

lected as other taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person, for which said seed was furnished, until said indebtedness is fully paid; when it shall be the duty of the proper officer to cancel the same; *provided*, that such indebtedness shall not be subject to the penalty provided for taxes, nor shall it bear a greater rate of interest than seven per cent per annum.

Approved March 14, 1913.

SCHOOLS

CHAPTER 250.

[S. B. No. 260—Gibbens.]

AGRICULTURAL TRAINING SCHOOLS.

AN ACT to Amend Section Two of Chapter 265 of the Session Laws of 1911, Relating to Establishment and Maintenance and Improvements and Equipment of a County Agricultural and Training School, and Providing Levies Therefor.

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

§ 1. AMENDMENT.] Section 2 of Chapter 265 of the Session Laws of 1911 is amended and re-enacted to read as follows:

§ 2. After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinafter provided. The board of county commissioners are hereby empowered and directed annually to levy and spread on the tax roll a sum sufficient to pay the county's share of the cost of maintenance; *provided*, that not to exceed one-half of the yearly cost of maintenance shall be paid by the state, but the state's share of such maintenance shall not exceed the sum of three thousand dollars in any one year; it being the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this shall not prevent the county from levying a greater sum of (for) maintenance, if deemed necessary; *provided*, further, that the board of county commissioners may from time to time levy and spread upon the tax roll sums of money for the erection and construction of additional buildings or other improve-

ments, or for the purchase of equipment, but levies for improvements or equipment shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section one here of.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby expressly repealed.

Approved March 11, 1913.

CHAPTER 251.

[S. B. No. 85—Bronson.]

TEACHERS' INSURANCE AND RETIREMENT FUND.

AN ACT Creating a Teachers' Insurance and Retirement Fund, and Providing For its Maintenance and Disbursement.

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

§ 1. CREATION OF FUND AND MEMBERSHIP OF BOARD.] There is created a teachers' insurance and retirement fund, which shall be managed by a board of trustees to be known as the board of trustees of the teachers' insurance and retirement fund. Such board shall consist of five members. The state treasurer and the state superintendent of public instruction shall be ex-officio members of said board; three members, one of whom shall be a woman, shall be appointed by the governor from among the members of the teachers' retirement fund as provided for in this Act. One such appointive member may be a retired member of the fund. The term of office of the appointive members of said board of trustees shall be three years, except as provided herein, and shall begin on the first day of July, next succeeding their appointment; provided that the terms of office of the first members appointed shall be one for a period of one year, and one for a period of two years, and one for a period of three years.

§ 2. ANNUAL MEETING OF MEMBERS.] At the time and place of the meeting of the North Dakota State Education Association, those teachers who have qualified as members of the teachers' insurance and retirement fund according to Sections 11, 12, and 13 of this Act, shall meet for the purpose of hearing the report of the board created by Section 1 of this Act, and of transacting such other business as may properly come before them.

§ 3. VACANCIES.] In case any vacancy occurs among the members of the board, said vacancy shall be filled im-

mediately by the governor, and the appointee shall serve the balance of the term for which the original member was appointed.

§ 4. ORGANIZATION OF THE BOARD.] Said board of trustees shall organize by the election of a president. The state treasurer shall be ex-officio treasurer of said board, and shall receive and make payments from and account for said funds in the same manner as for other state funds. Said board may employ a secretary to be chosen for such a term as shall be determined by said board. Said secretary shall perform such duties in connection with the teachers' insurance and retirement fund as may be prescribed by the board.

§ 5. MEETINGS AND REGULATIONS.] Said board shall meet annually within three months after July first of each year, at the office of the superintendent of public instruction, at a time to be fixed by the board, and at any other time on the call of the president or of any two members thereof. Said board shall adopt rules for the government of its meetings and for membership in the fund, payments there-to and therefrom, and for other matters which will be calculated to aid teachers in securing the benefit of the fund.

§ 6. COMPENSATION AND SECRETARY.] Members of said board shall receive no compensation except their necessary traveling expenses incurred in attending the meetings, to be paid from the teachers' insurance and retirement fund upon the certificate of the president and secretary; but if the board shall elect one of its members secretary, such member may receive compensation for services rendered as secretary. The secretary of said board shall receive a salary to be fixed by the board, at an amount not to exceed twelve hundred dollars per annum. The compensation of the secretary and any other necessary expenses incurred by said board in carrying out the provisions of this Act shall be paid from the fund.

