

EDUCATION

CHAPTER 124

H. B. No. 535
(Legislative Research Committee)

CARE AND MANAGEMENT OF CERTAIN ORIGINAL GRANT SCHOOL LANDS BY STATE FORESTER

AN ACT

Relating to forestry practices on original school lands, providing for control of such lands by the state forester.

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

§ 1.) The board of university and school lands is hereby authorized, in its discretion, to designate any original grant lands not readily salable for ten dollars or more per acre as suitable for forest management, and to direct the state forester to assume full control over the same and to apply accepted good forestry practices in the care, reforestation, fire control, and management thereof. The board may, at the end of any five year period of such control discontinue such control and assume sole control of any lands so placed in the control of the state forester, provided that the return of such control to the department of university and school lands does not interrupt a program of forest management already in progress for which additional time is needed.

§ 2.) The state forester shall assume control over all lands so designed and proceed to develop and improve the same by applying thereto accepted good forestry practices in the management and improvement thereof for the purpose of preserving and protecting the forests thereon and to produce an income therefrom by the sale of forest products produced thereon, such sales to be made under the direction and at the discretion of the state forester.

§ 3.) The state forester shall apply the income so derived first to the payment of the cost of all care and development of such land, and, second, the net annual income shall be paid to the board of university and school lands for the credit of the interest and income fund of the permanent school funds, the same to be properly apportioned among the several funds therein.

§ 4.) The state forester shall report annually to the board of university and school lands the nature of the improvements, the conditions of the forest, the number of trees cut and the disposition thereof, the proceeds derived from the sale of forest products and the disposition thereof, the amount of forest products undisposed of, and all expenses paid or incurred. He shall also report such other matters pertaining to said lands as the board of university and school lands may require. Such report shall be made with respect to each separate school section so controlled by the state forester.

Approved February 8, 1951.

CHAPTER 125

S. B. No. 97
(Fraser)

SALE, ETC., LAKE METIGOSHE PARK LOTS

AN ACT

Authorizing the state board of higher education to sell and convey lots one hundred and eighteen and one hundred and nineteen, Lake Metigoshe Park, township 164 north, range 75 west, and declaring an emergency. WHEREAS, this property has become a liability, is constantly subject to vandalism and serves no important use to the school of forestry, now therefore,

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

§ 1. The state board of higher education with the approval of the governor and the attorney general, is hereby authorized to sell and convey the property described as follows, to-wit: Lots one hundred and eighteen and one hundred and nineteen, Lake Metigoshe Park, township 164, north, range 75 west, said sale to be made to the highest bidder and the net proceeds remitted to the school of forestry's institutional collections account in the state treasury.

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

Approved March 3, 1951.

CHAPTER 126

H. B. No. 643
(Welk)

DESIGNATION OF TREASURER OF THE NORTH DAKOTA
AGRICULTURAL COLLEGE AS OFFICER TO RECEIVE
FUNDS APPROPRIATED BY THE CONGRESS

AN ACT

To designate the treasurer of the North Dakota agricultural college as the officer to receive the funds appropriated to the North Dakota agricultural college under an Act of Congress signed August 30, 1890, providing for the further endowment and support of colleges of agriculture and mechanical arts.

§ 1.) Pursuant to section 2 of an Act of Congress of the United States signed August 30, 1890, providing for the further endowment and support of colleges of agriculture and the mechanic arts, the treasurer of the North Dakota agricultural college, Fargo, North Dakota is hereby designated as the officer to receive from the secretary of the treasury, all funds appropriated for North Dakota by the Congress under authority of the said Act and of any amendments to said Act, and of any enactments supplementary to said Act. He shall make quarterly reports of all funds so received to the state budget director.

Approved March 7, 1951.

CHAPTER 127

H. B. No. 713
(Committee on Education)

SALARY AND EXPENSES SUPERINTENDENT OF PUBLIC
INSTRUCTION

AN ACT

To amend and reenact section 15-2102 of the North Dakota Revised Code of 1943, relating to salary and expenses of the superintendent of public instruction, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 15-2102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2102. SALARY AND TRAVELING EXPENSES.) The superintendent of public instruction shall receive an annual salary of five thousand four hundred dollars. He shall be allowed in addition thereto his necessary and actual expenses incurred in the discharge of his official duties, not exceeding one thousand two hundred dollars in any one year, such expenses to be paid monthly on the warrant of the state auditor upon the filing of an itemized and verified statement of expenses.

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

Approved March 7, 1951.

CHAPTER 128

H. B. No. 748

(Nygaard, Esterby, Sailer, Anderson, Ransom))

MILEAGE AND TRAVEL EXPENSE OF COUNTY SUPERINTENDENTS OF SCHOOLS

AN ACT

To amend and reenact section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to mileage and travel expense of county superintendents of schools.

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

§ 1. AMENDMENT.) Section 15-2205 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2205. MILEAGE AND TRAVEL EXPENSE: AMOUNT, HOW PAID.) A county superintendent of schools, and his duly appointed deputy, shall receive seven and one-half cents per mile for travel by motor vehicle for trips necessarily made within his county in the performance of his duty. For any other travel authorized by law, he shall receive for each mile actually and necessarily traveled in the performance of his duties, the following amounts: when travel is by motor vehicle, the sum of seven and one-half cents per mile; when travel is by rail or other common carrier, the amount actually and necessarily expended therefor. Before any allowance for mileage or travel expense may be paid by the

county, the county superintendent or deputy, as the case may be, shall file with the county auditor an itemized statement verified by his affidavit showing the mileage traveled, the manner of travel, the day or days upon which the traveling was done, and the purpose or purposes and destinations of such travel. The statement and affidavit shall be submitted to the board of county commissioners, and the claim shall be approved by the board before it shall be allowed or paid.

