

EDUCATION

CHAPTER 137

S. B. No. 61

(Roen, Reichert, Mutch, Foss, Saumur,
(Longmire, Trenbeath, Miller, Ringsak)

BONDS FOR REVENUE PRODUCING BUILDINGS

AN ACT

To authorize the state board of higher education to sell tax exempt bonds for the purpose of constructing revenue producing buildings at institutions of higher learning in this state, and providing an appropriation.

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

§ 1.) In accordance with the provisions of chapter 15-55 of the North Dakota Century Code, the state board of higher education is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue producing buildings at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as is hereinafter provided:

1. University of North Dakota, Grand Forks,
North Dakota
 - a. Women's dormitories (2)\$1,200,000.00
 - b. Married student housing 720,000.00
 - c. Men's dormitories (2), with
dining facilities 1,200,000.00
 - d. Student union addition 600,000.00
2. North Dakota State University, Fargo,
North Dakota
 - a. Women's dormitories (2) 1,400,000.00
 - b. Men's dormitory 700,000.00
3. State School of Forestry, Bottineau,
North Dakota
 - a. Men's dormitory, additional floor 165,000.00
4. State Teachers College, Dickinson, North
Dakota
 - a. Student union 400,000.00
5. State School of Science, Wahpeton, North
Dakota
 - a. Men's dormitory 550,000.00

Bonds issued under the provisions of this Act shall never become a general obligation of the state of North Dakota.

§ 2. **Appropriation.**) The proceeds resulting from the sale of bonds authorized under section 1 of this Act, or so much thereof as may be necessary, are hereby appropriated for the construction and equipment of the buildings and facilities authorized in section 1. Any unexpended proceeds from the sale of the bonds shall be placed in sinking funds for the retirement of the bonds authorized in section 1.

Approved March 11, 1961.

CHAPTER 138

H. B. No. 566

(Baldwin, Stockman, Boe, Idso, Powers, and Fitch)

CONVEYANCE OF LAND TO UNITED STATES

AN ACT

Authorizing the board of university and school lands with the approval of the North Dakota state board of higher education to donate and convey certain property now owned by the state of North Dakota for the use and benefit of the North Dakota State University of Agriculture and Applied Science to the United States of America and its assigns, for the purpose of establishing and conducting a field laboratory studying various problems related to agriculture, and declaring an emergency.

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

§ 1.) It is hereby found and determined that the premises described as:

That certain tract of land lying in Reed Township of Cass County, state of North Dakota, in the south half (S½) of the northeast quarter (NE¼) of section thirty-six (36), township one hundred forty (140) north, range forty-nine (49) west, and more particularly described as follows:

Beginning at the northeast corner of section thirty-six (36) located in the intersection of Thirteenth (13th) Street North and Nineteenth (19th) Avenue North in the city of Fargo; thence one thousand three hundred fifty-six and six-tenths (1356.6) feet on a line towards the southeast corner of the northeast quarter (NE¼) of section thirty-six (36) located in the intersection of Thirteenth (13th) Street North and Fifteenth (15th) Avenue North, in the city of Fargo; thence with the east line of the northeast quarter (NE¼) of section thirty-six (36) a right deflection of eighty-nine degrees forty minutes (89° 40') and on this line one thousand one hundred ninety-one and six-tenths

(1191.6) feet in a westerly direction to the northeast corner of the land being described; thence a left deflection of eighty-nine degrees forty-five minutes ($89^{\circ} 45'$) proceed five hundred eighty-two and four-tenths (582.4) feet; thence a right deflection of eighty-nine degrees forty-five minutes ($89^{\circ} 45'$) proceed seven hundred forty-eight and no tenths (748.0) feet; thence a right deflection of ninety degrees fifteen minutes ($90^{\circ} 15'$) proceed five-hundred eighty-two and four tenths (582.4) feet; thence a right deflection of eighty-nine degrees forty-five minutes ($89^{\circ} 45'$) proceed seven hundred forty-eight and no tenths (748.0) feet to the northeast (NE) corner of said property containing ten and no tenths (10.0) acres more or less, are presently held by the state of North Dakota for the use and benefit of the North Dakota State University of Agriculture and Applied Science for educational purposes.

§ 2.) It is hereby found and determined that the agricultural, educational and research programs of this state and the North Dakota State University of Agriculture and Applied Science can be greatly advanced and benefited by the establishment of a field laboratory on the above described premises, by the Government of the United States.

§ 3.) The board of university and school lands of the state of North Dakota, with the approval of the North Dakota state board of higher education is hereby authorized to convey said above described premises to the United States of America and its assigns.

§ 4. **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 January 30, 1961.

CHAPTER 139

H. B. No. 544

(Solberg, Aamoth, Fossum, Halcrow, Saugstad)
(From LRC Study)

COUNTY SPECIAL EDUCATION PROGRAM

AN ACT

To provide for the appointment of county or multiple county boards of special education, the formulation and approval of programs and budgets, the authorization of excess mill levies to finance such programs, and the distribution of state funds to counties conducting such programs.

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

§ 1. County Board of Special Education.) The county superintendent of schools may appoint a county board of special education which shall consist of one member from each county commissioner district within the county, and each member thus appointed shall be subject to approval by the board of county commissioners. Terms of office shall be two years arranged, as nearly as possible, so that fifty percent of the members' terms expire each year. Vacancies shall be filled in same manner as original appointment. The county superintendent of schools shall serve as secretary and executive officer of the board. Expenses of members of the board shall be paid in the same manner as expenses of other county officials are paid. The board of county commissioners may in its discretion provide for additional per diem compensation.

§ 2. Operations Plan—Financing.) The county board of special education shall annually prepare a program for special education in the county and a budget necessary to implement such program. The program and budget shall be submitted to the board of county commissioners at the same time and in the same manner as other statements on budgetary matters are filed. If such program and budget are approved by the board of county commissioners, the county commissioners may budget funds from the county general fund or upon approval by a majority of the voters voting on the proposal at an election called by the county commissioners, may levy a tax not to exceed three mills upon all taxable property in the county for the purpose of carrying out such program. Such mill levy shall be over and above any mill levy limitation provided by law and shall be collected and paid in the same manner as are other county property taxes. The county treasurer shall credit the proceeds of the tax levy, together with any other funds received from the state or other sources for special education

purposes, to a special education fund. Such funds shall be expended, within the limitations of the budget approved by the board of county commissioners, as directed by the county board of special education upon vouchers approved by the county superintendent of schools and in the same manner as other county funds are expended, except that such specific expenditures need not be approved by the board of county commissioners.

§ 3. Election Upon Mill Levy.) Upon the filing with the board of county commissioners at least thirty days in advance of any regular county election of a petition signed by five percent of the electors of the county as determined by the number of votes cast for the office of governor at the preceding general election, the question of whether to continue the mill levy of not to exceed three mills for financing the special education program shall be submitted to the voters at the next regular county election. If the levy for special education is disapproved by a majority of the votes cast at this election, the board of county commissioners shall immediately discontinue such levy but levies previously spread upon the tax rolls shall not be invalidated. A subsequent vote upon the question of authorizing a mill levy of not to exceed three mills may be had at any regular county election upon the filing with the board of county commissioners of a petition containing the signatures of five percent of the electors of the county as determined by the number of votes cast for the office of governor at the preceding general election not less than thirty days prior to such election.

§ 4. Powers of County Board—Approval of Program by State.) A county board of special education organized under the provisions of this Act, may contract with any school district within or outside the county to provide special educational services for educable children. Upon approval of the special education program and budget by the board of county commissioners, such plan and budget shall be submitted to the department of public instruction for approval.

§ 5. Payments from State.) If the budget and program submitted by the county board of special education are approved by the department of public instruction, any payments for special education under the provisions of section 15-59-06 shall be made to the county board of special education and disbursed by such board in furtherance of the county program. If such budget and program are not approved, any such payments shall be made to the school districts in the county providing special education facilities. Nothing contained in this section shall alter the method of making per pupil payments out of the county equalization fund or from the state equalization fund to the county equalization fund.

§ 6. Multiple County Boards.) Whenever it is deemed desirable by the boards of county commissioners of two or more counties, such counties may join together in the formation of a multiple county board of special education. Such board shall consist of one member from each county commissioner district within the several counties, appointed by the respective county superintendents of schools and approved by the respective boards of county commissioners. Vacancies shall be filled in same manner as provided in original appointment. Such multiple county board shall designate one of the county treasurers to act as treasurer for special education funds and one of the county superintendents of schools to act as secretary and executive officer of the board. The remaining county superintendents of schools shall perform such other duties in connection with the special education program as the joint board of special education shall designate.

§ 7. Program and Financing of Multiple County Boards.) The multiple county board shall prepare a program and budget and submit it to the joint board of county commissioners for approval in the same manner and at the same time as provided in the case of individual county programs. The amount budgeted and approved shall be prorated among the counties according to the assessed valuation of each county or upon such basis as the respective boards of county commissioners shall agree. The amount prorated to each county shall be included in the respective county budgets in the same manner and shall be subject to the same procedures, limitations, and conditions as those specified for individual county special education budgets and tax levies. Provisions applicable to individual county programs in regard to approval by the department of public instruction and payments from the state and the state or county equalization funds shall also apply to multiple county programs.

§ 8. Election on Mill Levy.) Upon the filing with the board of county commissioners at least thirty days in advance of any regular county election, of a petition signed by five percent of the electors of the county as determined by the number of votes cast for the office of governor at the preceding general election, the question of whether to continue the mill levy of not to exceed three mills to finance the individual county's prorated share of the costs of the multiple county special education program shall be submitted to the voters of the individual county at the next regular county election. If the levy for special education is disapproved by a majority of the votes cast at this election, the board of county commissioners shall immediately discontinue such levy, but levies previously spread upon the tax rolls shall not be invalidated. A subsequent vote upon the question of authorizing a mill levy of not

to exceed three mills may be had at any regular county election upon the filing with the board of county commissioners at least thirty days in advance of any regular county election, of a petition containing the signatures of five percent of the electors of the county as determined by the number of votes cast for the office of governor at the preceding general election.

§ 9. Withdrawal of Counties.) A county may withdraw from a multiple county program upon resolution of the board of county commissioners. Such withdrawal shall be effective not less than one year from the date that notice of the resolution is given to the remaining board or boards of county commissioners. The giving of such notice shall not relieve the withdrawing county of its obligation for that portion of the costs of the program prorated to it for the period prior to the effective date of such withdrawal.

§ 10. Present Plan Continued.) School districts in counties which have not adopted county or multiple county programs shall continue participation in programs of special education as authorized by other provisions of law until such time as a county or multiple county board of special education is appointed and a program and budget are submitted to and approved by the board of county commissioners and the department of public instruction.

Approved March 14, 1961.

CHAPTER 140

S. B. No. 179

(Brooks, Kee, Lips, Gefreh, Hernett)

EDUCATIONAL TELEVISION

AN ACT

To authorize the superintendent of public instruction to contract with nonprofit corporations for the provision of educational television services in the state, and making an appropriation therefor.

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

§ 1. Declaration of Legislative Intent.) Because of the interest on the part of the legislative assembly in an educational television network which would be of great benefit in the education of our youth as well as adults and the furtherance of the level of cultural development in all of the citizens of the state, it is the intent of the legislative assembly that

action be taken to promote the establishment of such network and to provide for such educational television services.

§ 2. Contracts Authorized.) The superintendent of public instruction may contract, for a period of not to exceed two years, with provisions for its renewal for like periods, with a nonprofit corporation for the purpose of providing the people of the state with educational television services in the fields of elementary, secondary, and higher education, adult education, and other fields tending to promote cultural development.

§ 3. Appropriation.) There is hereby appropriated out of the general fund in the state treasury, not otherwise appropriated, the sum of forty-six thousand, three hundred and fifty-six dollars to the superintendent of public instruction for the purpose of contractual payments and other expense in carrying out the provisions of this Act during the period beginning July 1, 1961, and ending June 30, 1963.

Approved March 17, 1961.

CHAPTER 141

S. B. No. 161

(Wadeson, Redlin, Luick)

EXPERIMENT STATION LAND SALE

AN ACT

Authorizing the state board of higher education to sell certain land now owned by the state for the benefit and use of the North Dakota agricultural experiment station of the North Dakota state university of agriculture and applied science.

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

§ 1.) The state board of higher education is hereby authorized to sell certain land which is owned by the state for the benefit and use of the North Dakota agricultural experiment station of the North Dakota state university of agriculture and applied science, which land is more specifically described as follows:

All of that portion, excepting public highway right-of-way, of the southeast quarter of section two, township one hundred thirty-nine north, range fifty-one west of the fifth principal meridian, Cass County, North Dakota, lying southerly and easterly of the center line of the Maple River, containing twenty-five and thirty-five-hundredths (25.35) acres, more or less.

The necessary deed to the above-described land upon sale shall be executed by the governor and attested by the secretary of state, provided that such land shall not be sold for less than two thousand dollars. The proceeds of such sale shall be transferred to the institutional income account of the agricultural experiment station, North Dakota university of agriculture and applied science.

Approved March 3, 1961.

CHAPTER 142

H. B. No. 792
(Johnston, Wheeler)

JUNIOR COLLEGE DORMITORIES

AN ACT

To authorize any school district having a junior college to sell tax exempt bonds for the purpose of constructing revenue-producing dormitories.

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

§ 1. Dormitory Bond Issue.) The board of education of any school district having a junior college is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue-producing dormitories for its junior college students, the total principal amount of such bonds not to exceed \$1,000,000.00. The bonds authorized by this Act shall be retired solely from revenues of the building and facilities constructed under the provisions of this Act, and such bonds shall never become a general obligation of the school district, or the state of North Dakota.

§ 2. Powers and Procedure.) In issuing and selling the bonds and carrying out the provisions of this Act, the board of education of such school district shall proceed under the same procedure, powers, limitations and conditions provided for the state board of higher education in chapter 15-55 of the North Dakota Century Code, so that the provisions of chapter 15-55 shall be applicable to this issue, sale and construction except that references therein to state, state treasury, state treasurer, state auditor shall be construed to mean such school district, school district treasury, school district treasurer, and school district clerk, respectively.

Approved March 7, 1961.

CHAPTER 143

S. B. No. 63
(Reichert)

LAND TRANSFER TO DICKINSON

AN ACT

To authorize the transfer of certain state-owned land under the control of the North Dakota state university of agriculture and applied science to the city of Dickinson.

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

§ 1.) The North Dakota state university of agriculture and applied science is hereby authorized to transfer certain state-owned property under its jurisdiction to the city of Dickinson, North Dakota for use as an alley in such city, which property is described as follows:

A tract of land situated in the southwest quarter (SW $\frac{1}{4}$) of section four (4), township one hundred and thirty-nine north, range ninety-six, west of the fifth principal meridian, Stark County, North Dakota and more particularly described as follows, to wit: Beginning at a point 3208.0 feet south and 33.0 feet east of the northwest corner of said section four (4), said point also being the northwest corner of the College Addition to the city of Dickinson, North Dakota; thence east along the north line of said College Addition a distance of 1368.3 feet; thence north a distance of 9.0 feet; thence west and parallel to the north line of said College Addition a distance of 1368.3 feet; thence south a distance of 9.0 feet to the point of beginning. Said tract contains 0.28 acres more or less.

Approved March 11, 1961.

CHAPTER 144

H. B. No. 692
(Vinje, Fossum, Berg)

LEASE OF STATE LAND

AN ACT

Authorizing the state board of higher education to lease certain state-owned land to the federal government, for the purpose of permitting the erection of a forestry research laboratory-office building on the campus of the school of forestry and declaring an emergency.

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

§ 1.) The state board of higher education is hereby authorized to execute, without consideration, an irrevocable lease for 99 years or less to the United States of America and its assigns for the purpose of erecting a forestry research laboratory-office building with appropriate related facilities and for the use and occupancy thereof on the campus of the North Dakota school of forestry; provided that the lessee shall have the right, within a reasonable time, after termination of the lease, to remove any structure erected by the lessee.

Provided that the lease shall cover certain state-owned land under control of the state board of higher education for the benefit and use of the North Dakota school of forestry, which land is more specifically described as follows:

Commencing at a point which is 1320.0 feet south and 770.0 feet east of the northwest corner of section thirty, township one hundred sixty-two north, range seventy-five west, fifth principal meridian: thence north ninety degrees zero minutes east (due east) 166.0 feet along the north line of First Street; thence north zero degrees zero minutes east (due north) 520.0 feet; thence north ninety degrees zero minutes east (due east) 134.0 feet; thence north zero degrees zero minutes east (due north) 180.0 feet; thence south ninety degrees zero minutes west (due west) 300.0 feet; thence south zero degrees zero minutes west (due south) 700.0 feet to point of beginning, containing 3.22 acres more or less, in Bottineau County, North Dakota.

Provided that the governor shall execute the lease for the above-described land and it shall be attested by the secretary of state.

§ 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 17, 1961.

CHAPTER 145

S. B. No. 154
(Baker)

MINOT STATE TEACHERS' COLLEGE LAND TRANSFER

AN ACT

Authorizing the state board of higher education to transfer certain state-owned land to the city of Minot for street purposes.