§ 7. INVESTMENT OF FUNDS.] Said board shall have charge of the fund and shall invest the same under the same conditions as the trust funds of the state may be invested.

§ 8. ANNUAL REPORT.] On or before the first day of October of each year, said board shall report for the fiscal year ending the thirtieth of June preceding. A copy of said report shall be transmitted to the annual meeting of the members of the teachers' insurance and retirement fund and to the state superintendent of public instruction. Said superintendent shall include a copy of said report in his biennial report to the governor.

§ 9. RETENTION OF ASSESSMENTS.] Each school district board, each board of education, or other managing body

of each city, and of each school district, and of each village, and of each town operating its schools under the township system of school government, shall retain on every pay day from the salary of each teacher in their respective schools, the amounts herein provided. Each teacher shall be furnished a statement by such board, showing the amount so deducted from his or her salary.

§ 10. AMOUNT OF ASSESSMENTS.] Every teacher who has joined the fund shall be assessed upon his or her salary as teacher for a period of twenty-five years as follows: one per centum per annum, but not more than twenty dollars per year, for each of the first ten years of service as a teacher; and two per centum per annum, but not more than forty dollars per year for each successive year of service as teacher, until said teacher shall have had a total of twenty-five years of teaching service, when said assessments shall cease. The total amount paid into said fund by each teacher shall be based upon said twenty-five years of service as teacher with assessments as provided in this Section; provided that such total amount shall not be less than the full amount of the annuity to which such teacher shall be entitled for the first year.

§ 11. ALL NEW TEACHERS ASSESSED AFTER JANUARY 1, 1914.] In becoming a teacher in said public schools after January 1, 1914, he or she shall be conclusively deemed to join the fund and to undertake and agree to pay such assessments, and to have such assessments deducted from his or her salary as herein provided.

§ 12. ASSESSMENTS OPTIONAL FOR TEACHERS NOW TEACHING IN THE STATE.] Any person employed as teacher in said public schools when this Act takes effect, may, at any time before January 1, 1914, elect to join the fund and to come within the provisions of this Act, by notifying in writing the board of trustees of the teachers' insurance and retirement fund; but no person employed as teacher in said public schools, when this Act takes effect, shall be compelled to join the fund, or to come within the provisions of this Act or to pay the assessments or to have the same deducted from his or her salary without his or her consent.

§ 13. NOTIFICATION BY TEACHER.] At the time of giving said notice to the board of trustees, as herein provided, such teacher shall notify the local school board or any other managing body, in writing, of his or her election to come within the provisions of this Act; and shall authorize said school board, as a part of said notice, to deduct from each payment of salary due him or her a sum equal to said per centum of such payment as provided in Section 10.

§ 14. TRANSMISSION OF MONEY TO COUNTY TREASURER.] Each such school district board, each board of education,

or other managing body, shall each year between the 20th and the 30th days of June, forward to the treasurer of the county in which the school house of said teacher is located, a statement verified by the secretary or clerk thereof, of the moneys so retained, in accordance with the provisions of this Act, together with said moneys so retained. Said statement shall also include the following: Name and monthly salary of each of said teachers; number of months of school taught by each teacher in said public schools of the district, village, or city over which said school board or other managing body, has jurisdiction during the school year for which the statement is made; the number of months constituting a school year in such district, village or city; the total salary of each teacher; the total amount withheld from the salary of each teacher, in accordance with the provisions of this Act; the total amount withheld from the salaries of all of said teachers for the school year next preceding; and the total number of years such teacher has taught in the public schools of the state.

§ 15. STATEMENTS TO BE SENT TO COUNTY SUPERINTENDENT AND COUNTY AUDITOR.] Said school board shall at the same time send a copy of said statement to the superintendent of the county in which said school house is located, and also a duplicate copy of the same to the auditor of said county.

§ 16. STATEMENT TO BE SENT IN ALL CASES.] If no teacher in such city, village, town or school district comes under the provisions of this Act, the school board or other managing body of such city, village, town or school district, shall state this fact under the oath of the secretary or the clerk thereof, to the treasurer of said county; and shall at the same time forward copies of said statement to the superintendent of said county and to the auditor of said county.

§ 17. REPORTS TO BE MADE TO THE BOARD.] Each county superintendent shall each year, between the 30th day of June and the 10th day of July, report under oath to the board of trustees of the teachers' insurance and retirement fund. Said report shall contain an itemized account of the statements received by him from the school boards and a statement of the total amount withheld from the salaries of all of said teachers in said report.

