Forks, Griggs, Nelson, Steele, and Traill.
2. District two shall consist of the counties of Benson, Bottineau, Cavalier, McHenry, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, and Walsh.
3. District three shall consist of the counties of Dickey, Emmons, LaMoure, Logan, McIntosh, Ransom, Richland, and Sargent.
4. District four shall consist of the counties of Burleigh, Eddy, Foster, Kidder, McLean, Sheridan, Stutsman, and Wells.
5. District five shall consist of the counties of Burke, Divide, McKenzie, Mountrail, Ward, and Williams.
6. District six shall consist of the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, and Stark.

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 a committee consisting of the president of the North Dakota state's attorneys association, the president of the North Dakota school administrators association, and the president of the North Dakota school boards association. Appointive members shall serve for terms of six years, arranged so that the term of two members shall expire on June thirtieth of each even-numbered year. The governor shall fill vacancies upon the committee and all members so appointed as well as the members of the original committee shall possess all the powers of regularly appointed and confirmed members, pending confirmation by the senate or its refusal to confirm. At all times, two members of the board shall be members of the North Dakota school boards association. The superintendent of public instruction shall also serve as executive director and secretary of such board, shall call such meetings as may be required, shall supervise and carry out the policies of the board in relation to all functions of the board, and shall employ such personnel as shall be necessary to carry on such responsibilities as may be placed upon the board by law. The board shall annually elect a member of the board to serve as chairman. Appointive members shall be compensated at the rate of ~~thirty~~ fifty dollars per day for each day actually and necessarily spent in the performance of their duties as board members and all members shall receive reimbursement for actual necessary expenses incurred in the performance of their duties from the biennial appropriation of the department of public instruction at the same rates as provided by law for other state officers. The board shall have authority to call upon any state office, officer, department, or agency for such advice and assistance as it may from time to time require.

Approved March 5, 1981

CHAPTER 183

SENATE BILL NO. 2191
(Holmberg)

SCHOOL BOARD ELECTIONS

AN ACT to amend and reenact sections 15-22-23, 15-28-03, 15-28-04, and 15-28-07 of the North Dakota Century Code to allow school boards to hold annual elections on the first or second Tuesday in June and to share costs with the county.

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

SECTION 1. 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 ~~first~~ 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 ~~on the first Tuesday in June~~ in common and special 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 2. AMENDMENT. Section 15-28-03 of the 1977 Pocket Supplement to 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. 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 held in a city encompassing or encompassed by 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.

SECTION 3. AMENDMENT. Section 15-28-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-04. ELECTION PRECINCTS, POLLING PLACES, AND OFFICERS. At least fourteen days prior to the ~~first~~ Tuesday in June chosen for the annual election in each year, the school board of each public school district, by motion or resolution, shall designate one or more precincts and polling places for the school election. Such precincts shall be arranged so as to divide the electors in the district as nearly equally as possible, and no precinct shall have a population in excess of six thousand residents as shown by the last federal decennial census. The polling places established in such precincts shall be located as conveniently as possible for the voters in the precinct, and a polling place once established by the board shall remain the polling place for the precinct until it is changed by subsequent action of the board. The board shall appoint two persons to act as judges and two persons to act as clerks of the election in each precinct. Before opening the polls, each of the judges and clerks shall take an oath or affirmation that he will perform his duties as judge or clerk, as the case may be, according to law and to the best of his ability. The oath or affirmation may be administered by any officer authorized to administer oaths, or by any of the judges or clerks to the others.

SECTION 4. AMENDMENT. Section 15-28-07 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-07. NOTICE OF ELECTION - FORM. The notice of election shall be in substantially the following form:

Notice is hereby given that on ~~the first~~ Tuesday, the ----- of June, -----, annual elections will be held for the purpose of electing member(s) of school boards, and the polls will be open at ----- e~~le~~eek a.m. ----- (insert time standard) and will close at ----- e~~le~~eek p.m. ----- (insert time standard) of that day.

Approved March 6, 1981

CHAPTER 184

SENATE BILL NO. 2394
(Tierney)

SCHOOLBUS SERVICE FEE

AN ACT to amend and reenact section 15-34.2-06.1, relating to the maximum total fees a nonreorganized school district may collect for schoolbus services.

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

SECTION 1. AMENDMENT. Section 15-34.2-06.1 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-06.1. CHARGE FOR BUS TRANSPORTATION OPTIONAL. The school board of any school district which has not reorganized pursuant to ~~article--iii--of~~ chapter 15-53.1, may charge a fee for schoolbus service provided to anyone riding on buses provided by the school district. The For schoolbus service which was started prior to July 1, 1981, the total fees collected may not exceed an amount equal to the difference between the state transportation payment and the state average cost for transportation or the local school district's cost, whichever is the lesser amount. For schoolbus service started on or after July 1, 1981, the total fees collected may not exceed an amount equal to the difference between the state transportation payment and the local school district's cost for transportation during the preceding school year. Any districts that have not previously provided transportation for pupils may establish charges based on costs estimated by the school board during the first year that transportation is provided.

Approved March 31, 1981

CHAPTER 185

SENATE BILL NO. 2101
(Committee on Education)

(At the request of the Department of Public Instruction)

SCHOOLBUS PURCHASE

AN ACT to amend and reenact sections 15-34.2-12 and 57-15-52.1 of the North Dakota Century Code, relating to the school district levy for purchasing, operating, and maintaining schoolbuses.

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

SECTION 1. AMENDMENT. Section 15-34.2-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-12. SCHOOL BOARDS' AUTHORITY TO PURCHASE SCHOOLBUS EQUIPMENT. School boards shall have the power to purchase a bus body, a chassis, or complete motorbus. Such bus body, chassis, or complete motorbus shall meet the standards set up under the authority of section 39-21-27.1. School boards shall be required to advertise for bids in accordance with the provisions of section 15-47-15. School boards may use money in the general fund to purchase a bus body, a chassis, or a complete motorbus on the installment plan, provided that the payment of such plan shall not extend over a period greater than ~~four~~ six years.

SECTION 2. AMENDMENT. Section 57-15-52.1 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-52.1. SCHOOL DISTRICT LEVY FOR ~~DISTRICT-OWNED~~ SCHOOLBUS COSTS. Upon resolution of the school board and approval of sixty 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 ~~district-owned~~ 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 in the same manner as it was established 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.

Approved March 31, 1981

CHAPTER 186

HOUSE BILL NO. 1093
 (Committee on Education)
 (At the request of the Department of Public Instruction)

TORNADO AND DISASTER EMERGENCY DRILLS

AN ACT to amend and reenact sections 15-35-09 and 15-35-10 of the North Dakota Century Code; and to provide for tornado and disaster emergency drills in public schools.

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

SECTION 1. AMENDMENT. Section 15-35-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-09. FIRE, TORNADO, AND DISASTER EMERGENCY DRILLS - DUTY OF SUPERINTENDENTS AND TEACHERS. All public schoolteachers who teach in school buildings consisting of more than one room shall conduct at least two one fire drills, tornado, or disaster emergency drill each month except when the weather is inclement. ~~No teacher shall receive his salary for any month until he has certified to the clerk of the board that fire drills have been given in compliance with this section.~~ In districts having a superintendent, the superintendent shall prescribe rules governing fire drills and shall not receive his salary until he has certified to the clerk of the board that fire, tornado, and disaster emergency drills have been given as provided in this section.

SECTION 2. AMENDMENT. Section 15-35-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-10. FIRE, TORNADO, AND DISASTER EMERGENCY DRILLS IN RURAL SCHOOLS - RULES - DUTY OF COUNTY SUPERINTENDENT AND OF TEACHERS. The county superintendent of schools shall prescribe reasonable rules for the conduct of fire, tornado, and disaster emergency drills in the rural schools of his county with special reference to prairie fires. ~~Any school board may direct that no teacher in a one-room school shall receive his salary until at least one fire drill has been conducted in his school each month.~~

Approved March 26, 1981

CHAPTER 187

HOUSE BILL NO. 1514
(L. Hanson, Brokaw)

TEACHER CERTIFICATION CRITERIA

AN ACT to amend and reenact section 15-36-01 of the North Dakota Century Code, relating to criteria for teachers' certificates.

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

SECTION 1. AMENDMENT. Section 15-36-01 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-36-01. TEACHERS' CERTIFICATES - CRITERIA TO BE ESTABLISHED. The superintendent of public instruction, after consulting with the teachers' professional practices commission, shall determine the criteria for teacher certification for school terms beginning on or after July 1, 1974. The established criteria shall be based upon standards which shall include considerations of character, adequate educational preparation, and general fitness to teach in the public schools of this state. After holding a public hearing thereon, the superintendent shall issue rules and regulations concerning the issuance of teachers' certificates, and such certificates shall be issued by his office in accordance with such rules and regulations. However, any teacher who has graduated from college in an accredited teacher education program on or before September 1, 1980, shall not be required to earn any college credits in native American or other multicultural courses in order to be certified or recertified. Nothing in this section shall be interpreted to affect the validity of life certificates in existence on the effective date of this section, nor shall this section affect vocational education certificate qualifications as provided in chapter 15-20.1.

Approved March 18, 1981

CHAPTER 188

HOUSE BILL NO. 1222
(Representatives L. Hanson, Hoffner)
(Senator Tierney)

SCHOOL HOLIDAYS

AN ACT to amend and reenact section 15-38-04.1 of the North Dakota Century Code, relating to school holidays.

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

SECTION 1. AMENDMENT. Section 15-38-04.1 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-04.1. SCHOOL HOLIDAYS DEFINED. The following days shall be school holidays, and schools shall not be in session thereon:

1. Every Sunday_±.
2. New Year's Day, the first day of January_±.
3. The anniversary of the Declaration of Independence, the fourth day of July_±.
4. Christmas Day, the twenty-fifth day of December_±.
5. Memorial Day, the last Monday in May_±.
6. Thanksgiving Day, the fourth Thursday in November_±.
7. Good Friday, the Friday next preceding Easter Sunday_±.
8. Labor Day, the first Monday in September_±.
9. Veteran's Day, the eleventh day of November_±.
10. Every day appointed by the President of the United States or by the governor of this state for a public holiday_±.

Provided that, if the first day of January, the fourth day of July, the eleventh day of November, or the twenty-fifth day of December

falls upon a Sunday, the school holiday shall be the Monday following; and provided that, if the eleventh day of November falls upon a Saturday, the school holiday shall be the preceding Friday. Schools shall be in session as usual on all other legal holidays which do not fall upon a Saturday or Sunday, provided that at least one hour shall be devoted to patriotic exercises consistent with the day. School shall not be held when so prescribed by the school board, in a schoolhouse which is used as a polling place on a day upon which an election is held throughout the state.

Approved February 20, 1981

CHAPTER 189

HOUSE BILL NO. 1590
(Olafson)

TEACHERS' PROFESSIONAL PRACTICES COMMISSION MEMBERSHIP

AN ACT to amend and reenact section 15-38-17 of the North Dakota Century Code, relating to the teachers' professional practices commission.

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

SECTION 1. AMENDMENT. Section 15-38-17 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-17. TEACHERS' PROFESSIONAL PRACTICES COMMISSION. The teachers' professional practices commission shall consist of nine members. The governor shall appoint four ~~members from a list of nominees submitted by the North Dakota education association, two members from a list submitted by the North Dakota school boards association, two members from a list submitted by the North Dakota association of school administrators, and one member selected by the state board of public school education from among its membership.~~ Each list of nominees shall include at least three nominees for each position upon the commission classroom teachers from public schools, two school board members, two school administrators, and one member nominated by the state board of public school education. The term of office of members of the commission shall be three years commencing on July first of the year of the appointment, except that original appointments shall be for staggered terms of one, two, and three years in order that the terms of three members of the commission shall expire each year thereafter. Vacancies shall be filled for an unexpired term in the same manner as original appointments. No person shall serve for more than two consecutive terms as a member of the commission.

The commission shall annually select a chairman and vice chairman, and the superintendent of public instruction or his designee shall serve as secretary. Meetings shall be held after ten days' notice to all members at the call of the chairman or upon request in writing of a majority of the commission. A majority shall constitute a quorum and a majority of such quorum shall have

authority to act upon any matter properly before the commission. It shall adopt its own rules of order and procedure not inconsistent with sections 15-38-16 through 15-38-19 and shall hold meetings pursuant to the provisions of sections 15-38-16 through 15-38-19.

The members of the commission shall receive twenty-five dollars for each day actually engaged in the service of the commission and shall be paid actual and necessary traveling and other expenses at the same rate as for employees of the state. No member of the commission shall lose his regular salary or the above compensation while serving on official business of the commission. The superintendent of public instruction shall approve proper vouchers for such expenses.

Approved March 11, 1981

CHAPTER 190

HOUSE BILL NO. 1115
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

"TEACHER" DEFINED

AN ACT to amend and reenact subsection 1 of section 15-39.1-04 of the North Dakota Century Code, relating to the definition of teacher.