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

§ 1.) The board of higher education is hereby authorized to transfer certain state-owned land used for the benefit of the Minot state teachers' college, which land is more specifically described as follows:

Beginning at a point on the east-west quarter line of section fourteen, township one hundred fifty-five north, range eighty-three west, said point being 170 feet east of the intersection of said east-west quarter line and the east property line of the platted Eighth Street Northwest, city of Minot; thence northerly parallel to the west property line of Seventh Street Northwest as shown on the plat of Somers Land Company Addition, city of Minot, to the intersection with the north line of the southwest quarter of the northeast quarter of section fourteen; thence easterly along said north line of the southwest quarter of the northeast quarter a distance of thirty-three feet; thence southerly parallel to the west property line of the platted Seventh Street Northwest to a point which is thirty-three feet south of the east-west quarter line of section fourteen; thence westerly parallel to the said east-west quarter line to the intersection with the east property line of the platted Eighth Street Northwest; thence northerly along said east property line a distance of 33 feet to intersection with said east-west quarter line; thence easterly along said east-west quarter line a distance of 170 feet to the point of beginning, said tract containing 1.15 acres, more or less, provided such land is transferred to the city of Minot for street purposes. The deed of conveyance of such land shall be executed by the governor and attested by the secretary of state.

Approved February 23, 1961.

CHAPTER 146

H. B. No. 723

(Maragos, Haugland, Balerud, Saugstad)

RESIDENCE FOR TUITION PAYMENT PURPOSES

AN ACT

To provide for tuition payments for children residing in a home maintained by any nonprofit corporation pursuant to a court order.

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

§ 1.) The school district in which a child resides at the time any court order shall have been issued requiring such child to stay for any prescribed period at a home maintained by any nonprofit corporation, shall be construed to be the residence district of such child for purposes of applying sections 15-25-11* or 15-29-08.2 or 15-40-17 relating to tuition payments, whenever such child shall attend any public school. Such residence district shall be liable for tuition in the amount provided in such sections upon claim by the district in which such child is attending school.

Approved March 15, 1961.

CHAPTER 147

H. B. No. 578

(Johnson of Barnes, Stockman)

REVENUE PRODUCING BUILDINGS, BONDS

AN ACT

To amend and reenact section 1 of chapter 147 of the 1959 Session Laws, relating to the payment of bonds issued to finance revenue producing buildings at institutions of higher learning.

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

§ 1. **Amendment.)** Section 1 of chapter 147 of the 1959 Session Laws is hereby amended and reenacted to read as follows:

§ 1.) In accordance with the provisions of chapter 15-55 of the 1957 Supplement to the North Dakota Revised Code of 1943, the state board of higher education is hereby authorized and empowered to issue and sell tax exempt bonds for the

***Note:** Section 15-25-11 was repealed by section 89 of chapter 158 of the 1961 S. L. However, it appears that section 15-29-08 of chapter 158 of the 1961 S. L. has superseded section 15-25-11.

purpose of constructing revenue producing buildings at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as is hereinafter provided:

1. University of North Dakota, Grand Forks, North Dakota
 - a. Women's dormitories (2)\$1,400,000.00
 - b. Married student housing 700,000.00
 - c. Men's dormitory 600,000.00
2. North Dakota State University of Agriculture and Applied Science
 - a. Chapel—YMCA\$ 200,000.00
 - b. Armory, army reserve 149,000.00
 - c. Married student housing 300,000.00
 - d. Men's dormitories (2) 1,400,000.00
 - e. Women's dormitory 500,000.00
 - f. Student union addition 550,000.00
3. State School of Science, Wahpeton, North Dakota
 - a. Men's dormitory\$ 475,000.00
 - b. Student union 400,000.00
4. State Teachers College, Minot, North Dakota
 - a. Married student housing\$ 270,000.00
 - b. Student union 450,000.00
5. State Normal and Industrial College
Ellendale, North Dakota
6. State Teachers College, Valley City, North Dakota
 - a. Women's dormitory addition\$ 275,000.00
 - b. Men's dormitory addition 275,000.00
 - c. Student union 300,000.00
 - d. Student housing (6 units) 42,000.00
7. State Teachers College, Dickinson, North Dakota
 - a. Married student housing\$ 200,000.00
8. State Teachers College, Mayville, North Dakota
 - a. Birkelo Hall addition\$ 250,000.00
 - b. Student union 250,000.00

The bonds authorized by this Act for the construction of married student housing shall be retired solely from revenues from such buildings. Bonds issued under the provisions of this Act shall never become a general obligation of the state of North Dakota.

Approved March 15, 1961.

CHAPTER 148

S. B. No. 163
(Wadeson, Redlin, Luick)

SALE OR EXCHANGE OF CERTAIN LAND

AN ACT

To authorize the state board of higher education to sell or exchange certain land owned by the state of North Dakota for the benefit and use of the North Dakota agricultural experiment station of the North Dakota state university of agriculture and applied science for other land of equal or greater value and appropriating the proceeds of any sale to the state board of higher education for the purpose of acquiring other land.

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

§ 1.) The state board of higher education is hereby authorized to sell or exchange certain land owned by the state for the benefit and use of the North Dakota agricultural experiment station of the North Dakota state university of agriculture and applied science, which land is more specifically described as follows:

The east one-half of section two, township one hundred thirty-nine north, range fifty-one, west of the fifth principal meridian, Cass County, North Dakota, excepting recorded right-of-ways and that portion of said land lying southerly and easterly of the center line of the Maple River, such portion containing twenty-five and thirty-five hundredths (25.35) acres more or less.

The sale or exchange of the above-described land shall be made provided land of equal or greater value, as determined by the state board of higher education, will be acquired by the state of North Dakota for the use and benefit of the North Dakota agricultural experiment station. If a sale rather than an exchange is made of the above-described land, the proceeds from such sale are hereby appropriated to the state board of higher education for the purpose of carrying out the provisions of this Act. Upon the sale or exchange of the above-described land the deed thereto shall be executed by the governor and attested by the secretary of state. The board of higher education shall acquire replacement property for the land sold as provided in this Act and shall acquire an option for the acquisition of such replacement property prior to the consummation of any sale or exchange, and such replacement property shall be designated as the "Dalrymple Experimental Plot".

Approved March 15, 1961.

CHAPTER 149

S. B. No. 173

(Brooks, Meidinger, Hernett, Baeverstad,
(Erickson, George)

STATE TOXICOLOGIST

AN ACT

To establish the office of state toxicologist.

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

§ 1. State Toxicologist—Duties—Fees.) The office of state toxicologist shall be maintained in conjunction with the college of pharmacy at the North Dakota state university of agriculture and applied science, for the purpose of providing toxicological services to any person or the state or any political subdivision utilizing such services. The president of the North Dakota state university of agriculture and applied science, with the advice of the dean of the college of pharmacy shall employ the services of a qualified toxicologist who shall be ex officio state toxicologist. The toxicologist may charge fees for services rendered. Such fees shall be set by the state toxicologist, with the approval of the dean of the college of pharmacy and shall be turned over monthly to the state treasurer and credited to the state general fund. The state toxicologist shall be available to the college of pharmacy for such other duties as the dean thereof shall designate.

Approved February 28, 1961.

CHAPTER 150

H. B. No. 901

(Maragos, Loder, Johnson)

UNITED STATES AND STATE CONSTITUTIONS

AN ACT

To provide that all school districts must offer periods of instruction on the United States and state constitutions to all students in the seventh through the twelfth grades.

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

§ 1. Periods of Instruction To Be Given on United States and State Constitutions.) The officers of every school district shall insure that all students from the seventh grade through

the twelfth grade, inclusive, in every school within the district, shall receive the equivalent of at least a forty-five minute class period of study, each week, on the Constitution of the United States and the Constitution of North Dakota, for at least three of those six years. And that each morning the pledge of allegiance to the flag shall precede each day's study in the first grade through the sixth grade, inclusive.

Approved March 17, 1961.

CHAPTER 151

H. B. No. 607
(Frank, Mosal)

LEASES OF UNIVERSITY AND SCHOOL LANDS

AN ACT

To create and enact section 15-08-26 of the North Dakota Century Code, relating to leases of university and school lands, and to repeal section 15-04-05 of the North Dakota Century Code relating to the leasing of grant lands.

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

§ 1.) Section 15-08-26 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-08-26. Removal of or Payment for Improvements Upon Termination of Lease.) The lessee of any lands under the control of the board of university and school lands, at the expiration of the lease or within ninety days after receiving notice of the sale of the land which he is leasing may remove any improvements which he has placed upon such lands if such removal can be accomplished without material damage to the land. If the land is leased or sold to any person other than the holder of the lease, the person purchasing or leasing the land, in addition to paying the purchase price or rental of the land, shall pay to the prior lessee the reasonable value of all permanent improvements placed upon the land by the prior lessee with the written consent of the commissioner of university and school lands.

In computing the reasonable value of such improvements, due regard shall be given to the cost of acquisition or construction and depreciation over a period of not to exceed ten years. If the parties are unable to agree upon the value of such improvements, the value shall be determined by a board

composed of the commissioner or someone designated by him and of a person appointed by each of the parties in disagreement.

§ 2. Repeal.) Section 15-04-05 of the North Dakota Century Code is hereby repealed.

Approved February 28, 1961.

CHAPTER 152

H. B. No. 617
(Stockman, Baldwin, Boe, Idso,)
(Aamoth, Otos, Trom)

STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE, NAME CHANGE

AN ACT

To amend and reenact section 15-12-01 of the North Dakota Century Code, relating to the location and official name of the North Dakota state university of agriculture and applied science.

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

§ 1. Amendment.) Section 15-12-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-12-01. Location and Name.) The North Dakota state university of agriculture and applied science shall be located in the city of Fargo in the county of Cass. Wherever the term agricultural college appears in this code, it shall mean the North Dakota state university of agriculture and applied science.

Approved March 1, 1961.

CHAPTER 153

S. B. No. 115
(Kee, George, Meidinger)

NAME CHANGE OF NORMAL AND INDUSTRIAL SCHOOL

AN ACT

To amend and reenact section 15-14-01 of the North Dakota Century Code, relating to the name of the state normal and industrial school at Ellendale.

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

§ 1. **Amendment.)** Section 15-14-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-14-01. State Normal and Industrial School—Location.) The “state normal and industrial school” shall be located at Ellendale, Dickey County, North Dakota, and may be referred to as the “State Teachers College at Ellendale”.

Approved February 28, 1961.

CHAPTER 154

S. B. No. 117
(Solberg, Trenbeath, Garaas, Roen, Redlin,
(Van Horn, Thompson)

OFF-CAMPUS EDUCATIONAL CENTERS

AN ACT

To create and enact sections 15-18-04.1 and 15-18-04.2 of the North Dakota Century Code, authorizing certain school boards to establish and maintain off-campus educational centers and levy a tax for their support.

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

§ 1.) Section 15-18-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-18-04.1. Establishment of Off-Campus Educational Center.) The school board of any school district which includes a city having a population of more than 7,500 according to the latest federal census, may enter into an agreement with a

state-supported institution of higher education for the establishment and maintenance of an off-campus educational center offering college or university level courses, provided such agreement is approved by the state board of higher education.

§ 2.) Section 15-18-04.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-18-04.2. Mill Levy for Off-Campus Educational Facilities —Election.) For the purpose of maintaining and operating such off-campus educational center the school board may submit the question of a mill levy specified by the board, not to exceed eight mills, to the electors of the district at any regular or special school election within the district. If approved by sixty percent of the electors voting, the school board may proceed with the levy and collection of the tax. Such levy shall be in addition to all other mill levy limitations provided by law, and the proceeds shall be placed in a separate fund, accounted for separately, and used exclusively for the support, operation, and maintenance of such off-campus educational center. Expenditures may be made by the school board without going through the institution of higher education with whom an agreement has been entered.

Approved March 15, 1961.

CHAPTER 155

H. B. No. 657

(Fraase, Johnston, Wheeler, Idso, Kelly, Sjaastad, Lowe)

JUNIOR COLLEGES AND OFF-CAMPUS EDUCATIONAL CENTERS

AN ACT

To amend and reenact sections 15-18-05, 15-18-06, 15-18-07, 15-18-08, and 15-18-09 of the North Dakota Century Code, relating to county and state financing of junior colleges and off-campus educational centers.

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

§ 1. **Amendment.)** Section 15-18-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-05. County Levy to Aid Junior College or Educational Center Authorized.) The board of county commissioners of any county, or part of a county, in which a junior college or off-

campus educational center of a state-supported institution of higher education has been established, or any county, or part of a county, adjacent thereto, may upon approval of the electors of such county at a countywide election, levy a tax of not exceeding five mills upon all property in such county, to aid any special school district having established a junior college or off-campus educational center of a state-supported institution of higher education. The mill levy herein authorized shall be over and above any mill levy limitation provided by law. At any time after the approval of such levy, upon petition of five percent of the electors voting in the last preceding countywide election, the county commissioners shall submit the question of the continuance of such levy to the next countywide election, and if the majority of the electors shall vote to discontinue such levy, the levy shall be discontinued in subsequent years.

§ 2. Amendment.) Section 15-18-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-06. Proceeds of Levy To Be Certified to Special School District.) The proceeds of any tax levy hereby authorized shall be certified quarterly to the treasurer of any special school district having established such junior college or off-campus educational center of a state-supported institution of higher education and shall be placed in a special junior college fund or an off-campus center fund and shall be expended for the acquisition of property, construction, maintenance, and the operation of a junior college or off-campus center of a state-supported institution of higher education.

§ 3. Amendment.) Section 15-18-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-07. State Aid for Junior Colleges or Educational Centers.) There shall be paid to each school district maintaining a junior college or educational center operated by a state-supported institution of higher education meeting the standards prescribed in section 15-18-08, out of funds appropriated for this purpose, the sum of two hundred dollars which shall be paid immediately preceding October first of each year, for every student in attendance during the two full semesters or fall, winter and spring quarters. For the purpose of this section, a "student" shall mean a person enrolled and in attendance, exclusive of temporary absences, in a junior college or educational center operated by a state-supported institution of higher education for a period of not less than thirty days, and carrying a course of study of not less than twelve class hours in courses meeting standards prescribed by

the state board of higher education during each calendar week. A class hour shall mean not less than fifty minutes of instruction or supervised laboratory training. Each student enrolled for a period of more than thirty days in any one quarter or semester, but less than two complete semesters or three complete quarters shall entitle the school district to receive proportionate payments based upon the number of weeks the student is enrolled and in attendance, exclusive of temporary absences, bears to the total weeks in the two complete semesters or three quarters. Such calculations shall exclude weeks of regular vacation time.

§ 4. Amendment.) Section 15-18-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-08. Standards for State Aid.) No school district maintaining a junior college or educational center operated by a state-supported institution of higher education shall be eligible to receive payments as provided in section 15-18-07 unless it maintains an enrollment at all times during all semesters or quarters for which payment is made of not less than one hundred "students" as defined in section 15-18-07 and meets such academic standards in the various courses and fields of study as shall be prescribed by the state board of higher education. The state board of higher education shall provide for an annual inspection of each junior college or educational center operated by a state-supported institution of higher education to determine compliance with prescribed academic standards.

§ 5. Amendment.) Section 15-18-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-09. Method of Payment.) On or before July fifteenth of each year, the dean or chief administrative officer of each junior college or educational center operated by a state-supported institution of higher education or the superintendent of each school district claiming state aid payments under section 15-18-07, shall file with the commissioner of higher education a verified statement containing the name and residence of each student for whom payments are claimed, together with a listing of each course of study and the number of class hours for which such student was enrolled and in attendance, exclusive of temporary absences, during each week of the period of which payment is claimed. Such other information shall be submitted as may be requested by the state board of higher education. The state board of higher education shall consider all claims submitted for payment from each school district, and on or before September fifteenth

of each year shall forward to the state auditor a certified list of all school districts entitled to payments under section 15-18-07, together with the amount of the approved payments. The state auditor shall immediately issue a warrant to each school district entitled to payment in accordance with the certified statement submitted by the state board of higher education. The decision of the state board of higher education in regard to all claims for payment shall be final.

Approved March 17, 1961.

CHAPTER 156

H. B. No. 748

(Committee on Appropriations)

HIGH SCHOOL CORRESPONDENCE STUDY DIVISION

AN ACT

To amend and reenact sections 15-19-06 and 15-19-07 of the North Dakota Century Code, relating to receipts and expenditures of the high school correspondence study division.

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

§ 1. **Amendment.)** Section 15-19-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-19-06. Correspondence Courses To Be Financed from State Equalization Fund—Board May Establish Administrative and Operational Fund.) The cost of operating the correspondence courses under the provisions of this chapter shall be paid out of the state equalization fund. All vouchers expending money therefrom shall be approved by the superintendent of public instruction. The state board of public school education may if it deems advisable establish an administrative operational fund, of not to exceed ten thousand dollars, out of the biennial appropriation of the legislative assembly for the high school correspondence study division. The fund so established shall be deposited in the Bank of North Dakota and may be drawn upon by the state director of correspondence courses in secondary education for the payment of necessary expenses in the administration and operation of the high school correspondence study division program within the limits and regulations prescribed by the board of public school education. The director shall submit a full, minute and itemized statement of every expenditure made during the month to the board in accordance with such rules and regulations as

the board may prescribe and thereafter the board may, in its discretion, periodically authorize additional transfers to such operational fund, but the balance in such fund shall never exceed ten thousand dollars, and any unencumbered balance therein at the end of any biennium shall revert to the state treasury. The fund so established may not be used to pay the salary and expense of the director. Such salary and expense shall be paid in the same manner as other state officials. In establishing and maintaining the administrative operational fund the board shall make proper requisition by submitting a duly approved voucher signed by the superintendent of public instruction through the regular channels to the state treasurer for the transfer of the necessary funds from the biennial appropriation of the high school correspondence study division. The board shall determine the amount of the bond to be posted by the director.

