

ficial to said lands and shall at no time be declared or determined to diminish, directly or indirectly, the value or purchase price thereof.

§ 4. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 5. 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 5, 1935.

SCHOOLS

CHAPTER 257

S. B. No. 158—(Committee on Education.)

FREE HIGH SCHOOL CORRESPONDENCE COURSES

An Act to require free correspondence courses to be provided for all North Dakota children of high school age.

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

§ 1. The State of North Dakota shall provide free correspondence courses for North Dakota children of high school age under the rules and regulations hereinafter defined:

(a) A complete high school curriculum by correspondence shall be set up by one state institution of higher learning to be designated by the Board of Administration and the necessary machinery shall be developed at said institution to carry on high school instruction by correspondence on a high level.

(b) Every child living in a rural community in North Dakota shall upon compliance with regulations of the State Department of Public Instruction be entitled to the full benefits of this act up to and including the second year in high school, and also the third and fourth years if space accommodation is available in the local school.

(c) All pupils choosing to come under this act shall be required to continue to attend their local district school and study their correspondence lessons under the supervision of their local public school teacher, which means: That the pupils will be furnished with free desk space in their respective school districts; that they will attend school regularly and be under the same disciplinary supervision of the teacher as the grade school pupils.

(d) It shall be the duty of said teacher to see that said pupils shall complete their correspondence work in accordance with the rules and regulations set up by the state director. Said rural teach-

ers shall mail the written reports of their high school students to the institution carrying on said correspondence work in accordance with a schedule set up by the Director.

(e) In order to provide an enlarged curriculum for organized high schools and to eliminate very small and expensive classes in the high schools of the state it is hereby provided that students enrolled in the regular high schools of the state when unable to get in their local school courses which are available by correspondence, under this act, shall have the right to enroll in said correspondence courses under the same regulations as govern enrollments in the rural districts.

(f) To provide high school courses at home for pupils who are physically unable to attend school, in which case one of the parents shall become the supervising teacher.

(g) Correspondence students coming under this act shall be required to pay for their own books and material used, and to pay \$1.00 per subject to the supervisor together with necessary postage on reports sent for correction.

§ 2. All enrollments under this act shall be certified to the proper institution by the county superintendent of schools.

§ 3. It shall be the duty of the local teacher, the county superintendent of schools, State Department of Education and the State Institutions to co-operate to the fullest extent in making this educational plan successful.

§ 4. The State Director of Correspondence Courses in Secondary Education shall be appointed by the Board of Administration who shall determine his qualifications and fix his compensation. He shall co-ordinate the correspondence work of participating institutions to the best interest of the state with the aim of providing high school education for every boy and girl in North Dakota capable of receiving such instruction, and who are eligible to the benefits of this act. He shall make annual reports to the State Superintendent of Public Instruction and to the Commissioner of Agriculture and Labor, setting forth the exact status of the project during the preceding year and copies of said reports shall be submitted to the legislature.

§ 5. APPROPRIATION.] The cost of carrying on the correspondence teaching under this act shall be paid out of the State Equalization Fund as provided for in Chapter 229 of the Session Laws of 1933, or acts amendatory thereof. All vouchers shall be approved by the State Director.

§ 6. STUDY CENTERS AND ADULT CLASSES.] Furthermore, it shall be the duty of the state institutions carrying on correspondence teaching under this law to study and develop a plan for the establishment of study centers and adult classes within the state so that

citizens of North Dakota living outside of the home cities of such institutions may share in the benefits of our colleges to the fullest extent with regular credits granted for work satisfactorily completed.

Approved March 14, 1935.

CHAPTER 258

S. B. No. 135—(Eastgate and Nelson, Grand Forks)

ELECTIONS INDEPENDENT SCHOOL DISTRICTS

An Act to amend and re-enact Section 1291, Compiled Laws of 1913, concerning elections in independent school districts, placing control thereof in the hands of the Board of Education, and providing for special elections in such districts, and repealing all acts or parts of acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 1291, Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 1291. The annual election in independent school districts shall be held on the third Monday in April of each year, at the usual polling places for municipal elections in each ward. The board of education shall have authority and is hereby empowered to appoint two judges and one clerk for each polling place, who shall open the polls at the hour of eleven o'clock in the forenoon and hold the same open until seven o'clock in the evening of the same day. Such elections shall be conducted in all respects and the polls closed and votes canvassed in the same manner as municipal elections, and the judges shall have the same power and authority in all respects as the judges of elections for municipal officers, and after the votes are canvassed the judges shall make their returns to the clerk of the school board within twenty-four hours after the polls are closed, and the school board or board of education shall canvass such returns and declare the result within three days thereafter, which result shall be entered upon the records of the board, and it shall be the duty of the clerk to issue certificates of election to the persons declared elected. The judges and clerks of election shall receive the same compensation for their services as at municipal elections for mayor and aldermen, and all expense shall be paid by the school district. Special elections may be held at any time for any lawful school district purpose (except election of officers) upon resolution of the board of education, and notice thereof shall be given and the same shall be conducted in the same manner as annual elections are conducted.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas, in order that the provisions of

this act may govern the elections to be held the third Monday in April, 1935, it is necessary that this act should take effect at once; now, therefore, this act is declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 1, 1935.