Approved March 6, 1951.

CHAPTER 129

H. B. No. 759
(Esterby)

COMPENSATION AND MILEAGE OF COMMON SCHOOL DISTRICT OFFICERS

AN ACT

To amend and reenact section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to common district officers; providing that members of the school boards in common school districts shall be allowed one compensated visit each year to each school in his district.

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

§ 1. AMENDMENT.) Section 15-2505 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2505. COMPENSATION AND MILEAGE OF SCHOOL BOARD MEMBERS.) The compensation and mileage allowed to members of school boards in common school districts shall be as follows:

1. In districts containing a common school of three or more departments, a school board member shall receive three dollars for each meeting attended;
2. In districts containing more than four townships and in which ten or more schools are operated, a school board member shall receive four dollars for each meeting attended and mileage at the rate of seven and one-half cents for each mile actually and necessarily traveled to and from such meetings. In addition each board member shall be allowed each year one compensated visit to the

schools in his district. For making such visits each board member shall receive four dollars per diem plus his actual and necessary expenses, but not to exceed forty dollars.

3. In all other common school districts, a school board member shall receive sixteen dollars per annum less four dollars for each regular meeting which he fails to attend;
4. Four dollars per meeting shall be paid to school board members for attending general county meetings of school officers convened by the county superintendent of schools.

Approved March 6, 1951.

CHAPTER 130

H. B. No. 780

(Power, Langseth (Richland), A. C. Langseth)

REMOVAL OF SCHOOLHOUSES IN COMMON SCHOOL DISTRICTS

AN ACT

To amend and reenact sections 15-2601 and 15-2602 of the North Dakota Revised Code of 1943, Relating to Removal of Schoolhouses in common school districts, consisting of less than one congressional township.

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

§ 1. AMENDMENT.) Section 15-2601 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2601. ACQUISITION OR SALE OF SCHOOL SITE OR SCHOOL BUILDING; PETITION; ELECTION, WHEN CALLED; QUESTIONS SUBMITTED; REMOVAL OF SCHOOLHOUSES IN COMMON SCHOOL DISTRICTS OF LESS THAN ONE CONGRESSIONAL TOWNSHIP.) Whenever in the judgment of the school board of a common school district it is desirable or necessary to promote the welfare of the schools in the district or to provide proper school privileges for the children therein, or whenever petitioned to do so by one-third of the electors of the district, the board shall call an election, at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange, or sale of a school site, or the erection, removal, purchase, or sale of a schoolhouse. If the question

to be voted upon is the selection of a school site, the board shall select one site to be described upon the ballot and shall submit the question to the electors in substantially the following form:

Shall the following site
(here insert the description of the site selected by
the board) be selected as a school site?

If the question to be voted upon is the removal of a school-house, the board shall select one site to be described upon the ballot and shall submit the question to the electors by a ballot in substantially the following form:

Shall the school-
house be removed from its present location to the
following site (here
insert the description of the site selected by the
board)?

Below the question submitted, in either case, there shall be printed:

Yes

☐

No

☐

Whenever the school board of a common school district, consisting of less than one congressional township, is petitioned to remove a schoolhouse in such district by at least eighty percent of the parents of children attending school in such schoolhouse or who were so attending school during the last school term, and such petition states the site in such district to which it is asked that such schoolhouse be moved, the board shall call an election, at some convenient time and place, fixed by the board, to vote upon the question of the removal of such schoolhouse to the new site asked for in such petition, and shall submit the question to the electors in such district in substantially the following form:

Shall the school-
house be removed from its present location to the
following site (here
insert the description of the site asked for in such
petition)

Below the question submitted, there shall be printed:

Yes

☐

No

☐

If a majority of the votes cast at such election called for the removal of a schoolhouse in a common school district, consisting of less than one congressional township, as herein provided, favor the removal of such schoolhouse to the new site asked for in such petition, the school board shall proceed to carry out the decision of the electors.

§ 2. AMENDMENT.) Section 15-2602 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2602. PROCEDURE WHEN ELECTORS FAVOR QUESTION SUBMITTED; REMOVAL OF SCHOOLHOUSE; MAJORITY REQUIRED AND RESUBMISSION OF QUESTION.) If the majority of the votes cast at an election called under the provisions of section 15-2601 favor the selection of a specified schoolhouse site or are in favor of the purchase, exchange, or sale of a schoolhouse, as the case may be, the school board shall proceed to carry out the decision of the electors. It shall require an affirmative vote of not less than two-thirds of the electors present and voting at the meeting to order the removal of a schoolhouse, and a schoolhouse so removed shall not be removed again within three years from the date of the meeting. If the question of removing a schoolhouse fails to carry, the question shall not be raised again within one year thereafter. Where the question of the removal of a schoolhouse to a new site has been submitted to the electors by the school board of a common school district, consisting of less than one congressional township, upon a petition signed by eighty percent of the parents of children attending such school, as provided in section 15-0601, the provisions of this section shall not apply, except that it shall require a majority vote of the electors present and voting at an election, at which such question is submitted, to order the removal of such schoolhouse.

Approved March 9, 1951.

CHAPTER 131

S. B. No. 153
(Stucke)

ESTABLISHMENT OF SPECIAL SCHOOL DISTRICTS IN CITIES,
VILLAGES OR MUNICIPALITIES

AN ACT

To amend and reenact section 15-2701 of the North Dakota Revised Code of 1943, relating to the establishment of special school districts in cities, villages or municipalities, and declaring an emergency.