§ 2. **Amendment.)** Section 15-19-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-19-07. Fees Collected Deposited in Equalization Fund.)

All fees collected by the high school correspondence study division from any source shall be remitted monthly by the director to the state treasurer and credited to the equalization fund of the state. The state treasurer and the manager of the bank of North Dakota shall transfer the balance in any special fund of the high school correspondence study division in the state treasury or on deposit with the bank of North Dakota, except the fund created in section 15-19-06, to the equalization fund of the state on the effective date of this Act.

Approved March 15, 1961.

CHAPTER 157

H. B. No. 754
(Otos, Trom)

DISSOLUTION OF SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-22-21 of the North Dakota Century Code, relating to the dissolution of school districts and providing an effective date.

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

§ 1. **Amendment.)** Section 15-22-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-22-21. Dissolution of School Districts—Duty of County Superintendent.) When the county superintendent of schools shall notify the board of county commissioners that any school district within the county has had its assessed valuation reduced to an amount which will no longer enable the district to raise sufficient funds to carry on normal school operations as a result of the federal or state government acquiring property by eminent domain, or for any other reason, or that any school district within the county has not operated a school for the immediately preceding two years providing pupils from such school district are not attending school in another state, the board of county commissioners shall forthwith give notice of hearing to dissolve the school district and provide for its attachment to an adjoining school district. Be it further provided that when the county superintendent shall notify the board of county commissioners of unorganized territory and recommends that the same shall be attached to an adjacent school district, the board of county commissioners shall forthwith provide for its attachment to an adjoining school district or districts.

§2. Effective Date.) The provisions of this Act shall be effective July 1, 1962.

Approved March 15, 1961.

CHAPTER 158

H. B. No. 539

(Solberg, Aamoth, Fossum, Halcrow, Saugstad)
(From LRC Study)

CONSOLIDATION OF SCHOOL DISTRICT LAWS

AN ACT

To amend and reenact chapters 15-27, 15-28, and 15-29 of the North Dakota Century Code and sections 11-14-14, 15-18-01, 15-18-03, 15-21-07, 15-21-07.1, 15-34-03, 15-34-04, 15-34-05, 15-34-06, 15-34-08, 15-34-10, 15-34-12, 15-34-14, subsection 3 of section 15-34-15, sections 15-34-16, 15-34-22, 15-35-08, 15-35-09, 15-35-10, 15-35-13, 15-35-14, 15-36-12, 15-37-04, 15-38-01, 15-38-03, 15-38-09, 15-38-13, 15-38-14, 15-38-15, subdivision a of subsection 1 of section 15-39-01, subsection 1 of section 15-39-16, sections 15-39-19, 15-39-20, 15-39-22, 15-39-23, 15-39-24, 15-41-18, subdivisions b and d of subsection 2 of section 15-43-01, sections 15-43-03, 15-43-04, 15-43-06, 15-43-07, 15-43-08, 15-43-09, 15-43-10, 15-45-01, 15-46-01, 15-46-04, 15-47-05, 15-47-06, 15-47-07, 15-47-08, 15-47-10, 15-47-11, 15-47-13, 15-47-14, 15-47-15, 15-47-17, 15-47-18, 15-47-22, 15-47-23, 15-47-25, 15-47-26, 15-47-27, 15-48-01, 15-48-02, 15-49-02, 15-49-09, 15-49-11, 15-53-09, subsection 5 of section 15-53-10, sections 15-53-14, 15-53-18, 15-53-19, 15-53-26, subsections 1 and 2 of section 21-03-01, subsection 4 of section 21-03-06, subsections 2 and

3 of section 21-04-01, sections 21-04-13, 21-04-15, 40-38-03, 40-38-05, 40-41-04, 44-08-01, 57-15-13, 57-15-14, of the North Dakota Century Code, and to repeal chapters 15-23, 15-24, 15-25, 15-26, 15-30, 15-31, 15-32, 15-33, sections 15-41-09, 15-41-10, 15-41-11, 15-41-12, 15-41-13, 15-41-14, 15-41-15, 15-41-16, 15-41-17, 15-41-20, 15-41-21, 15-41-23, and 15-53-17 of the North Dakota Century Code, relating to provisions especially affecting common and independent school district law, and joint high school districts.

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

§ 1. **Amendment.)** Chapters 15-27, 15-28, and 15-29 of the North Dakota Century Code are hereby amended and re-enacted to read as follows:

Chapter 15-27

Organization and Dissolution of Public School Districts

15-27-01. Public School Districts—Areas Which Are or May Become.) All school districts in the state of North Dakota, except the Fargo school district, are public school districts and shall be governed by the provisions of this Act. Any area may be constituted a public school district in the manner prescribed in this Act and chapter 15-53, and shall be governed thereafter by the provisions of this Act. When any territory or area is added to a city or village, such addition, upon incorporation into the city or village, shall become a part of the school district comprising or embracing the city or village. The terms “city” or “village” as used in this chapter 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.

15-27-02. Public School Districts—Corporate Powers—Corporate Name — Name Change.) Every public school district shall be a body corporate for school purposes and the name of such school district shall be substantially as follows:

“The School Board of.....Public School
District No.....of.....County, State
of North Dakota.”

The school district shall possess all the powers and shall perform all the duties usual to corporations for public purposes or conferred upon it by law. Under its name it may sue and be sued, enter into contracts, and convey such real and personal property as shall come into its possession by will or otherwise. It may have a corporate seal by which its official acts may be attested. Whenever in the judgment of the school board of any school district it is deemed desirable to change the name of the school district, or whenever one-third of the

electors of the district shall submit a petition requesting a change in the name of the school district, the board shall submit the proposed name change at the next school election. Upon ratification of the proposed change of such name by a majority of the ballots cast on the question, the school district shall be renamed accordingly. The clerk of the school board of the district shall notify the county auditor, the county superintendent of schools, and the superintendent of public instruction of any change in the name of the district.

15-27-03. Organization of Public School District—Petition—Election—Conditions.) When a petition signed by at least one-third of the persons who have the care and custody of children of school age and who reside in territory which is not organized into a school district is presented to the county superintendent of schools asking that such territory be organized into a public school district, the county superintendent, within fourteen days after the petition is filed, shall order an election to pass upon the question submitted in the petition. Notice of the election shall be given, the election conducted, and the returns of election made, in the manner provided by law for the annual school election. If a majority of the electors voting at the election favor the organization, the school district shall be formed. Each public school district organized under this section after the effective date of this Act shall consist of not less than one congressional township, shall contain taxable property of the value of at least one hundred twenty-five thousand dollars, and shall have at least ten children of school age residing therein.

15-27-04. Attachment of Adjacent Territory to School District — Petition.) Territory contiguous to a public school district, whether in the same county or in another, may be attached to such school district and detached from the district of which it is a part by the board of county commissioners upon written application signed by two-thirds of the electors residing in the contiguous territory after hearing and subject to the limitations of sections 15-27-06 and 15-53-21.

15-27-05. Annexation Hearings — Notice of Hearings.) Before detaching territory from one school district or annexing territory to another school district, the board of county commissioners shall hold a hearing on the petition therefor. At least fourteen days prior to the time the hearing is to be held, the board shall cause notice of such hearing to be published in the official newspaper of the county in which the school district is located, or if no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in this state. If the adjoining district is in another county, the boards of county commissioners of both

counties affected may jointly effect the annexation if a majority of the members of each of the boards of county commissioners approve the annexation.

15-27-06. Limitations on Power to Detach and Attach Territory.) No territory shall be detached from one school district for annexation to another school district if the part of the original district remaining after the proposed annexation would have an assessed valuation of less than one hundred thousand dollars, or less than one hundred twenty-five thousand dollars for each teacher employed in the remaining territory if the remaining territory has a graded school with two or more teachers.

15-27-07. Effective Date of Attachment or Detachment—Equalization—Voting Places.) If territory is annexed to a school district or detached therefrom, under the provisions of this chapter, the change in boundaries shall become effective within five days after the hearing, unless another effective date is provided for in the petition, and all the assets and liabilities of the district involved shall be equalized as provided in section 15-47-19. If territory is attached to an existing school district, the electors in such attached territory shall vote on school matters at the nearest polling place in the district to which it is attached.

Chapter 15-28

Public School District Elections

15-28-01. First Election of Officers After Organization of School District.) If a majority of the votes cast in an election called to vote on the question of organization of a public school district favor the organization of such district, the county superintendent of schools shall, within fourteen days after the approval of the organization, call an election for the election of a school board of the newly organized district. Such elections shall be held in the same manner and upon the same notice as the annual school district elections are held. If an incorporated city or village is embraced within the school district, five, seven, or nine members of the school board shall be elected at large or by geographic area. The school board of a school district embracing an incorporated city or village shall have the same number of school board members as there were members of the board of education of such school district prior to the effective date of this Act. In the case of a non-operative school board the size of the school board shall be the same as when last operative, unless changed as permitted in this section. When a petition signed by at least one-third of the voters of the school district, as determined by the

number of persons voting at the most recent regular school district election, is filed with the school board asking that the number of school board members be increased to not exceeding nine members, the board shall submit such question to the voters of the district at a special election called for that purpose. If a majority of those eligible and voting approve a change in the number of members of the school board, the additional members shall be elected to the board at the next regular school district election in the same manner as other school board members. If five members are elected, two shall serve until the first annual election, two until the second annual election and one until the third annual election thereafter. If seven members are elected, three shall serve until the first annual election, two until the second annual election, and two until the third annual election thereafter. If nine members are elected, three shall serve until the first annual election, three until the second annual election, and three until the third annual election thereafter. All such members shall serve for the terms prescribed above and until their successors are elected and qualified, and the length of their respective terms shall be determined by lot. If an incorporated city or village is not included within the school district, there shall be elected at large three members of the school board, one to serve until the first annual election, one to serve until the second annual election and one to serve 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. However, if a district is established in accordance with the provisions of chapter 15-53, and if the reorganization plan so provides, the members may be elected by geographic areas, and a school district not embracing a city or village may elect five members to its school board.

15-28-02. Rural Members of School Board.) When a school district is composed of six or more sections of land having a city or incorporated village within its boundaries and when the population of the school district does not exceed two thousand persons, at least two members of the school board shall be residents upon farms outside the corporate limits of the city or village. When the assessed taxable valuation of the rural area of a school district containing a city or incorporated village is greater than the assessed taxable valuation of the urban area of the district, the majority of the members of the school board shall reside upon farms outside the corporate limits of the city or village. In every public school district composed of six or more sections of land and having within its boundaries a city or an incorporated village with a population of more than two thousand but less than fifteen thousand persons, and

which has at least twenty-five families residing upon farms outside the corporate limits of the city or village but upon farmsteads located within the school district and sending children to school in such school district, at least one member of the board shall be a resident upon a farm outside the corporate limits of the city or village.

15-28-03. Annual and Special Elections — When Held — Officers Elected—Terms.) An annual election shall be held in each public school district on the first Tuesday in June of each year. At each annual election, members of the school board shall be elected to fill all vacancies therein caused by the expiration of terms of office or otherwise. Each member elected shall serve for a term of three years, except when elected to serve an unexpired term. Such term shall commence on the second Tuesday in July following his election, and he shall continue until his successor is elected and qualified. In addition to the annual election, a special election may be held at any time if approved by a resolution of the school board. Such election may be held for any purpose provided for by law.

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

15-28-05. Compensation of Election Officials.) Election officials at public school district elections shall receive a minimum of four dollars per day as compensation, and may receive such greater amount as the school board may prescribe.

15-28-06. Annual and Special Elections—Notice.) Notice of the annual school district election shall be given by the

county superintendent of schools in accordance with the provisions of section 15-22-23. Notice of special school district elections shall be given by the school board. At least fourteen days before the date the special election is to be held the school board shall cause to be published, in the official newspaper of the county, notice of the special election. If no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state. Such notice shall be signed by the clerk, or in his absence by the president of the school board, and shall state the time and place of holding the election, and the matter to be voted upon.

15-28-07. Notice of Election—Form.) The notice of election shall be in substantially the following form:

Notice is hereby given that on the first Tuesday, the of June, annual elections will be held for the purpose of electing member(s) of school boards, and the polls will be open at eleven o'clock a.m. (insert time standard) and will close at seven o'clock p.m., (insert time standard) of that day.

15-28-08. Hours Polls Open.) At all elections held in a public school district, the polls shall be opened at eleven o'clock a.m. and shall remain open until seven o'clock p.m. on the day of election. The school board shall designate in the notice of election the time standard to be used for polling hours.

15-28-09. Election — Candidates — Ballots — Stickers.) Any candidate for election as a member of the school board of a school district shall file with the clerk of the board, not less than ten days before the election, a statement setting forth his name and the position for which he is a candidate. At least five days before the election, the clerk shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all persons who have filed as herein provided. The ballot shall be headed "official ballot", shall be nonpartisan in form, and shall contain the following:

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

In school districts wherein membership on the school board is required to include persons residing on farms outside of the corporate limits of any city or village, the official ballot shall designate the candidates for such position or positions

as "rural candidates". Nothing herein shall prevent any person who is qualified to hold the office, who desires to be a candidate at the election, and who has failed to file as herein provided, from providing stickers to be attached to the official ballot by the electors. A sticker shall not be more than one-half inch in width, and shall have printed thereon one name only.

15-28-10. Duties of Election Officials — Other Statutes Applicable.) The provisions of sections 16-12-04, 16-12-05, 16-12-11, 16-12-15, 16-13-01, 16-13-04, 16-20-01, 16-20-06, 16-20-07, 16-20-08, 16-20-14, 16-20-15, 16-20-17, 16-20-19, 16-20-20, 16-20-21, 16-20-22, 16-20-23, and 16-20-24 shall apply to elections held under the provisions of sections 15-28-06 and 15-28-09. After the votes are canvassed, and within twenty-four hours after the polls are closed, the judges shall make their returns to the clerk of the school board. All expenses of elections held by a school district, except the notice of the annual election, shall be paid by the district.

Chapter 15-29

Powers and Duties of Public School District Officers

15-29-01. School Board—Quorum—Majority Vote on Contracts.) The public school district school board shall consist of the members elected according to the provisions of chapter 15-28. A majority of the board shall constitute a quorum, and the agreement of a majority of those members present and voting shall be necessary for the transaction of any business.

15-29-02. Regular and Special Meetings of Board—Notice of Special Meetings.) The annual meeting of the school board shall be held on the second Tuesday in July following the annual election, at which time the newly elected members shall assume the duties of their offices. The board shall hold a regular meeting for the transaction of business once in each calendar month thereafter, provided, however, that the board of any school district in which are located only one or two room schools may meet as often as the board shall deem necessary, but not less than four times in each year. Special meetings may be called by the president, or by any two members of the board. Written or printed notice of a special meeting shall be given to each member of the board, provided, however, that the attendance at any meeting, without objection, by any member shall constitute a waiver of the notice required to be given to such member.

15-29-03. Organization of School Board—Election of President—Appointment of Clerk and Treasurer.) At the annual meeting, the school board shall elect from among its members a president who shall serve for one year. The board shall

appoint a clerk and a treasurer who are not members of the board who shall hold their offices during the pleasure of the board and receive such compensation for their services as shall be fixed by the board.

15-29-04. Duties of President.) The president shall preside at all meetings of the board, appoint all committees subject to approval of the board, sign all warrants ordered by the board to be drawn upon the treasurer for school moneys, and perform other acts required by law. In the absence of the president at any meeting, a president pro tempore may be elected by the board.

15-29-05. Compensation of Board Members.) Each member of the school board may receive not in excess of five dollars as compensation for each meeting of the board actually attended by him, but no compensation shall be allowed for more than one meeting in each calendar month.

15-29-06. Vacancies on School Board—How Filled.) The school board shall have power to fill by appointment any vacancy which may occur on the board. An appointee shall hold his office until the next annual election and until his successor is elected and qualifies. When any such appointment is made, the clerk shall certify the same to the county superintendent of schools. In the event that the school board shall fail to fill such vacancy within sixty days after notice of a vacancy has been filed with the county superintendent of schools, the county superintendent shall call a special election for the purpose of filling the vacancy. Such election shall be conducted in the same manner as the annual school election. A vacancy shall occur on the school board by death, resignation, removal from the school district, or otherwise. Any school officer may be removed from office by a court of competent jurisdiction as provided by law, and in such event a vacancy shall exist.

15-29-07. Supervision of Schools.) The schools of a public school district shall be under the supervision of the school board which may appoint a school superintendent to supervise the schools within the district. When no superintendent is appointed by the board, the schools of the district shall be under the immediate supervision of the county superintendent of schools.