CHAPTER 259

S. B. No. 194—(Ettestad)

MEETINGS, ETC., COMMON SCHOOL DISTRICTS

An Act to amend and re-enact Section 1162 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 233 of the Session Laws of North Dakota for 1933 relating to annual, regular and special meetings of boards of common school districts and providing for notice of same and relating to attendance, per diem and mileage of school officers attending county meetings and declaring an emergency.

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

§ 1. AMENDMENT.] Section 1162, Compiled Laws of North Dakota for the year 1913, as amended by Chapter 233 of the Session Laws of North Dakota for 1933 and the same is hereby amended and re-enacted to read as follows:

§ 1162. The board shall, on the second Tuesday in January, April, July and October of each year, hold regular meetings for the transaction of business at such hour and place as may be fixed by the board, provided such time and place of meetings for the ensuing year shall be designated at the time of the annual meeting. A special meeting may be held upon the call of the president or the other two members. Written notice of the time and place of any special meeting shall be given to each member of the board of such meeting. Each member of the board shall be paid the sum of eight dollars per annum, less two dollars for each regular meeting which he fails to attend; provided, that in any common school district which contains a graded school of three or more departments, the board shall hold regular meetings for the transaction of business on the second Tuesday of each month at such time and place as may be fixed by the board, and in such districts the members of the board shall receive a compensation of one dollar for each meeting attended; provided that five cents per mile, but not more than \$2.00 per member nor more than \$10.00 for all members from a district, shall be paid said board members and clerks in attending general county meetings of school officers convened by the county superintendent.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 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 12, 1935.

CHAPTER 260

H. B. No. 255—(Committee on Education)

DISTRIBUTION STATE EQUALIZATION FUND

An Act to amend and re-establish the State Equalization Fund for the common schools of the State; to provide for the distribution of the same upon the basis of need, in the payment of high school tuition in lieu of that now provided by law and in the payment of direct aid to school districts upon a teacher-unit basis; and to provide methods for the ascertainment and payment of the sums payable to school districts; repeal all acts in conflict herewith, and declaring an emergency.

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

§ 1. STATE EQUALIZATION FUND CREATED.] There is hereby created a fund to be known as the State Equalization Fund. The State Treasurer shall credit to such fund all sums appropriated by the Legislature for that purpose from any source of income whatever, and in the case of direct biennial appropriations, the State Treasurer shall apply one-half of the total appropriation of the biennium to each year thereof, and the amount so applied for each year, plus all accumulations from other sources, shall be construed to be the amount available in such fund for the current year.

All moneys now in the State Equalization Fund as it was created by Chapter 229 of the Laws of 1933 are hereby transferred to and shall become a part of the State Equalization Fund as hereby amended and re-enacted.

§ 2. FIRST \$500,000 PER YEAR DISTRIBUTED ON BASIS OF NEED.] The first \$500,000 accruing to the State Equalization Fund in each fiscal year from July 1st to June 30th, inclusive, shall be distributed among the needy elementary schools of this state on basis of need, in the manner hereinafter set forth, to-wit:

(a) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DETERMINE MONTHLY MINIMUM COST OF MAINTAINING ELEMENTARY SCHOOLS.] The State Superintendent of Public Instruction shall be charged with the duty of investigating and inquiring into the general subject of elementary school costs and needs of financially distressed districts within the state. It shall be his duty to prepare the necessary application blanks and forms upon which the information required by him shall be certified to such school authorities as may be designated by him. From the information so acquired the State

Superintendent of Public Instruction shall from month to month determine the minimum amount of money required to operate each of the various classes of elementary schools.

(b) STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE MONTHLY CERTIFICATE TO STATE AUDITOR OF SCHOOLS IN NEED.] From the information obtained as provided in the preceding subdivision, the State Superintendent of Public Instruction shall monthly certify to the State Auditor a list of school districts of the state which are unable to pay for the operation of their schools the minimum amount determined in the manner hereinbefore set forth, after having made the maximum final effort to do so, together with a statement of the amount of the money required by such districts to meet such minimum standards.