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

SECTION 1. AMENDMENT. Subsection 1 of section 15-39.1-04 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Teacher" shall include:
 - a. All persons who are certified to teach in this state who are 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 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.

Approved February 4, 1981

CHAPTER 191

SENATE BILL NO. 2123
(Committee on Education)

(At the request of the Teachers' Fund for Retirement)

TEACHERS' RETIREMENT COVERAGE AND DEFINITIONS

AN ACT to create and enact two new subsections to section 15-39.1-04 of the North Dakota Century Code, relating to the definition of interest and base salary; and to amend and reenact sections 15-39.1-09.1, 15-39.1-15, 15-39.1-17, 15-39.1-20, and 15-39.1-24 of the North Dakota Century Code, relating to the participation of nonpublic schoolteachers in the teachers' fund for retirement, return to teaching by a previously withdrawn teacher, death of a member, withdrawal from the fund, and to when a teacher is entitled to additional credit.

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

SECTION 1. Two new subsections to section 15-39.1-04 of the 1979 Interim Supplement to the North Dakota Century Code are hereby created and enacted to read as follows:

"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.

"Interest", as applied to member assessments accumulated on or after July 1, 1981, or as applied to the purchase of credit for service performed on or after July 1, 1981, shall be five percent compounded annually.

"Base salary" as applied to the purchase of additional service credit shall be the teacher's first annual salary earned in North Dakota immediately following the period for which service credit may be purchased.

SECTION 2. AMENDMENT. Section 15-39.1-09.1 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-09.1. PARTICIPATION OF NONPUBLIC SCHOOL TEACHERS. Any nonpublic schoolteacher who has participated in chapter 15-39 between July 1, 1971, and June 30, 1979, may elect to receive benefits in accordance with chapter 15-39.1 by paying into the fund the difference between the amount actually paid in accordance with chapter 15-39 by the teacher and employer during such teacher's years of participation during that period and the amount which would have been required had the teacher participated in the fund during that period under the provisions of section 15-39.1-09, together with interest on the difference. Interest on this difference shall be paid by the teacher to the fund at a rate equal to that then being paid by the Bank of North Dakota for one year certificates. All nonpublic schoolteachers who elect to participate for the first time in the fund after July 1, 1979, shall be required to participate as provided for by chapter 15-39.1. For the purposes of this section, "nonpublic schoolteachers" shall mean "lay faculty" as defined by subdivision k of subsection 1 of section 15-39-01.

Any nonpublic schoolteacher who exercises the election to come within the provisions of this chapter as authorized by this section shall give the teacher's employer written notice of the teacher's election and shall authorize such employing authority, as part of said notice, to deduct from each payment of salary the teacher assessments due the fund as prescribed in section 15-39.1-09. The nonpublic school shall advise the teacher whether it assents to payment of employer contributions prescribed in section 15-39.1-09. If the nonpublic school assents, it shall pay the employer contribution and perform all other acts required of it under this chapter. If the nonpublic school declines to pay employer's contributions, it shall be paid by the teacher, in addition to the teacher's assessments deducted from the teacher's salary, and shall be forwarded to the fund as provided by this chapter. Once having assented to the payment of employer contributions for a specific teacher, the nonpublic school shall be required to continue payment of employer contributions as long as the teacher remains a member of the fund and continues teaching at that nonpublic school.

SECTION 3. AMENDMENT. Section 15-39.1-15 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-15. WITHDRAWAL FROM FUND - RETURN TO TEACHING. Any teacher who has withdrawn from the fund as set forth in this chapter may, by returning to teach one full school year in a public school or state institution of this state, regain credit for prior teaching by repaying to the fund, with interest, at a rate to be set by the board, the amount which was returned to him on withdrawal within five years of initial eligibility or by July 1, 1986, whichever is later.

SECTION 4. AMENDMENT. Section 15-39.1-17 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-17. DEATH OF MEMBER.

1. If the death of a member who has not acquired a vested interest should occur prior to retirement, a refund of his assessments accumulated with interest shall be made to such beneficiary as he may designate, or, if no beneficiary is designated, the same shall be paid to the surviving spouse, or if no surviving spouse, to the surviving children, or if none, to his estate; provided, however, that if no probate proceedings have been instituted within thirty days of the death of the member, then to such heirs at law who file claim with the fund within one hundred fifty days of the death of the member. ~~His assessments shall earn interest from the July first following the date the assessment is made with the interest credit each year determined at the current rate for one year--certificates then being paid by the Bank of North Dakota.~~
2. If the death of a member who has acquired a vested interest should occur prior to retirement, then his designated beneficiary may apply for a refund of his assessments accumulated with interest ~~as described in the above paragraph.~~ If there is no designated beneficiary, then the same shall be paid to the surviving spouse, or if no surviving spouse, to the surviving children, or if none, to his estate; provided, however, that if no probate proceedings have been instituted within thirty days of the death of the member, then to such heirs at law who file claim with the fund within one hundred fifty days of the death of the member. In lieu of such refund, the designated beneficiary, if a beneficiary has been designated, may elect either to receive a monthly annuity in accordance with option one as set forth in section 15-39.1-16, with the amount of such annuity being determined as though the deceased member had retired under the option on the day ~~of the month in which his death occurred~~ benefits commence to the beneficiary; or the designated beneficiary may elect to receive for sixty months an amount equal to the monthly annuity the member would have received if the member had attained age sixty-five and retired, based on the member's credited service to date of death. If any applicant for an annuity under this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-39.1-09, he shall pay any deficiency into the fund before receiving the annuity.
3. If a member who has received annuity payments other than a reduced retirement allowance as provided in section 15-39.1-16 dies prior to receiving accumulated annuity payments which exceed the assessments paid by the member to the fund plus interest ~~as outlined in section 15-39.1-20,~~ or a member who has elected a reduced

retirement allowance under option one or two in section 15-39.1-16 dies and the person who was nominated to receive his reduced allowance also dies prior to receiving, together, accumulated annuity payments which exceed the assessments paid by the member to the fund plus interest, the member's beneficiary shall receive a final payment equal to the assessments the member paid to the fund plus interest as provided in section 15-39.1-20 less the amount of the annuity payments made prior to the member's death.

SECTION 5. AMENDMENT. Section 15-39.1-20 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-20. WITHDRAWAL FROM FUND. When a member of the fund ceases to be eligible under the terms of this chapter to participate in the fund, he may, after a period of one hundred twenty days, withdraw from the fund and shall be then entitled to receive a refund of assessments accumulated with interest ~~credited for each year as determined at the current rate for one year certificates then being paid by the Bank of North Dakota.~~ The one-hundred-twenty-day requirement may be waived by the board when it has evidence the teacher will not be returning to teach in North Dakota. Such refund shall be in lieu of any other benefits to which the member may be entitled under the terms of this chapter.

SECTION 6. AMENDMENT. Section 15-39.1-24 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-24. TEACHER ENTITLED TO ADDITIONAL CREDIT. A Prior to retirement a teacher may receive purchase additional credit for teaching use toward retirement in the following instances and manner:

1. Any teacher who comes from a school or educational institution supported by public taxation out of North Dakota and who becomes a teacher within the meaning of this chapter, by teaching one full school year in North Dakota following the out-of-state teaching, may elect to have no more than ten years of out-of-state teaching credited hereunder, except that any such years of out-of-state teaching shall not be eligible for credit in North Dakota if the years claimed also qualify for retirement benefits from a retirement system out of state. ~~Credit may be claimed at any time prior to retirement and interest shall be paid on all payments required under this subsection at a rate equal to the rate being paid on one-year certificates by the Bank of North Dakota. Every such teacher shall be advised of the provisions of this section by the school board in writing at the time of employment, and a copy of such notice with written acknowledgment thereof shall be filed with the board. Before receiving~~

any retirement annuity, such teacher shall pay into the fund an amount equal to the amount of assessments for the number of years of out-of-state teaching that he elects based upon his first annual salary in North Dakota after his resumption of teaching in this state, which shall also be the basis of the retirement benefits which he shall be entitled to receive. He shall also pay the full amount which the employing body would have had to pay as matching funds for the years to be credited.

2. Any teacher who, within thirty months of entering the military service of the United States of America, was engaged in the occupation of teaching in the state of North Dakota, and who has received an honorable discharge from such military service, shall be entitled to have the time of such service credited under of the United States of America may receive credit for no more than four years of active service, upon filing application and proof with the board and subject to the terms of this chapter upon his return to teaching and the payment of the assessments, including the matching funds of the employing body, based upon his first annual salary on return to teaching in the state. Any teacher who has made such back payments for military service may elect prior to retirement, to receive the return of such payments, with interest at the rate being paid by the Bank of North Dakota on one-year certificates of deposit, and reject the military service credit and the board shall forthwith refund said amounts. The teacher, at retirement, may again elect to claim the benefits of this section. The same rights shall be available to a teacher who has been engaged in teaching in North Dakota prior to such time but was attending an institution of higher learning for the purpose of improving himself in such profession within thirty months of the time of entry into the armed services. All payments required under this subsection shall be made with interest at the rate being paid on one-year certificates by the Bank of North Dakota one year in North Dakota subsequent to military service.
3. A teacher who attends a college, university, or other recognized school for two consecutive semesters or three consecutive quarters, other than summer sessions, for the purpose of improving his qualifications in the teaching profession shall be entitled to have such periods while in attendance at such college, university, or school credited as not to exceed three years of teaching service under the provisions of this chapter upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such college, university, or school attendance, plus the payment by him of the amount that would have been paid to the fund in his behalf from the school district or state institution where he was employed. Such back assessments

~~must--be--paid--prior--to--or--at--the--time--of--retirement--under
this--chapter, provided that:~~

~~a--The the teacher must-have has taught at least one full
school year in North Dakota immediately preceding his
entrance into the college, university, or school and
that immediately following such training he shall have
taught not less than one full school year in a public
school or state institution of this state,-and~~

~~b--The---period---of---college,---university,---or---school
attendance--that--may--be--credited--as--teaching--service
shall--not--exceed--three--full--academic--years,-exclusive
of--summer--schools,-and~~

~~c--Payments--on--back--assessments--and--back--contributions
shall--be--based--on--the--salary--received--by--the--teacher
during--the--first--year--of--teaching--following--the
college,-university,-or--school--attendance,-together
with--simple--interest--at--a--rate--equal--to--the--rate--being
paid--on--one--year--certificates--of--deposit--by--the--Bank
of--North--Dakota,-except--that--no--interest--shall--be
charged--on--assessments--for--the--period--while--actually
in--attendance--at--the--college,-university,-or--school.~~

The amount of additional service eligible to be purchased under this section shall be credited to the teacher when the teacher has made the required payment within five years of initial eligibility or by July 1, 1986, whichever is later. The payment shall include teacher and employer assessments, plus interest, calculated upon the teacher's base salary, which shall also be the basis of the retirement benefits which the teacher shall be entitled to receive.

Approved March 11, 1981

CHAPTER 192

SENATE BILL NO. 2109
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

EARLY RETIREMENT FOR TEACHERS

AN ACT to amend and reenact section 15-39.1-12 of the North Dakota Century Code, relating to early retirement for teachers.

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

SECTION 1. AMENDMENT. Section 15-39.1-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-12. EARLY RETIREMENT. Any teacher who has acquired a vested right to a retirement annuity as set forth in section 15-39.1-11 and who has attained age fifty-five may retire ~~at any time~~ prior to the normal retirement age as set forth herein but the benefits to which he shall then be entitled shall be reduced to the actuarial equivalent of the benefit credits earned to the date of early retirement.

Approved March 6, 1981

CHAPTER 193

HOUSE BILL NO. 1116
(Committee on Education)
(At the request of the Teachers' Fund for Retirement)

RETIREMENT OPTIONS FOR TEACHERS

AN ACT to amend and reenact section 15-39.1-16 of the North Dakota Century Code, relating to retirement options for retiring teachers.

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

SECTION 1. AMENDMENT. Section 15-39.1-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-16. OPTION OF TEACHERS ELIGIBLE TO RECEIVE ANNUITIES. At any time after his retirement under the circumstances provided in this chapter and before the first annuity payment shall become due, a teacher may elect to receive the actuarial equivalent, at that time, of the regular retirement allowance for life, in the form of a reduced retirement allowance payable throughout his life with ~~either, but not both,~~ one of the following additional provisions:

Option one. Upon the death of the teacher, the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement, ~~or.~~

Option two. Upon the death of the teacher, one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

Option three. Upon the death of the teacher within five years of the commencement of annuity payments, such payments shall be continued for the remainder of the five-year period to such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

Option four. Upon the death of the teacher within ten years of the commencement of annuity payments, such payments shall be continued for the remainder of the ten-year period to such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

The amount of the reduced retirement allowance payable upon the exercise of either of such options shall be computed upon an actuarial basis through the use of standard actuarial tables and based upon the ages of the teacher and his designated beneficiary.