15-29-08. General Powers and Duties of School Board.) The powers and duties of the school board of a public school district shall be as follows:

1. To establish a system of public schools which shall be free to all children of legal school age residing within such district and which shall furnish school privileges equally and equitably to all pupils in the district. The board

may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another. Such schools shall provide at least one hundred eighty days of classroom instruction each year; provided that any day in which classes cannot be held because of acts of God, epidemic or failure of physical facilities shall be included in the one hundred eighty days provided for in this section. Any school may be discontinued when the average attendance of pupils therein shall be less than six for ten consecutive days, if proper and convenient school facilities for the pupils can be provided in some other school in the territory of the closed school until such time as the school may be reopened by the board. In determining what constitutes proper and convenient school facilities, the board shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may furnish transportation to the nearest school, or may pay an extra allowance over and above the schedule of payments provided for in section 15-34-04 for the transportation or may furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a parent or guardian of a pupil of the school district and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by such parent or guardian to the board of arbitration consisting of the county superintendent of schools, one arbitrator named by the parent or guardian, and one arbitrator named by the board, and the determination of the arbitrators after hearing, shall be binding. The board shall reopen any school which has been closed for lack of attendance under this subsection for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

2. To organize, establish and maintain such schools in said district as it may deem requisite and expedient, including high schools as provided in section 15-41-09*, and to change and discontinue the same; to acquire sites, construct buildings, and operate schools, to discontinue such schools and liquidate the assets thereof. With the approval of the state board of public school education, the board may acquire sites, construct buildings and

*Note: Section 15-41-09 was repealed by section 89 of this chapter.

- operate schools outside its district boundaries, and discontinue such schools and liquidate the assets thereof.
3. To send pupils into another school district when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and in such instances the board may pay the tuition of such pupils to the district to which they are sent. The board may arrange, and when petitioned to do so by a majority of electors of the district shall arrange, with the school boards of other districts to send to such other districts pupils who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from the schools in such other districts. Such other districts shall receive pupils only when the board of the sending district and the board or boards of the receiving district or districts have entered into an agreement governing the attendance of such pupils as may be enrolled.
 4. To determine and establish courses of study which shall be followed, in addition to those courses prescribed or approved by the superintendent of public instruction or by law.
 5. To purchase, sell and exchange schoolhouses and rooms, lots, or sites for schoolhouses, teacherages and dormitories, and to lease such facilities for a period not to exceed one year.
 6. To exercise the power of eminent domain when necessary to acquire real property for school purposes and proper functions incidental thereto.
 7. To improve lots and sites, and to build, alter, enlarge, improve, and repair such schoolhouses, teacherages, dormitories, outhouses, appurtenances, as it may deem advisable upon lots and sites owned by the district.
 8. To purchase, sell, exchange, improve, and repair school apparatus, textbooks for the use of the pupils, furniture, and appendages, and to provide fuel and other needful supplies for the schools.
 9. To have the custody and control of all school property belonging to the district, and, when the school district is located within a city or village, to see that the ordinances and bylaws of the city or village in relation to such school property are observed.
 10. To contract with, employ, and pay all teachers in the schools and to dismiss and remove for cause any teacher when the interests of the school may require it. Every teacher shall be required to hold a valid North Dakota teaching certificate issued by the superintendent of

public instruction. No person who is related to any member of the board by blood or marriage shall be employed as a teacher without the concurrence of the entire board.

11. To employ, should it deem it expedient, a superintendent of schools for a period not to exceed three years, and to pay such person a reasonable salary. The superintendent may be required to act as principal or teacher in the school system of the district.
12. To defray the necessary and contingent expenses of the board, including the compensation of its clerk and its treasurer.
13. To adopt, alter, and repeal, when it deems it expedient, rules and regulations for the reception, organization, grading, government, and instruction of pupils, and for their suspension, expulsion, or transfer from one school to another. No pupil shall be suspended or expelled except for insubordination, habitual indolence, or disorderly conduct, and a suspension shall not be for a longer period than ten days, nor shall an expulsion be in effect beyond the end of the current term of school.
14. To admit to the schools of the district pupils from other districts when it can be done without injuring or overcrowding the schools, and to make regulations for the admission of such pupils. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another. When an elementary pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of an elementary pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by a three-member committee consisting of the county judge, state's attorney, and the county superintendent of schools within fifteen days after consulting the school boards of both districts concerned, and the balance of the tuition, after credit for taxes paid and the credit allowed for county equalization fund payments according to the provisions of section 15-40-26, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds and annual receipts of the building fund. Districts not

complying with the decision of the committee herein provided shall forfeit their county equalization payments to the schools receiving the pupils. The board may admit pupils residing in unorganized territory adjacent to the district to the schools in the district and may arrange with the parents or guardians of such pupils for the payment of tuition. The admission of non-resident high school students shall be governed by the provisions of chapter 15-40.

15. To levy a tax upon the property in the district for school purposes as provided in the title Taxation.
16. To cause an enumeration to be made, between the first and twentieth days of June in each odd numbered year, of all unmarried persons under twenty-one years of age within the school district, and to return the same to the county superintendent of schools.
17. To make a report on July first of each year, or as soon thereafter as practicable, of the progress and financial and educational condition of all the schools under its charge. A copy of such report, together with such further information as shall be required by the superintendent of public instruction, shall be forwarded to the county superintendent of schools. The report of financial condition and such other portions as the school board shall consider advantageous to the public, shall be published in a newspaper published in the school district or, if there is none, then in the official county newspaper.

15-29-09. Duties of the Clerk of the School Board.) The clerk of the school board shall:

1. Keep a true and complete record of all of the proceedings of the school board;
2. Take charge of all the books and documents of the district and deliver them to his successor in office;
3. Prepare and submit to the board and to the county superintendent of schools an annual report which shall contain such items as may be required by the superintendent of public instruction;
4. Countersign all warrants for school moneys drawn upon the school district treasurer by order of the board;
5. Perform all duties enjoined upon him under the title Taxation and under the title Governmental Finance; and
6. Perform such other duties as the board may require.

15-29-10. District Records Open to Examination—Records as Evidence.) The records, books, vouchers, and papers of the district shall be open to examination by any taxpayer of the

district. Such records, or a transcript thereof certified by the clerk shall be received in all courts as prima facie evidence of the facts therein set forth.

15-29-11. Treasurer's Bond.) The treasurer of each school district shall furnish to the school district a bond conditioned that he will honestly and faithfully discharge the duties of his office and that he shall safely keep and render a true account of all funds and property that shall come into his hands as such treasurer and pay and deliver the same according to law. Such bond shall be in an amount to be fixed by the school board but shall be not less than the maximum amount of money that shall be subject to the treasurer's control at any one time.

15-29-12. Duties of School District Treasurer.) The treasurer of a public school district shall:

1. Keep a separate true and correct account of the receipts and expenditures of each fund of the district.
2. Prepare and submit quarterly to the board a written report of the state of the finances of the district, and to submit such report at any other time upon the request of the board, provided, however, that in school districts in which are located only one or two room schools the treasurer shall be required to submit such a report only upon the request of the board.
3. Produce at any meeting of the board or of any committee appointed to examine his accounts, whenever ordered to do so by the board, all of the books and papers pertaining to his office.
4. Keep safely in his possession or under his control all school moneys coming into his hands.
5. Pay out district moneys under his control in accordance with the provisions of section 15-29-13. The form of warrant shall be prescribed by the superintendent of public instruction and shall be so drawn that when signed by the treasurer in an appropriate place it becomes a check on the school district depository.
6. Shall receive and have custody of all moneys from every source which the school board of the district is authorized to receive, except as provided by law when the district has a population of under four thousand.
7. Attend meetings of the board when requested and perform all duties required of him under the title Taxation and the title Governmental Finance.

15-29-13. Form of Warrants—How Warrants Paid by Treasurer.) The treasurer shall pay out moneys only upon the presentation of a warrant signed by the president of the

board and countersigned by the clerk, and only if there is money in his hands or subject to his order sufficient for the payment thereof. The form of warrant to be used by a school district shall be prescribed by the superintendent of public instruction. When making payment of a warrant on school district funds, the school district treasurer shall countersign the warrant and insert the name of the depository bank thereon, and the warrant, when so countersigned, shall become a check on the school district depository. Immediately upon countersigning any warrant and inserting the name of the depository bank thereon, he shall enter the payment in his treasurer's record. The treasurer shall not issue a check on the depository bank except as provided in this section.

§ 2. Amendment.) Section 11-14-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-14-14. Reports of Disbursements of Funds to School Districts.) Annually, on the first day of July, the county treasurer shall:

1. File with the county superintendent of schools an itemized statement of all funds remitted by him during the preceding school year to the treasurer of each school district in the county;
2. Send to the treasurer of each school district in the county an itemized statement of all payments made by the county treasurer to such school district treasurer during the preceding school year; and
3. Send to the clerk of the school board of each school district in the county a copy of the statement sent to the treasurer of his district pursuant to the provisions of subsection 2 of this section.

Such statement shall be made in substantial conformity with the forms prepared by the superintendent of public instruction for the annual report of school district treasurers.

§ 3. Amendment.) Section 15-18-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-01. Junior Colleges Authorized.) The school board of any public school district comprising any city of the state having a population of more than five thousand, when authorized by a two-thirds vote of the electors voting thereon, may establish and maintain, in conjunction with the high school of such district, a department of junior college work to consist of not more than two years of work beyond a four-year high school course.

§ 4. **Amendment.)** Section 15-18-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-03. Tuition in Junior College—Duty of School Board—Tax Levy Authorized on Vote of People—Maintenance of Department.) On or before August fifteenth in each year, the school board of a public school district which maintains a junior college shall determine the rate of tuition required to be paid by all pupils attending the department, whether or not the pupils are residents of the district, and such tuition may be at a different rate for the students nonresident in the district than for pupils resident in the district. Every public school district maintaining a junior college under the provisions of this chapter may levy a tax of not to exceed eight mills, the proceeds of which shall be used for the maintenance and operation of the junior college. When submitting the question at the election, the board may specify a levy of less than the eight mill limit authorized, and if such a limited levy is approved by the voters, subsequent levies shall not exceed the limited levy without another election authorizing a greater levy, but no election shall ever authorize a greater total levy than eight mills. The tax levy for the support of a junior college shall be in addition to all other levies authorized by law for such school districts, and the proceeds of the levy shall be used exclusively for the support, operation and maintenance of a junior college.

§ 5. **Amendment.)** Section 15-21-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-07. Duties—To Advise with County Superintendents of Schools and School Boards—Appeals.) The superintendent of public instruction shall counsel with and advise county superintendents of schools and school boards upon all matters involving the welfare of schools, and on request, he shall give them written answers to all questions concerning school laws. He shall decide all appeals from decisions of county superintendents of schools, and, for the consideration of such appeals, he may require affidavits, verified statements, or testimony under oath as to the facts in issue, as provided in chapter 28-32. As an administrative agency under chapter 28-32 and following provisions thereof, he shall prescribe, and cause to be enforced, rules of practice and regulations pertaining to the hearing and determination of appeals and such rules and regulations as may be necessary to render effective the school laws of the state.

§ 6. Amendment.) Section 15-21-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-07.1. Agreements with Federal Agencies and School Districts.) The superintendent of public instruction in order to carry out the purposes of any federal statutes pertaining to public education may enter into agreements with any agency of the federal government and with the school board of any school district in the state, may make agreements with the federal government for and in behalf of the public school districts of the state and may adopt necessary rules of administration to insure the proper and efficient operation of such agreements and to comply with such conditions as may be necessary to obtain the full benefits of such federal statutes. Provided, however, that such contracts, agreements or arrangements shall in no way impair the rights, powers, duties or authority of local school districts and school boards in the management and control of their local schools.

§ 7. Amendment.) Section 15-34-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-03. Compulsory Attendance—Exceptions.) The parent, guardian, or other person having control of a child of compulsory school age as defined in this chapter shall be excused by the school board from causing the child to attend school whenever it shall be shown to the satisfaction of the board, subject to appeal as provided by law, that one of the following reasons exists:

1. That the child is in attendance for the same length of time at a parochial or private school approved by the county superintendent of schools. No such school shall be approved unless the branches of instruction usually taught in the public schools are taught therein. The approval or disapproval of such school by the county superintendent shall be subject to appeal to the superintendent of public instruction;
2. That the child has acquired the branches of learning taught in the public schools and has completed high school;
3. That the child actually is necessary to the support of his family, which shall be a question of fact to be determined by the governing board of the district with the approval of the county superintendent of schools, and such determination shall be subject to review by the superintendent of public instruction on appeal;
4. That the child is in such physical or mental condition as to render attendance inexpedient or impracticable.

Such condition shall be shown by a declaration of a licensed physician if required by the board;

5. That no school is taught for the required length of time within two miles of the residence of the child by the nearest route, if the child lives in a school district which does not pay transportation in accordance with the schedule contained in this chapter, or the equivalent thereof in lodging or in tuition at some other school if acceptable to the child's parents or guardians, nor furnish vehicular transportation by public conveyance for the child. The exception contained in this subsection shall not apply in the case of a deaf, blind, or feeble-minded child;
6. That no school is taught for the required length of time within six miles of the residence of the child by the nearest route, if the child lives in a school district which does not furnish vehicular transportation by public conveyance for children living more than six miles from the nearest school. The exception contained in this subsection shall not apply in the case of a deaf, blind, or feeble-minded child.

§ 8. **Amendment.)** Section 15-34-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-04. Transportation—Payment Optional with School Board—Schedule.) The school board of any school district in the state, whether or not such district contains a consolidated school, may pay, in its discretion, to each family living more than two miles from a school in the district which is taught the required length of time, a sum per day for each day's attendance of a child or children of such family, including children in the high school department, when transported by a member of the family or by a conveyance furnished or paid for by the family or when the family has paid for lodging for the child, according to the distance between the home of the family and the school, as set forth in the following schedule:

From 2 miles to 2¼ miles.....	25¢ per day
From 2¼ to 2½ miles.....	28¢ per day
From 2½ miles to 2¾ miles.....	31¢ per day
From 2¾ miles to 3 miles.....	34¢ per day
From 3 miles to 3¼ miles.....	37¢ per day
From 3¼ miles to 3½ miles.....	40¢ per day
From 3½ miles to 3¾ miles.....	43¢ per day
From 3¾ miles to 4 miles.....	46¢ per day
From 4 miles to 4¼ miles.....	59¢ per day
From 4¼ miles to 4½ miles.....	62¢ per day
From 4½ miles to 4¾ miles.....	65¢ per day

From $4\frac{3}{4}$ to 5 miles.....	68¢ per day
From 5 miles to $5\frac{1}{4}$ miles.....	71¢ per day
From $5\frac{1}{4}$ miles to $5\frac{1}{2}$ miles.....	74¢ per day
From $5\frac{1}{2}$ miles to $5\frac{3}{4}$ miles.....	77¢ per day
From $5\frac{3}{4}$ miles to 6 miles.....	80¢ per day
Each $\frac{1}{2}$ mile over 6 miles, the further sum of.....	10¢ per day

Such distance shall be measured by the nearest route from the front door of the schoolhouse to the front door of the family's residence according to the most convenient public course of travel. If payment is made in any district based on school attendance, such payment shall be made in the amounts provided in this section except in the case of a school which has been closed for lack of sufficient number of pupils as provided in this title.

§ 9. Amendment.) Section 15-34-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-05. Vehicular Transportation, Lodging, or Tuition May Be Furnished at Option of School Board.) The school board of any school district in the state, in its discretion, may furnish to each family living more than two miles from a school in the district which is taught the required length of time:

1. Vehicular transportation by public conveyance; or
2. The equivalent of the payments specified in section 15-34-04 in lodging or tuition at some other public school if the same is acceptable to the family.

The board shall not accord the benefits of either subsection 1 or subsection 2 of this section to any family which is receiving payments under section 15-34-04.

§ 10. Amendment.) Section 15-34-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-06. Demand for Payment, Waiver.) Demand for any payments authorized by a school board under the provisions of this chapter shall be made by the family entitled thereto before the close of the school year, or the same shall be deemed to be waived.

§ 11. Amendment.) Section 15-34-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-08. Transportation Expense—Report of Clerk.) The clerk of the school board shall include an item in his annual

statement setting forth any amounts spent for transportation of pupils or in making any payment in lieu of transportation.

§ 12. Amendment.) Section 15-34-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-10. Prosecution for Violation of Compulsory Attendance Law — Officers Charged with Enforcement.) Every superintendent, principal, and teacher in any school system in this state, and every county superintendent of schools, shall be charged with the enforcement of the provisions of this chapter relating to compulsory school attendance. Such persons shall inquire into all cases of alleged violation of such provisions and shall obtain from any parent, guardian, or other person having custody of any child of school age not attending school in accordance with the requirements of this chapter the reason, if any, for such absence. In school districts not having a school superintendent, the county superintendent of schools shall be notified of any violation of the compulsory school attendance law, and such county superintendent shall report the facts of the violation to the state's attorney of the county. In school districts which have a school superintendent, the school superintendent or principal shall report to the state's attorney of the county the facts in connection with any violation of the compulsory attendance law. The state's attorney shall prosecute any person who violates the compulsory school attendance provisions of this chapter. The school board of any school district having more than five hundred inhabitants may employ a truant officer to assist in the enforcement of the compulsory school attendance provisions.