§ 18. REPORTS TO BE PRESERVED.] The board of trustees of the teachers' insurance and retirement fund, each county superintendent, each county auditor, each county treasurer, each school district board, each town board of education, or other managing body, shall keep complete records of the data contained in said reports and of the statements hereinbefore mentioned.

§ 19. TRANSMISSION OF FUNDS TO STATE TREASURER.] Be-

tween the 15th day of July and the 1st day of August of each year, the county treasurer shall transmit to the state treasurer all moneys which he has received from the school boards in accordance with the provisions of this Act; and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so received and transmitted to the state treasurer, as herein provided. The state treasurer shall credit all moneys received under the provisions of this Act to the fund designated as the teachers' insurance and retirement fund.

§ 20. PENALTY FOR FAILURE TO REPORT AND TRANSMIT FUNDS.] No city, village, town or school district shall share in the apportionment of the state tuition fund for any year, unless it has made the report as herein provided and paid over to the state treasurer for the teachers' insurance and retirement fund such per centum as provided in Section 10 of the total sum paid in wages to such teachers as come under the provisions of this Act, and also the portion of the county tuition fund described in Section 21.

§ 21. FUND TO BE SET ASIDE FROM COUNTY TUITION FUND AND TRANSMITTED TO STATE TREASURER.] Each county treasurer shall annually set aside from the county tuition fund a sum equal to ten cents for each child of school age in his county and shall transmit this sum to the state treasurer at the same time that he transmits the funds received from the school boards in accordance with Section 19, and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so transmitted to the state treasurer. The state treasurer shall credit all moneys received in accordance with this Section to the fund designated as the teachers' insurance and retirement fund.

§ 22. NAME OF FUND.] The moneys received by the state treasurer under the provisions of Sections 19 and 21 of this Act, together with donations or legacies received therefor, or moneys received from any legal source of increment, shall constitute a fund to be known as the "teachers' insurance and retirement fund."

§ 23. PAYMENT OF BACK ASSESSMENTS.] Any teacher coming from schools not included under the provisions of this Act shall pay assessments for said years of service in such schools, as provided in Section 10, based upon his or her first annual salary in said public schools of the state, together with the regular assessments as provided in Section 10, before receiving any retirement annuity.

§ 24. RETIREMENT OF TEACHERS WHO ARE ELIGIBLE TO ANNUITY.] Any teacher who may be teaching in said public schools and who has complied with the provisions of these

Sections may retire and receive the annuity provided for in the following cases:

1. After a period or periods aggregating twenty-five years of service as teacher, of which eighteen years, including the last five, must have been spent in public schools of this state, provided that payments by said teacher to the fund shall have amounted to a sum as provided in Section 10. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving said annuity.

2. After fifteen years of service as teacher in the public schools of this state, when said teacher suffers from a permanent mental or physical disability, to be determined by said board after an examination by two physicians appointed by said board, provided that payments by said teacher to the fund shall have amounted to a sum as provided in Section 10. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving the annuity. The examination fees of such physician shall be paid by said applicant.

§ 25. LEGAL SCHOOL YEAR DEFINED.] In computing the terms of service under Section 24, a year shall be a legal school year at the time and place where said service was rendered, except that where the service was rendered in schools not included within the provisions of this Act, a time less than a legal school year in this state shall not be included as a year, but only as such proportion of a year as the number of teaching weeks in each such year bears to the number of weeks required at the time to constitute a legal school year in this state.

§ 26. APPLICATIONS TO THE BOARD.] Any person who has complied with the provisions of this Act and desires to retire from active service in said public schools, shall apply in writing to the board of trustees of the teachers' insurance and retirement fund.

§ 27. AMOUNT OF ANNUITY.] Each teacher retiring from the service of said public schools under the provisions of Section 24, shall annually and for life be entitled to receive as annuity a sum equal to one-fiftieth of his or her average annual salary for the last five years of service, multiplied by the whole number of years of service as teacher; *provided*, however, that his said annuity shall not exceed seven hundred and fifty dollars in any one year, or be less than three hundred and fifty dollars in any one year, subject, however, to all the provisions of this Act.

§ 28. TRUSTEES MAY RATABLY DIMINISH ANNUITIES.] The board of trustees may ratably reduce the annuities provided in this Act, whenever in the judgment of the board, the condition of the fund shall require such reduction.

