

EDUCATION

CHAPTER 131

H. B. No. 719

(Fossum, Streibel, Anderson (McHenry), Backes, Reimers,) (Maragos, Hauf, Vendsel, Baldwin)

HIGHER EDUCATION STUDY

AN ACT

Directing a study by the legislative research committee and the board of higher education of the future role and responsibility of each institution of higher learning, development of a ten-year plan to provide needed facilities, participation in interstate and regional compacts in higher education, and making an appropriation.

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

§ 1. Development of Higher Education in State.) WHEREAS, there is not presently available a complete and adequate study or plan for higher education in North Dakota to serve as a guide for the development of higher education within the state, the assignment of programs and areas of instruction to state institutions of higher learning, and the division of areas of responsibility among them; and

WHEREAS, the system of higher education in North Dakota has at times been criticized as having developed and flourished, or having been retarded, in accordance with local pride, alumni loyalty, and other factors not necessarily related to the needs of the state, the duplication that might result, or the costs that may result; and

WHEREAS, the increasing student enrollments and the ever-increasing costs of providing adequate educational opportunities may well create financial problems to the state of overwhelming proportions and seriously weaken the quality of education offered by the state unless the limited funds that will be available during the next ten years are expended in the areas of greatest need in as efficient a manner as possible, giving the greatest possible return in higher education for each dollar expended.

§ 2.) The legislative research committee, in accordance with the provisions of chapter 54-35, with the aid and cooperation of the board of higher education, is hereby authorized and directed to carry on a study of the field of higher education in the state of North Dakota for the purpose of

developing a ten-year plan to guide the legislative assembly, the board of higher education, and the institutions of higher learning in adequately and efficiently providing necessary and essential educational opportunities in the most economical manner possible. In the course of such study, special emphasis shall be given to:

1. The future role and scope of responsibility of each state institution of higher learning, including programs and areas of instruction which it shall participate in or be responsible for.
2. A determination of the classrooms, laboratories, libraries, dormitories or other housing, dining facilities, heating plants, service buildings, student centers, or other facilities that will be essential to the operations of such institutions during the period from 1965 to 1975.
3. An evaluation of the impact and benefits from participation in reciprocal agreements and interstate or regional compacts developed for the promotion of a common market in education in the midwestern region of this country.

The legislative research committee shall appoint a subcommittee consisting of members of the senate and of the house of representatives to carry on such study in such manner as it may direct, and shall appoint all members of the board of higher education as advisory members of such committee. The commissioner of higher education shall also serve as an advisor to the subcommittee and shall provide such information, aid, and assistance as may be requested by the subcommittee. Each department, agency, and institution shall provide such information, aid, and assistance to the subcommittee as it may from time to time request. The subcommittee shall be authorized to employ by contract or otherwise such persons or public or private agencies or entities as it may deem necessary to aid and assist it in carrying out this study.

The legislative research committee shall make its report and recommendations, together with such legislation as may be necessary to carry out such recommendations, to the Thirty-ninth Legislative Assembly.

§ 3. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, to the legislative research committee, the sum of ten thousand dollars or so much thereof as may be necessary, for the purpose of carrying on a study of higher education as provided in this Act during the biennium beginning July 1, 1963, and ending June 30, 1965.

Approved March 21, 1963.

CHAPTER 132

H. B. No. 618

(Tweten, Anderson (Richland), Fossum)

BONDS FOR REVENUE-PRODUCING BUILDINGS

AN ACT

To authorize the state board of higher education to sell tax-exempt bonds and provide for the use of the proceeds of such bonds for the purpose of constructing revenue-producing buildings at institutions of higher learning in this state.

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. Dormitories and dining facilities\$5,000,000.00
 - b. Dormitory-type buildings to be leased to student groups 525,000.00
 - c. Married student housing 900,000.00
 - d. Addition to student union 200,000.00
2. North Dakota State University, Fargo, North Dakota
 - a. Dining facilities 600,000.00
3. State School of Forestry, Bottineau, North Dakota
 - a. Dormitory, 3rd floor 30,000.00
4. State Teachers College, Dickinson, North Dakota
 - a. Dormitory 750,000.00
5. State Teachers College, Mayville, North Dakota
 - a. Additional funds for student union previously approved in chapter 147 of the 1961 Session Laws 150,000.00
6. State Teachers College, Minot, North Dakota
 - a. Women's dormitory 550,000.00

7. State Teachers College, Valley City, North Dakota
 - a. Additional funds for women's dormitory previously approved in chapter 147 of the 1961 Session Laws 125,000.00
 - b. Additional funds for married student housing previously approved in chapter 147 of the 1961 Session Laws 208,000.00
8. State School of Science, Wahpeton, North Dakota
 - a. Two men's dormitories 1,100,000.00
 - b. One women's dormitory 400,000.00
 - c. Dining facilities 140,000.00
 - d. Purchase of Lucy Ramstad property described as:
 The west one-half of lot five, the west one-half of the east one-half of lot five, and all of lot six, block fifteen, R. S. Tyler's Addition to the city of Wahpeton, county of Richland, North Dakota 25,000.00

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.

§ 2.) 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 14, 1963.

CHAPTER 133

H. B. No. 666

(Schnell, Kitzmann, Elkin, Bratcher, Weber, Olienyk,
(Meyer, Gietzen)

FARM LOAN LIMITATIONS

AN ACT

To amend and reenact section 15-03-07 of the North Dakota Century Code to authorize loans to legal entities and to remove present limits of amount and valuation on farm loans made by the board of university and school lands of the state of North Dakota.

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

§ 1. Amendment.) Section 15-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-07. Limitations on Farm Loans.) Farm loans secured by a first mortgage shall be made only upon farm land in this state, and only to persons or other legal entities who are actual residents of this state. Loans shall be made in an amount not to exceed fifty percent of the actual value of the land to be mortgaged. Such value is to be determined by the county board of appraisal of school lands.

Approved March 4, 1963.

CHAPTER 134

H. B. No. 658

(Skaar, Erickson)

FARM LOAN PROCEDURE

AN ACT

To amend and reenact section 15-03-08 of the North Dakota Century Code to provide that in the making of board of university and school lands farm loans, the land commissioner rather than the county treasurer shall obtain and file releases, ascertain amounts of fees, disburse funds and forward all abstracts and other instruments in connection therewith to the state treasurer.

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

§ 1. Amendment.) Section 15-03-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-03-08. Warrant for Amount of Loan—Payable to State Land Commissioner—Disbursement.) If the attorney general certifies that the title of an applicant for a loan is satisfactory and that the encumbrances do not exceed the amount of the loan, the state auditor shall draw his warrant for the amount of the loan in favor of the state land commissioner. The state land commissioner shall obtain and file, with the proper county officer, the releases necessary to discharge the land of all encumbrances, as stated in the certificate. The state land commissioner shall ascertain the amount of the unpaid fees for the recording, appraisal, and abstracts in connection with the loan. The state land commissioner then shall draw checks disbursing the proceeds of the loan in the following order:

1. In payment of unpaid recording, appraisal, and abstract fees, and delinquent taxes;
2. To each of the parties holding an encumbrance against the property, if any, in the amount of the encumbrance; and
3. The balance to the applicant.

The state land commissioner shall cause all releases to be recorded and continued on the abstract and shall forward the abstract and all other instruments in connection with the loan to the state treasurer.

Approved March 4, 1963.

CHAPTER 135

S. B. No. 269

(Kamrath, Lips, George)

COLLECTION OF RENTALS ON STATE LAND

AN ACT

To amend and reenact section 15-04-15 of the North Dakota Century Code to provide that in the collection of rentals on behalf of the state land commissioner's office, the state land commissioner rather than the county treasurer shall collect rentals due and give receipts therefor.

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

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

15-04-15. Collection of Rentals—Receipts.) The lessee of any land leased under the provisions of this chapter, or his heirs, executors, administrators, or assigns shall pay to the

state land commissioner at his office in Bismarck, North Dakota or to his duly appointed agent any amounts that may become due from time to time upon the lease. For the amount paid, the state land commissioner shall give to the person making the payment a duplicate receipt, specifying the amount paid, the date of payment, the number of the lease, the description of the land for which the payment is made, the name of the person making the payment, the nature of the payment, whether for rent, interest, or penalty, and for what year. A separate receipt shall be given for each lease and a separate receipt for each year's payment.

Approved March 4, 1963.

CHAPTER 136

H. B. No. 594
(Davis of Dunn)

WITHDRAWAL OF CERTAIN SCHOOL LANDS, REPEAL

AN ACT

To repeal section 15-06-21 of the North Dakota Century Code, relating to school lands withdrawn from sale except for park purposes.

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

§ 1. Repeal.) Section 15-06-21 of the North Dakota Century Code is hereby repealed.

Approved March 7, 1963.