Approved February 12, 1981

CHAPTER 194

SENATE BILL NO. 2110
(Committee on Education)

(At the request of the Teachers' Fund for Retirement)

DISABILITY RETIREMENT BY TEACHERS

AN ACT to amend and reenact section 15-39.1-18 of the North Dakota Century Code, relating to disability retirements.

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

SECTION 1. 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 may also retire and receive a disability annuity if after a period aggregating ~~fifteen~~ ten years of service as a teacher in this state, such teacher suffers from total disability, such total disability to be determined by the board after an examination of such teacher 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 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 often as necessary to determine 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.

Approved March 6, 1981

CHAPTER 195

SENATE BILL NO. 2090
(Peterson)

ADDITIONAL RETIREMENT CREDIT FOR TEACHERS

AN ACT to create and enact a new subsection to section 15-39.1-24, granting additional retirement credit to teachers for prior service in nonpublic school teaching.

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

SECTION 1. A new subsection to section 15-39.1-24 of the 1979 Interim Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Any teacher, after acquiring one year of service credit in the fund, may elect to purchase no more than ten years' service credit in accordance with this chapter, for years of service as a nonpublic schoolteacher, prior to July 1, 1971. For the purposes of this subsection, "nonpublic schoolteacher" means "lay faculty" as defined by subdivision k of subsection 1 of section 15-39-01.

Approved March 19, 1981

CHAPTER 196

HOUSE BILL NO. 1114
 (Committee on Education)
 (At the request of the Teachers' Fund for Retirement)

"YEAR" DEFINED

AN ACT to amend and reenact section 15-39.1-27 of the North Dakota Century Code, relating to the definition of year.

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

SECTION 1. 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 under the provisions of this chapter, a year shall be a ~~legal school year at the time and place where such service was rendered, --- Where the service was rendered in schools not included within the provisions of this chapter,~~ a one hundred seventy-five days of compensation. A time less than a ~~legal school year in this state~~ 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 ~~teaching weeks days of compensation in each year taught in such excluded school bears to the number of weeks required at such time to constitute a legal year in this state~~ one hundred seventy-five days of compensation.

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

Approved February 4, 1981

CHAPTER 197

HOUSE BILL NO. 1276
(Wald)MULTIDISTRICT SPECIAL EDUCATION
RETIREMENT LEVY

AN ACT to amend and reenact sections 15-39.1-28 and 52-09-08 of the North Dakota Century Code, relating to mill levy for teachers' retirement, including covered employees of either a multidistrict special education board, or another school district, and levy of tax by political subdivisions.

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

SECTION 1. AMENDMENT. Section 15-39.1-28 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-28. MILL LEVY FOR TEACHERS' RETIREMENT. Any school district by a resolution of its school board may levy a tax of not to exceed forty mills on the assessed taxable valuation within the district, the proceeds to be used for the purposes of meeting the district's contribution to the fund arising under this chapter and to provide the district's share, if any, of contribution to the fund for contracted employees of either a multidistrict special education board or another school district where the contracted employees are also providing services to the taxing school district. The mill levy permitted by this section shall be in addition to any tax levy limitations now prescribed by law.

SECTION 2. AMENDMENT. Section 52-09-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-09-08. DEFAULT IN TAXES - INTEREST - ACTION TO COLLECT - LEVY OF TAX BY POLITICAL SUBDIVISIONS. Taxes unpaid on the date on which they are due and payable as prescribed by the bureau, shall bear interest at the rate of one-half of one percentum per month from and after such date until payment plus accrued interest is received by the bureau, provided that the bureau may prescribe fair and reasonable regulations pursuant to which such interest shall not accrue with respect to taxes required. In no case shall the amount of interest imposed hereby be less than five dollars. Interest

collected pursuant to this section shall be paid into the old-age and survivors' fund.

- A. If within thirty days after due notice, the employer defaults in payment of taxes or interest thereon, the amount due shall be collected by civil action in the name of the bureau and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect taxes or interest thereon shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions.
- B. The employer shall pay its tax or contribution from funds available and is directed to pay same from tax money or from any other income of the political subdivision.
- C. The political subdivision, except a multidistrict special education board and a center board of a multidistrict vocational education center, is hereby authorized and directed to levy a tax sufficient to meet its obligations under the provisions of this chapter, and, in the case of a school district, to provide that district's share of contribution to the old-age survivors' fund for contracted employees of a multidistrict special education board, up to a maximum levy of forty mills on each dollar of the net assessed taxable valuation of the political subdivision, over and above any levy limitations now prescribed by law for such political subdivisions. Any obligations under this chapter over and above the amount raised by the maximum levy permitted in this section shall be paid out of the general fund of the political subdivision.

Approved April 6, 1981

CHAPTER 198

SENATE BILL NO. 2230
(Senators Moore, Tennefos)
(Representatives Strinden, Knudson, A. Olson)

COUNTY EQUALIZATION FUND

AN ACT to amend and reenact sections 1 and 7 of initiated measure No. 6 as voted on in the 1980 general election, and sections 15-20.1-10, 15-40.1-01, 15-40.1-05, 15-40.1-07, 15-40.1-08, 15-40.1-09, 15-40.1-11, 15-40.1-14, 15-40.1-16, 15-40.1-16.1, 15-40.1-18, 15-40.2-05, 15-40.2-10, 15-47-16, and 15-59-06 of the North Dakota Century Code to eliminate the county equalization fund for schools; to repeal sections 9 and 10 of initiated measure No. 6 as voted on in the 1980 general election, and sections 15-40.1-03, 15-40.1-04, 15-40.1-10, 15-40.1-12, subdivision b of subsection 3 of section 57-15-06, and 57-15-24 of the North Dakota Century Code, relating to the county equalization fund for schools and the county mill levy for schools; and to provide an effective date.

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

SECTION 1. AMENDMENT. Section 1 of initiated measure No. 6 as voted on at the general election of 1980 is hereby amended and reenacted to read as follows:

SECTION 1. INTENT. It is the intent of the electors of the state of North Dakota to increase the funding of educational opportunities for students in the elementary and secondary schools in North Dakota, to provide funds for Grafton state school, to provide for energy conservation and development programs, and to equalize the tax structure and revenue sources of the state by enactment of an excise tax to be known as the "oil extraction tax" and enactment of an income tax credit ~~and a credit for the county twenty-one mill property tax levy for schools.~~

SECTION 2. AMENDMENT. Section 7 of initiated measure No. 6 as voted on at the general election of 1980 is hereby amended and reenacted to read as follows:

SECTION 7. ALLOCATION OF MONEYS IN OIL EXTRACTION TAX DEVELOPMENT FUND. Moneys deposited in the oil extraction tax

development fund shall be apportioned quarterly by the state treasurer as follows:

1. ~~Forty-five~~ Sixty percent shall be allocated to the state school aid program for use in accordance with the provisions of chapter 15-40.1 of the North Dakota Century Code. It is the intent of the electors ~~that--other appropriations--made-by-the-legislative-assembly-for-state aid-to-schools-in-accordance-with-chapter-15-40.1--of--the North--Dakota--Century--Code--when--added--to--the--amount allocated-under-this-subsection--shall--provide--at--least seventy---percent--of--the--funds--required--to--meet--the educational-cost-per-pupil--in--elementary--and--secondary education--as--determined--under--the--provisions--of--that chapter~~ and the legislative assembly that the allocation made by this subsection shall not exceed seventy percent of the educational cost per pupil in public elementary and secondary education as determined under the provisions of chapter 15-40.1. Should the allocation exceed seventy percent, the balance of the allocation above seventy percent shall be deposited in the general fund. Should the allocation not exceed seventy percent, it is the intent of the electors and the legislative assembly that other appropriations made by the legislative assembly for state aid to schools in accordance with chapter 15-40.1, when added to the amount allocated under this subsection, shall provide at least seventy percent of the funds required to meet the educational cost per pupil in public elementary and secondary education as determined under the provisions of chapter 15-40.1.
2. Ten percent shall be allocated and credited to a special trust fund to be established in the state treasury and shall be deposited and invested as are other state funds to earn the maximum amount permitted by law; provided that the first fifteen million dollars allocated and credited to this special trust fund shall be appropriated by the legislative assembly for Grafton state school for the remodeling or reconstruction and equipping of existing buildings and other facilities, for the construction and equipping of new buildings and other facilities, and for providing additional staffing for that institution, as shall be provided by the legislative assembly. The principal of this special trust fund shall not be used for any other purpose, but the income therefrom shall be administered by the state industrial commission pursuant to appropriations made by the legislative assembly for the following: the funding of programs for development of energy conservation and renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith. Any

income earned by the special trust fund that is not appropriated by the legislative assembly, or if appropriated but not expended or loaned by the state industrial commission by the end of a fiscal biennium, shall be transferred to the state's general fund.

3. ~~Forty-five~~ Thirty percent shall be allocated and credited to the state's general fund for general state purposes ~~and as an offset for the reduction in income tax revenue and for the replacement of the county twenty-one mill property tax credit for school as provided in section 10 of this Act.~~

SECTION 3. AMENDMENT. Section 15-20.1-10 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-10. SPECIFIC POWERS - TUITION PAYMENTS - BOND ISSUES. The school board of a vocational school district is specifically authorized to accept on behalf of the district any real or personal property available for distribution by the United States or any of its departments or agencies, and also, to accept any federal grants which may be made available in the field of vocational education. It may accept enrollments and set the amount of tuition for students residing outside of the district, provided that the amount of tuition so set shall not exceed the difference between the average cost per student for educating a student in the district and the payments, if any, received by the district from ~~a county equalization fund and from~~ state payments on behalf of such student. ~~Payments from the county equalization fund of the student's county of residence and from state~~ State payments on behalf of each student attending a vocational school shall be made to the vocational school of attendance at the same rate as paid for high school students. A vocational school district shall be deemed a municipality within the meaning of section 21-03-01.

SECTION 4. AMENDMENT. Section 15-40.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-01. DEFINITION OF "HIGH SCHOOL STUDENT". As used in this chapter and in the provisions relating to payments from the ~~county equalization fund~~ state, the term "high school student" shall include only students who:

1. Have completed all of the work of the first eight grades, but have not completed the work of the twelfth grade.
2. Are residents of this state.

SECTION 5. AMENDMENT. Section 15-40.1-05 of the 1979 Interim Supplement to 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 DEPARTMENT OF ACCOUNTS AND PURCHASES. The superintendent of public instruction shall certify to the department of accounts and purchases a list of all school districts in the state, together with a statement of payments equal to one-fourth of the total payments made to each respective school district during the previous fiscal year, and the department of accounts and purchases shall pay each school district the amounts due, within the limits of legislative appropriation, on or before September first of each year. The superintendent of public instruction, ~~after certifying to the respective county auditors the amount that shall be levied on all taxable property in accordance with section 15-40-1-04,~~ shall determine what amounts in addition to the September first payments are necessary to constitute one-half of the payments due to each school district for the current school year, and shall certify to the department of accounts and purchases a list of all school districts in the state, together with a statement of the payments due them. On or before November first, the department of accounts and purchases shall pay to each school district, within limits of legislative appropriation, the amounts needed in addition to the September first payment in order to constitute fifty percent of the sum found to be due under the provisions of this chapter. On or before January first, payments equal to one-fourth 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.

SECTION 6. AMENDMENT. Section 15-40.1-07 of the 1979 Interim Supplement to 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 ~~and from the county equalization fund~~ 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, 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 7. AMENDMENT. Section 15-40.1-08 of the 1979 Interim Supplement to 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 ~~and out of the county equalization fund~~ 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.

* NOTE: Subsection 7 of section 15-40.1-08 was also amended by section 1 of House Bill No. 1227, chapter 201, and by section 1 of House Bill No. 1561, chapter 202.

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 ~~after June 30, 1980~~, which are established according to provisions of section 15-45-01, 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 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.

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.

SECTION 8. AMENDMENT. Section 15-40.1-09 of the 1979 Interim Supplement to 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 ~~a-county-equalization-fund-or-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 department of accounts and purchases a list of the school districts and schools not operated by school districts entitled to payments from ~~the-county-equalization-fund-or-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, 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 ~~a-county-equalization-fund-or-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 9. AMENDMENT. Section 15-40.1-11 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-11. FRACTIONAL PAYMENTS. Should the moneys in the ~~county equalization fund or in the~~ state general fund be insufficient to make all payments, the payments to the various school districts or schools shall be prorated by the ~~county superintendent of schools and the~~ superintendent of public instruction on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into each fund, so as to make full payments under this chapter. If the appropriation made by the legislative assembly is inadequate to meet all claims against such appropriation and is thus the cause of the insufficiency, such prorated fractional payments made pursuant to this section shall constitute payment in full.

SECTION 10. AMENDMENT. Section 15-40.1-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-14. TAYLOR GRAZING ACT FUNDS - DISPOSITION. Payments to the state from the federal government under the provisions of 43 United States Code 315i (the Taylor Grazing Act), shall be apportioned by the state treasurer among the counties in the state in the proportion that the number of acres of Taylor Grazing Act land in each county bears to the total amount of such land in the state. Such distributions shall be ~~credited to the county equalization fund of the county receiving them and expended for the support of the public schools~~ made to school districts on the basis

of average daily membership of all students residing within the county.