(c) MAXIMUM FINANCIAL EFFORT DEFINED.] In determining whether or not a school district has made the maximum financial effort mentioned above, it must appear: (1) That the district shall have levied for the fiscal year the normal maximum tax rate as fixed by law, (2) That revenues from local taxes, and from state and county sources have been exhausted, and (3) That such district, under the law cannot issue additional warrants or sell certificates of indebtedness, or, if the same could be issued, that because of the financial condition of the school district such obligations of the district would be greatly depreciated in value to the extent that they would not be acceptable as commercial instruments.

(d) SCHOOLS TO RECEIVE AID FOR SEVEN MONTH TERM ONLY.] School districts shall receive aid as in this Section provided for the purpose of keeping their schools open for a seven month term only, and after the seventh month of any school term has expired, no further aid shall be granted under this Section.

(e) STATE AUDITOR.] The State Auditor shall issue his warrants monthly, in accordance with the certificates of the State Superintendent of Public Instruction, payable to the several school districts in the amounts so directed by the State Superintendent of Public Instruction, to the county superintendent of schools, in case the available money for distribution on the basis of need shall not be available in any month, the State Auditor shall pro-rate the available funds among the districts in proportion to the amounts so certified to him.

(f) ADMINISTRATION.] In carrying out the provisions of this chapter, all evidence, data, and records of transactions of the Superintendent of Public Instruction and of the school board and county or district treasurer, shall be open to inspection by the State Auditor and Attorney General. Provided that the State Treasurer, State Auditor and Attorney General shall constitute an advisory committee to work in conjunction with the State Superintendent of Public Instruction in the administration of that portion of the fund designated for distribution on basis of need, and there shall be set aside

from such portion of the fund a sum not to exceed twenty-five hundred dollars (\$2,500.00) per year for use in the necessary expenses incurred in the administration thereof.

(g) The Governor, Attorney General and Superintendent of Public Instruction shall constitute the Board which is hereby authorized, directed and empowered to carry out and perform the provisions of Section 2 of this act. And there shall be set aside from such portion of the fund a sum not to exceed twenty-five hundred dollars (\$2,500.00) per year for use in the necessary expenses of said Board incurred in the administration thereof.

§ 3. HIGH SCHOOL TUITION: WHEN AND HOW PAYABLE.] After setting aside the sum hereinbefore provided for distribution on the basis of need, there shall be paid out of said State Equalization Fund to each public school district in this state which during the previous school year offered four or more units of standard high school work, approved by the State Superintendent of Public Instruction as by law provided, the sum of \$1.50 per week of actual attendance for each non-resident high school student who attended such high school during the preceding school year, and be it further provided that high school tuition shall be paid to any school district for any pupil or student who has completed the eighth grade, living in a district having no high school and residing in a county that is on the border line of another state who may be attending the nearest four-year high school in the adjoining state; provided that the term "non-resident high school student" shall include only students who have completed all the work of the first eight grades, who are residents of the State of North Dakota and of school districts which did not, during the preceding school year, offer four full units of high school work, approved by the State Superintendent of Public Instruction, for which the student was prepared, and who had not previously attended high school for four years nor completed fifteen or more full units of high school work. Immediately upon the close of school and in any event not later than July 1st of each year, the clerk of each district claiming high school tuition under this act shall certify to the county superintendent of schools a verified claim, giving the name, residence, number of days of attendance and subjects taken by each non-resident student for whom tuition is claimed. The county superintendent of schools shall investigate the propriety of the claim for each student, and determine the residence and other qualifications of each, and on or before July 20th shall certify to the State Superintendent of Public Instruction the number of non-resident high school students for which each district is entitled to payment of high school tuition, and shall at the same time notify the school districts of the names of any students for which the claim has been disallowed by him, and such district may, if it so desires, on or before August 5th of such year, appeal to the State Superintendent of Public Instruction, who may, if, in his judgment the evidence submitted by the district warrants it, change or modify the certificate

of the county superintendent of schools, and his judgment thereon shall be final. Immediately upon receiving the certificates of the county superintendent of schools, and in any event not later than September 1st, the State Superintendent of Public Instruction shall certify to the State Auditor a list of the districts entitled to payment of high school tuition together with the amount to which each district is entitled. It is the purpose of this section to assure the payment in full of the said high school tuition before any payments are made on the teacher-unit basis as hereinafter set forth. Such high school tuition payment shall be the sole and only compensation received by such districts for non-resident high school students, and no district shall charge or collect from any non-resident student, his parents or guardians or the district of his residence any tuition fee, registration fee, text-book fee, laboratory fee or any other fee or charge which is not also charged of all resident students; provided, however, that this act shall not affect the right of a district to charge and collect from students who are not residents of this state such tuition as may be agreed upon.