§ 13. Amendment.) Section 15-34-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-12. Vehicular Transportation — Bids, Contracts, Bonds.) The school board of any school district which furnishes vehicular transportation to any of its schools, prior to the opening of school each year, shall enter into written contracts for the furnishing of such transportation, for the ensuing school year. If vehicle furnished is privately owned, the driver of the vehicle and the school board may enter into a contract not to exceed three years. The board shall give at least ten days' notice of the time and place of the letting of such contracts and shall call for sealed bids therefor by posting notices thereof in at least three of the most public places in the school district. The notices shall describe the route to be covered by each contract, and shall state that the board reserves the right to reject any and all bids, that a bond will be required of each successful bidder, in the sum of five hundred dollars,

conditioned for the faithful performance of the duties prescribed by the contract, and that the bids submitted must name the person or persons who will operate the vehicle and describe the nature of the vehicle.

§ 14. Amendment.) Section 15-34-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-14. Contract for Vehicular Transportation — Conditions for Granting.) The school board shall let the contract, in each case, to the lowest responsible bidder who furnishes a bond as described in section 15-34-12, which will be approved by the board, and who agrees to use a vehicle which, in the judgment of the board, is a safe, comfortable, and suitable vehicle for the purpose, and who names one or more drivers who, in the judgment of the board, are competent and responsible. No contract shall be entered into with any member of the board, but a member of the board may be designated in the contract as the operator of a vehicle.

§ 15. Amendment.) Subsection 3 of section 15-34-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. Describe the route or routes as fixed by the school board which the vehicle or vehicles described in the contract shall cover and provide for the amount of compensation to be paid for transportation;

§ 16. Amendment.) Section 15-34-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-16. Arbitration of Disagreement as to Compensation on Change of Route.) In case of a change in the route or routes specified in a vehicular transportation contract and the failure of the school board and the contract holder, to agree on an adjustment of the compensation specified in the contract, the matter shall be submitted to arbitration. One arbitrator shall be appointed by the board, and one shall be appointed by the contract holder. The two arbitrators thus appointed shall appoint a third arbitrator. The award of the arbitrators shall adjust the compensation of the contract holder to meet the changed situation and shall be binding upon the district and the contract holder.

§ 17. Amendment.) Section 15-34-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-22. Violation of Compulsory Attendance Provisions—Penalty.) Any parent, guardian or other person failing to comply with the requirements of sections 15-34-20 and

15-34-21 is guilty of a misdemeanor and shall be punished by a fine of not less than five dollars nor more than twenty-five dollars for the first offense and by a fine of not less than ten dollars nor more than fifty dollars for the second and each subsequent offense. The school board, school superintendent, principal, teachers and truant officers of the school district offering school facilities to such child or children shall be charged with responsibility for the enforcement thereof in the same manner and to the same extent as in connection with children actually residing in the district.

§ 18. Amendment.) Section 15-35-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-08. Fireguards—Duty of School Board—Misdemeanor.) Every school board in the state shall provide reasonable fireguards around the rural schools of the district. If any school board fails or neglects to provide the same, the county superintendent of schools shall notify the school board of its failure. After being so notified, it shall be a misdemeanor for any member of the board to draw or receive his compensation until fireguards have been provided.

§ 19. Amendment.) Section 15-35-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-09. Fire Drills—Duty of Superintendent and Teachers.) All public school teachers who teach in school buildings consisting of more than one room shall conduct at least two fire drills each month except when the weather is inclement. No teacher shall receive his salary for any month until he has certified to the clerk of the board that fire drills have been given in compliance with this section. In districts having a superintendent, the superintendent shall prescribe rules governing fire drills and shall not receive his salary until he has certified to the clerk of the board that fire drills have been given as provided in this section.

§ 20. Amendment.) Section 15-35-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-10. Fire Drills in Rural Schools—Rules—Duty of County Superintendent and of Teachers.) The county superintendent of schools shall prescribe reasonable rules for the conduct of fire drills in the rural schools of his county with special reference to prairie fires. Any school board may direct that no teacher in a one-room school shall receive his salary until at least one fire drill has been conducted in his school each month.

§ 21. **Amendment.)** Section 15-35-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-13. Superintendent of Public Instruction May Order Change in Sanitary or Ventilating Systems—Appeal—Penalty.) If it shall appear to the superintendent of public instruction that the sanitary or ventilating system of any school building is defective or deficient and that such defect or deficiency can be remedied without unreasonable expense, he may issue a written order to the school board of the district in which the schoolhouse is situated directing that such defect or deficiency shall be remedied. The members of any board or any person having charge of any schoolhouse who shall neglect for four weeks after an order made by the superintendent under the provisions of this section is served upon such board or person to comply with such order shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars. Any person feeling aggrieved by any order made by the superintendent of public instruction under this section may apply in writing, within four weeks after the service of the order, to the city or village board of health, in the case of a school located within a city or village, or to the county board of health in all other cases, for a review of the order, and may request that such order be amended or set aside. The board of health to which the application is directed shall afford a hearing upon the order upon such reasonable notice as it shall specify and may alter, annul, or affirm such order.

§ 22. **Amendment.)** Section 15-35-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-14. Use of School Buildings for Other Than School Purposes — Penalty for Removal of Furnishings.) School boards having charge of school buildings may permit the use thereof under proper restrictions for any appropriate purpose when not in use for school purposes. Equal rights and privileges shall be accorded to all religious denominations and to all political parties. The use of school buildings under this section shall be without cost to the district, and furniture fastened to the buildings shall not be removed or unfastened. Public school and high school auditoriums and gymnasiums may be let for meetings, entertainments, or conventions of any kind, subject to such restrictions as the governing board of the district shall prescribe. Such use of the buildings shall not be permitted to interfere with the operation of the schools or with school activities. A charge shall be made for the use of the buildings in an amount at least sufficient to defray any

cost to the district for light, heat, janitor service, or other incidental expenses connected with such use. Any person who removes any school furniture for any purpose other than to repair the same or for the purpose of repairing the schoolroom, shall be punished by a fine of not less than five dollars nor more than ten dollars for each offense.

§ 23. Amendment.) Section 15-36-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-36-12. Certificate Must Be Exhibited to Clerk—Completion of Term after Expiration of Certificate.) No teacher shall be entitled to receive any compensation for the time he teaches in a public school without a certificate to teach which lawfully is issued and in force in the county in which the school is taught. Prior to receiving his salary for the first month taught in a school district, a teacher must exhibit his certificate to the clerk of the school board. If a teacher's certificate shall expire by its own limitations within six weeks of the close of the term, the teacher may finish the term without re-examination or renewal thereof.

§ 24. Amendment.) Section 15-37-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-37-04. Who May Administer Oaths.) The several township supervisors, school directors, members of the state board of higher education, and members of school boards may administer the oath required by this chapter.

§ 25. Amendment.) Section 15-38-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-01. Superintendent of City and Village Schools—Powers and Duties.) The superintendent of schools, in districts where a superintendent is employed, shall supervise the administration of the courses of study, visit schools, examine classes, and have general supervision of the professional work of the schools, including the holding of teachers' meetings and the classification of teachers, all of which shall be subject to the final authority of the school board. From time to time, he shall make reports to the board embodying recommendations relative to the employment of teachers and janitors, the adoption of textbooks, changes in the courses of study, enforcement of discipline, and school matters in general. He shall make such other reports and perform such other duties as the board may direct and delegate. The superintendent of schools shall furnish to the school district a bond conditioned that he

will honestly and faithfully discharge the duties of his office and that he shall safely keep and render a true account of all funds and property that shall come into his hands. Such bond shall be in an amount set by the school board but shall not be less than the maximum amount of money that shall be subject to the superintendent's control at one time. Such bond shall be written through the state bonding fund and shall be at the expense of the school district.

§ 26. Amendment.) Section 15-38-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-03. Teacher's Register — Contents — Report.) Each teacher shall keep a school register and at the close of each term shall make a report stating the number of visits of the county superintendent of schools and such other items as may be required by the county superintendent. The report shall be made in duplicate, and both copies shall be sent to the county superintendent. If he finds the report correct, he shall send one copy immediately to the clerk of the school district. No teacher shall be paid any salary for the last month of a term until the report has been approved by the county superintendent and filed with the clerk.

§ 27. Amendment.) Section 15-38-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-09. Physical Education To Be Taught in All Schools.) Physical education shall be taught as a regular subject to all pupils in all departments of the public schools and in all educational institutions supported wholly or in part by money from the state. All school boards and boards of educational institutions receiving money from the state shall make provision for daily instruction in all the schools and institutions under their respective jurisdictions and shall adopt such methods as will adapt progressive physical exercises to the development, health, and discipline of the pupils in the various grades and classes of such schools and institutions.

§ 28. Amendment.) Section 15-38-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-13. Suspension of Pupils—Cause—Notice.) A teacher may suspend any pupil from school for not more than five days for insubordination, habitual disobedience, or disorderly conduct. In each case, the teacher shall give immediate notice of the suspension, and the reason therefor, to the parent or guardian of the pupil and to a member of the school board.

§ 29. Amendment.) Section 15-38-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-14. Assignment of Studies to Pupils—Classification of Pupils.) The teacher, or the principal or local superintendent in graded schools under the charge of a principal or local superintendent, shall assign to each pupil, in accordance with the provisions of this chapter, such studies as he is qualified to pursue and shall place such pupil in the proper grade or class in the school. If any parent or guardian shall be dissatisfied with such assignment or classification given by a teacher in a school not having a principal or local superintendent, the matter shall be referred to and decided by the county superintendent of schools having supervision of such school.

§ 30. Amendment.) Section 15-38-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-38-15. Duty to Attend Teachers' Institutes and Training Schools—Notice—Penalty for Failure to Attend.) When a teachers' institute or teachers' training school is appointed to be held in or for any county, the county superintendent of schools shall give written or printed notice thereof and of the time when and the place where the same will be held to each teacher in the public schools of the county, and, as far as possible, to others not then engaged in teaching who are holders of teachers' certificates. The notice shall be given at least ten days before the opening of the institute or teachers' training school. Each teacher who receives the notice, and who is engaged in teaching a term of school during the time when the teachers' institute or training school is in session, shall close the school and attend the institute or training school, and shall be paid the regular salary as teacher by the board of the school district for the time during which he is in attendance as certified by the county superintendent of schools. The county superintendent of schools may revoke the certificate of any teacher in the county for inexcusable neglect or refusal, after due notice, to attend a teachers' institute or teachers' training school held for the county. The provisions of this section shall not apply to high school teachers.

§ 31. Amendment.) Subdivision a of subsection 1 of section 15-39-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- a. All persons employed in teaching in any state institution or by any school board or other governing body of any school district of this state;

§ 32. Amendment.) Subsection 1 of section 15-39-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Each school board or other governing body of any school district or of any county agricultural and training school shall retain the amounts of the assessments provided in this chapter from the monthly salary of each teacher in the district or county agricultural and training school who is subject to the provisions of this chapter;

§ 33. Amendment.) Section 15-39-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-19. District Wherein no Assessment is Made—Reports Required.) The school board of a school district in which there is no teacher who comes under the provisions of this chapter shall report that fact to the county treasurer under the oath of the clerk thereof, and at the same time, shall forward copies of such statement to the county superintendent of schools and to the county auditor.

§ 34. Amendment.) Section 15-39-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-20. Report of Assessments in County To Be Made by County Superintendent of Schools.) Every county superintendent of schools between the thirtieth day of June and the tenth day of July of each year, shall furnish to the board a report containing an itemized and consolidated account of the statements received by him from the school boards and other governing bodies of school organizations in the county and a statement of the total amount withheld from the salaries of all of the teachers included in the report.

§ 35. Amendment.) Section 15-39-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-22. Assessments Reports To Be Preserved.) The board, and each county superintendent of schools, county treasurer, county auditor, school board, managing body of any school organization, board of county commissioners, disbursing officer of each state institution, state board of higher education, and board of directors of the North Dakota education association shall keep complete records of the data contained in any reports and shall retain copies of any statements made by or to such officer or board under the provisions of this chapter.

§ 36. **Amendment.)** Section 15-39-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-23. Sum To Be Set Aside from County Equalization Fund and Transmitted to State Treasurer.) Each county treasurer, annually, shall set aside from the county equalization fund a sum equal to twenty cents for each child enumerated on school census report in his county and shall transmit such sum to the state treasurer at the time at which he transmits the funds received from the school boards and board of county commissioners under the provisions of this chapter. The county treasurers shall certify to the board under oath the amount so transmitted to the state treasurer.

§ 37. **Amendment.)** Section 15-39-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-24. Failure to Report and Account Deprives District of Right to Participate in State Equalization Fund.) No school district shall share in the apportionment of the state equalization fund for any year unless the school board, or an officer thereof, has made the reports required under the provisions of this chapter and has paid over for credit to the fund the percentage provided in section 15-39-14 of the total wages paid to teachers in the district who are members of the fund, and has paid the required funds for matching the assessments required of the teachers, nor unless the county treasurer has remitted to the state treasurer the portion of the county equalization fund designated in section 15-39-23.

§ 38. **Amendment.)** Section 15-41-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-18. Admission of Nonresident High School Students.) Nonresident high school students may be admitted to the high school department of a standardized graded school or standardized high school. The school board in any school district having a standardized high school or high school department shall admit to such high school department, whenever the facilities for seating and instruction will warrant, any nonresident high school student who is prepared to enter such department. A pupil who has not completed the first eight grades shall not be considered prepared to enter the high school department. A school district which is located on the boundary line of this state, which does not have a full four-year high school course of at least fifteen units, and which is adjacent to a school district in an adjoining state which does have a full four-year high school course, shall arrange for

any pupil living in the district to attend the high school in the adjacent district, notwithstanding that it is an adjacent state, until he has completed such part of the full four-year high school course of at least fifteen units as is not offered in his home district.

§ 39. Amendment.) Subdivisions b and d of subsection 2 of section 15-43-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

- b. That the price and terms filed are to be reduced automatically in North Dakota whenever reductions are made by the publisher elsewhere in the United States so that at no time shall any book so filed and listed be sold to district school boards, or to their authorized purchasing agents, at a higher price than is received for the book by the publisher elsewhere in the United States;
- d. That in case an abridged or special edition of any book shall be prepared, the person, firm, or corporation manufacturing the same shall sell the special edition to district school boards in this state, or to their authorized purchasing agents, at the same wholesale price as that for which the book is sold elsewhere;

§ 40. Amendment.) Section 15-43-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-03. Breach of Conditions in Bond — Proceedings to Collect on Bond.) If any person, firm, or corporation shall supply, to any district school board, or any purchasing agent thereof, books that are inferior to the samples on file with the superintendent of public instruction, or shall charge a higher price than that filed or than is charged elsewhere in the United States, the county superintendent of schools, on written complaint filed with him by the school board, shall inform the superintendent of public instruction of the breach of the terms of the bond. The superintendent shall notify the person, firm, or corporation of the complaint, and if the notice is disregarded, or if such person, firm, or corporation fails to comply with the terms of the agreement filed with the superintendent, the bond shall be forfeited, and the attorney general, on written request of the superintendent of public instruction, shall proceed to collect the full amount thereof.

§ 41. Amendment.) Section 15-43-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-04. Lists of Textbooks To Be Furnished to School Districts.) The superintendent of public instruction shall dis-

tribute to the clerks of district school boards and the county superintendents of schools, a complete printed list of books filed with his department, giving the prices and terms of sale and, annually, shall cause a supplementary list of textbooks filed during the year, with prices and terms of sale, to be printed and distributed. All books used in the public schools of the state shall be selected, adopted, and purchased by contract from such list by the district school boards. School boards may use supplementary books not shown on the lists described in this section.

§ 42. Amendment.) Section 15-43-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-06. Agents for Purchase of Books—Sale Price to Pupils.) A district school board may appoint agents or dealers to purchase, handle, and sell selected books for which contracts have been made. No dealer or purchasing agent of a school district shall sell any books listed with the superintendent of public instruction as provided in this chapter to pupils of the district at a price exceeding fifteen per cent above the net cost of the book as listed and as named in the contract with the school district. The net cost of transportation, however, may be added to the selling price as determined under the provisions of this section.

§ 43. Amendment.) Section 15-43-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-07. Textbooks—Purchase and Sale by School District—Loan to Indigent Pupils—Use by Teachers.) A school board may purchase textbooks from the publisher at prices and terms listed with the superintendent of public instruction, and may sell such books to the pupils at cost price or at prices including the cost of transportation and of handling. Such board may purchase all necessary books for indigent pupils and loan such books free of expense to such pupils, and shall purchase all books necessary for the use of the teachers in conducting the work of the schools of the district. Books purchased for the use of indigent pupils and of the teachers shall be paid for out of the funds of the district and shall remain the property of the district.

§ 44. Amendment.) Section 15-43-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-08. Purchase of Textbooks from Family Removing from District.) When a family removes from a school district in which free textbooks are not provided, the school board of

the district from which the family removes may purchase the textbooks in actual use by the children of such family at a fair price based upon the cost of the books and upon the condition thereof. The books so purchased may be resold to other children in the district.