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

§ 1. AMENDMENT.) Section 15-2701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2701. SPECIAL SCHOOL DISTRICTS: MUNICIPALITIES WHICH ARE OR MAY BECOME.) All cities and villages organized under the general school laws and which have a board of education shall be governed by the provisions of this title relating to special school districts. Any city or village may be constituted a special school district in the manner prescribed in this chapter, and shall be governed thereafter by the provisions of this chapter. Any city organized for school purposes under a special act may adopt the provisions of this chapter by a majority vote of the voters therein, in the same manner as is provided for the organization of a new special school district under the provisions of this chapter. If any city or village comprises or is embraced in a special school district, any additions to such city or village, upon incorporation therein, shall become a part of such special school district. The terms city, village or municipality as used in this act shall include any community or communities established or which have come into existence as a result of federal projects carried on within this state and which are situated upon government owned property.

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

Approved February 28, 1951.

CHAPTER 132

H. B. No. 557

(Legislative Research Committee)

(at the request of The School District Reorganization Committee)

SCHOOL DISTRICTS, ELECTION AT LARGE OR BY
GEOGRAPHICAL AREAS

AN ACT

To amend and reenact Section 15-2801 of the North Dakota Revised Code of 1943 and subsection 5 of section 15-5314 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to school districts, and providing for the election at large or by designated geographic areas of the members of the board of education.

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

§ 1. AMENDMENT.) Section 15-2801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2801. FIRST ELECTION OF OFFICERS UPON ORGANIZATION OF SPECIAL SCHOOL DISTRICT.) If a majority of the votes cast at an election called to vote on the question of organization of a special school district favor the organization of such district, an election shall be called in the manner provided in this section for the selection of the governing body of the district:

1. If the special school district is formed from all the territory included in a school district, the election shall be called by the governing body to which the petition was addressed;
2. If the special school district is formed from only a part of the territory included in an organized school district, the county superintendent of schools shall call an election for the election of a board of education in the special school district and for the election of a school board and a district treasurer in the common school district which is formed from the territory remaining in the original school district.

Such elections shall be held in the same manner and upon the same notice as other elections in special and common school districts respectively are held. The electors of a special school district shall elect five members of the board of education, two of whom shall serve until the first annual election, two until the second annual election, and one until the third annual election thereafter, and until their successors are elected and qualified, and the length of their respective terms shall be determined by lot. If a district is established in accordance with the provisions of chapter 15-13 of the 1949 Supplement to the North Dakota Revised Code of 1943, and the approved reorganization plan so provides, the members shall be elected by geographic areas. The electors of a common school district remaining after the detachment of territory and the formation of a special school district shall elect officers for the terms specified in section 15-2401. After an election has been held in a special school district as provided in this section, such district thereafter shall be subject to all of the provisions of this title affecting other special school districts.

§ 2. AMENDMENT.) Subsection 5 of section 15-5314 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic districts, special school districts with the five members of the board of education to be elected at large, or special school districts with the five members of the board of education to be elected from designated geographic areas, which classification shall be based upon and subject to the laws existing in regard thereto; and

Approved February 7, 1951.

CHAPTER 133

H. B. No. 791
(Fristad)

ELIGIBILITY TO TEACHERS' INSURANCE AND RETIREMENT
FUND

AN ACT

To amend and reenact Subsection 2, Section 15-3927 of the 1949 Supplement of the North Dakota Revised Code of 1943, relating to eligibility to participate in the teachers' insurance and retirement fund.

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

§ 1. AMENDMENT.) Section 15-3927, subsection 2, of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3927.

2. After a period or periods aggregating fifteen years of service as a teacher in the public schools or state institutions of this state, when 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 annuity is payable, during the period of such total disability, only if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. Said annuity is payable only during the period of disability. The fees of such physicians shall be paid by the applicant. Payment of the annuity based upon such disability shall commence the first month following the determination of the disability by the board and the payment of any deficiency in assessments as provided in this section, regardless of the age of the teacher at such time. Payment of the annuity shall continue for and during such period of disability and terminate with the month following recovery from such disability. The board shall ascertain by inspections annually or as often as necessary to determine the disability status of an annuitant.

Approved March 6, 1951.

CHAPTER 134

S. B. No. 101
(Committee on Education)

TEACHERS RETIREMENT ANNUITIES

AN ACT

To amend and reenact subdivision c of subsection 2 of section 15-3928 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to retirement annuities for teachers under the teachers insurance and retirement fund, and declaring an emergency.

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

§ 1. AMENDMENT.) Subdivision c of subsection 2 of section 15-3928 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

- c. A teacher who has completed all requirements for retirement previous to July 1, 1947, and continues to teach for at least one school year shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.

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

Approved February 27, 1951.

CHAPTER 135

H. B. No. 750

(Fristad, Schmidt, Hofstrand, Helferich)

TEACHER RETIREMENT ANNUITY

AN ACT

To amend and reenact Subsection 3 of Section 15-3928 of the 1949 Supplement of the North Dakota Revised Code of 1943 relative to retirement annuity.

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

§ 1. AMENDMENT.) Subsection 3 of section 15-3928 of the 1949 Supplement of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3928. RETIREMENT ANNUITY.) Each teacher who shall have retired from service in the public schools, or state institutions under the provisions of section 15-3927 shall be entitled to receive an annuity as follows:

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter.
2. If any said teacher shall have attained the age of fifty years but shall not have attained the age of fifty-five years at the time of his application for the annuity, he shall be entitled, at the age of fifty years or thereafter, to receive a reduced annuity which shall be the actuarial equivalent of the one which would have been received upon the attainment of the age of fifty-five years, according to standard annuity tables, and at an interest rate specified from time to time by the board. Any such teacher, at his option, may defer applying for the annuity until the attainment of the age of fifty-five years;
 - a. A teacher who has completed all requirements for retirements previous to July 1, 1947, may choose to retire under the provisions of the insurance and retirement fund then in effect. This does preclude, how-

ever, continuation of payments to the retirement fund after July 1st, 1947, at the rate prescribed by law for the remaining teaching career of such person.