CHAPTER 137

H. B. No. 667

(Schnell, Elkin, Kitzmann, Bratcher, Weber, Olienyk, Olson)

TERMS FOR SCHOOL LAND SALES

AN ACT

To amend and reenact section 15-06-27 of the North Dakota Century Code, relating to granting discretion as to re-sale of tracts of board of university and school land during public auction and changing penalty for violation of section.

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

§ 1. **Amendment.)** Section 15-06-27 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-06-27. Terms of Sale—Sale to Highest Bidder—Penalty for Failure to Make First Payment.) The highest bidder for any tract of land offered for sale under this chapter shall be declared the purchaser thereof. The purchaser shall pay twenty percent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six percent of the original purchase price. An amount equal to not less than three percent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on the purchase price. If the purchaser fails to pay the amount required to be paid at the time of sale, the commissioner or other person conducting the sale may re-offer the tract for sale immediately, but no bid shall be received from the person failing to pay as aforesaid. Any person refusing or neglecting to make such initial payment after purchase shall forfeit an amount equal to ten percent of the purchase price or final bid to be recovered for the benefit of the fund to which the land belongs by civil suit in the name of the state.

Approved March 4, 1963.

CHAPTER 138

S. B. No. 132

(Becker, Berube, Kisse, Robinson, Kjos, Sanford)

FOREST MANAGEMENT ON SCHOOL LANDS

AN ACT

To amend and reenact section 15-06-38 and section 15-06-39 of the North Dakota Century Code, to provide for forest management on the basis of suitability rather than valuation, to provide for good forestry practices, authorizing issuance of hay permits thereon and making appropriate corrections.

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

§ 1. **Amendment.)** Section 15-06-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-06-38. Forest Management Authorized—Discontinuance.)

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

§ 2. **Amendment.)** Section 15-06-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-06-39. State Forester to Control Lands Designated for Forest Management.) The state forester shall assume control over all lands so designated and proceed to develop and improve the same by applying thereto accepted good forestry practices in the management and improvement thereof for the purpose of protecting and improving the forest potential of such lands and producing income through sustained yield management by the sale of forest products produced thereon, such sales to be made under the direction and at the discretion of the state forester. The state forester further may issue permits for the cutting and removal of hay on and from the

land under his control at a price to be determined by the board of university and school lands, subject to the rules and regulations adopted by the state forester and board of university and school lands.

Approved March 4, 1963.

CHAPTER 139

H. B. No. 668

(Schnell, Kitzmann, Bratcher, Maragos, Olienyk, Bier, Gietzen,)
(Meyer, Skaar, Erickson, Tough, Olson, Elkin)

REDEMPTION OF SCHOOL LANDS

AN ACT

To amend and reenact section 15-08-13 of the North Dakota Century Code, to limit the period of redemption subsequent to cancellation of board of university and school lands contracts for sale of land, to one year, to limit the period of redemption subsequent to foreclosure of board of university and school land mortgages to one year, eliminating the right of the board of university and school lands to cut off such redemption rights by resale of such lands and to make such provisions retroactive, one year after the effective date of this Act.

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

§ 1. Amendment.) Section 15-08-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-08-13. Redemption from Cancellation of Contracts or Foreclosure of Mortgages.) Where the rights of a purchaser under a contract become forfeited under the provisions of this chapter, such purchaser, his heirs or assigns, during a period of one year from the date of such cancellation, may pay to the commissioner of university and school lands all past due payments on principal and the amount of interest due and payable on the contract, together with all costs which have been incurred in addition thereto, and interest at the rate of four percent per annum on the interest and costs so due from the date of delinquency to the date of payment, and such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns, and such contract, from the time of such payment, shall be reinstated. As a part of such redemption, he shall pay taxes due or delinquent at the time of the cancellation or foreclosure. If the contract which has been canceled was a contract for crop share payments, the purchaser, his heirs or assigns, to redeem from such cancellation, shall pay all sums delinquent on such contract,

including taxes, and shall pay to the commissioner the average of the income from lands described in such contract for the three years preceding such cancellation, for each year from such cancellation to the date of payment, and the further sum of fifty dollars, which shall be credited upon the unpaid principal. When a redemption has been made from the cancellation of any contract, a certified copy of the resolution of the board of university and school lands rescinding the resolution of cancellation shall be forwarded to the county auditor. A certified copy of such resolution may be recorded in the office of the register of deeds in the county in which such land is situated. When a mortgage held by the board has been foreclosed and a sheriff's deed issued to the state, such mortgagor, his heirs or assigns, during the period of one year from the date of such foreclosure, may redeem the lands by paying all past due, deferred, and interest payments, together with all costs which have been incurred through the foreclosure of the mortgage, together with interest on such sums at the rate of four percent per annum. In the event of redemption of said lands from a foreclosure of a mortgage, the commissioner shall execute and deliver a contract of sale to the purchaser, his heirs or assigns, in the form prescribed by the board. No redemption shall be permitted after the name of a tax purchaser has been substituted in place of that of the contract holder or mortgagor. No redemption shall be permitted of any contract canceled, or mortgage foreclosed prior to the effective date of this Act, excepting only during the period of one year from said effective date of this Act.

Approved March 4, 1963.

CHAPTER 140

H. B. No. 712
(Aamoth)

WAIVER OF TUITION FOR INDUSTRIAL SCHOOL GRADUATES

AN ACT

To create and enact section 15-10-18.1 of the North Dakota Century Code, relating to the waiver of registration, matriculation, and tuition fees for the attendance at any state institution of higher education by a qualified graduate of the North Dakota industrial school.

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

§ 1.) Section 15-10-18.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-10-18.1. Waiver of Tuition at State Institutions for Industrial School Graduates.) Upon the recommendation of the superintendent of the North Dakota industrial school no registration, matriculation, or tuition fees shall be charged for the attendance at any state educational institution referred to in section 15-10-01 of five qualified graduates of such industrial school with whose care the superintendent is charged. The superintendent shall determine if a graduate is qualified and in so doing shall take into consideration such graduate's scholastic ability, character, financial need, personal-social characteristics, capacity, and willingness to take advantage of such college privileges, and his record or level of achievement.

Approved March 21, 1963.

CHAPTER 141

H. B. No. 609

(Olienyk, Elkin, Schnell, Maragos, Gronhovd,
(Davis (Dunn), Austin, Powers)

NONRESIDENT STUDENT DEFINED

AN ACT

To amend and reenact section 15-10-19 of the North Dakota Century Code, relating to tuition fees charged nonresident students and providing for exceptions.

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

§ 1. **Amendment.)** Section 15-10-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-19. Nonresident Student for Tuition Purposes Defined—Exceptions.) A nonresident student is defined as follows:

1. A student less than twenty-one years of age whose family resides in another state, a territory, or a foreign country, or whose family has resided within this state for a period of less than twelve months immediately prior to the date of his registration;
2. A student of the age of twenty-one years or over who resides outside of this state; or
3. A student of the age of twenty-one years or over who has moved into and become a resident of this state within a period of twelve months immediately prior to the date of registration.

Dependents of instructors who live in this state and teach in any institution of higher learning in this state, are excluded from the foregoing provisions, and shall be regarded as residents of this state for purposes of tuition, whether such dependents are over or under twenty-one years of age.

Approved March 14, 1963.

CHAPTER 142

S. B. No. 70

(Meidinger, Erickson, Foss, Reichert, Sorlie)

NAMES OF STATE NORMAL SCHOOLS

AN ACT

To amend and reenact section 15-13-01 of the North Dakota Century Code, relating to the names of the state normal schools.

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

§ 1. Amendment.) Section 15-13-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-13-01. Normal Schools—Location.) The state normal schools established at Valley City in the county of Barnes, at Mayville in the county of Traill, at Minot in the county of Ward, and at Dickinson in the county of Stark, and any other normal schools which may be established by law, shall be the normal schools of the state, and at such time as any such school shall offer curriculums leading to both the bachelor of science and bachelor of arts degrees, such school may be referred to as "State College", prefixed by the name of the applicable city.

Approved March 4, 1963.

CHAPTER 143

S. B. No. 141

(Lips, Sanford, George, Kamrath, Solberg, Kautzmann,
(Mahoney, Chesrown)

STATE AID FOR JUNIOR COLLEGES

AN ACT

To amend section 15-18-07 of the North Dakota Century Code, relating to state aid for junior colleges.

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

§ 1. **Amendment.)** Section 15-18-07 of the North Dakota Century Code Supplement 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. In addition, the sum of one hundred dollars 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 at a junior college or educational center, provided the school district, city or county shall levy taxes of not less than four mills for the support of such junior college or educational center in accordance with the provisions of sections 15-18-03, 15-18-04.2 or 15-18-05. For the purpose of this section, a "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.

Approved March 21, 1963.

CHAPTER 144

S. B. No. 43
(Redlin, Berube, Roen)
(From LRC Study)

BOARD OF PUBLIC SCHOOL EDUCATION MEMBERSHIP

AN ACT

To amend and reenact section 15-21-17 of the North Dakota Century Code, relating to the composition of the state board of public school education.