* SECTION 11. AMENDMENT. Section 15-40.1-16 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. AID FOR TRANSPORTATION. There shall be paid from ~~the-county-equalization-fund-and-from~~ state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, a sum equal to twenty cents per mile [1.61 kilometers] for schoolbuses having a capacity of sixteen or fewer pupils and forty cents per mile [1.61 kilometers] for schoolbuses having a capacity of seventeen or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of seventeen or more pupils shall be entitled to an amount equal to fifteen cents per day for each public school pupil who is transported in such buses, provided that no such payment shall be made for any pupil who lives within the incorporated limits of a city with a population in excess of two hundred fifty and an area in excess of two square miles [518.00 hectares] in which the school in which he is enrolled is located except as provided in section 15-40.1-16.1. The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

** SECTION 12. AMENDMENT. Section 15-40.1-16.1 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.1. TRANSPORTATION AID FOR CERTAIN VOCATIONAL EDUCATION AND SPECIAL EDUCATION PROGRAMS. There shall be paid from ~~the--county--equalization--fund--and--from~~ state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education. Similar payments shall be paid to the school districts transporting pupils for special education programs approved by the superintendent of public instruction. Such amount shall be the same amount for mileage and per day as is provided in section 15-40.1-16, except that school districts entitled to transportation aid pursuant to this section shall receive such aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether or not such pupils live within the incorporated limits of cities in which the schools in which they are enrolled are located. Provided, however, that no school district shall receive more than one per-

* NOTE: Section 15-40.1-16 was also amended by section 1 of Senate Bill No. 2245, chapter 203.

** NOTE: Section 15-40.1-16.1 was also amended by section 2 of Senate Bill No. 2245, chapter 203.

pupil payment for transportation regardless of the number of times any pupil is transported in any one day.

SECTION 13. AMENDMENT. Section 15-40.1-18 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-18. STATE TRANSPORTATION PAYMENTS TO SCHOOL DISTRICTS
~~---COUNTY--EQUALIZATION--FUND--TRANSPORTATION--PAYMENTS--TO--SCHOOL DISTRICTS-----State--payments--to--school--districts,--as--aid--for transportation,--shall--be--as--follows:~~

~~1--State--transportation--payments--to--school--districts-~~ The superintendent of public instruction shall determine the total amount of payments to be made to the school districts for transportation aid. The department of accounts and purchases shall pay the sum certified by the superintendent of public instruction to each school district. Such payments shall be made in the same manner and at the same time as other payments from the state to school districts are made, as provided in section 15-40.1-05.

~~2--County--equalization--fund--payments--to--school--districts- Payments--from--the--county--equalization--fund--to--the respective--school--districts--entitled--to--payment--therefrom shall--be--upon--warrant--of--the--county--auditor--at--the--same time--and--in--the--same--manner--as--county--per--pupil--payments from--the--county--equalization--fund--to--the--respective--school districts--are--made,--as--provided--in--section--15--40--1--10-~~

SECTION 14. AMENDMENT. Section 15-40.2-05 of the 1979 Interim Supplement to 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:

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.

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 ~~county equalization---fund---payments--and~~ 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.

SECTION 15. AMENDMENT. Section 15-40.2-10 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-10. RECIPROCAL MASTER AGREEMENTS FOR PUPIL ATTENDANCE IN OTHER STATES. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils in the public schools or institutions in such bordering states. Such reciprocal agreements shall provide for payment on a per-pupil basis from the state foundation aid program for pupils from this state attending schools in bordering states in a sum equal to payments received by the district of the pupil's residence from the ~~county equalization fund and the~~ state foundation aid program. The superintendent of public instruction, by certificate to the department of accounts and purchases, shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40.1 for the attendance of pupils in bordering states, and the department of accounts and purchases, within the limits of legislative appropriations, shall make such payments. The balance of the tuition payment by the pupil's district of residence shall not exceed the amount established by reciprocal agreement less the amount paid from the ~~county equalization fund and the~~ state foundation aid program to the school district or institution in the bordering state.

SECTION 16. AMENDMENT. Section 15-47-16 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-16. PAYMENTS FROM STATE TUITION, ~~COUNTY EQUALIZATION FUNDS,~~ AND STATE FOUNDATION AID MAY BE PAID TO UNITED STATES. Whenever the educational responsibility of a school district within an Indian reservation in this state shall be completely taken over by the government of the United States, payments from the state tuition fund, ~~the county equalization fund,~~ and the state foundation aid program which otherwise would be paid to such school district shall be paid to the United States if the compulsory school attendance laws of this state are enforced in such district and government school.

* SECTION 17. AMENDMENT. Section 15-59-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-06. STATE COOPERATION IN SPECIAL EDUCATION. Exceptional children who are enrolled in approved programs of special education shall be deemed to be regularly enrolled in the school and school districts providing such program and shall be included in determination of elementary and high school per-pupil

* NOTE: Section 15-59-06 was also amended by section 2 of Senate Bill No. 2153, chapter 221, and by section 1 of House Bill No. 1252, chapter 222.

payments from the ~~county-equalization-fund-and~~ state foundation aid program whether or not such pupils are regularly attending school in the school or school district receiving such payments. In the case of a student who is enrolled in a nonpublic school but who is attending a public school special education program, payments shall be made to the appropriate public school district in relation to the proportion of a normal school day as such student participates in such special education program. For the purposes of this section, a normal school day shall be deemed to consist of six hours. Upon the determination by the director of special education that the school district has made expenditures for each exceptional child in such program equal to the average expenditures made in such district for elementary or high school students, as the case may be, and that the parents of a child receiving special education under such program, or the legally responsible person, have made adequate efforts to provide needed education or that adequate reasons otherwise exist for the provision of special education to such child, the director by vouchers drawn upon funds provided by the legislative assembly for such purpose may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for transportation, equipment, and residential care.

SECTION 18. REPEAL. Sections 9 and 10 of initiated measure No. 6 as approved by the electorate at the 1980 general election, and sections 15-40.1-03, 15-40.1-04, and 15-40.1-10 of the 1979 Interim Supplement to the North Dakota Century Code, sections 15-40.1-12 and 57-15-24 of the North Dakota Century Code, and subdivision b of subsection 3 of section 57-15-06 of the 1979 Supplement to the North Dakota Century Code is hereby repealed.

SECTION 19. EFFECTIVE DATE. The provisions of this Act relating to property tax levies shall be effective for property tax years beginning on or after January 1, 1981.

Approved March 31, 1981

CHAPTER 199

HOUSE BILL NO. 1092
(Committee on Education)

(At the request of the Department of Public Instruction)

ELEMENTARY AND SECONDARY EDUCATION SUPPORT

AN ACT to amend and reenact section 15-40.1-02, subsection 2 of section 15-40.1-06, and sections 15-40.1-16 and 15-44-03 of the North Dakota Century Code, relating to state support for elementary and secondary education of approximately seventy percent of the cost of education, what constitutes state school aid, and distribution of the state tuition fund; and to repeal sections 15-44-04, 15-44-05, 15-44-07, and 15-44-08 of the North Dakota Century Code, relating to apportionment of tuition funds by counties, withholding of tuition funds, and the use and accounting of tuition funds; providing an appropriation; providing a limit on oil and gas bonus distributions; and providing an effective date.

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 article IX, section 2 of the constitution are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools.

SECTION 2. AMENDMENT. Subsection 2 of section 15-40.1-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- It is hereby determined that the educational support per pupil during the first year of the ~~1979-81~~ 1981-83 biennium shall be ~~nine--hundred--three~~ one thousand four hundred twenty-five dollars and for the second year of the biennium the educational support per pupil shall be ~~nine hundred--seventy~~ one thousand five hundred ninety-one 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.

SECTION 3. AMENDMENT. Section 15-40.1-16 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. AID FOR TRANSPORTATION. There shall be paid from the county equalization fund and from state funds to each school district providing school bus transportation in contract school buses or in district-owned and operated school buses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city the following amounts:

1. For school buses 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 twenty three-four cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and thirty-eight cents during the second year of the 1981-83 biennium for school buses having a capacity of sixteen or fewer pupils and forty six-eight cents per mile [1.61 kilometers] during the first year of the 1981-83 biennium and seventy-six cents per mile the second year of the 1981-83 biennium for school buses having a capacity of seventeen or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of seventeen or more pupils shall be entitled to an amount equal to fifteen nineteen cents per day for each public school pupil living outside the city limits who is transported in such buses,--provided--that--no--such--payment--shall--be--made--for--any--pupil--who--lives--within--the--incorporated--limits--of--a--city--with--a--population--in--excess--of--two--hundred--fifty--and--an--area--in--excess--of--two--square--miles--{510-00 hectares}--in--which--the--school--in--which--he--is--enrolled--is--located--except--as--provided--in--section--15-40.1-16.1.
2. For pupils who ride school buses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to nine and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1 of this section.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school.

Such payments shall be made only to school districts operating school buses in accordance with the laws of this state relating to standards for school buses, and to the qualifications of school bus drivers. Certification as to the compliance with the laws of this state in regard to school buses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

SECTION 4. AMENDMENT. Section 15-44-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-44-03. CERTIFICATE BY DEPARTMENT OF ACCOUNTS AND PURCHASES - APPORTIONMENT BY SUPERINTENDENT OF PUBLIC INSTRUCTION - WARRANT - NOTICE-TO-COUNTY-TREASURERS PAYMENT. The department of accounts and purchases on or before the third Monday in February, ~~May~~ April, August, October, and ~~November~~ December in each year, shall certify to the superintendent of public instruction the amount of the state tuition fund. The superintendent shall apportion such fund ~~immediately~~ among the several ~~counties~~ school districts of the state in proportion to the number of children of school age residing in each as shown by the last enumeration provided for by law, and shall certify to the department of accounts and purchases, and state treasurer, and to the county treasurer and county superintendent of schools of each county, the amount apportioned to the respective ~~counties~~ school districts. Immediately upon receipt of the apportionment from the superintendent of public instruction, the department of accounts and purchases shall ~~prepare and issue a warrant, signed by the state auditor, upon the state treasurer for the full amount of the state tuition fund apportioned to the several counties and shall deliver the same to the state treasurer, taking his receipt therefor. The department of accounts and purchases shall notify the several county treasurers of the amount due their respective counties and that the warrant has been issued therefor. The state treasurer, upon such warrant, shall pay the amount due the several counties to the respective county treasurers~~ pay each school district the amount to which it is entitled from the state tuition fund and such payments shall be combined with and paid at the same time as per-pupil payments pursuant to section 15-40.1-05.

SECTION 5. REPEAL. Sections 15-44-07 and 15-44-08 of the North Dakota Century Code and sections 15-44-04 and 15-44-05 of the 1977 Pocket Supplement to the North Dakota Century Code are hereby repealed.

SECTION 6. APPROPRIATION. There is hereby appropriated to the superintendent of public instruction for distribution by the department of accounts and purchases out of any moneys in the state tuition fund in the state treasury, not otherwise appropriated, the sum of \$29,877,400, or such greater or lesser sums as become available, to the public schools of this state as provided in article IX, section 2 of the Constitution of the State of North Dakota and chapter 15-44 of the North Dakota Century Code, for the biennium beginning July 1, 1981, and ending June 30, 1983.

SECTION 7. LIMIT ON DISTRIBUTION OF OIL AND GAS BONUS MONEYS. Notwithstanding the provisions of section 15-08-01.1 and subdivision c of subsection 3. of section 15-40.1-06, no more than \$16,000,000 of oil and gas bonus payments on common school lands shall be apportioned and distributed during the biennium beginning July 1, 1981, and ending June 30, 1983, and the remainder, if any, shall be deposited in the common school trust fund created by section 1 of article IX of the Constitution.

SECTION 8. EFFECTIVE DATE. Section 1 of this Act shall be effective on and after July 1, 1983.

Approved April 6, 1981

CHAPTER 200

HOUSE BILL NO. 1406
(Representatives Lipsiea, Kent)
(Senator Tweten)

FOUNDATION AID PAYMENT ADJUSTMENT

AN ACT to amend and reenact section 15-40.1-04.1 of the North Dakota Century Code, relating to adjustments in foundation aid payments resulting from changes in a school district's property tax base.

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

SECTION 1. AMENDMENT. Section 15-40.1-04.1 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-04.1. ADJUSTMENT OF FOUNDATION AID PAYMENT.