- b. A teacher who has completed all requirements for retirement previous to July 1, 1947, and does not teach after July 1, 1947, must retire under the provisions of the insurance and retirement fund Act in effect prior to July 1st, 1947.
 - c. A teacher who has completed all requirements for retirement previous to July 1, 1947, and continues to teach shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.
 - d. A teacher in service after July 1, 1947, who had previous to that date completed all requirements for retirement under the insurance and retirement fund Act may at his own option pay into the fund assessments on salaries earned between the date of completing payments and July 1, 1947. The rate of payment shall be six percent on the total salary earned, plus six percent interest on such assessments per annum.
 - e. If a teacher chooses not to pay the assessments on the interim period, those years may not be used in calculating the final annuity payment.
3. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive as an annuity a sum equal to two percent of the total earnings at salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not exceed twelve hundred dollars in any one year nor be less than three hundred dollars in any one year and shall be subject to all the provisions of this chapter.
 4. If any person retiring under this chapter shall resume service as a teacher of a public school or state institution the retirement allowance paid to such person shall cease during the time of such employment but shall again be paid at the same amount and under the same conditions after subsequent retirement.
 5. No annuity payments shall commence before the applicant shall have arrived at the age of fifty years except in the case of retirement based on disability as provided in section 15-3927.

Approved March 7, 1951.

CHAPTER 136

H. B. No. 578
(Legislative Research Committee)

HIGH SCHOOL TUITION PAYMENTS

AN ACT

To amend and reenact Section 15-4014 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to school tuition payments.

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

§ 1. AMENDMENT.) Section 15-4014 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION PAYMENTS FROM FUND: AMOUNT; STUDENT ATTENDING SCHOOL IN FOREIGN STATE.) Subject to the provisions of this chapter, there shall be paid out of the fund to each school district or county agricultural and training school in the state, the sum of three dollars for each week of regular enrollment during the preceding semester by a high school student who was a resident of North Dakota. 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, teachers have been paid not less than the minimum legal salaries, and the other standards prescribed by this chapter have been met. Districts that did not maintain high schools either during the year 1947-1948 or during the year 1948-1949 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. A student who lives within twenty miles of another state or in a county bordering on another state and in a school district which has no high school, with the approval of the county superintendent of schools, may attend a four year public high school in an adjoining state and high school tuition shall be paid from the fund to the district in which the high school which he attends is located in the amount of three dollars for each week such student attends the high school.

Approved March 5, 1951.

CHAPTER 137

H. B. No. 659
(Committee on Education)

COUNTY HIGH SCHOOL EQUALIZATION FUND; TAX LEVY;
DISBURSEMENTS, ETC.

AN ACT

Relating to school finance; providing for a county high school equalization fund in each county and for a tax levy for the establishment and maintenance of such fund; providing for disbursements from such funds and for payments from the state equalization fund to such funds; reducing school district levy limitations; and to amend and reenact Sections 15-4019, 15-4020, 15-4021 and 57-1514 of the 1949 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. COUNTY HIGH SCHOOL EQUALIZATION FUND.) There is hereby created in each county of the state a county high school equalization fund, to be kept by the treasurer of each county, separate and apart from all other funds, to be paid into and disbursed from as provided in this Act.

§ 2. TAX LEVY FUND.) Each year, at the same time as other county taxes are levied, there shall be levied in each county in the state a tax of one mill on every dollar of the net taxable assessed valuation in the county, which tax levy shall not be included within the tax levy limit otherwise provided by law for counties. The proceeds of such tax shall be covered into the county high school equalization fund.

§ 3. GRANTS FROM STATE EQUALIZATION FUND.) Grants from the state equalization fund shall be covered into and become a part of the county high school equalization fund of each county.

§ 4. COUNTY HIGH SCHOOL TUITION PAYMENTS.) Subject to the provisions of this Act, there shall be paid out of the county high school equalization fund to the schools or school districts of the county, and to any school or school districts of another state receiving payments of high school tuition from the North Dakota state equalization fund for the attendance of any student who is a resident of the county, the sum of one dollar for each week or major fraction thereof of regular enrollment during the preceding school semester by a student for whom high school tuition payments from the state equalization fund are received. The

county superintendent of schools shall certify to the county auditor in a manner and form and at such times as shall be prescribed by the superintendent of public instruction, a list of the schools or school districts entitled to county high school tuition payments together with the amounts to which the several schools or districts are entitled. Payments shall be made by auditors warrants drawn upon the county high school equalization fund to the respective school districts or schools and payments to districts or schools in this state shall be deposited in the general fund of the district or school.

§ 5. DISTRICTS IN MORE THAN ONE COUNTY.) If a school district embraces more than one county, the county superintendent of schools of the county in which the largest portion of the area of the school district is located shall determine the county high school tuition payments for such district and shall certify to the auditor of each county the amount to be paid by such county which shall be in the same ratio as the number of students of the school district residing in such county bears to the total number of students of the district.

§ 6. FRACTIONAL PAYMENTS.) The allocations made in this Act shall be the sole charge and claim upon and against all moneys coming into the county high school tuition fund. Should the money in the fund be insufficient to make all payments, the payments to the various school districts or schools shall be prorated on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into such fund, so as to make full payments under this Act.