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

§ 1. Amendment.) Section 15-21-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-21-17. Composition of State Board of Public School Education.) The state board of public school education shall consist of the superintendent of public instruction, and one qualified elector from each judicial district within the state, to be appointed by the governor subject to the consent of the senate. Nominations shall be made by the governor from a list of three names for each position to be filled on such board, such names to be selected by a committee consisting of the president of the North Dakota state's attorneys association, the president of the North Dakota school administrators association, and the president of the North Dakota school boards' association. Appointive members shall serve for terms of six years, arranged so that the term of two members shall expire on June 30 of each even numbered year. The governor shall fill vacancies upon the committee and all members so appointed as well as the members of the original committee shall possess all the powers of regularly appointed and confirmed members, pending confirmation by the senate or its refusal to confirm. At all times, two members of the board shall be members of the North Dakota school boards' association. The superintendent of public instruction shall also serve as executive director and secretary of such board, shall call such meetings as may be required, shall supervise and carry out the policies of the board in relation to all functions

of the board, and shall employ such personnel as shall be necessary to carry on such responsibilities as may be placed upon the board by law. The board shall annually elect a member of the board to serve as chairman. Appointive members shall be compensated at the rate of fifteen dollars per day for each day actually and necessarily spent in the performance of their duties as board members and all members shall receive reimbursement for actual necessary expenses incurred in the performance of their duties from the biennial appropriation of the department of public instruction at the same rates as provided by law for other state officers. The board shall have authority to call upon any state office, officer, department, or agency for such advice and assistance as it may from time to time require.

Approved March 21, 1963.

CHAPTER 145

H. B. No. 844

(Baldwin, Aamoth, Leahy, Stockman, Bergman)

DISSOLUTION OF SCHOOL DISTRICTS

AN ACT

To amend and reenact sections 15-22-21, as amended by chapter 157 of the 1961 Session Laws, and 15-22-22 of the North Dakota Century Code, providing for the dissolution of school districts and the attachment of dissolved districts to adjoining school districts, and declaring an emergency.

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 as amended by chapter 157 of the 1961 Session Laws is hereby amended and reenacted to read as follows:

15-22-21. Dissolution of School Districts—Duty of County Superintendent.) The county superintendent of schools shall notify the county committee for the reorganization of school districts when 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, or when 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, upon receipt of such notice, the county committee shall forthwith give notice of hearing to dissolve the school district and shall

provide for its attachment to one or more adjoining school districts. The county superintendent shall notify the county committee for the reorganization of school districts of the existence of territory not organized into school districts and recommends that the same shall be attached to one or more adjoining school districts, the county committee shall forthwith provide for its attachment to one or more such districts. From and after the effective date of an order or resolution of the board of county commissioners prior to the effective date of this Act or of the county committee for the reorganization of school districts after the effective date of this Act attaching any territory described in this section to an adjoining school district, qualified electors residing in the attached territory shall be entitled to vote and hold office in the school district to the same extent as all other qualified electors residing therein, and such territory shall be part of the school district as fully in every respect as if it had been included in the district when organized. Nothing herein shall prevent the district from providing for the education of such children to the extent that its current budget in the judgment of the school board will permit, or shall relieve the district from any existing responsibility for the education of children attending its schools before the effective date of the order. Nothing herein shall change the effect of any election held within the school district pursuant to chapter 15-48 before the effective date of the order. This section applies to all school districts in the state including the board of education of the city of Fargo and the district under its jurisdiction for school purposes.

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

15-22-22. Notice of Hearing—Order of Attachment—Joint County Action.) The county superintendent of schools upon order of the board of county commissioners prior to the effective date of this Act or of the county committee for the reorganization of school districts after the effective date of this Act shall notify the clerk of each school district adjoining any district which is to be dissolved pursuant to section 15-22-21 and any unorganized territory recommended for attachment as therein provided that a hearing will be held and the time and the place of the hearing of the board of county commissioners or the county reorganization committee, as the case may be, for the purpose of determining to which school district or districts the dissolved or unorganized territory will be attached. Upon or after such hearing the board of county commissioners or the county committee for the reorganization of school districts, as the case may be, may

by resolution order the district dissolved and its territory attached, or the unorganized territory attached, to one or more adjoining school districts in such manner as will, in its judgment, provide the best educational opportunities for pupils of the public schools and the wisest use of public funds for the support of the public school system in such school districts and attached territory. The order shall become effective upon the adoption of the resolution, unless another effective date is provided for therein, and except as provided in section 15-22-21. If any of such adjoining districts is situated wholly or partly in a county other than that which included the district to be dissolved or the unorganized territory affected, any order attaching territory to such adjoining school district shall become effective only upon the adoption of a concurring resolution by the board of county commissioners or the county committee for the reorganization of school districts after the effective date of this Act of the other county in which it is situated,

§ 3. Effect of Amendments.) Sections 15-22-21 and 15-22-22 of the North Dakota Century Code as amended by this Act shall apply to and govern the rights and obligations of all persons affected by any order of dissolution or attachment entered in conformity with the provisions of those sections prior to such amendment and prior to the effective date of this Act, as well as any order entered on or after such effective date.

§ 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 March 18, 1963.

CHAPTER 146

H. B. No. 640
(Burk, Stockman)

SCHOOL DISTRICT NAME, POWERS

AN ACT

To amend and reenact section 15-27-02 of the 1961 Supplement of the North Dakota Century Code, relating to corporate powers and corporate name of a public school district.

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

§ 1. Amendment.) Section 15-27-02 of the 1961 Supplement of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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:

“.....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.

Approved March 9, 1963.

CHAPTER 147

S. B. No. 42

(Redlin, Berube, Roen)
(From LRC Study)

DUTIES IN ANNEXATION PROCEEDINGS

AN ACT

To amend and reenact sections 15-27-04, 15-27-05, and 15-53-21 of the North Dakota Century Code, relating to the duties of the boards of county commissioners, the county committee for school district reorganization, and the county superintendent in the organization, alteration, or dissolution of school districts.

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

§ 1. Amendment.) Section 15-27-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

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 county committee for the reorganization of school districts 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.

§ 2. Amendment.) Section 15-27-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-27-05. Annexation Hearings—Notice of Hearings.) Before detaching territory from one school district or annexing territory to another school district, the county committee for the reorganization of school districts shall hold a hearing on the petition therefor. At least fourteen days prior to the time the hearing is to be held, the committee 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 county committees for the reorganization of school districts of both counties affected may jointly effect the annexation if a majority of the members of each of the county committees approve the annexation. In the event that a majority of the members of each committee fail to approve the annexation, the county superintendent of the county in which the annexing district is located shall submit the petition to the state committee for school district reorganization for approval or disapproval, and in such instance approval of the petition by the state committee shall have the same effect as approval by the county committees. An appeal from the decision of the state committee may be had to the district court of the county in which the annexing district is located, in accordance with applicable provisions of chapter 28-32.

§ 3. Amendment.) Section 15-53-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-21. Voluntary Proposals for Organization or Alteration of School Districts.) Proposals for the organization of a new school district, for the consolidation of two or more districts, or for the alteration of the boundaries of established school districts, by any of the means provided for by law, must be submitted by the county committee and county superintendent to the state committee for approval before

any hearings on petitions are held by the county committee, or before final action is taken by the committee in cases where no petition is required, or before proposals are submitted to the vote of the electors, as the law may require in each case. Such proposals shall be approved by the county committee and county superintendent and approved by the state committee if in the judgment of said committees they constitute an acceptable part of a comprehensive program for the reorganization of the school districts of the county.

Approved March 18, 1963.

CHAPTER 148

H. B. No. 599

(Nygaard, Breum, Bowman, Bier)

SCHOOL BOARD MEMBERSHIP

AN ACT

To amend and reenact section 15-28-02 of the North Dakota Century Code Supplement, relating to the membership of a school board.

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

§ 1. **Amendment.)** Section 15-28-02 of the North Dakota Century Code Supplement is hereby amended and reenacted to read as follows:

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.

When a school district has within its boundaries four or more incorporated cities or villages, a school board member residing in a city or village having a population of two hundred or less, according to the latest federal census, shall be considered as a rural member and as residing upon a farm within the meaning of this section.

Approved March 13, 1963.

CHAPTER 149

H. B. No. 568

(Dagman, Streibel, Bloom, Wagner, Dick)

SCHOOL BOARD POWERS

AN ACT

To amend and reenact subsection 1 of section 15-29-08 of the North Dakota Century Code, relating to the powers and duties of school boards.

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

§ 1. Amendment.) Subsection 1 of section 15-29-08 of the North Dakota Century Code is hereby amended and reenacted to read 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 circum-

stances. 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.

Approved March 5, 1963.