§ 45. Amendment.) Section 15-43-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-09. Free Textbooks—Discretion of Board—Petition.) When the school board of any school district shall deem it desirable or necessary, or whenever such board is petitioned so to do by two-thirds of the voters of the district, it shall provide free textbooks and supplies for all schools under its charge. All books purchased under this section shall be paid for out of the funds of the district, and the school board shall see that sufficient funds are raised and set aside therefor. The clerk of the district shall keep a record of all books furnished to the schools in the district. Any school board which has adopted the free textbook system must dispense with such system if petitioned so to do by two-thirds of the voters of such district. No petition to dispense with the free textbook system shall be acted upon by the board within a period of four years after such system was adopted, and after such system has been dispensed with, it shall not be installed again until the expiration of four years thereafter.

§ 46. Amendment.) Section 15-43-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-43-10. Duty of Parent or Guardian to Furnish Textbooks.) In any school district which does not have the free textbook system, the parent or guardian of any child in school shall provide him with the textbooks adopted by the school board necessary to the reasonably successful progress of the child in class in all of the subjects of study of the grade to which the child is assigned by his teacher.

§ 47. Amendment.) Section 15-45-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-45-01. Establishing Kindergartens—Petition—Election.) The school board of any school district, at any annual election, may submit the question of establishing free kindergartens in connection with the public schools of the district for the instruction of resident children below school age. On the petition of not less than one-fifth of the electors of the school district, the board must submit the question at the next annual school election. If a majority of the votes cast on the

proposal favor the establishment of kindergartens, the board shall establish kindergartens and shall maintain them until they are discontinued as provided in this chapter.

§ 48. Amendment.) Section 15-46-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-46-01. Evening Schools—Establishment—Supervision.) The school board of any public school district may establish and maintain a public evening school as a branch of the public schools. At the direction of the superintendent of schools of the county or city in which the district or territory is situated, or at the direction of the superintendent of public instruction, the board shall establish and maintain such evening school. An evening school, when maintained, shall be available to all persons over sixteen years of age who, from any cause, are unable to attend the public schools of the district. The branches taught at evening schools and the general conduct thereof shall be subject to the direction and control of the superintendent of public instruction.

§ 49. Amendment.) Section 15-46-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-46-04. County Appropriation and Levy for Evening Schools.) The board of county commissioners of each county in the state, when petitioned by the board of a public school district, shall make an annual appropriation of five hundred dollars, and may levy a tax upon all of the taxable property of the county to raise such amount, for the purpose of aiding and promoting any evening school established by the school board of such district. The school board of any district receiving aid from the county under the provisions of this section shall contribute to the maintenance of the evening school an amount equal to the amount received from the county for that purpose.

§ 50. Amendment.) Section 15-47-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-05. Qualifications of School Electors and Officers.) Any person who is a qualified elector under the general laws of the state is qualified to vote at the election of school officers in any school district of the state in which he is a resident, and is eligible to the office of school district treasurer, school district clerk, or member of the school board, or may be appointed as a judge or clerk of election.

§ 51. Amendment.) Section 15-47-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-06. Election Procedure in All School Districts—Canvass of Boards—Tie Vote.) An election in a public school district, except as otherwise provided in this title, shall be conducted and the votes shall be canvassed in the manner provided by the laws of this state for the election of county officers. Immediately after the polls are closed, the judges shall proceed to count and canvass the votes for each office and the person receiving the highest number of votes for an office shall be declared elected. If the election results in a tie, the clerk of the district immediately, and in writing, shall notify the candidates between whom the tie exists, and within three days after the election, and at a time agreed upon by said candidates, the election shall be decided in the presence of the judges and clerks of election in a manner agreed upon by said candidates. A record of the proceedings shall be made in the records of the clerk of the district. Returns shall be made to the school board showing the number of votes cast for each person for any office, and such returns shall be signed by the judges and clerks of election and filed with the clerk of the district within two days thereafter. The school board shall canvass all election returns and shall declare the result of any election within three days thereafter, and the result of the election shall be entered upon the records of the board. The person receiving the highest number of votes for each office in the district shall be declared elected.

§ 52. Amendment.) Section 15-47-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-07. Certificate of Election—Notice to County Superintendent of Schools.) Within five days after any school district election, the clerk of the district shall notify each person elected to a school district office, by written notice, of his election and of his duty to take the oath of office as such officer. The clerk, within ten days after the election, shall certify the persons so elected and the terms to the county superintendent of schools.

§ 53. Amendment.) Section 15-47-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-08. Oath of Office of School District Officers.) Each person elected or appointed as a member of the school board or as a school district treasurer, before entering upon the duties of his office, shall take and file with the clerk of the district the oath prescribed for civil officers.

§ 54. **Amendment.)** Section 15-47-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-10. Ten Commandments To Be Displayed in Classrooms.) The school board of every school district, and the president of every institution of higher education in the state which is supported by appropriations or by tax levies, shall cause a placard containing the Ten Commandments of the Christian religion to be displayed in a conspicuous place in every schoolroom, classroom, or other place where classes convene for instruction. The superintendent of public instruction may cause such placards to be printed and may charge an amount therefor that will cover the cost of printing and distribution.

§ 55. **Amendment.)** Section 15-47-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-11. United States Flag To Be Displayed.) The school board of every school district shall purchase, at the expense of the district, one or more flags of the United States. Such flag shall be displayed in seasonable weather on each schoolhouse or upon a flagstaff on the school grounds of each school during the school hours of each day's session of school.

§ 56. **Amendment.)** Section 15-47-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-13. School Census—Report.) The school board of each public school district shall cause an enumeration to be made between the first and twentieth days of June of each odd numbered year, of all unmarried persons under twenty-one years of age, as of such twentieth day of June, having their legal residence in the district. The census also shall include the following information:

1. The names and ages of such persons and the names of parents or guardians having the care and custody of each;
2. The names and ages of all deaf and dumb, blind, and feeble-minded persons between the ages of five years and twenty-five years residing in the district, including all such persons who are too deaf or feeble-minded to acquire an education in the common schools;
3. The names and ages of all crippled persons of any age residing in the district; and
4. The names and post office addresses of the parents or guardians of all of the persons mentioned in subsections 2 and 3 of this section.

The enumeration shall be made upon and in accordance with forms furnished by the county superintendent of schools, and shall be approved by the school board and returned to the county superintendent prior to the fifteenth day of July in the year in which it is made, and immediately upon receipt of such report the county superintendent of schools shall furnish a copy of the enumeration of deaf and dumb persons to the superintendent of the school for the deaf, a copy of the enumeration of blind persons to the superintendent of the school for the blind, and a copy of the enumeration of feeble-minded persons to the superintendent of the institution for the feeble-minded.

§ 57. Amendment.) Section 15-47-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-14. Education Association Meetings — Attendance by Superintendents, Principals, and Teachers.) The school board of any school district shall allow the superintendent, principal, and teachers of the schools, without loss of salary, to attend any meeting of the North Dakota education association and other educational associations held within the state while the schools of the district are in session.

§ 58. Amendment.) Section 15-47-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-15. School Contracts—Advertisement for Bids—Publication—Exceptions.) No contract involving the expenditure of an aggregate amount greater than one thousand dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts, namely:

1. For personal services of employees of the district;
2. For school text or reference books;
3. For any article which is not for sale on the open market;
4. For any patented, copyrighted, or exclusively sold device or feature required to match articles already in use;
5. For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased; or
6. Any building contract.

Such exceptions shall be strictly construed. Every member of a school board who participates in a violation of this section shall be guilty of a misdemeanor.

§ 59. Amendment.) Section 15-47-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-17. School Census To Be Taken by County Superintendent of Schools in Defunct District Within Indian Reservation.) If the school board of a school district within an Indian reservation in this state shall cease to exist or function, the county superintendent of schools of the county within which the Indian reservation is situated shall cause the school census or enumeration to be taken and reported as required by this title. The cost of taking the census shall be paid out of that part of the county equalization fund apportionable to the United States and shall be deducted therefrom and paid by the county treasurer upon the presentation of a bill therefor approved by the county superintendent of schools.

§ 60. Amendment.) Section 15-47-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-18. Tuition for Children Whose Parents Live on County Poor Farms.) Any child whose parents or guardians reside upon land owned and used by any county in this state as a poor farm is not a resident of any school district for school purposes. A school district shall be entitled to charge tuition at the rate of one dollar and fifty cents per week for the time any such child is enrolled in a grade or high school, or high school department, in the district. Such tuition, unless it is paid from the state equalization fund, shall be paid by the county which owns the land upon which the parent or guardian of the child resides. On or before the first day of July in each year, the clerk of the school board shall file with the county auditor of such county a claim for tuition showing the name and age of the child and the date when the child was enrolled in the school, the description of the land upon which the child resides, and the total amount due from the county as tuition for such child. Such claim shall be audited, allowed, and paid in the same manner as any other claim against the county is audited, allowed, and paid.

§ 61. Amendment.) Section 15-47-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-22. Health Inspection of Pupils.) Upon being petitioned in writing by a majority of the school board members of the county, the board of county commissioners may employ

one or more licensed physicians, or graduate nurses duly registered and licensed to practice nursing under the laws of this state, whose duty it shall be to visit the schools in the county and to examine and inspect the pupils attending the schools. The school board of any school district, when petitioned to do so by a majority of the persons having children attending the schools of the district, may employ one or more licensed physicians, or graduate nurses duly registered and licensed to practice nursing in this state, to visit the schools in the district to examine and inspect the children attending such schools.

§ 62. Amendment.) Section 15-47-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-23. Duty of County Board of Health as to School Buildings and Persons of School Age.) When the county superintendent of schools shall report to the county board of health that a schoolhouse or school outbuilding is in an unsanitary or unsafe condition, or that any pupil or any person of school age is alleged to be defective in mind or body, the board shall investigate the report without delay and shall direct the school board, or a person in charge of the alleged defective person, to take such action as shall be for the best interests of the persons immediately concerned.

§ 63. Amendment.) Section 15-47-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-25. Reward—Destruction of School Property.) The school boards of the school districts in this state are hereby authorized and empowered to offer and pay a reward not to exceed one hundred dollars to any person furnishing information for the apprehension and conviction of any person or persons appropriating or destroying property or equipment belonging to the school districts of this state.

§ 64. Amendment.) Section 15-47-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-26. Definitions.) The term "teacher" as used in sections 15-47-27 and 15-47-28, shall be construed to include all teachers, principals, and superintendents in all public school districts within this state, and all persons employed in teaching in any state institution. The term "state institution" as used in section 15-47-27 shall include the state university of North Dakota, state agricultural college, county agricultural and training schools, state normal schools, state teachers col-

leges, state school of forestry, state school of science, North Dakota school for the deaf, state institution for feeble-minded, and state training school.

§ 65. Amendment.) Section 15-47-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-27. Time for Renewal of Teachers' Contracts.) Any teacher who has been employed by any school district or state board of higher education in this state during any school year, shall be notified in writing by the school board or state board of higher education, as the case may be, not earlier than the fifteenth day of February and not later than the fifteenth day of April in the school year in which he or she has been employed to teach, of the board's determination not to renew the teacher's contract for the ensuing school year, and failure to give such written notice on or before said date shall constitute an offer on the part of the board to renew the contract for the ensuing school year under the same terms and conditions as the contract for the then current year. On or before April fifteenth in any year and not earlier than February fifteenth, the board shall notify all teachers of a date, which shall not be less than thirty days after the date of such notice, upon which they will be required to accept or reject such proffered re-employment, and failure on the part of the teacher to accept said offer within such time shall be deemed to be a rejection of the offer. Any teacher who shall have accepted the offer of re-employment, either by the action of the board, or nonaction of the board on or before April fifteenth, as herein provided, shall be entitled to the usual written contract for the ensuing school year, as provided by law and shall notify the board in writing of his or her acceptance or rejection on or before the date specified by the board or before May first whichever is earlier. Failure on the part of the teacher to so notify the board shall relieve the board of the continuing contract provision of sections 15-47-26 through 15-47-28. Nothing in this section shall be construed as in any manner repealing or limiting the operation of any existing law with reference to the dismissal of teachers for cause.

§ 66. Amendment.) Section 15-48-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-48-01. Petition for Election — Authority of Board.) Whenever there shall be presented to, and filed with, the school board of any public school district, a petition, signed by at least one-third of the electors of such school district, requesting that the school board submit to the electors of the district the question of increasing the limit of indebtedness of such dis-

trict five per cent on the assessed value of the taxable property of said district beyond the five per cent limit of indebtedness fixed by the Constitution, the board must submit said question to the electors at the next annual school election, or at a special election called in said district for that purpose, provided, that the board may submit said question to the electors at a regular or special election on its own motion without such petition.

§ 67. Amendment.) Section 15-48-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-48-02. Notice of Election—Special Elections.) The notice of election, whether for the annual school election or for a special election held pursuant to the provisions of this chapter, shall state clearly the question to be voted upon. Unless such question is submitted at the annual school election, a special election shall be called, and at least fourteen days' notice of such election shall be given by publishing a notice thereof in the official newspaper of the county in which the school district is located, and if no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state.

§ 68. Amendment.) Section 15-49-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-02. Personal Interest in School District Contracts Prohibited—Exceptions.) No member of the school board, and no other school officer, in a school district having a population of over 10,000, shall be interested personally, directly or indirectly, in any contract for the building or making of any improvements or repairs to school buildings, or for the erecting of any school building, or for furnishing any materials or supplies for the district, or in any contract requiring the expenditure of school funds except for the purchase of fuel and the procuring of insurance and such supplies as are in daily use. Any violation of the provisions of this section shall be a misdemeanor.

§ 69. Amendment.) Section 15-49-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-09. School Supplies—Penalty for Receiving Commission on Purchase.) Any county superintendent of schools, deputy county superintendent of schools, school board member, clerk, treasurer, or principal of a school, or teacher therein, who receives any commission, fee, or reward for or on account of any school books, furniture, or other supplies purchased

during his incumbency, for the use of the school district or school under his supervision, is guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and may be removed from office.

§ 70. Amendment.) Section 15-49-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-49-11. Offering or Giving Commission, Fee or Reward to School Purchasing Agent Prohibited—Penalty.) It shall be unlawful for any person to give or offer to any county superintendent of schools, deputy county superintendent of schools, school board member, clerk, treasurer, or principal of any accredited school or to a teacher or employee therein or for such persons to receive, any commission, fee, reward or remuneration for or on account of a purchase of school books, furniture or other supplies for use of the school district, school, their employees, or students. Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of one thousand dollars or by imprisonment in the county jail for one year, or by both such fine and imprisonment.

§ 71. Amendment.) Section 15-53-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-09. Public Hearing on Proposals for Reorganization—Hearing Testimony for Adjusting.) The county committee shall hold a public hearing on the advisability of any proposal by such committee for the reorganization of school districts which involves the formation of a new district or the transfer from one established district to another of any territory in which children of school age reside. Notice of such hearings as are held under the provisions of this section shall be given by publishing a notice in the official county newspaper at least fourteen days prior to the date of such hearing. Such committee shall also hear at such time as may be fixed by it, testimony offered by any person or school district interested in any proposal of the county committee to form a new district or to transfer territory from one school district to another or to attach to an established district or districts all or any part of another district subject to disorganization for any of the reasons now specified by law, said testimony to be heard for the purpose of finding and determining the value and amount of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of each school district affected by the proposed action, including all legal uncompleted

obligations then existing and in so doing to consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements and to make an equitable adjustment of all property, debts, and liabilities among the districts involved; and to keep a record of all hearings on the reorganization of school districts and of all findings and terms of adjustment of property, debts and liabilities among the districts involved, and to submit the same to the state committee at the time of submitting a plan for the reorganization of school districts as provided in section 15-53-10. A subcommittee composed of not less than three members of a county committee, or three members of the county committee of each county concerned in case territory in two or more counties is involved, may hold any hearing that the county committee is required to hold.

§ 72. Amendment.) Subsection 5 of section 15-53-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

5. Recommendations specifying whether such reorganized districts shall have three, five, seven, or nine member school boards, and whether such members shall be elected at large or from designated geographic districts; and

§ 73. Amendment.) Section 15-53-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-14. 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 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 all existing districts within the proposed new district containing one or more incorporated villages or cities regardless of number or size shall vote as a single unit; and, all existing districts within such proposed new district regardless of number or size which do not contain one or more incorporated cities or villages shall vote as a single unit. For the purposes of this section, all districts containing incorporated cities or villages shall be considered an incorporated area, and all districts which do not contain at least one incorporated city or village shall

be considered a rural area. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper at least fourteen days next preceding such election, and by posting not less than fourteen days before the election one such notice on each schoolhouse 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 public school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. If a majority of all votes cast by the electors residing within the rural area of a proposed new district and the majority of all votes cast by the electors within the incorporated area of a proposed new district are both in favor of the formation of the district, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 74. **Amendment.)** Section 15-53-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-18. School Boards in Reorganized and Original Districts.) After the establishment of any new school district, the school board for such new school district shall be elected at the regular annual school district election or at a special election called by the county superintendent of schools for that purpose. The first election to elect a school board in a newly reorganized district shall be governed by the provisions of sections 15-28-01 and 15-28-02. Members of school boards elected in the newly reorganized districts shall not enter upon the duties of such office until the time specified in section 15-53-20. School boards in original school districts included within a reorganized district shall continue and remain in existence until the time specified in section 15-53-20 at which time the

new school board elected for the newly reorganized district as provided in this section shall become the governing body of such school districts; provided, however, that prior to the completion of the reorganization of any school district under the provisions of this chapter the existing school board of any school district shall not contract or place such district under any obligation, except upon the recommendation of the county committee. Subsequent annual elections in such school district shall be governed by the laws pertaining hereto.

