

Office of the Attorney General
State of North Dakota

Opinion No. 81-126

Date Issued: November 20, 1981

Requested by: Dr. Joseph C. Crawford
Superintendent of Public Instruction

--QUESTION PRESENTED--

Whether a person who offers microcomputers and course programs for use in the schools of this state must comply with the requirements of Section 15-43-01 of the North Dakota Century Code.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that a person who offers microcomputers for use in the schools of this state need not comply with the requirements of Section 15-43-01, N.D.C.C., however, course program materials which are bound in book form are subject to Section 15-43-01, N.D.C.C.

--ANALYSIS--

Section 15-43-01, N.D.C.C., provides for statements and bonds to be posted before any person may offer 'any school textbook or book' for use in the schools in this state. Other statutes in Chapter 15-43, N.D.C.C., authorize the Superintendent of Public Instruction to issue licenses to publishers of school textbooks. Penalty sections are provided for those who do not conform to the requirements of Section 15-43-01, N.D.C.C.

Recently, microcomputers, with associated course programs and other necessary equipment, have been offered for use in the schools in the place of and alongside of school textbooks and books. It is my opinion that persons who offer microcomputers for use in the schools of this state need not comply with the requirements of Section 15-43-01, N.D.C.C.

Section 15-43-01, N.D.C.C., is restricted to 'school textbook or book'. Since no technical definition is provided for these terms, Section 1-02-02, N.D.C.C., requires that they be used in their ordinary sense. As books and textbooks are most commonly defined to mean a set of written, printed, or blank sheets bound together into a volume, it is clear that microcomputers do not constitute textbooks or books within the meaning of Section 15-43-01, N.D.C.C. Course programming materials bound in book form are 'textbooks' within the meaning of that term in Section 15-43-01, N.D.C.C., and consequently come under the pervue of that law.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

Robert O. Wefald
Attorney General

Prepared by: Terry L. Adkins
Assistant Attorney General