(a) Whenever provisions are established for high school work by correspondence, the cost of such work shall be paid out of the equalization fund as determined by the Board of Administration, not in excess of \$40,000.00.

§ 4. REMAINDER TO BE DISTRIBUTED AMONG SCHOOLS ON TEACHER-UNIT BASIS.] After the payments on the basis of need and payments for high school tuition have been provided for, the balance remaining in said State Equalization Fund shall be distributed among the public school districts of the state upon the basis of \$175.00 per year for each grade school teacher-unit, and \$150.00 per year for each high school teacher-unit maintained by such school districts during the preceding school year.

§ 5. "TEACHER-UNIT" DEFINED BY STATE SUPERINTENDENT OF PUBLIC INSTRUCTION: EXCEPTIONS.] The State Superintendent of Public Instruction shall, on or before the first day of August after this act shall take effect, define the terms "Grade School Teacher-Unit" and "High School Teacher-Unit" for the purposes of this act and therein fix the number of pupils and teachers required to constitute such "teacher-unit," and shall give notice of such definitions to all county superintendents of schools in the State and such other publicity thereto as shall, in his judgment, be sufficient to apprise the school officers of the State as to the requirements of such definitions. Such definitions may provide for the allowance of fractional credit for partial compliance with the requirements of the definitions. Such definitions shall be framed and formulated with the end in view of effecting efficiency in the schools, and the discouragement of the maintenance of small schools, and small classes. If, in any particular case, it shall appear that the then existing definitions or either of them would work an injustice or hardship upon

any individual school district, because of any peculiar facts existing in such district, the State Superintendent of Public Instruction may, in his sole judgment and discretion, upon request of such district, modify such definitions, or either of them, as the same shall be applied to such individual district; and in all such cases the decision of the State Superintendent of Public Instruction shall be final.

§ 6. COUNTY SUPERINTENDENT OF SCHOOLS AND STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO CERTIFY AS TO TEACHER-UNITS.] As soon after the close of each school year as possible and in any event not later than July 20th the county superintendent of schools of each county shall certify to the State Superintendent of Public Instruction a list of all public school districts in his county and the number of high school and grade school teacher-units maintained by each during the preceding school year, and shall also notify each district as to the number of teacher-units so certified. Any school district feeling aggrieved by the certificate of the county superintendent of schools may, on or before August 5th of such year appeal to the State Superintendent of Public Instruction, who may, if in his judgment the evidence submitted by the district warrants it, change or modify the certificate of the county superintendent of schools, and his judgment thereon shall be final. Immediately upon receiving the certificates of the county superintendents of schools, and in any event not later than September 1st, the State Superintendent of Public Instruction shall certify to the State Auditor a list of all public school districts in the State, together with a statement as to the teacher-units maintained by each. The State Auditor shall thereupon pay the said sum of \$150.00 for each high school teacher-unit and \$125.00 for each grade school teacher-unit so certified to him, which payments shall be made from the balance remaining in the State Equalization Fund after payments of the amounts certified for payment on the basis of need and for high school tuition as hereinbefore set forth. Should the balance in said Fund prove insufficient to make payment in full of the amounts shown by said certificate to be due the several school districts, the State Auditor shall pro-rate such balance among the districts.

§ 7. METHOD OF MAKING PAYMENTS.] Upon receipt of the certificates of the State Superintendent of Public Instruction as aforesaid the State Auditor shall make said payments on the basis of need, for high school tuition and on the teacher-unit basis, by Auditor's warrant upon the State Equalization Fund. Said warrants may be sent by the Auditor direct to the clerks of the said school districts or to the county superintendent of schools, whichever may be deemed by the State Superintendent of Public Instruction to be most effective for the efficient administration of this act. Said warrants shall be made payable to the school districts, and shall be delivered to the clerks thereof, who shall make a record of the receipt thereof and deliver the same to the school district treasurers, who shall deposit

the same in the general funds of their respective districts, and the funds so received shall be available for use by the districts in the same manner as other general funds thereof. The State Auditor may make the payments herein provided for by separate warrants, or combine such payments, as the convenience and efficiency of his office may dictate.

§8. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE RULES AND PREPARE BLANK FORMS.] The State Superintendent of Public Instruction may make such rules and regulations governing the certification to county superintendents of schools and to himself of the information and evidence required by this act to enable him to make his certificates, and governing appeals from decisions of county superintendents of schools as may be reasonably necessary to accomplish the purposes herein set forth. He shall also prepare and circulate among the county superintendents of schools blank forms for the certificates of the school districts to the county superintendents of schools and of the county superintendents of schools to the State Superintendent of Public Instruction.