§ 29. WITHDRAWALS FROM MEMBERSHIP IN THE FUND.] Any teacher who shall cease to teach in said public schools before receiving any benefit or annuity from the fund, shall, if application be made in writing to the board of trustees within six months after the date of his or her resignation, be entitled to the return of one-half of the amount, without interest, which shall have been paid into the fund by such teacher. If such teacher should again thereafter teach in said public schools, he or she shall, within one year from the date of his or her return to the service on said public schools, refund to said fund the amount so returned to such teacher, together with simple interest on said amount (but not to exceed four per centum per annum) for the time such amount was withdrawn from the fund.

§ 30. ANNUITIES TO BE PAID QUARTERLY.] The state treasurer shall pay said annuities quarterly in September, December, March and June of each year, upon the warrants of the state auditor issued upon certificates of the president and secretary of said board. No payments shall be made prior to September, 1915.

§ 31. ANNUITIES PAID FROM INTEREST AND PRINCIPAL.] Payments from the fund shall be made from the income thereof and in addition thereto, when necessary, from the principal of moneys received under Sections 19 and 21.

§ 32. ANNUITIES TO CEASE UPON RESUMPTION OF TEACHING.] Any person retiring under these Sections may again enter upon the work of teaching in said public schools; during said term of teaching the annuity paid to such person shall cease. Said annuity shall again be paid to said person upon his or her further retirement.

§ 33. ANNUITIES NOT SUBJECT TO LEGAL PROCESS.] The annuities so created shall not be subject to attachment, garnishment, execution, or other seizure on (or) process, nor shall they be subject to sale, assignment, pledge, mortgage, or other alienation.

§ 34. THE TERM "TEACHER" DEFINED FOR THE ACT.] The term "teacher," as used in this Act, shall include all persons employed in teaching by any city board of education, or school board or other managing body of any city, town, village, or rural school district in this state, and all superintendents and assistant superintendents of said schools, including county superintendents and their assistants, all supervisors of instruction, all principals and assistant principals, and special teachers of said schools.

Approved March 11, 1913.

CHAPTER 252.

[S. B. No. 216—Talcott.]

SCHOOLS, SYSTEM OF INSTRUCTION.

AN ACT to Amend and Re-enact Section 3 of Chapter 264 of the Session Laws of 1911, Relating to a Thorough System of Instruction in Schools.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 264 of the Session Laws of 1911 be amended and re-enacted so as to read as follows:

§ 3. REVIEW BY SENIOR CLASS, DUTY OF SUPERINTENDENT.] The Superintendent shall, and it is hereby made his duty to cause to be reviewed by each senior class during the senior year, the full and complete course of study pursued by said class in the grammar grades.

Approved March 11, 1913.

CHAPTER 253.

[S. B. No. 390—Joint Committee on Education.]

CONSOLIDATION DISTRICT SCHOOLS.

AN ACT to Amend Section 84 of Chapter 266 of the Session Laws of 1911, Relating to Education.

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

§ 1. Section 84 of Chapter 266 of the Laws of 1911 is hereby amended to read as follows:

§ 84. CONSOLIDATION. CONVEYING PUPILS.] The district board may call, and, if petitioned by one-third of the voters in the district, shall call an election to determine the question of "conveying pupils at the expense of said district to and from schools already established," or "of consolidating two or more schools, and of selecting a site and erecting a suitable building, or of making suitable additions to buildings already erected, to accommodate the pupils of schools to be vacated." Said elections shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school election. If a majority of the votes cast at such election are in favor of conveying the pupils at the expense of the district to and from schools already established or of consolidating two or more schools and of providing a suitable building for the accommodation of the pupils of vacated schools, then the board shall make all necessary arrangements to carry out the decision of the

district. The board shall arrange for the transportation of pupils to and from such schools. It shall establish routes of travel, adopt rules and regulations for such transportation, and shall contract with responsible parties for such transportation. *Provided*, that whenever the school board of a district in which a consolidated school is established is unable to make suitable arrangements for the transportation of pupils to and from school, said transportation shall be provided according to the provisions of Section 232 of Chapter 266 of the Laws of 1911, amended.

Approved March 11, 1913.

CHAPTER 254.

[S. B. No. 338—Joint Sub-Committee on Education.]

SCHOOLS, TEXT BOOKS.