§ 75. Amendment.) Section 15-53-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-19. Continuance of Elementary Schools in Reorganized Districts.) Each common school in the local districts included in reorganized school districts shall be kept in session as provided by law, except that any school may be discontinued when the people in the old district where the school is located, by a majority vote, approve its closing or when a petition requesting that the school be discontinued is signed by two-thirds of the electors in the old district where the school is located and is presented to the school board in the reorganized district. The board shall reopen any school which has been closed for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

§ 76. Amendment.) Section 15-53-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-26. Annexation of Remaining Portions of Reorganized District to Other Districts.) When a portion of any public school district has become a part of a reorganized school district under this chapter and a portion of the public school district is not included in the reorganized district, such remaining portion, having a taxable assessed valuation of less than one hundred thousand dollars for each teacher employed in the remaining territory, shall become a part of a school district adjacent thereto in the following manner:

1. The county school district reorganization committee shall, within forty-five days after the reorganized district has been approved by the voters, order a hearing for the purpose of determining to which district or districts said remaining territory shall be annexed;
2. The hearing shall be held in a designated schoolhouse or a designated place located in the remaining terri-

tory and notice of the time and place of the hearing shall be given by publication in the official county newspaper at least fourteen days before the date of the hearing. Within ten days after the hearing, the county committee shall make an order annexing the territory to adjacent school district or districts; and

3. The decision of the county committee shall be subject to review by the state school district reorganization committee upon petition by a majority of the electors residing in said territory.

§ 77. Amendment.) Subsections 1 and 2 of section 21-03-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. "Municipality" shall mean a county, city, village, township, public school district, or park district empowered to borrow money and issue written obligations to repay the same out of public funds or revenue;
2. "Governing body" shall mean a board of county commissioners, city council, board of city commissioners, board of village trustees, school board of any school district, and the similarly constituted and acting board of any other municipality enumerated in subsection 1 of this section.

§ 78. Amendment.) Subsection 4 of section 21-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. By any public school district, or the school district of the city of Fargo, to purchase, erect, enlarge, and improve school buildings and teacherages, to acquire sites therefor and for playgrounds, to furnish and equip the same with heat, light, and ventilation or other necessary apparatus, to pay advance rentals to the state school construction fund, and also to purchase school bus equipment which shall meet the standards set up by the state superintendent of public instruction and the highway commissioner.

§ 79. Amendment.) Subsections 2 and 3 of section 21-04-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. "Board" shall mean the governing board of any public corporation, including the board of county commissioners, the city council, the board of city commissioners, the board of trustees of a village, the school board, the board of township supervisors, and the park board;
3. "Clerk" shall mean the person who performs for any public corporation the duties ordinarily performed by

a clerk, including the county auditor, the city auditor, the village clerk, the township clerk, and the clerk of the school board;

§ 80. Amendment.) Section 21-04-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-04-13. Board Meetings—Notice to Banks.) The governing board of any public corporation, except the board of supervisors of any township and the school board of any public school district, at its regular meeting in January of each even numbered year, shall assemble and examine all outstanding bonds and require new bonds whenever necessary in order to comply with the provisions of this chapter. If no regular meeting of the board in January is required by any other law, the board shall assemble for said purpose not later than the third Tuesday in January. At such meeting, the board shall designate depositories of public funds as herein provided. The clerk of such board, at least ten days before such meeting, shall notify every bank in the county, both state and national, that at the next regular meeting, or if no meeting is required by law to be held in January of each even numbered year, then at a meeting to be called for that purpose, the board will designate a depository or depositories of public funds. Such notice shall be given by registered or certified mail. The notice shall recite further the probable amount of public funds to be deposited, indicating separately sinking funds to be deposited on time and call funds to be deposited subject to check and draft. Such notice shall advise the bank that proposals will be received for such deposits, and that the interest rate on such deposits shall not exceed two per cent on call deposits and shall not exceed four per cent on time deposits. It shall recite further that the board expects the depository to pay interest on public funds at substantially the rate of interest which it pays on funds deposited by private persons.

§ 81. Amendment.) Section 21-04-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-04-15. Townships and Public School Districts—Selection of Depositories at Any Time.) The board of supervisors of any township and the school board of any public school district may designate depositories at any meeting of such board and no notice to banks need be given and no formal proposals need be received.

§ 82. Amendment.) Section 40-38-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38-03. Board of Directors—Appointment—Term of Office—No Compensation—Filling Vacancies—Organization.) The school board of a city or village establishing a public library and reading room, or of the school district within which such city or village is included, or the board of county commissioners for a county library, shall appoint a board of five directors representing both sexes from the citizens of the county, city or village as the case may be, to govern such library and reading room. One of the directors of a municipal library shall be a member of the school board, and one member of a county board of directors shall be a member of the board of county commissioners. The terms of office of the members of the first board of directors shall be as follows: one member shall hold office for one year; two members shall hold office for two years; and two members shall hold office for three years. The members, at their first meeting, shall determine the length of their respective terms by lot. Thereafter, the number of directors required to fill expired terms shall be appointed each year, and each such director shall hold office for a term of three years from the first day of July in the year of his appointment and until his successor has been appointed. All vacancies on the board of directors shall be reported by such board to the school board or board of county commissioners, as the case may be, and shall be filled thereby. Appointments made to fill unexpired terms shall be for the residue of the term only. No compensation shall be paid or allowed to a director. Immediately after the appointment of its members, the board of directors shall meet and organize by electing a president and a secretary from among its number.

§ 83. **Amendment.)** Section 40-38-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-38-05. Board of Directors May Purchase, Build, or Lease Building for Library.) The board of directors, with the approval of the school board or the board of county commissioners, may build, lease or purchase an appropriate building for a library and purchase a site therefor. Not more than one-half of the income of the library fund shall be employed in such purchase of building in any one year. Such lease, purchase or contract shall not be valid without the approval of the school board or board of county commissioners, as the case may be.

§ 84. **Amendment.)** Section 40-41-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-41-04. Local Boards to Submit Preliminary Budget to Board of Budget Review for Examination.) The governing

body of the municipality, the school board, and the park board, if there is one, shall submit to the board of budget review its annual preliminary budget before it finally is adopted. The board of budget review shall review and examine in detail the items of each preliminary budget submitted to it by such local boards and shall certify its approval, disapproval, or modification thereof before the time provided in chapter 40-40 for the final adoption of the budgets. Whenever under the provisions of this chapter a budget or bond issue would have to be submitted to more than one board of budget review such boards of budget review shall combine and sit as one body to pass upon such budget or bond issue and shall be known as the board of budget review for the governmental subdivision proposing such budget or bond issue. Such combined board of budget review shall elect a chairman and a secretary from its combined membership but the chairman shall not vote except in the case of a tie.

§ 85. Amendment.) Section 44-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

44-08-01. Preference to North Dakota Bidders and Sellers.) The department of accounts and purchases, or any board, commission, city council, board of city commissioners, board of park commissioners, school board, board of village trustees, or any other governing body of any political subdivision of the state, or of any state institution, in purchasing any goods, merchandise, supplies, or equipment of any kind, shall give preference to bidders or sellers resident in North Dakota. In specifying or purchasing goods, merchandise, supplies, or equipment to be purchased, such board shall not specify any trade-marked or copyrighted brand or name, nor the product of any one manufacturer, nor any patented product, apparatus, device, or equipment, where the same will prevent proper competition, unless bidders also are asked for bids or offers upon other articles of like nature, utility, and merit. Utility, fitness, and quality being equal, the bid or offer of a resident North Dakota bidder or seller shall be accepted, when such bid or offer is not more than two per cent higher than that of a low bidder or seller who is not a resident of this state.

§ 86. Amendment.) Section 57-15-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-13. School District Tax Levies.) School district taxes shall be levied by the governing body of each school district on or before the last day of July of each year. Taxes for school district purposes shall be based upon an itemized budget statement which shall show the complete expenditure program

of the district for the current fiscal year and the sources of the revenue from which it is to be financed. The school board of each public school district, in levying taxes, shall be limited by the amount necessary to be raised for the purpose of meeting the appropriations included in the school budget of the current fiscal year, and the sum necessary to be provided as an interim fund, together with a tax sufficient in amount to pay the interest on the bonded debt of the district and to provide a sinking fund to pay and discharge the principal thereof at maturity.

§ 87. Amendment.) Section 57-15-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-14. Tax Levy Limitations in School Districts.) The aggregate amount levied by any school district, except the Fargo school district, shall not exceed such amount as will be produced by a levy of nineteen 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-one mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed twenty-four mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed twenty-seven mills; provided that there shall be no limitation upon the taxes which may be levied by any school district having a total population in excess of seven thousand five hundred according to the last federal decennial census if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted and approved by a majority of the electors voting at any regular or special election upon such question. In the event such election is held in a reorganized district it shall be conducted and approved or disapproved in the same manner and subject to the same conditions as provided in section 15-53-14 for elections for approval of school district reorganization plans. Thereafter, the question of authorizing or discontinuing such unlimited taxing authority in any school district shall be submitted to the electorate at the next regular election upon the filing with the school board of a petition containing the signatures of not less than five per cent of the electors of the district as determined by the number voting in such school district at the most recent regular school district election. The election

shall be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing an unlimited mill levy;

4. Any school district maintaining an elementary school with two or more teachers may levy taxes not to exceed twenty-two 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.

§ 88. Readjustment of Liabilities.) After the reorganization plan has become effective any provision of the reorganization plan heretofore or hereafter adopted affecting the adjustment of assets and liabilities may be changed by a majority vote of the electorate. The school board in the reorganized district may submit the question of authorizing the change at any regular or special election. The new election shall follow the election procedure provided in section 15-53-14 and shall involve the same geographic areas as were concerned with the original reorganization election. If a majority of all votes cast by the electors residing in each of said geographic areas are in favor of the proposed change then the proposed change shall be effected.

§ 89. Repeal.) Chapters 15-23, 15-24, 15-25, 15-26, 15-30, 15-31, 15-32, and 15-33, of the North Dakota Century Code, and sections 15-41-09, 15-41-10, 15-41-11, 15-41-12, 15-41-13, 15-41-14, 15-41-15, 15-41-16, 15-41-17, 15-41-20, 15-41-21, 15-41-23, and 15-53-17 of the North Dakota Century Code are hereby repealed.

Approved March 17, 1961.

CHAPTER 159

S. B. No. 138

(Trenbeath, Lautenschlager)

STORAGE FACILITIES FOR SCHOOL BUSES

AN ACT

To create and enact section 15-34-18.1 of the North Dakota Century Code, relating to the authority of school boards to lease for purchase, purchase, or construct storage facilities for school buses.

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

§ 1.) Section 15-34-18.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-34-18.1. Storage Facilities for Buses.) School boards shall have the power to lease for purchase, purchase, or construct storage facilities for school buses upon advertised bids as provided in section 15-47-15. For the purpose of such lease for purchase, purchase or construction, the school board may use moneys not otherwise obligated, in the general fund or the building fund of the district.

Approved February 28, 1961.

CHAPTER 160

H. B. No. 583

(Stallman, Haugen, Fraase, Wheeler)

LAND TRANSFER IN REORGANIZATION OR ANNEXATION

AN ACT

To create and enact section 15-23-27.1 of the North Dakota Century Code, relating to the transfer of land in a school district reorganization or annexation proceedings.

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

§ 1.) Section 15-53-27.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-53-27.1. Transfer of Land Upon Reorganization or Annexation.) The legal title to all land owned by an original school district which has been included in a reorganized district or annexed to another district and which is not subject to a possibility of reverter or right of re-entry shall be vested in the school board of the reorganized school district or the district to which such property is annexed upon approval of the reorganization plan by the electors or upon orders of the county superintendent of schools or the reorganization committee, as the case may be. If the reorganized district or district to which such property is annexed includes less than the whole of the former district, legal title to the land of the former district shall vest in the school board of the district in which such land is situated after reorganization or annexation. A certificate prepared by the superintendent of schools wherein the land in question is located, stating the legal description of the land involved, and the fact that the school district formerly owning the land has become either annexed, attached or reorganized with another school district, may be recorded in the office of the register of deeds of the county in which the land is situated.

Approved March 17, 1961.

CHAPTER 161

S. B. No. 233
(Hernett)

EDUCATION AND TRANSPORTATION RECIPROCAL
AGREEMENTS

AN ACT

To create and enact section 15-34-27 of the North Dakota Century Code, relating to transportation of students outside state by school bus, and to amend and reenact section 15-40-15 of the North Dakota Century Code, relating to reciprocal agreement for payment for the education and transportation of students in a bordering state.

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

§ 1.) Section 15-34-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-34-27. Transportation of Students Outside State by School Bus—When Permitted.) A school district may extend its route into a bordering state for the purpose of transporting students from such bordering state when the superintendent of public instruction has entered into a reciprocal agreement with such bordering state as provided for by section 15-40-15 and such agreement includes payment for transportation costs connected with the education of such children.

§ 2. **Amendment.)** Section 15-40-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-15. Reciprocal Agreement for Payment from County Equalization Fund.) The superintendent of public instruction may enter into reciprocal agreements with the state educational agencies or officers of bordering states in regard to payments from the county equalization fund for high school and elementary students attending public school in a bordering state. Such agreements may provide for the payment from the county equalization fund for students from North Dakota attending schools in adjoining states in sums equal, on a per student basis, to payments from the county equalization fund 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 payments, from the appropriation from the state equalization fund to the county equalization fund, to schools in adjoining states for the attendance of such high school and elementary students. The payment for each student shall not exceed the payments

established by reciprocal agreement less the amounts otherwise paid for such student from state and county equalization 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. Such reciprocal agreements may include but shall not be limited to payments for tuition and transportation costs connected with the education of such children in bordering states.

Approved March 15, 1961.

CHAPTER 162

H. B. No. 592

(Bloom, Miller of Walsh, Davis of Dickey,)
(Bowman, Tescher, Hagen, Gietzen)

HIGH SCHOOL STUDENTS

AN ACT

To amend and reenact sections 15-40-14 and 15-40-17 of the North Dakota Century Code, relating to admission of high school students from other districts and tuition charges.

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

§ 1. Amendment.) Section 15-40-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-17. High School Payments Are Exclusive — Exception.) No school district shall charge or collect from any non-resident high school student, his parents or guardian, or the district of his residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident high school students. However, a high school district shall charge tuition for nonresident high school students. The whole amount of such tuition, except as hereinafter provided, shall be paid by the district from which the pupil is admitted and shall equal the average cost of high school education per child in the county less payments from county equalization and state equalization funds. Such costs shall include expenditures from the general and sinking and interest funds, and receipts from the building fund. Credit on tuition charges shall be given by the admitting district to the extent of school taxes paid to the admitting district by the parent or guardian of the admitted student. In the event any district not providing high school education should fail or

refuse to pay the tuition charges, the admitting district shall notify the county superintendent of schools of the county of residence of the student and the state superintendent of public instruction of such fact, and upon verification by the county superintendent of schools that such tuition payments are due the admitting district, all county or state equalization fund payments to the district of residence of the student shall be withheld until the tuition due the admitting district has been fully paid.

The parent or guardian of any student who is a resident of a district providing a high school education may apply to the school board of the school district of residence of the student for approval of the payment of tuition charges to another school district for attendance of the student at the high school in such other school district. If the school board of the district of residence shall approve such application, it shall pay the tuition charges in accordance with the application as approved. In the event such application shall be disapproved, the parent or guardian of the child may appeal the question to the county superintendent of schools, and a committee consisting of the county judge, state's attorney, and the county superintendent of schools shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the student concerned and render a decision in regard to the tuition charges. If the committee shall find the attendance of the student in question is necessitated by shorter distance or other reasons of convenience, including previous attendance in another high school, it may approve the payment of such tuition charges. The school district of residence of the student shall thereafter be required to pay such tuition charges, and upon notification by the admitting district of the failure of the district of residence to pay such tuition charges, all county and state equalization payments to the district of residence shall be withheld in the same manner as provided in this section in the case of a district not providing a high school education. If the committee shall find that the attendance of the student at a high school outside the district is not necessitated by shorter distance or other reasons of convenience, the district of residence shall not be required to pay such tuition charges. The school board of any school district approving the payment of high school tuition charges or required to make such payments under the provisions of this section may levy an amount sufficient to pay tuition charges which levy shall not be subject to any mill levy limitations prescribed by law. This chapter, however, shall not affect the right of a school district to charge and collect such tuition as may be fixed by agreement from students who are not residents of this state.

§ 2. **Amendment.)** Section 15-40-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-14. Payments from County Equalization Fund—Amount—Student Attending School in Foreign State.) There shall be paid from the county equalization fund to all school districts operating high schools, all county agricultural and training schools, the state school for the blind, the state school for the deaf and state training school, that amount of money resulting from multiplying the factor 1.32 times one hundred fifty dollars from each high school pupil in average daily membership in such schools each year. However no payment shall be made for Indian pupils in districts in which the school facilities are being provided, maintained and staffed wholly or in part by the federal government for the education of the Indian pupils. 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 during the year of 1954-1955 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, or which does have a high school and the attendance has been authorized in accordance with the provisions of section 15-40-17, with the approval of the county superintendent of schools, may attend a four year public high school in an adjoining state and payments from the county equalization fund shall be paid to the district in which the high school which he attends is located in the amount provided for in this section. For purposes of this chapter "average daily membership" shall mean the total days all students in a given school are in attendance, including legal school holidays and days set aside for a North Dakota education association convention, plus the total days all students are absent, divided by one hundred eighty days.