1. Whenever the taxable valuation of property is diminished because of the reclassification of real property as personal property which results from either legislative or judicial action, the state foundation aid payment to the affected school district shall be based on the diminished valuation in the year in which it is paid to the school district.
2. Whenever the foundation aid payment to any school district is based upon a determination of property valuation which is later diminished by legislative or judicial action, the school district shall have one year from the date of final determination or adjudication of the adjustment of the property tax base to make application to the superintendent of public instruction for a supplemental foundation aid payment in the amount necessary so the district will have received the amount it would have received had the correct property tax base been used. A school district shall be entitled to the supplemental payment even if the payment is received in a new biennial period. The superintendent of public instruction shall certify the supplemental payment to which a school district is entitled to the department of accounts and purchases, which shall pay the amounts due within the limits of legislative appropriations for the foundation program.

Approved March 5, 1981

CHAPTER 201

HOUSE BILL NO. 1227
(Hoffner, Black, Gates, Reed)

KINDERGARTEN FOUNDATION AID PAYMENT

AN ACT to amend and reenact subsection 7 of section 15-40.1-08 of the North Dakota Century Code, relating to payment of foundation aid for kindergarten.

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

* SECTION 1. AMENDMENT. Subsection 7 of section 15-40.1-08 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. For elementary schools providing kindergartens ~~after June 30, 1980,~~ which are established according to provisions of section 15-45-01, there shall be paid that amount of money resulting from multiplying the factor ~~49~~ .50 times the educational support per pupil ~~as provided in section 15-40.1-06~~ 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.

Approved March 31, 1981

- * NOTE: Section 15-40.1-08 was also amended by section 7 of Senate Bill No. 2230, chapter 198, and subsection 7 was also amended by section 1 of House Bill No. 1561, chapter 202.

CHAPTER 202

HOUSE BILL NO. 1561
(Representatives Knudson, Martin)
(Senator Quail)

OUT-OF-STATE KINDERGARTEN FOUNDATION PAYMENT

AN ACT to amend and reenact subsection 7 of section 15-40.1-08 of the North Dakota Century Code to allow foundation payments to approved out-of-state kindergarten programs.

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

* SECTION 1. AMENDMENT. Subsection 7 of section 15-40.1-08 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

7. For elementary schools providing kindergartens after June 30, 1980, 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 .49 times the educational support per pupil as provided in section 15-40.1-06 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.

Approved March 5, 1981

- * NOTE: Section 15-40.1-08 was also amended by section 7 of Senate Bill No. 2230, chapter 198, and subsection 7 was also amended by section 1 of House Bill No. 1227, chapter 201.

CHAPTER 203

SENATE BILL NO. 2245
(Hanson, H. Christensen, Fritzell, Tierney)

SCHOOLBUS TRANSPORTATION AID

AN ACT to amend and reenact sections 15-40.1-16, 15-40.1-16.1, and 15-40.1-17 of the North Dakota Century Code to provide transportation aid for school children bused within the city limits.

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

* SECTION 1. AMENDMENT. Section 15-40.1-16 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16. AID FOR TRANSPORTATION. There shall be paid from the county equalization fund and from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, the following amounts:

1. For schoolbuses transporting pupils who live outside the incorporated limits of the city in which the school the pupil is enrolled in is located, a sum equal to twenty cents per mile [1.61 kilometers] for schoolbuses having a capacity of sixteen or fewer pupils and forty cents per mile [1.61 kilometers] for schoolbuses having a capacity of seventeen or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of seventeen or more pupils shall be entitled to an amount equal to fifteen cents per day for each public school pupil living outside the city limits who is transported in such buses, ~~provided that no such payment shall be made for any pupil who lives within the incorporated limits of a city with a population in excess of two hundred fifty and an area in excess of two square miles {518.00 hectares} in which the school in which he is enrolled is located except as provided in section 15-40.1-16.1.~~

* NOTE: Section 15-40.1-16 was also amended by section 11 of Senate Bill No. 2230, chapter 198.

2. For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to seven and one-half cents per pupil per one-way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1 of this section.

The mileage payments provided for in this section shall be made to each school district for transporting pupils to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

* SECTION 2. AMENDMENT. Section 15-40.1-16.1 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.1. TRANSPORTATION AID FOR CERTAIN VOCATIONAL EDUCATION AND SPECIAL EDUCATION PROGRAMS. There shall be paid from the county equalization fund and from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education. Similar payments shall be paid to the school districts transporting pupils for special education programs approved by the superintendent of public instruction. Such amount shall be the same amount for mileage and per day as is provided in subsection 1 of section 15-40.1-16, except that school districts entitled to transportation aid pursuant to this section shall receive such aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether or not such pupils live within the incorporated limits of cities in which the schools in which they are enrolled are located. Provided, however, that no school district shall receive more than one per-pupil payment for transportation regardless of the number of times any pupil is transported in any one day.

SECTION 3. AMENDMENT. Section 15-40.1-17 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-17. APPLICATION FOR TRANSPORTATION PAYMENTS. On or before July fifteenth of each year, the clerk of each school district in this state providing schoolbus transportation shall certify to the county superintendent of schools the following information:

* NOTE: Section 51-40.1-16.1 was also amended by section 12 of Senate Bill No. 2230, chapter 198.

1. For schoolbuses transporting pupils who live outside the incorporated limits of the city in which the school is located, if applicable, the number of schoolbuses operated on a contract basis or owned and operated by the district, the manufacturer's rated pupil capacity of each such bus, the daily mileage each such bus traveled on a schoolbus route during the school year in transporting pupils as provided for in section 15-40.1-16 and in section 15-40.1-16.17.
2. For schoolbuses or commercial buses transporting pupils who live within the incorporated limits of the city in which the school is located, a city plat or plats indicating each school building location, the routes traveled by each bus, the manufacturer's rated capacity and the number of one-way trips either to or from school made by pupils from within the city limits on each bus during the school year.

Each school district clerk shall also certify the amount of transportation payments claimed, and such other information as the superintendent of public instruction may require. On or before the first day of September in each year, the county superintendent of schools shall certify all claims for transportation payments submitted by school districts in the county to the state superintendent of public instruction. At the time the county superintendent of schools certifies such claims to the superintendent of public instruction, he shall also give notice to any district of any disallowance that may have been made by him in the claim for transportation payments. Any district may appeal the decision of the county superintendent of schools to the superintendent of public instruction on or before the fifteenth day of September of any 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.

Approved March 26, 1981

CHAPTER 204

HOUSE BILL NO. 1496
(Representatives Meyer, Schindler)
(Senator Leibhan)

FAMILY SYSTEM TRANSPORTATION REIMBURSEMENT

AN ACT to provide for reimbursement from the foundation aid fund for family system transportation granted by school districts.

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

SECTION 1. INTENT. It is hereby recognized that because of certain geographic and population density factors there are certain areas within the state where the providing of a program of vehicular transportation is not practical financially even though a portion of the cost is met through reimbursement payments from the state foundation aid fund. It is also recognized that in such areas parents are often willing to transport their own children to the school, provided that they receive payments for such transportation under the family system of transportation embodied in section 15-34.2-03. It is hereby found to be equitable that assistance be provided from the foundation aid fund to those districts that are now meeting the full cost of paying parents under the family system of transportation, in order to induce such districts to provide transportation for their pupils as economically as they can.

SECTION 2. SUPERINTENDENT TO MAKE RULES AND REGULATIONS - REIMBURSEMENT TO DISTRICTS FOR FAMILY SYSTEM METHOD OF TRANSPORTATION PAYMENTS. School districts shall be entitled to reimbursement from the foundation aid fund for payments made to persons entitled thereto for transporting pupils under the family system of transportation, section 15-34.2-03, as provided in this Act.

The superintendent of public instruction shall grant such reimbursement to districts entitled thereto at the rate of fifty percent of the actual payment made by the district. Said superintendent shall promulgate rules and regulations establishing under what circumstances a district is eligible to receive such reimbursement. The rules and regulations will take into consideration the following factors:

1. The density of population within the district boundaries.

2. The geographic factors, if any, which impede the furnishing of vehicular transportation.
3. The cost to the district to provide a system of vehicular transportation, including the amount of capital outlay for the purchase of vehicular equipment and the physical facilities for storage and maintenance of the same.
4. Savings to the district that would result if family system reimbursement was granted rather than the providing of vehicular transportation.

The superintendent of public instruction shall administer the reimbursement provided for and shall prepare all forms and statements that may be necessary for school districts to apply for the same.

Payments made by school districts for family system transportation under this Act shall be subject to the provisions of sections 15-34.2-04 and 15-34.2-05.

Approved March 12, 1981

CHAPTER 205

SENATE BILL NO. 2196
(Albers)

HANDICAPPED CHILD'S EDUCATION PAYMENT

AN ACT to amend and reenact section 15-40.2-08 of the North Dakota Century Code, providing for the state to pay for educating handicapped children when neither a parent nor a legal guardian is residing in North Dakota.

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

SECTION 1. AMENDMENT. Section 15-40.2-08 of the 1979 Interim Supplement to 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. For purposes of applying this chapter, the school district in which a child resides shall be construed to be the residence district 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 welfare 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 state-licensed child care home or agency.

Such residence district shall be liable for tuition upon claim of the admitting district, provided that both the residence district and the admitting district be notified of the placement, admission, or court order at the time the 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, 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 shall be liable for the cost of tuition and for the excess educational costs related to such special education unless the 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 ~~welfare~~ social service agency with the consent of the parent or guardian, or the 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 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 March 31, 1981

CHAPTER 206

SENATE BILL NO. 2274
(Grotberg, Tierney)

SCHOOL DISTRICT TUITION CHARGE AUTHORITY

AN ACT to amend and reenact section 15-40.2-12 of the North Dakota Century Code, relating to school district authority to levy for tuition charges.

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

SECTION 1. AMENDMENT. Section 15-40.2-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-12. LEVY FOR TUITION CHARGES PERMITTED. The school board of any school district approving the payment of ~~high--school~~ tuition charges for students in grades seven through twelve or required to make ~~such~~ tuition payments under the provisions of this chapter may levy an amount sufficient to pay tuition charges, which levy shall not be subject to any mill levy limitations prescribed by law.

Approved March 31, 1981

CHAPTER 207

SENATE BILL NO. 2208
(Senators Holmberg, Redlin, Reiten)
(Representatives Black, Mattson, Reed)

SCHOOL ELECTION QUALIFICATIONS OF AIR BASE RESIDENTS

AN ACT to amend and reenact section 15-47-05 of the North Dakota Century Code to allow air base residents to vote in school district elections held pursuant to chapter 15-28; and declaring an emergency.

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

SECTION 1. AMENDMENT. Section 15-47-05 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-05. QUALIFICATIONS OF SCHOOL ELECTORS AND OFFICERS. Any person who is a qualified elector of this state is qualified to vote for the election of school officers in any school district in which he is a resident, and is eligible to the office of school district clerk, or member of the school board, or may be appointed as a judge or clerk of election. The school district clerk need not be a resident of the district. For the purposes of elections held pursuant to ~~this~~ chapter, 15-28 only, a person who resides on an air force base is a resident of a school district if the school district receives students from the air force base pursuant to contract and receives impact aid pursuant to Public Law 81-874, as amended [64 Stat. 1100, 20 U.S.C. 236 et seq.].

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

Approved March 6, 1981

CHAPTER 208

SENATE BILL NO. 2200
(Nelson)

"TEACHER" DEFINED

AN ACT to amend and reenact section 15-47-26 of the North Dakota Century Code, relating to the definition of the word "teacher".

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. DEFINITIONS. 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 ~~learning~~ 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.

Approved March 18, 1981

CHAPTER 209

HOUSE BILL NO. 1336
(Representatives Schindler, Berger, A. Olson)
(Senator Leibhan)

TEACHER DISMISSAL PROCEDURE

AN ACT to amend and reenact subsection 2 of section 15-47-38 of the North Dakota Century Code, relating to dismissal of teachers under the Administrative Agencies Practices Act.

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

* SECTION 1. AMENDMENT. Subsection 2 of section 15-47-38 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The school board of any school district contemplating discharging a teacher for cause prior to the expiration of the term of the teacher's contract shall notify such teacher in writing of such fact at least ten days prior to the date of contemplated discharge. Such teacher shall be informed in writing of the time and place for a special meeting of the school board to be held for such purpose prior to the final decision on the matter. Such teacher shall also be informed in writing of his right to demand a specification of the reasons for such discharge, which must on demand of the teacher be furnished not less than five days prior to said meeting to be held on the question of contemplated discharge. Such reasons shall be sufficient to justify the contemplated action of the board and shall not be frivolous or arbitrary. At the meeting with the board, if the teacher has informed the board in writing at least two days prior thereto that he will contest the charges brought against him, the board must sustain the charges with evidence produced at such hearing with witnesses who shall be subject to cross-examination by the teacher or his representative. A witness, if a minor, shall be accompanied by a parent or parents, legal guardian, or legal counsel, if requested by the minor or the minor's parents. The teacher may then produce such witnesses as may be necessary to refute the charges, which witnesses shall be subject to cross-examination. ~~The proceedings--may,--at--the--request--of--either--party,--be~~

* NOTE: Subsection 2 of section 15-47-38 was also amended by section 1 of Senate Bill No. 2072, chapter 210.