§ 7. AMENDMENT.) Section 15-4019 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4019. DETERMINATION OF SUMS DUE COUNTY TUITION FUNDS AND COUNTY HIGH SCHOOL EQUALIZATION FUNDS.) On or before the first day of September of each year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant in aid from the state equalization fund for the county tuition fund, and at the close of each semester he shall submit to the superintendent of public instruction a request for grant in aid from the state equalization fund for the county high school equalization fund. The requests shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the elementary per pupil payments and county high school tuition payments to be made to each school or school district that has com-

plied with the provisions of law relating to such funds. The superintendent of public instruction shall determine the amount of the grants in aid to which each county is entitled by subtracting from the full amount of the elementary per pupil payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by nine and five tenths mills and from the full amount of the county high school tuition payments to be made the product of the taxable assessed valuation of the county multiplied by one-half mill. The balance will be the amounts of aid to which the county is entitled for such funds.

§ 8. AMENDMENT. Section 15-4020 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4020. DISTRIBUTION OF PAYMENTS TO COUNTY TUITION FUNDS AND COUNTY HIGH SCHOOL EQUALIZATION FUNDS; DUTY OF STATE AUDITOR.) Upon receiving the certifications of the county superintendent of schools, the superintendent of public instruction shall certify to the state auditor a list of all county tuition funds and county high school equalization funds in the state together with a statement of the payments due each fund. The state auditor shall pay to each such fund from the state equalization fund the sum found to be due under the provisions of this chapter.

§ 9. AMENDMENT.) Section 15-4021 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4021. METHOD OF MAKING PAYMENT FROM FUND; DUTY OF STATE AUDITOR.) The state auditor shall make the payments provided for in this chapter for high school correspondence work, for vocational education in agriculture, home economics, and distributive occupations, and for occupational information and guidance, upon the receipt of the certificates therefor from the state board of higher education, and he shall make the payments from the emergency fund on the basis of need, the high school tuition payments, and the payments to county tuition funds and county high school equalization funds upon receipt of the certificates therefor from the superintendent of public instruction. Such payments shall be by the auditor's warrants drawn upon the fund and made payable to the respective school districts, schools or county auditors, as the case may be, or to the county superintendent of schools, as directed by the superintendent of public instruction. If such warrants are sent to the county superintendents, they shall deliver them to the school districts, schools, or county auditors within their respective counties. Each clerk, secretary or other official shall make a record of each such warrant received by him and shall

deliver such warrant to the treasurer. Such payments shall be deposited to the general fund of the school district or to the county tuition fund or county high school equalization fund as the case may be.

§ 10. AMENDMENT.) Section 57-1514 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1514. TAX LEVY LIMITATIONS IN SCHOOL DISTRICTS.) The aggregate amount levied by any school district, whether common, independent, or special shall not exceed such amount as will be produced by a levy of twenty-two mills on the dollar of the net assessed valuation of the district, except that:

1. Any school district giving two years of standard high school work may levy taxes not to exceed twenty-eight mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed thirty-one mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed thirty-four mills;
4. Any school district maintaining a consolidated elementary school may levy taxes not to exceed twenty-five mills on the dollar of its net taxable valuation, except that where high school work is offered by such school the limitations on the regular high school levy shall apply.

Approved March 5, 1951.

CHAPTER 138

S. B. No. 79
(Bjorlie and Duffy)

TAXATION IN JOINT HIGH SCHOOL DISTRICT AN ACT

To amend and reenact Section 15-4116 of the North Dakota Revised Code of 1943, relating to taxation in joint high school district.

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

§ 1. AMENDMENT.) Section 15-4116 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-4116. TAXATION IN JOINT HIGH SCHOOL DISTRICT.) The high school board of education may levy an annual tax upon the taxable property within a joint high school district for the purpose of establishing and maintaining high school, but such annual levy shall not exceed ten mills upon each dollar of assessed valuation in such high school district. Such tax levy shall be made and certified and the taxes shall be spread, collected, and paid over to the treasurer of the high school district in the same manner as is provided by the laws of this state in the case of other school districts.

Approved February 7, 1951.

CHAPTER 139

H. B. No. 714
(Committee on Education)

ATTENDANCE OF HIGH SCHOOL STUDENTS IN SCHOOLS OF OTHER STATES; TUITION

AN ACT

Relating to attendance of high school students in schools of other states;
authorizing reciprocal agreements with bordering states and
providing for tuition payments.

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

§ 1.) The superintendent of public instruction may enter into reciprocal agreements with the state educational agencies or officers of bordering states in regard to payments of tuition for high school students attending public school in a bordering state. Such agreements may provide for the payment of high school tuition for students from North Dakota attending schools in adjoining states in sums equal, on a per student basis, to payments of high school tuition received by North Dakota high schools for students from such bordering states. The superintendent of public instruction by certificate to the state auditor may authorize such tuition payments, from the appropriation from the state equalization fund for high school tuition, to schools in adjoining states for the attendance of such high school students. The payment for each student shall not exceed the tuition established by reciprocal agreement less the amounts otherwise paid for such student from state and county high school tuition funds. The auditor by voucher drawn upon the state equalization fund shall make such payments to the appropriate public school, school district or agency of the adjoining state.

Approved March 6, 1951.

CHAPTER 140

S. B. No. 159
(Bridston)

CHANGING TEXTBOOKS IN PUBLIC SCHOOLS AND
STATE EDUCATIONAL INSTITUTIONS; EXCEPTION

AN ACT

To amend and reenact section 15-4311 of the North Dakota Revised Code of 1943, relating to textbooks in the public schools and state educational institutions.

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

§ 1. AMENDMENT.) Section 15-4311 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4311. CHANGING OF TEXTBOOKS.) No public school or educational institution of the state shall change or alter the basic textbooks which are used in the school or institution more than once in five years. This section shall not apply to technical books used in institutions of higher learning or junior colleges.

Approved March 7, 1951.