CHAPTER 150

H. B. No. 749

(Anderson of Richland)

TRANSPORTATION PAYMENTS

AN ACT

To amend and reenact section 15-34-05 of the North Dakota Century Code, as amended by the 1961 Legislative Assembly, relating to transportation of nonresident students.

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

§ 1. Amendment.) Section 15-34-05 of the North Dakota Century Code, as amended by the 1961 Legislative Assembly, 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. The school board of any school district in the state may furnish transportation to nonresident student or students only upon entering into an agreement for such transportation with the district of the student's residence. All transportation payments shall be withheld on nonresident students if the school board of the district furnishing transportation to nonresident students does not enter into an agreement with the district of the student's residence.

Approved March 13, 1963.

CHAPTER 151

S. B. No. 49
(Redlin, Longmire, Roen)
(From LRC Study)

TRANSPORTATION OR MAINTENANCE OF PUPILS

AN ACT

To amend and reenact sections 15-34-09 and 15-34-09.1 of the North Dakota Century Code, relating to the authority of a school district to provide transportation or maintenance for students and to levy a tax therefor.

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

§ 1. Amendment.) Section 15-34-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***15-34-09. Transportation or Maintenance of Pupils Permitted.)** Any school district may provide transportation from the places of residence or, where convenient or more economical, may at the discretion of the school board pay a reasonable allowance for board and lodging for pupils who reside in the district, in order that such pupils may attend school. Such transportation or allowance shall be provided in such manner and in such amounts as shall be determined by the board of the district furnishing such transportation or allowance and

shall be in addition to any other payments made to such pupils or their parents or responsible relatives under any state public welfare program.

§ 2. **Amendment.)** Section 15-34-09.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***15-34-09.1. Levy for Transportation and Maintenance of Pupils Authorized.)** The school board of any school providing transportation or an allowance for students as provided in section 15-34-09 shall be authorized to levy up to five mills for such purposes, which levy shall not be subject to any mill levy limitations prescribed by law.

Approved March 5, 1963.

***Note:** Sections 15-34-09 and 15-34-09.1 were subsequently amended by chapter 152 of the 1963 Session Laws.

CHAPTER 152

S. B. No. 361
(Delayed Bills Committee)
(Wartner)

TRANSPORTATION OR MAINTENANCE OF PUPILS

AN ACT

To amend and reenact sections 15-34-09 and 15-34-09.1 of the North Dakota Century Code, as amended by Senate Bill Number 49 of the Thirty-eighth Legislative Assembly, relating to the authority of school districts to provide transportation or maintenance for students and to levy a tax therefor.

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

§ 1. **Amendment.)** Section 15-34-09 of the North Dakota Century Code, as amended by Senate Bill Number 49 of the Thirty-eighth Legislative Assembly, is hereby amended and reenacted to read as follows:

***15-34-09. Transportation or Maintenance of Pupils Permitted.)** Any school district may provide transportation from the places of residence or, where convenient or more economical, may at the discretion of the school board pay a reasonable allowance for board and lodging for pupils who are eligible to attend high school and reside in the district, in order that such pupils may attend high school in another school district in the county or in an adjoining county or any county agricultural and training school. Such transportation or allowance

shall be provided in such manner and in such amounts as shall be determined by the board of the district furnishing such transportation or allowance and shall be in addition to any other payments made to such pupils or their parents or responsible relatives under any state public welfare program.

§ 2. Amendment.) Section 15-34-09.1 of the North Dakota Century Code, as amended by Senate Bill Number 49 of the Thirty-eighth Legislative Assembly, is hereby amended and reenacted to read as follows:

***15-34-09.1. Levy for Transportation and Maintenance of Pupils Authorized.)** The school board of any school district providing transportation or an allowance for students attending high school in another district as provided in section 15-34-09 shall be authorized to levy up to five mills for such purposes, which levy shall not be subject to any mill levy limitations prescribed by law.

Approved March 21, 1963.

***Note:** Sections 15-34-09 and 15-34-09.1 were previously amended by chapter 151 of the 1963 Session Laws.

CHAPTER 153

H. B. No. 641

(Reimers, Maragos, Vendsel, Bloom)

SCHOOL TRANSPORTATION CONTRACTS

AN ACT

To amend and reenact section 15-34-12 of the North Dakota Century Code Supplement, relating to school boards of school districts furnishing vehicular transportation to any of its schools.

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

§ 1. Amendment.) Section 15-34-12 of the North Dakota Century Code Supplement 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 the vehicle furnished is privately owned, the driver of the vehicle and the school board may enter into a contract not to exceed seven 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 or such greater sum as may be set by the board, 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.

Approved March 15, 1963.

CHAPTER 154

H. B. No. 584
(Johnson, Haugen)

SCHOOL BUS DRIVER QUALIFICATIONS

AN ACT

To amend and reenact section 15-34-19 of the North Dakota Century Code, relating to qualifications of school bus drivers.

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

§ 1. Amendment.) Section 15-34-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-19. Qualifications, Character, and Age of School Bus Drivers.) The driver of a school bus shall be in good physical and mental health, able-bodied, free from communicable diseases, and shall have normal use of both hands, both feet, both eyes, both ears. It shall be the duty of school boards to designate reputable physicians to examine each driver annually. It shall be the duty of each driver to present the physician's certificate of physical fitness to the employing school board before a contract is signed. Such driver shall possess a good moral character, and shall be at least eighteen and not more than sixty-five years of age and shall be required to have a North Dakota driver's license. The term school bus as used in this section shall mean a passenger motor vehicle having an actual seating capacity of twelve or more passengers.

Approved March 5, 1963.

CHAPTER 155

S. B. No. 48
(Redlin, Berube, Roen)
(From LRC Study)

TRANSPORTATION PAYMENTS

AN ACT

To create and enact section 15-34-26.1, and to amend and reenact sections 15-34-24 and 15-34-25 of the North Dakota Century Code, relating to the authorization of a mill levy for pupil transportation to offset any decline in payments from the county equalization fund, and to the computation and method of making payments from the state and county equalization funds for pupil transportation; and to repeal subsection 5 of section 15-34-23 of the North Dakota Century Code, relating to the definition of "pupil miles."

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

§ 1. **Amendment.)** Section 15-34-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-24. Aid for Transportation.) There shall be paid from the county equalization fund to each school district providing school bus transportation in contract school buses or in district owned and operated school buses a sum equal to seven cents per mile for school buses having a capacity of up to nineteen pupils and twelve cents per mile for school buses having a capacity of twenty or more pupils. Such payments shall be made only to school districts operating school buses in accordance with the laws of this state relating to standards for school buses, and to the qualifications of school bus drivers. Certification as to the compliance with the laws of this state in regard to school buses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

§ 2. **Amendment.)** Section 15-34-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-25. Method of Making Payment.) On or before the fifteenth day of July, 1963, and on or before July fifteenth of each year thereafter, the clerk of each school district in this state providing school bus transportation shall certify to the county superintendent of schools the number of school buses operated on a contract basis or owned and operated by

the district, the manufacturers' rated pupil capacity of each such bus, the daily mileage each such bus traveled on a school bus route during the school year in transporting pupils to and from school, the amount of transportation payments claimed, and such other information as the superintendent of public instruction may require. On or before the first day of September in 1963 and each year thereafter, the county superintendent of schools shall certify all claims for transportation payments submitted by school districts in the county to the state superintendent of public instruction. At the time the county superintendent of schools certifies such claims to the superintendent of public instruction, he shall also give notice to any district of any disallowance that may have been made by him in the claim for transportation payments. Any district may appeal the decision of the county superintendent of schools to the superintendent of public instruction on or before the fifteenth day of September of any year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

§ 3.) Section 15-34-26.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-34-26.1. Reduction in Payments—Excess Levy for Transportation.) Using transportation payments determined to be payable during the 1962-1963 school year as a basic amount, the county superintendent of schools shall calculate the amount which will be paid to each school district under the amended payment formula as provided in this Act, during the 1963-1964 school year. If the amount of such payment to any school district is determined to be less than the amount payable during the 1962-1963 school year, the superintendent of public instruction shall reduce the amount of the payment to each such school district during the 1963-1964 school year by one-third of the amount of such difference. Payments to each such school district during the 1964-1965 school year shall be reduced by two-thirds of the difference between the amount payable during the 1962-1963 school year and the amount payable during the 1963-1964 school year under the formula provided in this Act, and payments during the 1965-1966 school year shall be the amount due such district under the amended payment formula as provided in this Act.

In addition, the county superintendent of schools shall, not later than July 1, 1963, notify the clerk of each school district which will receive decreased payments under the amended transportation formula provided in this Act of the amount of

such decreased payments. Any school district which will receive a lesser monetary amount of payments from the county equalization fund for transportation during the school years 1963-1964, 1964-1965, 1965-1966, 1966-1967, and 1967-1968 due to the amendment of the transportation formula provided in this Act, than the amount paid during the 1962-1963 school year, may levy a tax equal to the amount of such decrease in each of the calendar years 1963, 1964, 1965, 1966, and 1967. Such levy shall not be limited by the levy limitations otherwise provided by law for such district.