~~transcribed by a court reporter at the expense of the person requesting such transcript and the witnesses may on demand of either party be placed under oath by a person authorized by law to administer oaths. Any person testifying falsely under oath shall be guilty of perjury and punished according to law.~~ 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 29-32-21. The meeting shall be an executive session of the board unless both the school board and the teacher requesting such meeting shall agree that it shall be open to other persons or the public. The teacher may be represented at the meeting by two representatives of his own choosing. 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. If the teacher so requests he shall be granted a continuance of not to exceed seven days by the board unless for good cause otherwise shown. 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.

Approved March 2, 1981

CHAPTER 210

SENATE BILL NO. 2072
(Legislative Council)
(Interim Judiciary "C" Committee)

TEACHER'S CONTRACT SESSION ATTENDEES

AN ACT to amend and reenact subsections 2 and 5 of section 15-47-38 of the North Dakota Century Code, relating to the procedures to be followed by school boards in discharging a teacher for cause or failing to renew the contract of a teacher.

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

* SECTION 1. AMENDMENT. Subsection 2 of section 15-47-38 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The school board of any school district contemplating discharging a teacher for cause prior to the expiration of the term of the teacher's contract shall notify ~~such~~ the teacher in writing of ~~such~~ that fact at least ten days prior to the date of contemplated discharge. ~~Such~~ The teacher shall be informed in writing of the time and place for a special meeting of the school board to be held ~~for such purpose on the question of the teacher's discharge~~ prior to ~~the~~ a final decision on the matter. ~~Such~~ The teacher shall also be informed in writing of his right to demand a specification of the reasons for ~~such~~ discharge, which must ~~on~~, upon receipt of the demand of the teacher, be furnished not less than five days prior to ~~said~~ the meeting to be held on the question of ~~contemplated~~ the teacher's discharge. ~~Such~~ The reasons shall be sufficient to justify the contemplated action of the board and shall not be frivolous or arbitrary. At the meeting with the board, if the teacher has informed the board in writing at least two days prior thereto that he will contest the charges brought against him, the board must sustain the charges with evidence produced at ~~such~~ the hearing with witnesses who shall be subject to cross-examination by the teacher or his representative. The teacher may then produce such witnesses as may be necessary to refute the charges, which witnesses shall be subject to cross-examination. The proceedings may, at the request of

* NOTE: Subsection 2 of section 15-47-38 was also amended by section 1 of House Bill No. 1336, chapter 209.

either party, be transcribed by a court reporter at the expense of the person requesting such the transcript and the witnesses may on demand of either party be placed under oath by a person authorized by law to administer oaths. Any person testifying falsely under oath shall be guilty of perjury and punished according to law. The meeting shall be an executive session of the board unless both the school board and the teacher requesting such the meeting shall agree that it shall be open to other persons or the public. The teacher may be represented at the meeting by 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. If the teacher so requests he shall be granted a continuance of not to exceed seven days by the board unless for good cause otherwise shown. 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.

SECTION 2. AMENDMENT. Subsection 5 of section 15-47-38 of the 1977 Pocket Supplement to 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 such 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. Such The teacher shall also be informed in writing of the reasons for such nonrenewal. Such 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 such 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 such 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. Upon-such-hearing 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 March 18, 1981

CHAPTER 211

HOUSE BILL NO. 1303
(Representatives Gorder, Olafson, A. Olson)
(Senators Lee, Tennefos, Vosper)

SILENT MEDITATION OR PRAYER IN SCHOOL

AN ACT to authorize a period of silent meditation in public schools, and to give public school boards the discretion to direct that all schools in a school district provide such a period of meditation.

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

SECTION 1. SCHOOLS - PERIOD OF SILENCE. At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which such class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period, silence shall be maintained and no activities engaged in. The school board of any public school district may, in its discretion, direct that all public schools within that school district shall provide a period of silence in each classroom in accordance with the provisions of this section.

Approved March 11, 1981

CHAPTER 212

HOUSE BILL NO. 1234
(Matchie)

SCHOOL SAFETY PATROLS

AN ACT to provide for the establishment of school safety patrols.

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

SECTION 1. SCHOOL SAFETY PATROLS AUTHORIZED. In the exercise of authorized control and supervision over students attending public or private schools and other educational institutions in this state, the governing boards or other directing authorities of those schools or institutions may authorize the organization and supervision of school safety patrols to influence and encourage students to refrain from crossing any highway, street, or road at points other than at regular crossings and to direct students when and where to cross highways, streets, and roads.

SECTION 2. WHO MAY BE APPOINTED. School authorities may appoint school patrols and, in the case of an appointment of a minor to a school patrol, the parents' or legal guardian's written consent must be obtained.

Approved March 2, 1981

CHAPTER 213

HOUSE BILL NO. 1637
(Swiontek, Kelly)

FARGO BOARD OF EDUCATION TREASURER

AN ACT to amend and reenact sections 15-51-12, 15-51-14, 15-51-15, 15-51-16, and 15-51-22 of the North Dakota Century Code, relating to powers and duties of the Fargo school district board of education, and providing for the appointment by the Fargo board of education of a board treasurer.

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

SECTION 1. AMENDMENT. Section 15-51-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-51-12. TAX COLLECTION - EXTENDING ON ASSESSMENT ROLL AND TAX LIST. The tax so to be levied as aforesaid and collected by virtue of this ~~act~~ chapter, shall be collected in the same manner as other city taxes, and for that purpose said board of education shall have power to levy and cause to be collected, such taxes as are herein authorized, and shall cause the rate for each purpose to be certified by the secretary to the city auditor in time to be added to and put upon the annual tax list of the city, ~~and it.~~ It shall be the duty of the city auditor to calculate and extend upon the annual assessment roll and tax list, such tax so levied by said board, and said tax shall be collected as other city taxes are collected, and in case. If the city council ~~shall fail~~ fails to levy any tax for city purposes or ~~shall fail~~ fails to cause an assessment roll or tax list to be made as now or hereafter may be provided by ordinance, the board of education may cause an assessment roll and tax list to be made by its secretary, and put into the hands of the city ~~treasurer~~ auditor, with a warrant for the collection of the same under the hand of the president and seal of the board and attested by the secretary, and may cause the same to be collected in the same manner as other city taxes are collected, or as may by resolution of said board be provided.

SECTION 2. AMENDMENT. Section 15-51-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-51-14. MONEY RAISED, APPROPRIATED, OR PROVIDED TO BE PAID TO ~~THE~~ TREASURER TO CREDIT OF BOARD. All moneys to be raised

pursuant to the provisions of this chapter, and all school moneys which shall by law be appropriated to or provided for said city, shall be paid over to the ~~city~~ treasurer of ~~said city to the credit of~~ the board of education, and the county treasurer of Cass County, from time to time as he shall receive the county school funds, and at least once in each month on the first Monday thereof, shall pay over to the ~~said city~~ treasurer the proportion thereof belonging to ~~said~~ the city, the same as though ~~said~~ the city constituted one school district, and for that purpose ~~said~~ the board shall have power to cause all needful steps to be taken, including census reports or other acts or things, to enable ~~said~~ the board to receive the school moneys belonging to said city, as fully and completely as though said city formed one of the school districts of Cass County.

SECTION 3. AMENDMENT. Section 15-51-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-51-15. ~~CITY-TREASURER-TO-ACT-AS~~ TREASURER OF BOARD - BOND - ACCOUNTABILITY ON, FAILURE TO GIVE - EFFECT. The ~~treasurer of~~ ~~said city shall serve as treasurer of~~ ~~said~~ board of education ~~without compensation and~~ shall appoint a treasurer who shall hold office at the pleasure of the board and whose compensation shall be fixed by the board. The treasurer shall give bonds a bond to such the board of education in such ~~sums~~ sum and with such conditions and sureties, as they from time to time shall require in order to insure the safekeeping of the school funds, ~~which shall be in addition to his other bonds,~~ and the said treasurer and his sureties upon ~~such bonds~~ his bond shall be accountable to the board for the school moneys that came into his hands, ~~and in case of the failure of such.~~ If the treasurer fails to give such bonds a bond when required so to do by said board, within ten days thereafter, ~~such~~ the treasurer's office shall become be deemed vacant, and the ~~mayer and council of~~ said city board shall appoint another person ~~in his place to serve until the next annual election in said city,~~ and ~~until his successor shall be elected and qualified~~ as treasurer.

SECTION 4. AMENDMENT. Section 15-51-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-51-16. MONEY TO BE RAISED - HOW PAID IN - DEPOSITED ~~TO~~ CREDIT WITH TREASURER OF BOARD - HOW PAID OUT. All moneys required to be raised by virtue of this chapter shall be paid in cash, or in the warrants hereinafter provided, drawn on the school funds ~~only and such moneys and all.~~ All moneys received by said city for the use of the common schools therein, the school district shall be deposited for safekeeping with the treasurer of said city, to the credit of the board of education, and shall be by him safely kept separate and apart from any other funds of said city. Such funds shall be kept by the treasurer until drawn from said the treasury as herein provided. The treasurer shall pay out the moneys authorized by this act chapter to be received by him upon warrants drawn by the president and countersigned by the secretary and attested by the seal of the board of education.

SECTION 5. AMENDMENT. Section 15-51-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-51-22. REPORTS OF RECEIPTS AND DISBURSEMENTS. It shall be the duty of ~~said~~ the board, at least fifteen days before the annual ~~school board~~ election ~~of members of said board in each year~~, to prepare and report to the mayor and city council, true and correct statements of the receipts and disbursements of moneys under ~~and in~~ ~~pursuance of~~ the provisions of this ~~act~~ chapter, during the preceding year, which shall be stated under appropriate heads:

1. The moneys raised by the board under section 15-51-11~~7~~.
2. The school moneys received by the treasurer of the ~~city~~ board from the county treasurer~~7~~.
3. The moneys received by the treasurer of the ~~city~~ board from the sale of bonds~~7~~.
4. All other moneys received by the ~~city~~ board treasurer of the board subject to the order of the board of education, specifying the sources from which they have been derived, and to these ends, the ~~city~~ board treasurer shall make a report to ~~said~~ the board when ~~required~~, and as required of all school moneys received and disbursed by him~~7~~.
5. The manner in which all moneys paid out have been expended, specifying the amount under each head of expenditure, and the city council shall at least one week before ~~such~~ the election, cause the same to be published in the official newspaper of ~~said~~ the city.

Approved March 5, 1981

CHAPTER 214

HOUSE BILL NO. 1090
(Wagner)

MEDICAL CENTER ADVISORY COUNCIL MEETINGS

AN ACT to amend and reenact section 15-52-03 of the North Dakota Century Code, relating to the meetings of the medical center advisory council.

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

SECTION 1. AMENDMENT. Section 15-52-03 of the 1977 Pocket Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-03. MEDICAL CENTER ADVISORY COUNCIL - MEMBERS, TERMS, MEETINGS. In order to assure the proper coordination and integration of the North Dakota state medical center with all other health and welfare activities of the state, a permanent medical center advisory council is hereby established to advise, consult, and make recommendations to the university administration, and to the several agencies represented on said medical center advisory council concerning the program of the North Dakota state medical center, the adaptation thereof to the needs of the state and to the requirements and facilities of the several agencies involved, and the use of the North Dakota state medical center and its facilities by the various institutions and agencies of the state and its political subdivisions. The medical center advisory council shall consist of eleven members, two to be named by the governor, one to be named by and from the membership of each of the following: The social service board of North Dakota, the state board of higher education, or such boards or departments as shall succeed them or any of them; the state health officer of the North Dakota state department of health; the North Dakota state medical association; and the North Dakota hospital association; and the remaining four members shall be the persons serving as ~~directors~~ chairmen of the area health education ~~centers~~ center governing bodies in Grand Forks, Fargo, Bismarck, and Minot, North Dakota.

The representatives named by the state agencies and boards above referred to shall be selected to serve as members of the medical center advisory council for periods of at least one year,

but in no instance may they serve longer than their term of office on the public agency.

The representatives from the North Dakota state medical association and the North Dakota hospital association shall serve a term of three years or until their successors are named and qualified.

The two members appointed by the governor shall serve for three-year terms as representatives of the public at large. The directors of the area health education centers shall serve during the term of their directorships. The medical center advisory council shall name its own chairman and the dean of the university of North Dakota medical school shall serve as executive secretary thereof. The medical center advisory council shall meet ~~in January and June of~~ not less than twice each year, and, from time to time, on its own motion or upon request of the university administration, to consider plans and programs of action for the North Dakota state medical center, and make its recommendations thereon to the several agencies of the state and its political subdivisions involved and to the ~~legislature~~ legislative assembly.

Approved January 30, 1981

CHAPTER 215

SENATE BILL NO. 2232
(Senators Tierney, Lips)
(Representative Martinson)

JUNIOR COLLEGE BOND ISSUE MAXIMUM

AN ACT to amend and reenact section 15-55-18 of the North Dakota Century Code, relating to bond issue for community junior colleges and off-campus educational centers.