§ 9. STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO SECURE INFORMATION AND MAKE ESTIMATES.] Immediately after the close of each fiscal year the State Superintendent of Public Instruction shall secure from the State Auditor a statement of the balance in the State Equalization Fund as of the close of the year, and he shall thereupon make an estimate as to the probable amount which which may be expected to be paid for each teacher-unit in the state, and shall, on or before July 15th give notice of such estimate to each county superintendent of schools, and give the same publicity through the various news channels, so that the same may be available for the school districts in making up their budgets for the ensuing year.

§ 10. DISPOSITION OF SURPLUS.] If at the close of any fiscal year the amount remaining on hand exceeds \$100,000, the amount in excess of such sum shall be covered into the general fund of the State of North Dakota.

§ 11. REPEAL.] Such portions of Sections 1438a1, 1438a2, and 1438a3 of the 1925 Supplement to the Compiled Laws of 1913, Chapter 231, Session Laws 1933, Chapter 232, Session Laws 1933, Chapter 229, Session Laws 1933, and all other acts or parts of acts in conflict herewith are hereby repealed.

§ 12. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1935.

CHAPTER 261

H. B. No. 365—(Wolf)

TEACHING SERVICE, WORLD WAR VETERANS

An Act providing that teachers who served in the United States Armed Forces during the World War shall be entitled to have the time of said service counted "Teaching Service" under the Teachers' Insurance and Retirement Law upon payment of the assessments for the time of said service; and repealing all acts or parts of acts in conflict herewith.

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

§ 1. Teachers who have been granted an honorable discharge from the United States armed forces for service in the World War shall be entitled to have the time of said service counted as "teaching service", under the provisions of Section 1504 and 1518 of the Compiled Laws of North Dakota for 1913; provided, however, that teaching was his occupation at the time of entering the service, and upon the payment of assessments he would have paid had he continued his profession.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1935.

CHAPTER 262

H. B. No. 179—(Schauss and Bauer)

LIMITATION CHANGE BASIC SCHOOL TEXT BOOKS

An Act to amend and re-enact Section 1 of Chapter 235 of the 1933 Session Laws prescribing and limiting the time to which basic text books may be changed in the schools and educational institutions in this state.

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

§ 1. AMENDMENT.] That Section 1, Chapter 235 of the Session Laws of 1933, relating to prescribing and limiting the time to which basic text books may be changed in the schools and educational institutions in this state, be amended and re-enacted to read as follows:

§ 1. From and after the passage and approval of this act, it shall be unlawful for any public school or educational institution within this state to change or alter the basic text books which are being used in any such school or institution oftener than once in five years.

Approved March 5, 1935.

CHAPTER 263

H. B. No. 172—(Saumur)

VOTING PRECINCTS SPECIAL SCHOOL DISTRICTS

An Act providing for the establishment of voting precincts in all special school districts; requiring establishment of polling places for each 5,000 inhabitants; providing for appointment of election officials, fixing their powers, duties and compensation and repealing all acts or parts of acts in conflict herewith.

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

§ 1. ELECTIONS IN SPECIAL SCHOOL DISTRICTS.] That at all elections hereafter held in any special school district in this State there shall be provided one polling place, and one set of election officials, for each 5,000 people or majority fraction thereof (as shown by the last available state or national census) residing in said school district, and upon taking effect of this act, and thereafter as often as it shall be necessary, it shall be the duty of the school board, or the board of education, in every special school district in the State of North Dakota having a population of over 5,000 to divide said school district into voting precincts for school election purposes; said precincts to be formed by motion or resolution of the board, and to be so arranged as to divide the voters in said school district as nearly equal as possible. None of said precincts shall have a population greater than five thousand.

§ 2. POLLING PLACES HOW ESTABLISHED.] Upon such precincts being designated the school board or board of education in all school districts affected by this act shall, by resolution or motion, designate one place as a polling place in each voting precinct, said place so designated to be as conveniently located as possible to the voters in such precinct and said place so designated shall remain the voting place until changed by subsequent action of the board.

§ 3. ELECTION OFFICIALS DESIGNATED: POWERS AND DUTIES.] All election officials for said several voting precincts shall be appointed in the manner as now or hereafter provided by law for the appointment of school election officials in special school districts, and they shall have the same powers and receive the same compensation as now enjoyed or received by such election officials or as may hereafter be provided for.

§ 4. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1935.