§ 4. Repeal.) Subsection 5 of section 15-34-23 of the North Dakota Century Code is hereby repealed.

Approved March 14, 1963.

CHAPTER 156

H. B. No. 612
(Stockman, Haugen)

SCHOOL CONSTRUCTION STANDARDS

AN ACT

To amend and reenact subsections 3 and 4 of section 15-35-02 of the North Dakota Century Code, relating to the construction of school buildings, and declaring an emergency.

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

§ 1. Amendment.) Subsections 3 and 4 of section 15-35-02 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

3. (a) Elementary Schools

In elementary school buildings they shall provide for the admission of light from the side, sides, or rear of the classrooms by one or any combination of these sources. The use of skylights to strengthen natural light sources shall be permitted. Total natural light area, including windows and skylights, if used, shall be equal to at least seven percent of the floor area.

(b) High Schools

- (1) In single story portions of high schools they shall provide for the admission of light from the side, sides, rear or ceiling of the classrooms, through one or more of these sources. Total natural light area shall be a minimum of seven

percent of the classroom floor area, except that interior class rooms shall be exempted from this provision.

- (2) In multistory portions of high schools they shall provide for the admission of light from the side, sides, rear or ceiling of the classrooms through one or more of these sources. Total natural light area shall be a minimum of seven percent of classroom floor area except that interior classrooms shall be exempted from this provision.
4. All ceilings shall average at least eight and one-half feet for elementary school classrooms and nine feet for high school classrooms. If sloping ceilings are used, the mean clear height shall not be less than the heights stated above.

§ 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 18, 1963.

CHAPTER 157

S. B. No. 34

(Holand, Baeverstad, Luick, Becker, Reichert)
(From LRC Study)

EQUALIZATION FUND PAYMENTS

AN ACT

To amend and reenact sections 15-34-26, 15-40-02, 15-40-18, 15-40-19, and 57-15-24, relating to the certification by tax commissioner in regard to the level of assessment in counties, payments from the county equalization fund to school districts, adjustment of the mill levy against taxable property for the county equalization fund, the determination by the superintendent of public instruction of the sums due each county equalization fund as a result of such adjustment, and providing for an effective date.

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

§ 1. Amendment.) Section 15-34-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-26. State Transportation Payments—Disbursement to School Districts.) The superintendent of public instruction shall determine the total amount of payments to be made

from the county equalization fund of each county including those for transportation, the proceeds of the taxable assessed valuation of each county multiplied by twenty and five-tenths mills or as specified in section 15-40-18, and the total payments to be received from the state for equalization purposes excluding state payments for transportation. In the event it is determined by the superintendent of public instruction that insufficient moneys will be available in each county equalization fund to make all payments required to be paid from the fund, including those for transportation, he shall certify to the department of accounts and purchases a list of such counties together with a statement of the amount of payments due each county equalization fund for the purpose of providing aid for the transportation of pupils. The department of accounts and purchases shall pay the sum certified by the superintendent of public instruction to each county, where it shall be credited to the county equalization fund. The payments from the state as aid for the transportation of pupils shall be made in the same manner and at the same time as other payments from the state to county equalization funds are made. Disbursements from the county equalization fund to the respective school districts entitled to payments therefrom shall be upon warrant of the county auditor at the same time and in the same manner as other payments from the county equalization fund to the respective school districts are made.

§ 2. Amendment.) Section 15-40-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-02. County Equalization Fund — How Constituted.) The county equalization fund shall consist of the taxes collected by virtue of the mill levy made as provided by section 57-15-24, payments from the state under the provisions of this chapter and the balance remaining from collections of the per capita school tax under the provisions of section 57-15-23 after the deductions are made as provided in section 15-39-23. The distribution of moneys in the county equalization fund shall only be made pursuant to the provisions of sections 15-40-14 and 15-40-24 of this code. If an apportionment of the county equalization fund is withheld from any district, it shall be retained in the fund and disbursed in the same manner as other moneys in the fund. Grants from the state under the provisions of this chapter shall be converted unto and become a part of the county equalization fund of each county.

§ 3. Amendment.) Section 15-40-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-18. Determination of Sums Due County Equalization Funds.) For purposes of this section:

1. "County average" means the countywide average percentage of market value at which taxable property in a county has been assessed after final equalization; and
2. "State average" means the statewide average percentage of market value at which all taxable property in the state has been assessed after final equalization.

At the close of each school year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant-in-aid from the state for the county equalization fund. The request shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the payments from the county equalization fund to be made to each school or school district that has complied with the provisions of law relating to such fund. Immediately following the final meeting of the state board of equalization, the state tax commissioner shall certify to the superintendent of public instruction the countywide average percentage of market value at which all taxable property in each county has been assessed after final equalization and the statewide average percentage of market value at which all taxable property in the state has been assessed after final equalization. The superintendent of public instruction shall then determine the amount of the grants-in-aid to which each county is entitled. Any county which, according to the certificate of the tax commissioner, has a county average that is equal to the state average, shall be entitled to a sum determined by subtracting from the full amount of the payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by twenty and five-tenths mills, and the balance will be the amount of aid to which the county is entitled.

Any county which, according to the certificate of the tax commissioner, has a county average that is less than the state average, shall be entitled to a sum determined by subtracting from the full amount of the payments to be made in the county, the product of the taxable assessed valuation of property in the county after adjusting such valuation upwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty and five-tenths mills. The balance will be the amount of aid to which the county is entitled for such fund.

Any county which, according to the certificate of the tax commissioner, has a county average that is more than the state average, shall be entitled to a sum determined by

subtracting from the full amount of the payments to be made in the county the product of the taxable assessed valuation of the property in the county after adjusting such valuation downwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty and five-tenths mills. The balance will be the amount of aid to which the county is entitled for such fund.

The superintendent of public instruction shall determine the product of the taxable valuation of property in the county, after adjusting such valuation upwards or downwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty-one mills. The superintendent of public instruction shall certify such amount to the county auditor of each county, that has a county average that is less than or more than the state average, which shall be converted to mills and levied by the county auditor upon all taxable property in the county in lieu of the twenty-one mill levy specified in section 57-15-24.

§ 4. Amendment.) Section 15-40-19 of the North Dakota Century Code Supplement 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, after certifying to the respective county auditors the amount that shall be levied on all taxable property in accordance with section 15-40-18, 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 general fund, within the limits of legislative appropriation, 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.

§ 5. Amendment.) Section 57-15-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-24. County Mill Levy for Schools.) The county auditor, at the time the annual levy of taxes is made, shall levy a tax of twenty-one mills on the dollar on all taxable property in the county to be placed in the county equalization fund for apportionment as provided by law except that the

county auditor of any county which, according to the certificate of the tax commissioner, has on a countywide average assessed its taxable property at a percentage of market value that is less than the statewide average percentage of market value at which all taxable property has been assessed shall convert the amount certified to him by the superintendent of public instruction to mills and make such levy upon all taxable property in the county in lieu of such twenty-one mill levy specified by this section. The levy provided for in this section shall be over and above any tax levy limitations provided by law.

§ 6. Effective Date.) The provisions of this Act shall become effective July 1, 1964.

Approved March 19, 1963.

CHAPTER 158

H. B. No. 685
(Connolly, Christensen (McLean))

EDUCATION OF INDIAN AND MIGRATORY CHILDREN

AN ACT

To amend and reenact subsection 3 of section 15-29-08 and section 15-40-14 of the 1961 Supplement to the North Dakota Century Code and section 15-40-24 of the North Dakota Century Code, relating to the contracting by school districts for educational services with the federal Indian schools and educating children of agricultural migratory workers.

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

§ 1. Amendment.) Subsection 3 of section 15-29-08 of the 1961 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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:

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 school board may make arrangements for the education of pupils in a federal Indian school and contract with the superintendent of the Indian agency for the payment of

tuition for these pupils. 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. 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 this subsection or section 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.

§ 2. Amendment.) Section 15-40-14 of the 1961 Supplement to 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, to school districts contracting to educate high school pupils in a federal Indian school, 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. School districts educating children of agricultural migratory workers during the months of June, July, and August shall not be restricted to payments for a one hundred eighty day school term.

§ 3. Amendment.) Section 15-40-24 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-24. Elementary Per Pupil Payments — Amount.)