CHAPTER 141

H. B. No. 802
(Education Committee thru Delayed Bills Committee)

SOLICITATION AND SALES IN PUBLIC SCHOOLS

AN ACT

To amend and reenact Section 15-4910 of the North Dakota Revised Code of 1943, relating to solicitation and sales in public schools.

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

§ 1. AMENDMENT.) Section 15-4910 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4910. SOLICITATION AND SALES IN SCHOOLS PROHIBITED; PENALTY.) It shall be unlawful for any person, firm, or cor-

poration to attempt to sell, advertise for sale, or secure orders for any merchandise, or to attempt to secure subscriptions for any magazine, newspaper, or other periodical, or to obtain agents or solicitors for any such purpose, through the agency of any public school in this state, or to attempt, during schools hours or at any time upon public school premises, to organize pupils of a public school into clubs or contesting bodies for any such purpose. It shall be unlawful for a teacher of any public school, or a school officer, to promote or knowingly permit any such acts by such means. This section shall not affect nor restrict the educational or extra-curricular activities of any school, or prohibit sales by the school or by recognized extra-curricular agencies of the school, or prohibit participation in any movement for the public welfare or for any charitable purpose, if the activity or movement is not concerned with and does not contribute to any private business except that the sale of confections, food and soft drinks shall be permitted with the approval of the school board, and the proceeds thereof shall be accounted to such board. Any teacher who violates any provision of this section shall be subject to dismissal by the governing board of the school. Any person other than a teacher who violates any such provision shall be punished by a fine of not more than one hundred dollars.

Approved March 8, 1951.

CHAPTER 142

S .B. No. 145

(Morgan and Streibel)

(at the request of the Budget Director)

REORGANIZATION OF SCHOOL DISTRICTS, STATE COMMITTEE

AN ACT

To amend and reenact Section 15-5304 and to repeal Sections 15-5303 and 15-5305 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the reorganization of school districts.

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

§ 1. AMENDMENT.) Section 15-5304 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5304. STATE COMMITTEE: MEMBERS;EXPENSES.) The state committee shall be composed of the superintendent of public in-

struction together with the attorney general and state treasurer, as advisory members. All members of the committee shall be paid their actual expenses incurred in attending meetings and in the performance of their official duties.

15-0305. ORGANIZATION OF STATE COMMITTEE.) The state committee shall organize by electing from its membership, a chairman, vice- chairman and a secretary.

§ 2. REPEAL.) Section 15-5303 and section 15-5305 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved February 28, 1951.

CHAPTER 143

S. B. No. 199
(Sandness, Dahl, Sauer)

COMPENSATION OF COUNTY COMMITTEES FOR SCHOOL DISTRICT REORGANIZATION

AN ACT

To amend and reenact section 15-5307 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the compensation of county committees for school district reorganization.

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

§ 1. AMENDMENT.) Section 15-5307 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5307. VACANCIES; DURATION AND COMPENSATION OF COUNTY COMMITTEE.) No member of a county committee shall continue to serve thereon if he ceased to be a resident of the commissioner district from which he was elected. Vacancies in the membership of a county committee shall be filled by such committee and any person elected to fill such vacancy shall be selected from the county commissioner district in which such vacancy occurs. In case of a tie vote existing upon filling a vacancy, the county superintendent shall cast the deciding vote. The life of each county committee shall terminate six years after the effective date of this Act (chapter) unless extended as hereinafter provided, or unless such committee seeks and secures from the state committee a discharge at an earlier date on a showing of having fully performed the duties imposed upon it by this Act (chapter).

Each member shall receive his actual and necessary expenses incurred by him in attending said meetings and in the performance of his official duties.

Approved March 5, 1951.

CHAPTER 144

S. B. No. 196
(Baeverstad and Geelan)

ADDITIONAL SALARY OF COUNTY SUPERINTENDENTS IN SCHOOL DISTRICT REORGANIZATION

AN ACT

To amend and reenact Section 15-5308 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the additional salary of the county superintendents in connection with school district reorganization.

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

§ 1. AMENDMENT.) Section 15-5308 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5308. ORGANIZATION; MEETINGS; QUORUM.) Within ten days after the county committee has been elected as provided in Section 6 (15-5306), the county committee shall organize by selecting from its membership a chairman, and a vice chairman. The county superintendent shall be the secretary of committee. Meetings of the committee shall be held upon call of the chairman or a majority of the members thereof. A majority of the members of the committee shall constitute a quorum. The county superintendent shall be allowed and paid his actual and necessary expenses incurred while in the performance of his duties under the provisions of this Act. Such additional expenses shall be chargeable and payable as an expense of the county.

Approved March 3, 1951.

CHAPTER 145

S. B. No. 195
(Baeeverstad and Geelan)

REORGANIZATION OF SCHOOL DISTRICTS, POWERS AND
DUTIES OF STATE COMMITTEE

AN ACT

To amend and reenact subsection 1 of section 15-5317 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to the powers and duties of the state committee of school district reorganization.

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

§ 1. AMENDMENT.) Subsection 1 of section 15-5317 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5317. STATE COMMITTEE. POWERS AND DUTIES.) The state committee shall:

1. DIRECTOR TO APPOINT AND EMPLOY PERSONNEL, The superintendent of public instruction shall be the director of school reorganization. The director shall appoint and employ such personnel as may be necessary to enable the committee to carry out the powers and duties imposed upon it by this Act and to fix the compensation for such appointees and employees.

Approved February 27, 1951.

CHAPTER 146

S. B. No. 106

(Baeverstad, Strand and Geelan)

ELECTIONS ON SCHOOL DISTRICT REORGANIZATION PLANS

AN ACT

To amend and reenact sections 15-5318 and 15-5320 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to elections on school district reorganization plans.