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

SECTION 1. AMENDMENT. Section 15-55-18 of the 1977 Pocket Supplement to 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. The school board of any a school district having a community junior college or off-campus educational center as provided in chapter 15-18 ~~is hereby authorized and empowered to~~ 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 ~~such the~~ bonds shall not exceed ~~two and one-half~~ four million dollars. The bonds authorized by this section shall be retired from revenues of the buildings and facilities purchased or constructed under ~~the provisions of~~ 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 of ~~North Dakota.~~

Approved March 26, 1981

CHAPTER 216

SENATE BILL NO. 2422
(Senator Hanson)
(Representative Swiontek)

STATE UNIVERSITY STUDENT HOUSING BONDS

AN ACT to amend and reenact section 1 of chapter 256 of the 1979 Session Laws of North Dakota, authorizing the state board of higher education to issue revenue bonds for the construction of student housing at North Dakota state university of agriculture and applied science.

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

SECTION 1. AMENDMENT. Section 1 of chapter 256 of the 1979 Session Laws of North Dakota is hereby amended and reenacted to read as follows:

SECTION 1. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSE. In accordance with chapter 15-55, the state board of higher education is hereby authorized and empowered to issue and sell bonds for the purpose of constructing student housing facilities at North Dakota state university of agriculture and applied science, in an amount not to exceed ~~two~~ 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.

Approved March 11, 1981

CHAPTER 217

HOUSE BILL NO. 1342
(Kuchera, Reiten)

UNIVERSITY STEAM MAIN REVENUE BONDS

AN ACT to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing facility at the university of North Dakota; to make an appropriation; to set a limitation and provide for an exception; 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, 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 a revenue-producing steam main 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 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 equipment of the facility authorized in section 1. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds.

SECTION 3. LIMITATION - EXCEPTION. Funds used for construction and equipment of the authorized facility shall not exceed the amount authorized in section 1, except to the extent that funds received from private or federal sources exceed the authorized amount.

SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved February 18, 1981

CHAPTER 218

SENATE BILL NO. 2276
(Senator Stenehjem)
(Representative Reiten)

UNIVERSITY STUDENT HOUSING REVENUE BONDS

AN ACT to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing facility at the university of North Dakota; to provide an appropriation; to set a limitation and provide an exception; 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, 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 a revenue-producing student housing facility at the university of North Dakota at Grand Forks. 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 resulting from the sale of the bonds authorized by section 1, 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. Any unexpended balances from the sale of the bonds shall be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 3. LIMITATION - EXCEPTION. Funds used for construction and equipment of the facility authorized by this Act shall not exceed the amount authorized in section 1, except to the extent that funds received from private or federal sources exceed the authorized amount.

SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Approved March 19, 1981

CHAPTER 219

SENATE BILL NO. 2281
(Senator Thane)
(Representative R. Hausauer)

SCHOOL OF SCIENCE PARKING LOT
REVENUE BONDS

AN ACT to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct revenue-producing facilities at the state school of science; and to make an appropriation.

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, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not to exceed one hundred thousand dollars for the purpose of constructing revenue-producing parking lots at the state school of science. 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 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 equipment of the facility authorized in section 1. Any unexpended balances from the sale of bonds shall be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 3. LIMITATION - EXCEPTION. Funds used for the construction equipping of the authorized facilities shall not exceed the amount authorized in section 1, except to the extent the funds received from private or federal sources exceed the authorized amount.

Approved March 19, 1981

CHAPTER 220

HOUSE BILL NO. 1153
(Committee on Education)

(At the request of the Department of Public Instruction)

"EXCEPTIONAL CHILD" DEFINED

AN ACT to amend and reenact subsection 1 of section 15-59-01 of the North Dakota Century Code, relating to the definition of an exceptional child.

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 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Exceptional child" means a natural person ~~not-less-than three-or-more--than--twenty-one--years--of--age~~ 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.

Approved March 16, 1981

CHAPTER 221

SENATE BILL NO. 2153
(Committee on Education)
(At the request of the Department of Public Instruction)

SPECIAL EDUCATION SERVICES

AN ACT to provide a statement of legislative intent; to amend and reenact sections 15-59-06 and 15-59-08 of the North Dakota Century Code, relating to the state cooperation in special education and levy limitations for special education programs.

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

SECTION 1. LEGISLATIVE INTENT - SPECIAL EDUCATION. This statement of legislative intent is provided to define more clearly the relationship between the state, school districts, and parents of handicapped children in the provision of special education and related services. "Related services" means transportation and such developmental and corrective or supportive services required to assist a handicapped child to benefit from special education.

The school administrator or his appointed representative or director of special education other than the child's teacher is responsible for bringing together professionals and parents to share assessment information related to all areas of suspected disability, develop an individualized education program plan for the handicapped student and make recommendations for required special education and related services.

The legislative assembly believes that in order to assure equality of services which are provided for by limited state funds, the department of public instruction will be required to approve a contract for services based on an individualized education program developed for each handicapped student placed in a private school program or in programs outside the student's original special education unit.

The legislative assembly recognizes that a handicapped student whose individualized education program so requires is entitled to an educational program in excess of one hundred eighty days per year if regression caused by an interruption in educational programming, together with a student's limited recoupment capacity, renders it impossible or unlikely that the student will attain the level of

self-sufficiency and independence from caretakers that the student would otherwise be expected to reach in view of the handicapping condition. All summer programs attended by these students must have approval of the department of public instruction before receiving foundation aid or state special education reimbursement.

In the case of handicapped students who require boarding care away from the family residence in order to receive special education and related services in an approved program, it is the intent of the legislative assembly that the instructional costs and costs of related services, except for boarding care, be borne by state special education funds and school district funds. It is the intent of the legislative assembly that boarding care costs be paid by state social service funds.

"All handicapped children have the right to a free appropriate education" means that all handicapped students have the right to special education and related services which must be provided at no cost to parents. "At no cost" means specifically designed instruction provided without charge but does not preclude expenses normally incurred or charged to parents of nonhandicapped children. Parents will assume such costs for a handicapped child as they would if the child was not handicapped. Personal items, including, but not limited to, hearing aids, eyeglasses, routine medical expenses, physical exams, medications, and all items necessary for a nonhandicapped child, will be the financial responsibility of the parent.

School districts must require use of family insurance, or similar third party payments, in whatever amount is allowed, for determining a child's medically related handicapping condition which results in the child's need for special education and related services. It is the school district's responsibility to assume costs not covered by the insurer or similar third party in the above situation.

The school district in which a handicapped student resides is responsible to provide transportation for the student as prescribed in the student's individualized education program.

Costs of transportation for the student to attend an approved special education program are the responsibility of the school district with aid from the department of public instruction.

The district of residence may use any reasonably prudent and safe means of transportation at its disposal to carry out the requirements of the individualized education program. Such means may include, but not be limited to, a regularly scheduled schoolbus, public or commercial transportation where appropriate, charter or specially contracted transportation, or transportation provided by a handicapped student's parent or other responsible party at school district expense.

If the transportation between the district of residence and the educational facility is provided by the parents, the reimbursement to the school district from department of public instruction funds shall be for mileage costs only and shall not include per diem costs for meals, lodging, lost wages, or other costs of any kind.

As the state department of health has authority under chapter 25-16 to provide early intervention services to meet the needs of handicapped children ages zero through two years, the legislative assembly recognizes this provision and requires the department of public instruction, the state department of health, and the department of human services to cooperate in planning and coordinating programs for these children.

* SECTION 2. AMENDMENT. Section 15-59-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-06. STATE COOPERATION IN SPECIAL EDUCATION. Exceptional children who are enrolled in approved programs of special education shall be deemed to be regularly enrolled in the ~~school and school districts providing such program~~ school district of residence and shall be included in the determination of elementary and high school per-pupil payments from the county equalization fund and state foundation aid program whether or not such pupils are regularly attending school in the school or school district receiving such payments. In the case of a student who is enrolled in a nonpublic school but who is attending a public school special education program, payments shall be made to the appropriate public school district in relation to the proportion of a normal school day as such student participates in such special education program. For the purposes of this section, a normal school day shall be deemed to consist of six hours. Upon the determination by the director of special education that the school district has made expenditures for each exceptional child in such program equal to the average expenditures made in such district for elementary or high school students, as the case may be, ~~and that the parents of a child receiving special education under such program, or the legally responsible person, have made adequate efforts to provide needed education or that adequate reasons otherwise exist for the provision of special education to such child,~~ the director by vouchers drawn upon funds provided by the legislative assembly for such purpose may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for ~~transportation, equipment, and residential care~~ the cost of related services. If any school district within a special education unit has any handicapped elementary or high school student who, in the opinion of a qualified psychologist, a medical doctor, district superintendent, and the district or multidistrict

* NOTE: Section 15-59-06 was also amended by section 1 of House Bill No. 1252, chapter 222, and by section 17 of Senate Bill No. 2230, chapter 198.

director of special education, is unable to attend the public schools in the special education unit because of a handicapping condition, such school district shall contract with an in-state public school outside the special education unit in which the student is a legal resident which will accept such student and has proper facilities for the education. No school district shall enter into a contract with any in-state public school for the education of any student because of a handicapping condition, unless the curriculum provided by such school and the contract has been approved in advance by the superintendent of public instruction. The contract shall provide that such school district agrees to pay to the in-state public school 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 shall not exceed the actual per-pupil cost incurred by such in-state public school. The transportation shall be furnished as provided by rules and regulation of the department of public instruction. The remainder of the actual cost of educating the handicapped student not covered by other payments or credits shall be paid from funds provided by the legislative assembly for such purpose. The department of public instruction may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for the cost of related services.

SECTION 3. AMENDMENT. Section 15-59-08 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-08. SCHOOL DISTRICT SPECIAL EDUCATION PROGRAM - FINANCING - LEVY - LIMITATIONS OF LEVY. The school board of any school district may budget funds from the school district general fund for a special education program for the school district. ~~if the school district is located in a county which is not levying a county tax for special education, the~~ The school board may, upon approval by a majority of the school board, levy a tax not to exceed a total of ~~five~~ ten mills upon all taxable property in the school district for the purpose of carrying out a special education program for the school district, separately or, ~~whenever possible,~~ in cooperation with other school districts. ~~Funds presently in the county special education program will be prorated back to all school districts within the county or multidistrict special education board by a majority vote of the county special education board.~~ The levy provided in this section shall be over and above any mill levy limitations provided by law and shall be collected and paid in the same manner as are other school district property taxes. The county treasurer shall credit the proceeds of the tax levy to a school district special education fund. Such funds shall be expended for the school district special education program.

Approved April 3, 1981

CHAPTER 222

HOUSE BILL NO. 1252
(Representatives Olsen, Goetz)
(Senator Reiten)

SPECIAL EDUCATION SUMMER SCHOOL AID

AN ACT to amend and reenact section 15-59-06 of the North Dakota Century Code, relating to foundation aid payments for summer school programs for special education pupils.

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

* SECTION 1. AMENDMENT. Section 15-59-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-06. STATE COOPERATION IN SPECIAL EDUCATION. Exceptional children who are enrolled in approved programs of special education shall be deemed to be regularly enrolled in the school and school districts providing such program and shall be included in determination of elementary and high school per-pupil payments from the county equalization fund and state foundation aid program whether or not such pupils are regularly attending school in the school or school district receiving such payments. A prorated state foundation aid payment for a student to attend a public school program for handicapped students, approved by the superintendent of public instruction, may be made provided that the individualized education program for the child is written during the last quarter of the school term and specifically requires that the child attend a summer special education program. In the case of a student who is enrolled in a nonpublic school but who is attending a public school special education program, payments shall be made to the appropriate public school district in relation to the proportion of a normal school day as such student participates in such special education program. For the purposes of this section, a normal school day shall be deemed to consist of six hours. Upon the determination by the director of special education that the school district has made expenditures for each exceptional child in such program equal to the average expenditures made in such district for elementary or high school students, as the case may be, and that the parents of a child receiving special education under such program, or the legally responsible person, have made adequate efforts to provide needed education or that adequate reasons otherwise exist for the provision

* NOTE: Section 15-59-06 was also amended by section 2 of Senate Bill No. 2153, chapter 221, and by section 17 of Senate Bill No. 2230, chapter 198.

of special education to such child, the director by vouchers drawn upon funds provided by the legislative assembly for such purpose may provide reimbursement to such school or school district in an amount not exceeding three times the state average per-pupil cost of education computed by the department of public instruction for the previous school year for such child per year for instruction and four times the state average per-pupil cost of education computed by the department of public instruction for the previous year for such child per year for transportation, equipment, and residential care.

Approved March 18, 1981

CHAPTER 223

HOUSE BILL NO. 1435
(Representatives G. Larson, Hoffner)
(Senator Erickson)

STATE INSTITUTION RESIDENT'S TRAVEL REIMBURSEMENT

AN ACT to amend and reenact section 15-59-07, subsection 3 of section 25-04-05, and sections 25-04-05.2, 25-06-04, and 25-07-04 of the North Dakota Century Code, relating to transportation costs to and from state institutions.