There shall be paid out of the county equalization fund, to the school districts of the county operating elementary schools, to school districts contracting to educate elementary pupils in a federal Indian school, and to the state school for the blind, the state school for the deaf and the state training school, employing teachers holding valid certificates or permits, payments based on the average daily membership as provided for in section 15-40-14, the following amounts:

1. In one room rural schools there shall be paid one and one-half times one hundred fifty dollars, or a total of two hundred twenty-five dollars for each of the first sixteen pupils in average daily membership and one hundred fifty dollars for each additional pupil in average daily membership except that no payment shall be made for more than twenty pupils in average daily membership; and
2. In elementary schools having under one hundred pupils in average daily membership there shall be paid one and one-quarter times one hundred fifty dollars, or a total

- of one hundred eighty-seven and one-half dollars for each of the first twenty pupils in average daily membership in each classroom or for each teacher and one hundred fifty dollars for each additional pupil in average daily membership in each classroom or for each teacher except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher; and
3. In elementary schools having one hundred or more pupils in average membership there shall be paid one hundred fifty dollars for each of the first thirty pupils in average daily membership in each classroom or for each teacher except that no payment shall be made for more than thirty pupils in average membership in each classroom or for each teacher.

Payment shall not 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 Indian pupils. It is further provided that for the school year 1959-1960, districts with a one room rural school or schools closed subsequent to July 1, 1949, shall receive payments as follows:

- a. If the district is composed of eighteen sections of land or less the sum of eight hundred fifty dollars for ten pupils or less in a school and seventy-five dollars for each pupil in excess of ten in a school.
- b. If the district is composed of more than eighteen sections of land the sum of twelve hundred fifty dollars for ten pupils or less in a school and seventy-five dollars for each pupil in excess of ten in a school;

providing the school board has made a written agreement for the attendance of the pupils in another public school and vehicular transportation is furnished. Districts receiving payments where less than four pupils are enrolled shall receive a proportional amount of the payments as the total enrollment bears to four.

Approved March 18, 1963.

CHAPTER 159

H. B. No. 856
(Dagman, Fossum)

TEACHERS' INSURANCE AND RETIREMENT ASSESSMENTS

AN ACT

To amend and reenact sections 15-39-14 and 15-39-17 of the North Dakota Century Code, with regard to lowering the limitations on the amount of contributions made by political subdivisions to the state teachers' insurance and retirement fund.

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

§ 1. **Amendment.)** Section 15-39-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-14. Amount of Assessments.) Every teacher who is a member of the fund shall be assessed upon his salary as teacher as follows:

1. Four percent per annum, but not more than one hundred twenty dollars per year, for each of his first eight years of service as a teacher; and
2. Five percent per annum, but not more than one hundred eighty dollars per year, for each of the second eight years of service as a teacher; and
3. Six percent per annum, but not more than two hundred dollars per year, for each successive year of service as a teacher thereafter.

The total amount of assessments paid, however, shall not be less than the full amount of annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement. When a political subdivision or institution covered by the benefits of the teachers' retirement fund provides sick leave and employs substitute teachers at additional cost to said subdivisions or institutions, they shall in no event be required to pay in excess of fifty dollars per year as matching fund for any one teaching position, where the teacher has eight or less years of service as a teacher or in excess of one hundred twenty dollars per year as matching fund for any one teaching position, where the teacher has more than eight years of service as a teacher.

§ 2. **Amendment.)** Section 15-39-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-17. Assessments and Contributions and Statements Thereof To Be Forwarded to County Treasurer.) The disburs-

ing officers of each school district, and of each county, between June twentieth and June thirtieth of each year, shall forward to the treasurer of the county the assessments deducted and retained as provided in this chapter, and in addition thereto, contributions to the fund in an amount equal to such assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution by any school district, as determined by a teacher's contribution, shall exceed four percent of the teacher's salary or fifty dollars per year as matching fund for any one teaching position, where the teacher has eight or less years of service as a teacher or in excess of one hundred twenty dollars per year as matching fund for any one teaching position, where the teacher has more than eight years of service as a teacher. Such contributions shall be forwarded to the treasurer of the county. Provided, however, that if a teacher fails to complete the term, the district shall not be required to match said teacher's salary in entirety but shall pay the proportional part of the maximum assessments required for the time that teacher taught, unless such requirement increases the amount of assessments to be paid in which event the assessments shall be that computed on the actual salary the teacher received. Said disbursing officer shall forward the contributions with a statement, verified by the clerk of the school district or the county auditor, as the case may be, and containing the following information:

1. The name and monthly salary of each teacher;
2. The number of months of school taught during the school year for which the statement is made by each teacher in the public schools of the district or school organization over which the governing board has jurisdiction;
3. The number of months during which schools were operated in each district or school organization in the year covered by the report;
4. The total salary of each teacher;
5. The total amount withheld from the salary of each teacher and contributed by the school district or county in accordance with the provisions of this chapter;
6. The total amount withheld from the salaries of all the teachers in the district or school organization for the school year next preceding; and
7. The total number of years each teacher listed in the report has taught in the public schools of the state.

Approved March 13, 1963.

CHAPTER 160

H. B. No. 613
(Breum, Johnson)

TEACHERS' INSURANCE AND RETIREMENT ASSESSMENTS

AN ACT

To amend and reenact section 15-39-15 of the North Dakota Century Code, relating to the payment of teachers' insurance and retirement assessments.

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

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

15-39-15. Teacher Coming from School Not Included in Provisions of Chapter To Pay Back Assessments.) Any teacher who comes from a school or educational institution supported by public taxation in another state of this nation and becomes a teacher in a public school or state institution within North Dakota may elect to have not to exceed seven years out-of-state teaching accredited in North Dakota provided he declares his request to the board of trustees of this fund for such out-of-state credit within the first year after he begins teaching in North Dakota or within one year of the time when such out-of-state teaching combined with teaching within North Dakota shall aggregate twenty-five years, provided that out-of-state teaching time shall not exceed seven years. Every such teacher shall be advised of the provisions of this section by the school board in writing at the time of employment, and a copy of such notice with written acknowledgment thereof, shall be filed with the teachers' insurance and retirement fund board. Before receiving any retirement annuity, he shall pay assessments to the fund for the number of years out-of-state teaching he elects based upon his first annual salary in a public school or state institution in this state, or, if he has taught in North Dakota previously, upon his first salary in the state after his resumption of teaching in this state. After July 1, 1949, assessment payments on out-of-state teaching shall be doubled. The rate of interest shall be six percent, the same interest as required of North Dakota teachers having delinquent assessments within the state.

Approved March 18, 1963.

CHAPTER 161

S. B. No. 87

(Lips, Kautzmann, Mahoney, Robinson)

INVESTMENT OF TEACHERS' INSURANCE AND
RETIREMENT FUNDS

AN ACT

To amend and reenact section 15-39-26 of the North Dakota Century Code, relating to investment of moneys in the teachers' insurance and retirement fund.

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

§ 1. **Amendment.**) Section 15-39-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

***15-39-26. Investment of Moneys in Fund.)** The board, when authorized to do so by a resolution duly adopted by the industrial commission of the state of North Dakota, may invest moneys in the fund in bonds and mortgages or other securities the payment of which is guaranteed by the United States of America, bonds of the state of North Dakota or any other state, refunding bonds provided for by chapter 40-36 in certificates of indebtedness of the state of North Dakota, revenue producing building bonds of North Dakota higher education institutions or junior colleges issued under the provisions of chapter 15-55, or in bonds, certificates of indebtedness, or warrants of any political subdivision of the state of North Dakota which constitutes the general or contingent general obligations of the issuing tax authority, and purchase such loans and purchase such mortgage investments dated after the effective date of this section as are insured by or guaranteed in any manner wholly or in part, or other investments that are fully guaranteed by the United States or any instrumentality thereof, or by this state or instrumentality thereof. Before any investment is made in any securities, however, the investment shall be approved by the board and the securities shall be approved by the attorney general as to the form and legality thereof. The state treasurer shall be the custodian of all such securities, and the board shall deliver any securities so purchased to the state treasurer as such custodian. This section shall constitute a continuing appropriation out of the fund of all moneys that may be required for the making of the investments authorized by this section. Any member of

***Note:** Section 15-39-26 was also amended by section 2, chapter 205, 1963 S.L.

the board and any officer thereof who shall participate in the investment of any moneys in the fund without first having obtained the authorization of the industrial commission as provided in this section shall be guilty of a misdemeanor.

Approved March 4, 1963.

CHAPTER 162

S. B. No. 331

(Brooks, Baker, Lips, Becker, Foss, Redlin, Thompson)

TEACHERS' INSURANCE AND RETIREMENT ANNUITIES

AN ACT

To provide for an increase in teachers' insurance and retirement annuities to retired teachers meeting certain requirements.

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

§ 1. Retirement Annuities Increased.) Notwithstanding any other provision of law to the contrary, the amount of annuity presently payable to any teacher who completed twenty-five years of teaching service and retired at the age of fifty-five years or over prior to July 1, 1947, shall be increased by an amount equal to twenty-five percent of the amount of the annuity presently payable, effective commencing with the effective date of this Act. The board of trustees of the teachers' insurance and retirement fund is hereby authorized and directed to make the increased payments required by this Act.