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

§ 1 AMENDMENT.) Section 15-5318 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5318. APPROVED PLAN RECEIVED BY COUNTY SUPERINTENDENT; DUTY OF SUPERINTENDENT TO CALL SPECIAL ELECTION; DEFINITION OF VOTING UNITS; FAVORABLE RESULTS.) Upon receipt from the state committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts and liabilities among the districts involved, the county superintendent shall call a special election of the voters residing within the territory of each new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such election, each existing district or part of an existing district within the proposed new district shall vote as a unit. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper once each week for two consecutive weeks at least thirty days next preceding such election, and by posting not less than fourteen days before the election one such notice on each school house door of each school district containing a school building and included in the proposed change. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the election shall be held and conducted in the same manner and the polls shall open and close at the same time as is specified for elections in special school districts. The result of the elections shall be certified and

delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of a proposed new district are in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 2. AMENDMENT.) Section 15-5320 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5320. PROPOSAL REJECTED, PROVISION MADE; NEW ELECTION HELD.) If a proposal for the formation of a new school district is rejected by the voters at the election provided for in the preceding section, the county committee may make such revision as it deems advisable in the boundaries proposed for such new district and in the terms of adjustments of the property, debts and liabilities thereof, as the case may be, and submit the same to the state committee for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in 15-5317. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in 15-5318, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within each of the existing districts or parts of existing districts of the proposed new district are in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in 15-5318.

Approved February 28, 1951.

CHAPTER 147

H. B. No. 597
(Esterby, Poling, Lee)

SALE OR REMOVAL OF SCHOOL BUILDINGS IN REORGANIZED
SCHOOL DISTRICTS

AN ACT

Providing for the sale or removal of school buildings in reorganized districts, and declaring an emergency.

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

§ 1. SALE OR REMOVAL OF SCHOOL BUILDINGS IN REORGANIZED DISTRICTS.) On petition of a majority of the electors in an original school district included in a reorganized district established in accordance with the provisions of chapter 15-53 of the 1949 Supplement to the North Dakota Revised Code of 1943 for the sale or removal of a school house in such original school district, if the conduct of a public school has been discontinued in such building for at least one year, the school board of the reorganized district may have the school building moved to the place designated in the petition, or sold if the petition so provides. The proceeds of such sale shall be placed in the general fund of the reorganized district.

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

Approved February 9, 1951.

CHAPTER 148

H. B. No. 577
(Legislative Research Committee)

ELEMENTARY PER PUPIL PAYMENTS FROM
COUNTY TUITION FUND

AN ACT

To amend and reenact section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to elementary per pupil payments from the county tuition fund.

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

§ 1. AMENDMENT.) Section 15-5601 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows.

15-5601. ELEMENTARY PER PUPIL PAYMENTS; AMOUNT.) There shall be paid out of the county tuition fund to the school districts of the county as elementary per pupil payments based on enrollment in such districts:

1. To districts maintaining one room rural schools, if the district is composed of eighteen sections of land or less, the sum of eight hundred dollars for ten pupils or less in a school;
2. To districts maintaining one room rural schools, if the district is composed of more than eighteen sections of land, the sum of twelve hundred dollars for ten pupils or less in a school;
3. To districts receiving payments under subsections 1 and 2 of this section, seventy dollars for each pupil in excess of ten in a school;
4. To districts maintaining elementary schools of 2, 3 or 4 rooms one hundred dollars per pupil for eighteen pupils or less average enrollment per room in the school, and the sum of eighteen hundred dollars for each room in which eighteen or more pupils are enrolled, or seventy dollars per pupil whichever is greater, but not in excess of twenty-five hundred dollars for any one room; and
5. To the districts of the county, for all other schools, seventy dollars per pupil for thirty pupils or less in

a room or thirty pupils or less for each teacher; and fifty dollars per pupil for each pupil in excess of thirty in a room or in excess of thirty pupils for each teacher.

When an elementary school term in a district is one of less than nine months, elementary per pupil payments shall be only such percentage of the full payment as the term for which the school in such district actually was open bears to a nine month term. Any balance remaining in the county tuition fund after making payments as provided in this section shall be divided among the school districts of the county according to the number of elementary pupils enrolled.

Approved March 5, 1951.

CHAPTER 149

H. B. No. 692

(Einarson, Sommer, Halcrow)

FRACTIONAL PAYMENTS TO SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-5608 of the 1949 Supplement to the North Dakota Revised Code of 1943, relating to payments to school districts; and providing that where moneys in the county tuition fund are insufficient to make the full payments to the school districts the county superintendent shall prorate such payments on a fractional basis.

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

§ 1. AMENDMENT.) Section 15-5608 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5608. FRACTIONAL PAYMENTS.) The allocations made in this chapter shall be the sole charge and claim upon and against all moneys coming into the county tuition fund. Should the money in the 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 on a fractional basis. When fractional payments are made, additional payments may be made from time to time as sufficient moneys come into such fund, so as to make full payments under this chapter.

Approved March 6, 1951.

CHAPTER 150

H. B. No. 601
(Committee on Education)

TEACHER PREPARATION SCHOLARSHIPS; APPROPRIATION
AN ACT

Relating to teacher preparation scholarships, amending and reenacting sections 15-5704, 15-5707, and 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943, and making an appropriation.

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

§ 1. AMENDMENT.) Section 15-5704 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5704. CERTIFICATION OF CANDIDATES AND ALTERNATES.) On or before July fifteenth of the years 1951 and 1952, the county superintendent of schools of each county in this state shall certify to the board, the name of five candidates and five alternates from his county for scholarships. The candidates shall be selected according to the provisions of this chapter and the rules established by the board, and consideration shall be given first to high school graduates of the school year just preceding the selection.