AN ACT Providing that Persons in Charge of School Children Shall Furnish Suitable Text Books in Districts Wherein the Free Text Book System Has Not Been Adopted.

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

§ 1. In any district which does not have the free text-book system, the person in charge of any child in school shall provide it with suitable text books, which shall be those adopted by the school board and necessary to its reasonably successful progress in class in all of the subjects of study for the grade to which it is assigned by its teacher.

Approved March 11, 1913.

CHAPTER 255.

[S. B. No. 197—Barnes.]

FIRE ESCAPES FOR SCHOOL HOUSES.

AN ACT Relating to Exits in All Schoolhouses Having More Than One Schoolroom, and Requiring Stationary Fire Escapes With Proper Landings and Railings to be Attached to the Outside of all Schoolhouses Above the First Story of every Schoolhouse Having More Than One Story, and Designating Whose Duty it Shall be to Provide such Exits and Fire Escapes, and Prescribing a Penalty for the Violations of the Provisions of this Act.

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

§ 1. EXITS REQUIRED.] All school houses having more than one school room shall have the doors in the exits opening outward, and it is hereby further provided that after

the passage of this act school houses of more than one room thereafter erected shall be provided with an exit not less than four feet six inches in width. All doors to be kept unlocked from 8:30 o'clock A. M. to 4:30 o'clock P. M. on school days.

§ 2. FIRE ESCAPES, HOW CONSTRUCTED.] There is hereby required a stationary fire escape, consisting of iron stairways, attached to school houses having more than one story, with iron landings easily accessible from each school-room above the first floor, guarded by an iron railing not less than two feet six inches in height. Such landings shall be connected by iron stairs not less than three feet wide and with steps not less than six inches tread, and protected by a well secured hand rail of iron on both sides and reaching to the ground. *Provided*, however, that the six-foot section immediately above the ground shall be hinged to the main escape so it may be swung out of the way when not in use; further provided that this section shall not affect school-houses now constructed and provided with adequate fire escapes. The way of egress to such fire escape shall at all times be kept free and clear from all obstruction of any and every nature.

§ 3. DUTY OF SCHOOL OFFICERS.] Trustees, boards of directors, boards of education, or any other person having charge of such school houses shall comply with the provisions of this act within six months after its passage and approval.

§ 4. PENALTY.] Any person or board violating any of the provisions of this act shall upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars.

§ 5. EMERGENCY.] An emergency exists in that many school houses in this state are not adequately provided with exits and fire escapes, therefore this act shall take effect and be in full force from its passage and approval.

Approved March 1, 1913.

CHAPTER 256.

[S. B. No. 234—Bond.]

APPOINTMENT OF TREASURER BY SPECIAL SCHOOL
DISTRICT BOARDS.

AN ACT to Amend Section 141 of Article 9 of Chapter 266 of the Session Laws of 1911, Relating to Public Schools.

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

§ 1. AMENDMENT.] That Section 141 of Article 9 of Chapter 266 of the Session Laws of 1911, of the State of North Dakota, be amended to read as follows:

§ 141. ORGANIZATION OF BOARD.] At the annual meeting on the second Tuesday in July of each year such board of education shall organize by electing a president from among its members, who shall serve for one year; and they shall also appoint a clerk and a treasurer, not of their own number, who shall hold their offices during the pleasure of the board and receive such compensation for their services as shall be fixed by the board. In the absence of the president at any meeting a president pro tempore may be elected by the board.

REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 3, 1913.

CHAPTER 257.

[H. B. No. 66—Buck.]

ELECTION OF BOARD OF EDUCATION OF INDEPENDENT
SCHOOL DISTRICTS.

AN ACT to Amend and Re-enact Section 181 of Chapter 266 of the Session Laws of the Year 1911, of the State of North Dakota, Relating to Public Schools.

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

§ 1. AMENDMENT.] Section 181 of Chapter 266 of the Sessions Laws of the State of North Dakota for the year 1911, relating to public schools, is amended and re-enacted to read as follows:

§ 181. MEMBERS OF THE BOARD. HOW ELECTED. QUORUM AND TERM OF OFFICE.] Such board shall consist of one member from each ward in the city, and when the city is divided into an even number of wards then such city shall elect

one member of such board at large, and when such city is divided into an odd number of wards such city shall elect two members of such board at large. Such members shall hold their office for the term of three years and until their successors are elected and qualified. Provided that at the first election in independent districts hereafter organized members from even numbered wards shall be elected for a term of one year; and members from odd numbered wards for a term of two years; and members at large shall be elected for a term of three years. *Provided* further, that in such cities as have been heretofore organized as independent school districts that the term of office of members at large elected in 1912 shall be three years; that the term of office for members of said board from even numbered wards elected in 1912 be extended to two years from the date of their election; that their term of office of the members elected from odd numbered wards in 1911 shall remain two years, and that thereafter the term of office for all members shall be three years. A majority of said board shall constitute a quorum.