Approved March 16, 1963.

CHAPTER 163

S. B. No. 85

(Lips)

WITHDRAWAL OF TEACHERS' INSURANCE AND
RETIREMENT FUND MEMBER

AN ACT

To amend and reenact section 15-39-40 of the North Dakota Century Code, relating to the withdrawal and reinstatement of members of the teachers' insurance and retirement fund.

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

§ 1. **Amendment.)** Section 15-39-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-40. Withdrawal of Member from Fund—Death of Member—Refund.) Any teacher who shall cease to be a teacher in the public schools or state institutions of this state without receiving any benefit or annuity from the fund upon such retirement, upon making written application therefor to the board shall be entitled to the return of one-half of the amount of assessments which he has paid into the fund on salaries earned prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947 without interest. If such teacher, after having withdrawn from the fund as provided in this section, shall become a teacher again in the public schools or state institutions of this state, he, during either the first year he begins teaching after such withdrawal or within one year of the time when such prior North Dakota teaching combined with North Dakota teaching after such withdrawal shall aggregate twenty-five years, shall elect either to return to the fund the amount which was returned to him, with simple interest at the rate of four percent per annum, from the time of such withdrawal, or to commence participation in the fund as though teaching for the first time. If the teacher who is or was a member of the fund shall die before he has retired as provided in this chapter his designated beneficiary, or if no beneficiary has been designated, his executor or administrator, or if no executor or administrator has been appointed then the surviving spouse or heirs at law shall be entitled to receive from the fund the total amount without interest to which the beneficiary or heirs may be entitled.

Approved March 16, 1963.

CHAPTER 164

S. B. No. 288
(Redlin, Roen)

TUITION PAYMENTS FOR NONRESIDENT STUDENTS

AN ACT

To amend and reenact section 15-40-17 of the North Dakota Century Code Supplement, relating to the payment of tuition for a high school student attending school in a district other than his district of residence.

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 Supplement 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 nonresident 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 funds and from the state under this chapter. 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 equalization fund payments and payments from the state under this chapter to the district of residence of the student shall be withheld until the tuition due the admitting district has been fully paid.

***Note:** Section 15-40-17 was also amended by section 10, chapter 200, 1963 S.L.

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 equalization payments and payments from the state under this chapter 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 decision of the committee may be appealed to the state board of public school education, and the decision of such board shall be binding upon all parties. 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.

Approved March 19, 1963.

CHAPTER 165

H. B. No. 565

(Dagman, Streibel, Bloom, Wagner, Dick)

HIGH SCHOOL COURSE REQUIREMENTS

AN ACT

To amend and reenact section 15-41-06 of the North Dakota Century Code, relating to requirements for high school attendance.

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

§ 1. Amendment.) Section 15-41-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-06. High School Courses — Requirements — Credits.) Four units of high school work shall be considered the minimum number of any year from the ninth grade to the twelfth grade, inclusive. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days, subject to the provisions of subsection 1 of section 15-29-08, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth, inclusive, and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise.

Approved March 5, 1963.

CHAPTER 166

H. B. No. 592
(Bowman, Bloom)

SCHOOL CENSUS

AN ACT

To amend and reenact section 15-47-13 of the 1961 Supplement to the North Dakota Century Code, relating to school census and reporting, and declaring an emergency.

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

§ 1. Amendment.) Section 15-47-13 of the 1961 Supplement to 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 thirtieth days of June of each odd numbered year, of all persons under twenty-one years of age, as of such thirtieth 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.

§ 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 5, 1963.

CHAPTER 167

H. B. No. 566

(Dagman, Streibel, Bloom, Burvee, Wagner, Dick)

N.D.E.A. MEETINGS

AN ACT

To amend and reenact section 15-47-14 of the North Dakota Century Code, relating to attendance at education association meetings.

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

§ 1. **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. Be it further provided that the period during which teachers are in attendance at a North Dakota education association meeting not to exceed two days shall be included as days of classroom instruction for purposes of sections 15-47-33, 15-41-06, and subsection 1 of 15-29-08.

Approved March 5, 1963.

CHAPTER 168

H. B. No. 688

(Olienyk, Elkin, Vogel, Olsen, Bloom, Glaspey)

JOINT SCHOOL OPERATIONS

AN ACT

To amend and reenact section 15-47-32 of the North Dakota Century Code, relating to joint cooperation between school districts.

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

§ 1. Amendment.) Section 15-47-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-32. Contracts of School Districts for Joint Educational Endeavors.) In addition to its general powers to make contracts, any school district may contract with any other school district for the joint use or employment of qualified driver education instructors, driver training cars, or equipment to be used in establishing complete driver training courses in the respective school districts or may contract with any other school district for the use of joint instructors for any other courses of study.

Approved March 14, 1963.

CHAPTER 169

H. B. No. 567

(Dagman, Streibel, Bloom, Wagner, Dick)

LENGTH OF SCHOOL TERM

AN ACT

To amend and reenact section 15-47-33 of the North Dakota Century Code, relating to length of elementary and secondary school year term.

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

§ 1. Amendment.) Section 15-47-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-33. Length of Elementary and Secondary School Year Term.) All elementary and secondary schools in this state

shall provide at least one hundred eighty days of classroom instruction during each school term, subject to the provisions of subsection 1 of section 15-29-08.

Approved March 5, 1963.

CHAPTER 170

S. B. No. 47
(Redlin, Berube, Roen)
(From LRC Study)

COUNTY COMMITTEE MEMBERSHIP

AN ACT

To create and enact section 15-53-06.1 and to amend and reenact section 15-53-05 of the North Dakota Century Code, relating to the legal advisor for and the membership of the county committee for school district reorganization.

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

§ 1. **Amendment.)** Section 15-53-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-05. County Committee—Size, Compensation, Vacancies, Term.) In each county in this state there shall be a county committee having the same number of members as there are county commissioner districts in the county. One member of such county committee shall be chosen from among the residents domiciled within each commissioner district of the county. The county committee that has been duly selected and is serving at the time that this Act takes effect shall continue to serve in like capacity unless such committee seeks and secures from the state committee a discharge showing that the duties imposed upon it by this chapter have been fully performed, or, in case a county committee shall fail or refuse to submit plans, records, reports and other data as provided for in this chapter, until a new committee is appointed by the state committee. Each member shall receive his actual and necessary expenses incurred by him in attending scheduled meetings and in the performance of his official duties. The term of each county committee member shall be three years, staggered so that the term of one committee member shall expire each year. Vacancies in any county committee shall be filled by appointment by the county superintendent of schools with the approval of the board of county commissioners. In the event a committee member

shall fail, refuse, or be unable to perform his duties as a member of such committee the county superintendent of schools shall, upon petition of a majority of the school boards having territory in whole or in part within the district which such committee member was appointed to represent, shall declare the position of such member upon the committee to be vacant, and shall immediately appoint a new member to the committee from that district.

§ 2.) Section 15-53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-53-06.1. State's Attorney to Represent Committee.) The state's attorney of any county within which a school district is located in whole or in part shall upon request of the county committee for school district reorganization act as legal advisor of and render opinions in writing to the committee or its officers. The state's attorney shall also defend the committee or any of its officers in any legal proceedings arising out of the conduct of the business of the board. In the event that the defense in such proceedings would result in a conflict with the duties of such state's attorney in regard to other public officials or under any law, the board of county commissioners shall employ a special counsel to represent the committee or defend against such proceedings. Compensation of such special counsel, in such amount as may be agreed to by the county commissioners, shall be paid out of the county general fund.

Approved March 19, 1963.

CHAPTER 171

S. B. No. 263
(Sorlie)

REORGANIZATION HEARINGS

AN ACT

To amend and reenact section 15-53-09 of the North Dakota Century Code, as amended by the 1961 Legislative Assembly, relating to the publishing of notices for public hearings on school district reorganization, and declaring an emergency.

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

§ 1. **Amendment.)** Section 15-53-09 of the North Dakota Century Code, as amended by the 1961 Legislative Assembly, 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. If the county committee fails to call such hearing and to give the required public notice, a petition signed by twenty-five percent of the electors in the area proposed to be included in the new school district when presented to the committee shall make it mandatory within ten days to call such hearing with the date of the hearing to be not later than twenty days after the date of publication of the notice and to publish such notice. 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.

§ 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 18, 1963.

CHAPTER 172

S. B. No. 262

(Sorlie)

MULTI-COUNTY REORGANIZATION PLANS

AN ACT

To amend and reenact section 15-53-11 of the North Dakota Century Code, relating to approval by the state committee for school district reorganization of plans involving territory in more than one county.