Approved March 11, 1961.

CHAPTER 163

H. B. No. 701
(Committee on Education)

PAYMENTS FOR ELEMENTARY SCHOOL EDUCATION

AN ACT

To amend and reenact section 15-40-19 of the North Dakota Century Code, relating to the time when payments shall be made from the state equalization fund to the county equalization fund for elementary school education.

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

§ 1. **Amendment.)** Section 15-40-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-19. Distribution of Payments to County Equalization Funds — Duty of Department of Accounts and Purchases.) Upon receiving the certifications of the county superintendent of schools, the superintendent of public instruction shall certify to the department of accounts and purchases a list of all county equalization funds in the state together with a statement of the payments due such funds. The department of accounts and purchases shall pay to the county equalization fund from the state equalization fund, upon warrants prepared and issued by the department and signed by the state auditor, fifty percent of the sum found to be due under the provisions of this chapter on December first and the balance on March first.

Approved March 11, 1961.

CHAPTER 164

H. B. No. 775

(Christensen of Ward, Scott, Hofstrand, Breum)

CONSERVATION OF NATURAL RESOURCES

AN ACT

To amend and reenact section 15-47-24 of the North Dakota Century Code, relating to teaching conservation of natural resources.

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

§ 1. **Amendment.)** Section 15-47-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-24. Conservation of Natural Resources To Be Taught.) In connection with the subjects now taught in all public schools of this state, the state superintendent of public instruction shall cause to be set up courses in the teaching of conservation of natural resources, including irrigation and conservation of water and soil, and in teacher training institutions, courses in teaching of those subjects shall be offered.

Approved March 11, 1961.

CHAPTER 165

S. B. No. 178

(Longmire, Lips, Garaas)

LOANS TO DENTAL STUDENTS

AN ACT

To amend and reenact sections 15-52-10, 15-52-15, 15-52-16, 15-52-17, 15-52-18, 15-52-19, 15-52-20, subsection 2 of section 15-52-22, sections 15-52-26, and 15-52-27 of the North Dakota Century Code, relating to loans for dental students from the medical center loan fund.

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

§ 1. **Amendment.)** Section 15-52-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-10. Medical Center Loan Fund Board.) There is hereby created a medical center loan fund board hereinafter called the "board" which shall consist of the business manager

of the university of North Dakota, who shall serve ex officio as secretary of the board, the dean of the school of medicine, and four qualified electors of the state of North Dakota appointed by the board of higher education, at least one of whom shall be a practicing physician and one of whom shall be a practicing dentist in this state.

§ 2. **Amendment.)** Section 15-52-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-15. Loan Board Duties.) It shall be the duty of the medical center loan fund board to receive and pass upon, and to allow or disallow, all applications for loans submitted by qualified applicants who desire to complete an education in medicine or dentistry for the purpose of entering medical or dental practice in the state of North Dakota. It shall also be the duty of the medical center loan fund board to compile a list of cities, towns, villages and other municipalities in this state without a qualified physician or dentist or with an insufficient number of qualified physicians or dentists, and to endeavor to supply physicians or dentists to such cities, towns, villages and other municipalities.

§ 3. **Amendment.)** Section 15-52-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-16. Qualifications of Loan Applicants.) An applicant shall be deemed qualified only if he or she:

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

§ 4. **Amendment.)** Section 15-52-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-17. Loan Board Investigations.) The board shall make a careful investigation to ascertain the truth of all matters set forth in applications received by it, and for that purpose

may propound such examinations and questions for each applicant as it deems proper. The investigation shall include a study of the ability of the applicant or the applicant's parents to pay his own expenses at an out-of-state medical or dental school, and the committee shall give preference to qualified applicants who, or whose parents, are unable to pay the applicant's expenses at such medical or dental school.

§ 5. Amendment.) Section 15-52-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

§ 6. Amendment.) Section 15-52-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-19. Loan Payments.) Loans authorized by sections 15-52-10 through 15-52-28 may be apportioned in such manner as to pay directly to the medical or dental school to which any applicant is admitted such funds as are required by that school for tuition and other expenses of study. The balance shall be paid directly to the applicant upon such terms and conditions as may be established by the board.

§ 7. Amendment.) Section 15-52-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-20. Loan Conditions.) Loans granted by the board under the terms of sections 15-52-10 through 15-52-28 are to be upon the condition that the full amount thereof shall be repaid to the board in cash with six percent interest annually from the date of each payment by the board pursuant to a loan agreement, the repayment to be in yearly installments on a schedule set by the board and the first installment

becoming due and payable one year from the date on which the applicant completes his internship if a medical student or one year from the date of graduation from a dental school if a dental student. If prior approval is obtained from the board such first installment shall not become due and payable until one year from the date on which the applicant completes additional residency or other advanced study or military service of not more than three years' duration. In the case of applicants who have agreed to enter medical or dental practice in a North Dakota municipality of three thousand population or less which is either without a qualified physician or dentist or in need of additional medical or dental personnel, each year of actual practice in such municipality shall be equivalent to repayment of one-fifth of the unpaid balance of the loan and of one-fifth of the accrued interest thereon.

§ 8. Amendment.) Subsection 2 of section 15-52-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. Withdrawals from the school of medicine or dentistry he is attending; or

§ 9. Amendment.) Section 15-52-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-26. Availability of Funds.) The board of higher education is hereby directed and authorized to make available to the medical center loan fund board, from the portion of the proceeds of the one mill levy provided by article 60 of the Constitution of North Dakota as the board of higher education shall have retained in its possession pursuant to the provisions of section 15-52-09 for the purpose of establishing third and fourth year courses of medicine at the university of North Dakota, such funds as may be required for the operation of the medical center loan fund board, but not in excess of one hundred thousand dollars in any one year.

§ 10. Amendment.) Section 15-52-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-52-27. Purposes of Loan Fund.) The purposes of sections 15-52-10 through 15-52-28 are hereby declared to be to develop and maintain the North Dakota state medical center by making it possible for all qualified students attending such center to complete their education in medicine or in the case of dental students who are residents of the state of North Dakota to complete their education in dentistry.

Approved March 15, 1961.

CHAPTER 166

H. B. No. 601
(Bier, Tweten, Johnson, Breum)

ELECTIONS, PROPERTY, AND ASSETS OF REORGANIZED
DISTRICTS

AN ACT

To amend and reenact sections 15-53-16 and 15-53-20 of the North Dakota Century Code, relating to school district reorganization elections and property and assets of reorganized school districts.

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

§ 1. **Amendment.)** Section 15-53-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-16. Proposal Rejected, Revision Made—New Election Held.) If a proposal for the formation of a new school district is rejected by the voters at the election provided for in section 15-53-14, the county committee may at any time after six months from the date of such election, and after a public hearing is held in the manner provided in section 15-53-09, make such revision as it deems advisable in the boundaries proposed for such new district and in the terms of adjustment of the property, debts and liabilities thereof, as the case may be, and resubmit the same to the state committee 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 section 15-53-13. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in section 15-53-14, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within the rural area of a proposed new district and a majority of all votes cast by electors within the incorporated area of the proposed new district are both in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as it is provided in section 15-53-14.

§ 2. **Amendment.)** Section 15-53-20 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-20. Effective Date of Approved Reorganization Plans —Transfer of All Property.) Any reorganization plan voted upon and approved shall become operative and effective on the first day of July succeeding final approval of the same. Any officer of a school district incorporated in whole or in part into a reorganized school district shall within thirty days from the date the reorganization was effective, turn over to such reorganized school district all of the property and other assets as finally adjusted and determined by the county committee. Unless it is otherwise agreed and provided by the reorganization plan, debts, obligations and liabilities of the several districts or parts of districts incorporated into the reorganized district shall become the general obligation debt and liability of the reorganized district.

Approved March 17, 1961.

CHAPTER 167

H. B. No. 579
(Johnson)

HEALTH CERTIFICATES

AN ACT

To create and enact section 15-54-08 of the North Dakota Century Code, relating to health certificates of employees of school lunch programs.

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

§ 1.) Section 15-54-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-54-08. Health Certificates Required of Employees.) No person shall be employed by any school district in the preparation or serving of school lunches under the provisions of this chapter unless such person shall file with the school board or clerk thereof a health certificate. Such certificate shall be filed annually prior to the first day of September, shall state that the employee is not afflicted with any communicable disease, and shall be signed by a licensed physician. The cost of obtaining such certificate shall be borne by the employee.

Approved February 25, 1961.

CHAPTER 168

S. B. No. 249
(Longmire, Brooks)

REVENUE PRODUCING BUILDINGS

AN ACT

To amend and reenact sections 15-55-02, 15-55-05, 15-55-06, and 15-55-14 of the North Dakota Century Code, relating to constructing, operating and financing revenue producing buildings at higher educational institutions.

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

§ 1. **Amendment.)** Section 15-55-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-02. Board May Borrow Money and Issue Bonds—Conditions—Bonds Tax Free.) For the purpose of paying all or part of the cost of construction, equipment and furnishing of any such buildings or any addition to existing buildings, the state board of higher education may borrow money on the credit of the income and revenue to be derived from the operation of the said building or buildings, and, in anticipation of such collections of such income and revenues, may issue negotiable bonds in such an amount as, in the opinion of the said board, may be necessary for such purposes, all within the limits of the authority granted by the legislative assembly in each instance, and may provide for the payment of such bonds and the rights of the holders thereof as provided in this chapter. Such bonds shall be payable serially, and may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium or payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest as may be provided by resolution or resolutions to be adopted by the state board of higher education. Such bonds may be sold in such manner and at such price or prices not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed five percent per annum, computed on the basis of average maturities according to standard tables of

bond values. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota, or by any county, municipality, or political subdivision therein. The board, in its discretion may authorize one issue of bonds hereunder for the construction, furnishing and equipment of more than one building and may make the bonds payable from the combined revenues of all buildings acquired in whole or in part with the proceeds thereof, and where bonds are so issued the words "the building," as herein used, shall be construed to refer to all the buildings so acquired.

§ 2. Amendment.) Section 15-55-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-05. Deposit and Use of Proceeds of Bonds—Authorizing Issuing of Warrants—Contracts.) The proceeds from the sale of the bonds herein authorized shall be deposited to the credit of the board and kept in a separate fund in the state treasury, in the Bank of North Dakota or in a bank which is a duly designated depository for state funds. Such proceeds shall be used solely for the purpose for which the bonds are authorized except that the board may invest such funds in obligations of the United States of America, of the state of North Dakota or of any municipality as defined in section 21-03-01 prior to or during building construction except to the extent such investment is prohibited or restricted by any covenant made with or for the benefit of bondholders. The board is authorized to make all contracts and to cause the execution of all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing and equipment of the building or for the sale of the bonds or for interim financing deemed necessary or advisable pending the sale of the bonds and pledging the proceeds of the bonds. The state auditor is hereby authorized and directed to issue warrants upon the state treasury against such funds, if any, deposited by the board in the state treasury for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose.

§ 3. Amendment.) Section 15-55-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-06. Designations of Agent and Depositories—Disposition and Use of Revenues—Funds Created.) All income and revenues derived from the operation of any building financed or the revenues of which are pledged in the manner provided in this chapter shall be collected by such officer or agent of

the institution where the building is located as the state board of higher education from time to time, may designate, and shall be accounted for by him, deposited and remitted as in this section provided. The said board, in its resolution authorizing the bonds or in the trust agreement or agreements executed and delivered by the board, shall provide for the disposition of and accounting for all such revenues by such officer or agent, including the designation of a depository or depositories, the payment of expenses of operation and maintenance, the remittance of revenues to the paying agent designated in the bonds for payment of principal of and interest on the bonds when due, and the investment and disposition of revenues not immediately required for payment of expenses, principal and interest. The board may designate as a depository for such revenues and funds either the state treasury or the Bank of North Dakota or the trustee under the trust agreement for the bondholders or a bank which is a duly designated depository for state funds. The said board may in its resolution authorizing the bonds or in the trust agreement or agreements executed and delivered by the board provide for an expense fund to be retained by the collecting officer for the purpose of paying and may direct him to pay the accrued or anticipated expenses of operation and maintenance of the building, and if the board so directs or if such expense fund is so provided, the collecting officer may pay such expenses as so directed by the board or from said fund. The funds required to be remitted to the state treasurer, if any, and any funds derived from revenues pledged to the bondholders shall be held by him or the depository for such funds designated by the board in a special fund or funds, to be applied solely to the payment of the principal and interest on said bonds, and the establishment of a reserve for future payments until all of said bonds and interest thereon have been fully paid, provided that to the extent not prohibited or restricted by any covenant made with or for the benefit of bondholders, the board may invest any such funds in obligations of the United States of America, of the state of North Dakota or of any municipality as defined in section 21-03-01 and may devote revenues not currently required for payment of principal and interest, for the creation or maintenance of a debt service reserve, or for expenses of operation and maintenance to such purposes as the board may from time to time designate, including replacing the furnishings and equipment of such building or buildings and improving said building or buildings. As principal and interest become due, the state auditor, not less than fifteen days prior to the payment dates, shall issue warrants upon the treasurer against any such special fund maintained with the state treasurer for the amount of such payment coming due, and the state treasurer shall make payment from any such fund of the amounts due.

§ 4. **Amendment.**) Section 15-55-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-14. Rental Income from Unencumbered Revenue Producing Buildings May Be Applied to Bond Retirement.) The state board of higher education, when issuing bonds under the provisions of this chapter and the powers herein granted, shall have additional powers as follows:

1. When the state board of higher education has issued bonds as provided in this chapter for the purpose of securing funds for all or part of the cost of construction, equipment, and furnishing of any new revenue producing building for any of the state-supported institutions of higher learning of the state of North Dakota, said board is hereby authorized to cover into the interest and principal payment fund for bonds issued, the rental or income from revenue producing buildings which are not encumbered or impressed with any lien and which are located upon the campuses of such institutions.
2. In case of destruction of such revenue producing buildings by fire, tornado, cyclone, or other cause, the proceeds from insurance on such revenue producing buildings shall be covered into the bond payment fund for the payment of bonds issued under this chapter.
3. The rental income from said revenue producing buildings and the proceeds of insurance thereon shall be irrepealably pledged to the payment of the principal and interest of the bonds issued as in this chapter provided.
4. The bonds issued under the provisions of this chapter, shall not be an indebtedness or obligation of the state of North Dakota or of any of the state institutions nor of any board, bureau, or officer of the state of North Dakota, but such bonds shall be payable solely out of income and revenue as provided in this chapter.

The rental or income from the revenue producing buildings, as defined herein, of any educational institutions of higher learning of the state shall be covered into the bond payment fund for the payment of the cost of a new revenue producing building for such educational institution and not to any other institution.

Approved March 11, 1961.

CHAPTER 169

H. B. No. 624
(Education Committee)

TEACHER PREPARATION SCHOLARSHIPS, REPEAL

AN ACT

To repeal chapter 15-57 of the North Dakota Century Code, relating to teacher preparation scholarships.

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

§ 1. Repeal.) Chapter 15-57 of the North Dakota Century Code is hereby repealed.

Approved March 11, 1961.

CHAPTER 170

S. B. No. 158
(Baker)

BLIND CHILDREN

AN ACT

To amend and reenact section 15-59-01 of the North Dakota Century Code, relating to special education of blind children.

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

§ 1. Amendment.) Section 15-59-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-01. Definitions.) As used in this chapter:

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 except that facilities, instruction, supervision and other necessary services may be provided for blind children even though the same are provided in state institutions.

Approved March 15, 1961.

CHAPTER 171

S. B. No. 239
(Meidinger)

PHYSICALLY HANDICAPPED

AN ACT

To create and enact section 15-59-07 of the North Dakota Century Code, relating to the special education of physically handicapped children and providing financial aid therefor.

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

§ 1.) Section 15-59-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-59-07. Education of Physically Handicapped—Contract.)

If any school district in this state has any elementary or high school student who because of his physical handicap is unable to attend the public schools in the district, such school district shall contract with any accredited private non-sectarian non-profit corporation within or without the state which has proper facilities for the education of such student, if there are no public schools in the state with the necessary facilities which will accept such student. Prior to the time any school district enters into a contract with any private non-sectarian non-profit corporation for the education of any physically handicapped student the curriculum provided by such school and the contract shall be approved by the superintendent of public instruction. The contract shall provide that such school district agrees to pay to the private non-sectarian nonprofit corporation as part of the cost of educating such student an amount for the school year equal to the county average per pupil elementary or high school cost depending on whether enrollment would be in grade or high school department, in the county in which the contracting district is located. If the attendance of such student at such school is operated for less than a school year, then the contract shall provide for such lesser amount prorated on a monthly basis. For the purpose of this Act, any student contracted for to attend a school as herein provided shall be considered as enrolled in the contracting district and the district shall be entitled to the per pupil payment out of the county equalization fund the same as other regularly enrolled students in the district.

Approved March 11, 1961.