§ 2. AMENDMENT.) Section 15-5707 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5707. SELECTION OF ADDITIONAL CANDIDATES AT LARGE.) If a county fails to provide five candidates who accept the scholarship by August fifteenth, of the years 1951 and 1952, the board may accept alternates from other counties. If less than two hundred sixty-five scholarships have been awarded in the state in either year, the board may select from the alternates certified and from the list of qualified and partially qualified candidates such additional candidates, chosen at large, without regard to county quota, as may be necessary to fill the state quota for such year.

§ 3. AMENDMENT.) Section 15-5708 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5708. SCHOLARSHIP PAYMENTS; CONDITIONS; NOTES REQUIRED.) Upon the granting of a scholarship and the acceptance

thereto, the recipient shall be entitled to the sum of one hundred dollars for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a one-year course leading to a first grade elementary certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest twenty-one months after the date of issue, except as otherwise provided in this chapter. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of 1951 and 1952 whenever the recipient may thereby qualify for a first grade elementary certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter.

§ 1. APPROPRIATION.) There is hereby appropriated out of the equalization fund the sum of one hundred and sixty-four thousand dollars or whatever portion may be necessary for the purpose of paying teaching preparation scholarships in an amount not to exceed one hundred and fifty-nine thousand dollars and for the administration of the teacher preparation scholarship program not to exceed five thousand dollars.

Approved March 8, 1951.

CHAPTER 151

H. B. No. 540

(Legislative Research Committee)

SPECIAL EDUCATION OF EXCEPTIONAL CHILDREN;
APPROPRIATION

AN ACT

ReRlating to special education of exceptional children, defining terms, providing for an advisory council on special education and a director of special education, authorizing the provision of special education by school districts and providing for state cooperation.

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

§ 1. DEFINITIONS.) As used in this Act:

1. "Exceptional children" shall mean educable children under the age of twenty-one whose educational needs are not adequately provided for through the usual facilities and services of the public schools, school districts, or state institutions because of physical, mental, emotional or social conditions; and
2. "Special education" shall mean the provision of facilities, instruction, supervision, and other necessary services not otherwise provided such children in the public schools and institutions.

§ 2. ADVISORY COUNCIL ON SPECIAL EDUCATION.) There is hereby created an advisory council on special education which shall consist of the superintendent of public instruction, the state health officer, the director of the division of child welfare of the public welfare board, the director of the division of vocational rehabilitation of the board of higher education, the superintendent of the state school for the deaf, the superintendent of the state school for the blind, and the superintendent of the Grafton state school. The superintendent of public instruction shall be chairman of the council. The council shall meet annually at the call of the chairman and other meetings may be called by the chairman at such times and places as he may determine to be necessary. The members of the council shall receive no additional compensation for their services, but actual and necessary expenses shall be allowed as are other expenses of their respective positions and shall be a charge to their respective department, agencies, or institutions.

§ 3. DIRECTOR OF SPECIAL EDUCATION.) A qualified director of special education and such assistance as may be necessary shall be employed by the superintendent of public instruction with the

advice and approval of the advisory council and the director shall serve as secretary of the council.

§ 4. SCHOOL DISTRICTS AUTHORIZED TO PROVIDE SPECIAL EDUCATION.) Any school district may provide special education to exceptional children in accordance with the provisions of this Act and in so doing may act jointly with one or more other districts and shall cooperate with the state advisory council and the director of special education and with the institutions of the state.

§ 5. POWERS AND DUTIES OF ADVISORY COUNCIL AND DIRECTOR OF SPECIAL EDUCATION.) The advisory council shall establish general state policy within the provisions of this Act and shall endeavor to insure a cooperative special education program coordinating all available services. It shall cooperate with private agencies, soliciting their advice and cooperation in the establishment of policy and in the coordination and development of special education programs. With the approval of the advisory council and in accordance with the provisions of this Act and the policy of the council, the director of special education shall prescribe rules and regulations for the special education of exceptional children and for the administration of this Act and he shall assist the school districts of the state in the inauguration, administration and development of special education programs, establish standards and provide for the approval of certification of schools, teachers, facilities, and equipment.

§ 6. 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 per pupil payments from the county tuition fund or high school tuition payments from the state equalization fund whether such pupils are regularly attending school in the school or school district receiving such payments or not. 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 hundred dollars for such child per year for instruction and five hundred dollars for such child per year for transportation, equipment, and residential care.

§ 7. APPROPRIATION.) There is hereby appropriated from

the state equalization fund, the sum of \$50,000, or so much thereof as is necessary for the biennium, for the purpose of financing the administration of the program and the state's participation in the costs thereof.

Approved March 8, 1951.

ELECTIONS

CHAPTER 152

S. B. No. 80
(Dahl, O'Brien and Duffy)

FILLING VACANCY ON NO-PARTY BALLOT

AN ACT

Relating to filling vacancies on the no-party ballot and repealing section 16-0807 of the North Dakota Revised Code of 1943, as amended.

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

§ 1.) Whenever a vacancy shall exist on a no-party ballot for a state office or for judge of a district court, such vacancy may be filled by filing with the secretary of state, at least thirty days prior to the general election, a written petition as provided in section 16-0402 of the North Dakota Revised Code of 1943, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least two percent of the total vote cast for governor at the preceding general election in the state or district.

§ 2.) Whenever a vacancy shall exist on a no-party ballot in a county or district within a county, such vacancy may be filled by filing with the county auditor at least thirty days prior to the general election a written petition as provided in section 16-0404 of the North Dakota Revised Code of 1943, stating that the petitioner desires to become a candidate for election to the office for which a vacancy exists. The petition for the nomination of any person to fill such vacancy shall be signed by qualified electors equal in number to at least thirty percent of the total vote cast for governor at the preceding general election in the county or district.

§ 3.) A vacancy in the no-party ballot shall be deemed to