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

SECTION 1. AMENDMENT. Section 15-59-07 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-07. CONTRACTS FOR HANDICAPPED CHILDREN TO ATTEND PRIVATE OR OUT-OF-STATE PUBLIC SCHOOLS. If any school district in this state has any handicapped elementary or high school student who in the opinion of a qualified psychologist, a medical doctor, and the district superintendent is unable to attend the public schools in the district because of a physical or mental handicap or because of a learning disability, such school district shall contract with any accredited private nonsectarian nonprofit corporation within or without the state or an out-of-state public school which has proper facilities for the education of such student, if there are no public schools in the state with the necessary facilities which will accept such student. No school district shall enter into a contract with any private nonsectarian nonprofit corporation or out-of-state public school for the education of any student having a physical handicap or learning disability, unless the curriculum provided by such school and the contract has been approved in advance by the superintendent of public instruction. The contract shall provide that such school district agrees to pay to the private nonsectarian nonprofit corporation or the out-of-state public school 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 shall not exceed the actual per-pupil cost incurred by such private, nonsectarian nonprofit corporation or out-of-state public school. The transportation shall be furnished and reimbursed as

provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for ~~at least eighty percent of the costs incurred by it in providing transportation for the applicant.~~ ~~The reimbursement shall not be for~~ not more than ~~six~~ the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials. The remainder of the actual cost of educating the handicapped student not covered by other payments or credits shall be paid from funds appropriated by the legislative assembly for special education notwithstanding limitations cited in section 15-59-06. The district of residence shall be entitled to the per-pupil foundation payment. The reimbursement herein provided to the contracting district from the state special education funds shall be in lieu of any other foundation aid to which the district might otherwise be entitled.

SECTION 2. AMENDMENT. Subsection 3 of section 25-04-05 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. ~~On and after July 17, 1975, care~~ Care and treatment at the state school shall be provided without charge to anyone under twenty-one years of age who is qualified for admission pursuant to this chapter. Residents not more than twenty-one years of age admitted to the state school shall be entitled to transportation as provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for ~~at least eighty percent of the costs incurred by it in providing transportation for the applicant.~~ ~~The reimbursement shall not be for~~ not more than ~~six~~ the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials. ~~On and after July 17, 1975,~~ persons Persons over twenty-one years of age who are qualified for admission pursuant to this chapter shall be responsible for expenses incurred through care and treatment at the state school in the manner provided by chapter 25-09.

SECTION 3. AMENDMENT. Section 25-04-05.2 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-04-05.2. SAN HAVEN - TRANSPORTATION COSTS - PAYMENT LIMITED. All residents not more than twenty-one years of age admitted to San Haven shall be entitled to transportation as

provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for ~~at least eighty percent of the costs incurred by it in providing transportation for the applicant. The reimbursement shall not be for~~ not more than six the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials.

SECTION 4. AMENDMENT. Section 25-06-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-06-04. QUALIFICATIONS FOR ADMISSION TO SCHOOL FOR THE BLIND - RESIDENTS OF STATE ENTITLED TO FREE EDUCATION. Applicants for admission to the school for the blind must be blind or partially blind and unable to make suitable progress in the public schools of the state. The superintendent, with the approval of the director, may determine the age required for admission. The superintendent shall furnish application blanks upon request, and no person shall be admitted to the institution until the application giving such information as the director may require has been returned to and approved by the superintendent of the school for the blind. An applicant admitted to the school for the blind shall be entitled to transportation as provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for ~~at least eighty percent of the costs incurred by it in providing transportation for the applicant. The reimbursement shall not be for~~ not more than six the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials. Each such applicant who is a resident of this state and who, because of his handicap, is unable to receive an education in the public schools, shall be entitled to receive an education in the school for the blind at the expense of the state.

SECTION 5. AMENDMENT. Section 25-07-04 of the 1979 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

25-07-04. QUALIFICATIONS FOR ADMISSION TO SCHOOL FOR DEAF - RESIDENTS OF STATE ENTITLED TO FREE EDUCATION. In order to be admitted as a pupil in the school for the deaf, an applicant's hearing must be impaired to such extent that he cannot make suitable progress in the public schools of the state. The superintendent, with the approval of the director, may determine the age required for admission. The superintendent shall furnish application blanks upon request, and no person shall be admitted to the institution until the application giving such information as the director of

institutions may require has been returned to and approved by the superintendent. An applicant admitted to the school shall be entitled to transportation as provided by rules and regulations of the department of public instruction. The rules and regulations of the department of public instruction shall have the force and effect of law on other state agencies and public school districts. The school district of which the applicant is a resident shall be reimbursed by the state special education fund for ~~at least eighty percent of the costs incurred by it in providing transportation for the applicant.~~ ~~The reimbursement shall not be for~~ not more than ~~six~~ the number of round trips home per year provided for in the individualized education program at a rate not to exceed that paid state officials. Each such applicant who is a resident of this state and who, because of his handicap, is unable to receive an education in the public schools, shall be entitled to receive an education in the school for the deaf at the expense of the state.

Approved March 31, 1981

CHAPTER 224

SENATE BILL NO. 2092
(Committee on Appropriations)
(At the request of the Department of Public Instruction)

STATE SCHOOL CONSTRUCTION FUND

AN ACT to amend and reenact subsection 2 of section 15-60-03 of the North Dakota Century Code, relating to the value of property for determining the maximum limit of indebtedness; and to provide an appropriation for the state school construction fund.

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

SECTION 1. AMENDMENT. Subsection 2 of section 15-60-03 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. The board shall have no power at any time or in any manner to pledge the credit or taxing power of the state or any other school districts. No obligations or debts of the board shall be deemed to be obligations of the state or any other school districts, and the state or any other school districts shall not be liable for the payment of principal or interest on such obligations. The board shall at no time enter into any contract with a school district under the provisions of this chapter, unless such school district is at that time annually levying a sufficient mill levy which the board has determined will provide for repayment of the contracted loan within twenty years after the initial payment from the state school construction fund to the school district, but a school district shall not borrow more than thirty percent of the taxable valuation of the district from the fund and shall not be permitted to levy less than ten mills for the maintenance of a building fund. The levy required by this section for repayment must be maintained over the life of the contract with the board, and the school district must have at the time of the loan an existing indebtedness to the maximum limit permitted by law. In determining whether a school district has an existing indebtedness to the maximum limit permitted by law for purposes of this section, the value of taxable property means twice the net

value of all taxable property in the school district rather than six times such value as provided in subsection 4 of section 21-03-01.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much thereof as may be necessary, to the state school construction fund for the purpose of constructing and improving public school buildings and furnishing and equipping the same.

Approved April 8, 1981

CHAPTER 225

SENATE BILL NO. 2197
(Lodoen)

STATE SCHOOL CONSTRUCTION FUND
LOAN LIMITATION

AN ACT to amend and reenact section 15-60-04 of the North Dakota Century Code, relating to the limit the state board of public school education may loan from the state school construction fund to a single school district.

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

SECTION 1. AMENDMENT. Section 15-60-04 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-04. LIMITATIONS OF PURPOSES AND AMOUNT EXPENDED. The board may expend for construction or improvements for any district thirty percent of its taxable valuation, but not to exceed ~~two~~ three million dollars to any one school district. No money shall be expended for gymnasiums or auditoriums except that in the event an entire school unit is constructed, the auditorium or gymnasium may be considered as part of the total plant and the district may be eligible, provided priority shall first be given the construction and improvements of school units not including an auditorium or gymnasium.

Approved March 5, 1981

CHAPTER 226

SENATE BILL NO. 2147
 (Committee on State and Federal Government)
 (At the request of the Bank of North Dakota)

STUDENT LOAN GUARANTEE PROGRAM ADMINISTRATION

AN ACT to amend and reenact section 15-62.1-01 of the North Dakota Century Code, relating to the administration of the student loan guarantee program.

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

SECTION 1. AMENDMENT. Section 15-62.1-01 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-01. GUARANTEE LOAN PROGRAM - ADMINISTRATION - ADVISORY BOARD. The Bank of North Dakota, hereinafter called the "agency", shall be the state agency designated to administer a state guarantee loan program, as provided in this chapter. The industrial commission shall appoint an advisory board consisting of a representative of the board of higher education, two representatives of the financial community, three representatives of both public and private education, one student, one representative of the Bank of North Dakota who is involved in the loan function, and one lay person. The industrial commission shall solicit nominations from the appropriate constituent groups. The constituent groups may include, but are not limited to, the North Dakota bankers association, the state credit union board, the state savings and loan association, the accredited or approved postsecondary institutions in the state, the North Dakota student association, the state board of higher education, and the Bank of North Dakota. The advisory board of directors to the Bank of North Dakota appointed pursuant to chapter 6-09.1 shall act in an advisory capacity concerning the program. The agency, upon recommendation of the advisory board and subject to approval of the industrial commission, may expend moneys from the interest earned on the principal balance in the reserve fund established pursuant to this chapter as may be necessary to implement and administer the program.

Approved March 11, 1981

CHAPTER 227

HOUSE BILL NO. 1071
(Legislative Council)
(Legislative Audit and Fiscal Review Committee)

STATE SCHOLARSHIP REVOLVING FUND ASSETS

AN ACT to amend and reenact section 15-62.1-13 of the North Dakota Century Code, relating to the state scholarship revolving fund.

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

SECTION 1. AMENDMENT. Section 15-62.1-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.1-13. STATE SCHOLARSHIP BOARD--TO-DISCONTINUE-MAKING
LOANS REVOLVING FUND - STUDENT LOAN COLLECTIONS - UNCOLLECTIBLE
LOANS. The state-scholarship-board-shall-discontinue-making-loans
under-chapter-15-62-of-the-North-Dakota-Century-Code, and the funds
in the state scholarship revolving fund along with the available
interest on such moneys and subsequent payments of interest and
principal received from students shall be transferred by the Bank of
North Dakota to a special fund in the bank to serve as a reserve
fund for a state guarantee loan program in-a-special-fund-in-the
bank. The bank and-the-state-scholarship-board shall continue to
collect all outstanding loans and provide such other services as may
be necessary to collect such loans, and may cease collection efforts
on loans determined uncollectible by action of the industrial
commission.

Approved February 4, 1981

CHAPTER 228

HOUSE BILL NO. 1552
(Unhjem)

PRIVATE TUITION ASSISTANCE GRANT PROGRAM

AN ACT to amend and reenact subsection 1 of section 15-62.3-01 and sections 15-62.3-04 and 15-62.3-06 of the North Dakota Century Code, relating to the private tuition assistance grant program.

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

SECTION 1. AMENDMENT. Subsection 1 of section 15-62.3-01 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. "Accredited private institution" means an institution of higher learning located in North Dakota which is operated privately and not controlled or administered by any state agency or subdivision of the state, and which is accredited by the north central association of colleges and secondary schools or the accrediting association of bible colleges.

SECTION 2. AMENDMENT. Section 15-62.3-04 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.3-04. TUITION ASSISTANCE GRANT MAXIMUM. The maximum amount of a tuition assistance grant to a qualified full-time resident student for each academic year consisting of two semesters is the lesser of (a) the amount of the student's financial need for that period, (b) the difference between the tuition charged by the accredited private institution and the highest undergraduate tuition charged by state colleges or universities, or (c) one thousand five hundred dollars. The maximum amount of a tuition assistance grant to a qualified half-time resident student is one-half the amount which would be paid to a qualified full-time resident student.

SECTION 3. AMENDMENT. Section 15-62.3-06 of the 1979 Interim Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62.3-06. DISTRIBUTION OF GRANT FUNDS. ~~Subject to section 15-62.3-04, the agency shall distribute available grant funds among qualified students so as to reduce the unmet financial need to the same amount for each student. The total funds appropriated for tuition assistance grants are to be equally divided for awarding grants during each academic year of the appropriation.~~ Subject to the maximum amount of a tuition assistance grant pursuant to section 15-62.3-04, each eligible student shall receive a grant in an amount which, for the first year of each biennium, is the product of the student's financial need and the quotient obtained by dividing one-half of the tuition assistance funds available for the biennium by the aggregate financial needs of all qualified students, and for the second year of each biennium, the amount of the grant for each eligible student is the product of the student's financial need and the quotient obtained by dividing the funds available for that year by the aggregate financial needs of all qualified students. The agency shall pay one-half of the tuition assistance grant to the student at the beginning of the fall semester and one-half to the student at the beginning of the spring semester upon receipt of certification by the accredited private institution that the student is enrolled and is in attendance. If the student discontinues attendance before the completion of any term, any refund to the student, repayment to the tuition assistance grant fund, or both, shall be governed by the published refund or repayment policy of the institution. The distribution of tuition assistance grant funds shall be by warrant-check prepared by the department of accounts and purchases upon vouchers submitted by the agency.

Approved March 5, 1981