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

§ 1. **Amendment.)** Section 15-53-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-11. Plan Involving Territory in More Than One County.) A plan for the reorganization of school districts involving territory lying in two or more counties shall be prepared by joint action of a special committee composed of not less than three members of the county committee of each county involved, which plan for purposes of submission to the state committee shall be incorporated into the comprehensive plan of the county which has the largest number of pupils residing in the proposed joint district. In the event that a majority of the members of each committee fail to approve the reorganization plan, or the members of one or more of the committees fail or refuse to meet with the committee or committees from other counties, the county superintendent of the county in which the largest number of pupils reside shall submit the reorganization plan to the state committee for school district reorganization for approval or disapproval, and in such instance approval of the reorganization plan by the state committee shall have the same effect as approval by the county committees.

Approved March 18, 1963.

CHAPTER 173

S. B. No. 46
(Redlin, Berube, Roen)
(From LRC Study)

SCHOOL DISTRICT REORGANIZATION STANDARDS

AN ACT

To create and enact subsection 5 of section 15-53-13 of the North Dakota Century Code, relating to standards for school district reorganization, and promulgation of rules.

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

§ 1.) Subsection 5 of section 15-53-13 of the North Dakota Century Code is hereby created and enacted to read as follows:

5. Establish standards by the promulgation of rules and regulations to govern the county and state committees for school district reorganization in the development and approval of school district reorganization plans or annexation proceedings. Such standards shall require any school district to be formed or reorganized under any reorganization plan or annexation proceedings providing for the operation of a high school, to have sufficient tax base and fiscal capacity to clearly permit such reorganized district to offer the minimum curriculum prescribed by section 15-41-24 and taught by teachers possessing the qualifications required by section 15-41-25. Exceptions to such standards shall be allowed by the county or state committees only in extreme cases where because of sparsity of population or geographical barriers it is absolutely impossible to obtain compliance with them. No reorganization plan or annexation proceedings shall be approved by the county or state committees unless it shall have logical boundaries following a uniform pattern without undue irregularities.

Approved March 18, 1963.

CHAPTER 174

H. B. No. 600

(Nygaard, Breum, Bowman, Bier)

REORGANIZATION OF REORGANIZED DISTRICTS

AN ACT

To create and enact section 15-53-14.1 of the North Dakota Century Code, relating to an election for the purpose of reorganizing by consolidation of two or more previously reorganized school districts, and declaring an emergency.

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

§ 1.) Section 15-53-14.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-53-14.1. Elections for Consolidating or Reorganizing Two or More Reorganized School Districts.) Notwithstanding the provisions of section 15-53-14, whenever reorganization proceedings are had for the purpose of consolidating or otherwise affecting two or more school districts previously reorganized under the provisions of chapter 15-53, each of such reorganized school districts shall vote as a separate unit and such reorganization proceedings shall be adopted only when approved by all voting units. However, when the rural area has a higher assessed valuation than the urban area the residents of each area shall vote separately.

§ 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 18, 1963.

CHAPTER 175

S. B. No. 41
(Redlin, Berube, Roen)
(From LRC Study)

CHANGES IN REORGANIZATION PLAN

AN ACT

To create and enact section 15-53-33 and to amend and reenact section 15-53-32 of the North Dakota Century Code, relating to the powers of a school board and changes in the reorganization plan of a reorganized school district.

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

§ 1. Amendment.) Section 15-53-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-53-32. Changes in Reorganization Plan.) At any time after the reorganization plan has become effective any provision of the reorganization plan heretofore or hereafter adopted, including those affecting the adjustment of assets and liabilities but excepting those provisions defining the boundaries of the district, may be changed by a majority vote of the electorate without approval of the state or county committees. The school board in the reorganized district may, upon its own motion, or shall upon the filing with it of a petition containing a number of signatures equal to at least one-third of the total number of votes cast at the most recent school district election, submit the question of authorizing the change at the next 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. Electors within any territory which has been annexed to the reorganized district shall vote with either an incorporated area or rural area depending on the status of the annexed area at the time of its annexation and as defined by section 15-53-14. 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.

§ 2.) Section 15-53-33 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-53-33. Powers of School Board in Reorganized District.) After five years from the effective date of the reorganization plan, the school board of a reorganized district shall exercise

the powers granted to a school board by section 15-29-08 or any other provision of law regardless of limitations contained in the reorganization plan. The provisions of this section shall not be construed as authorizing the school board of a reorganized district to exercise any powers prohibited or limited by sections 15-53-15, 15-53-19, 15-53-27, 15-53-30, 15-53-32.

Approved March 18, 1963.

CHAPTER 176

S. B. No. 121

(Luick, Sorlie, Reichert, Becker, Miller, Sinner)

REVENUE-PRODUCING BUILDING BONDS

AN ACT

To amend and reenact sections 15-55-02 and 15-55-10 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 Supplement 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, or in order to refund any outstanding bonds issued for such purpose, 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 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 of 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 15-55-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-10. Limitation on Buildings and Issuance of Bonds.)

No building or buildings shall be erected, and no bonds shall be issued for the payment of the cost of any building or buildings under the terms of this chapter, save and except for such specified buildings as may be from time to time designated and authorized by legislative Act, nor shall any such building or buildings be erected at a cost exceeding the amount fixed by the legislature in such Act as the maximum to be expended for each such building. Refunding bonds may be issued by the state board of higher education under the provisions of this chapter without legislative Act to refund, at or prior to the maturity of or pursuant to any privilege of prepayment reserved in or granted with respect to, any bonds issued to pay the cost of buildings designated and authorized by legislative Act.

Approved March 16, 1963.

CHAPTER 177

S. B. No. 110

(Ringsak, Mutch, Reichert)

COLLEGE SCHOLARSHIP REQUIREMENTS

AN ACT

To amend and reenact section 15-62-02 of the North Dakota Century Code, relating to eligibility for scholarships.

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

§ 1. **Amendment.)** Section 15-62-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-62-02. Eligibility Requirements for Scholarships.) The sum of not to exceed five hundred dollars in any one year, shall be made available to students who are residents of the state of North Dakota and graduated from a North Dakota high school or who have a state high school general achievement certificate issued by the department of public instruction of the state of North Dakota or have passed the entrance examination and who shall be selected by the board and who desire to attend the state university, the state university of agriculture and applied science, any state normal school or teacher's college, or any state trade school or junior college, or other institution of higher learning in the state of North Dakota, and who are unable to attend such institution, school or college, without such financial assistance.

Approved March 18, 1963.

CHAPTER 178

H. B. No. 624
(Baldwin, Hofstrand)

INDIAN SCHOLARSHIPS

AN ACT

To provide scholarships in any institution of higher learning within North Dakota for North Dakota residents of Indian blood and providing qualifications therefor, and making an appropriation.

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

§ 1. State Board for Indian Scholarships.) There is hereby established a state board for Indian scholarships consisting of the director of Indian education of the department of public instruction, the executive director of the state Indian affairs commission, and the commissioner of higher education. The director of Indian education shall serve as chairman and the commissioner of higher education shall serve as secretary of the board for Indian scholarships.

§ 2. Duties of Board.) The state board for Indian scholarships shall:

1. Award scholarship grants as provided in this Act;
2. Make necessary rules and regulations and establish standards, requirements, and procedures for the administration of this Act; and
3. Encourage persons of Indian blood to attend and be graduated from any institution of higher learning within North Dakota, and to make application for scholarships.

§ 3. Number and Nature of Scholarships.) The state board for Indian scholarships shall provide fourteen scholarships each year for resident persons of at least one-fourth degree of Indian blood to entitle persons so selected to enter and attend any institution of higher learning within North Dakota upon compliance with all requirements for admission and to pursue any course or courses offered in such institutions.

§ 4. Eligibility of Candidates—Determination.) The initial and continuing scholarship eligibility of such resident persons of one-fourth degree of Indian blood shall be determined by the state board for Indian scholarships after the candidate has gained admission to any institution of higher learning within North Dakota and has had this fact certified to the board. Factors to be considered in the award of these scholarships shall be the candidate's health, character, financial need, and probable and continuing success as a student.

§ 5. Scholarship Payments—Conditions.) Upon the granting of a scholarship and acceptance thereof, the recipient shall be entitled to a credit in fees in the enrolling institution of higher learning to apply toward the cost of registration, health, activities, board, books, and other necessary items of not to exceed one hundred and fifty dollars per quarter for three quarters, or two hundred and twenty-five dollars per semester for two semesters, in any academic year. At the beginning of each quarter or semester of a regular academic year, the board for Indian scholarships shall certify to the state auditor the name of each recipient and the amount payable, and the state auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship to the institution of higher learning in which the recipient is enrolled. Renewal of the scholarship award shall be subject to the maintenance of a minimum grade average of "C" in the courses taken.

§ 6. Unused Scholarships.) Any unused Indian scholarship funds which shall accumulate during any fiscal year shall be awarded as additional scholarships in the succeeding fiscal year under the provisions of this Act.

§ 7. Appropriation.) There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$12,600.00 to the state board for Indian scholarships for the biennium beginning July 1, 1963 and ending June 30, 1965.

Approved March 14, 1963.