EMERGENCY.] Whereas, an emergency exists in that the next school election takes place April 21st, 1913, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1913.

CHAPTER 258.

[S. B. No. 47—Jacobsen.]

SCHOOLHOUSES AND SITES.

AN ACT Repealing Chapter 268 of the Session Laws of 1911, Relating to Schoolhouses and Sites.

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

Chapter 268 of the Sessions Laws of 1911, entitled, "An Act to Amend Section 2 of Chapter 204 of the Laws of 1909, entitled, 'An Act to Amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, pertaining to education,'" is hereby repealed.

Approved February 19, 1913.

CHAPTER 259.

[S. B. No. 344—Joint Sub-Committee on Education.]

SCHOOL DISTRICT BOUNDARIES.

AN ACT to Repeal Section 43½ of Chapter 266 of the Session Laws of 1911, Relating to Boundaries of School District.

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

§ 1. REPEAL.] That Section 43½ of Chapter 266 of the Session Laws of 1911 be and the same is hereby repealed.
Approved March 11, 1913.

CHAPTER 260.

[S. B. No. 340—Joint Sub-Committee on Education.]

EXPENSES COUNTY SUPERINTENDENTS.

AN ACT to Repeal Section 28 of Chapter 266 of the Session Laws of 1911, Relating to Office, Postage and Stationery of County Superintendent.

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

§ 1. REPEAL.] That Section 28 of Chapter 266 of the Session Laws of 1911 be and the same is hereby repealed.
Approved March 11, 1913.

CHAPTER 261.

[S. B. No. 347—Joint Sub-Committee on Education.]

HIGH SCHOOL DIPLOMAS.

AN ACT to Amend Section 258 of Chapter 266 of the Session Laws of 1911, Relating to High School Diplomas.

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

§ 1. AMENDMENT.] That Section 258 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended so as to read as follows:

§ 258. HIGH SCHOOL DIPLOMAS.] Diplomas from North Dakota high schools doing four years' work, granted to graduates who have had psychology, pedagogy, and two senior-review subjects, together with eighteen days' attendance at a teachers' training school, shall be accredited as second grade elementary certificates; and if within two years from the date of the diploma the holder has had at least eight months' successful experience in teaching, he shall be entitled to a first grade elementary certificate.

Approved March 11, 1913.

CHAPTER 262.

[S. B. No. 55—Bond.]

ELECTION OF OFFICERS.

AN ACT to Amend Section 157 of Article 9 of Chapter 266 of the Session Laws of 1911, Relating to the Election of School Officers.

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

§ 1. AMENDMENT.] That Section 157 of Article 9 of Chapter 266 of the Session Laws of 1911, of the State of North Dakota, be amended to read as follows:

§ 157. NOTICE OF ELECTION. FORM OF.] Such notice shall be in substantially the following form:

Notice is hereby given that on Tuesday, the.....day of June, A. D....., an annual election will be held at..... (here insert polling place) for the purpose of electing the following members of the board of education..... (here insert terms for which they are to be elected), for the city, town or village..... (here insert name), and the polls will be open at nine o'clock A. M., and closed at four o'clock P. M. of that day.

By order of the Board of Education.

Signed.....Clerk.

CANDIDATES. OFFICIAL BALLOT.] Any person desiring to be a candidate at such election shall file his or her name with the clerk not less than five days before such election, stating what position he or she desires to be a candidate for. At least three days before such election the clerk shall prepare and have printed an official ballot containing all the names filed as hereinbefore provided. Such ballot shall be headed "Official Ballot," shall contain the name of the district and the date of such election, shall be non-partisan, and state the number of persons to be voted for for each office, shall contain blank spaces below for writing in other names. *Provided* nothing herein shall prevent any person desiring to be a candidate at such election and who failed to file as hereinbefore provided, from providing stickers to be attached to the official ballot by the voter, such stickers to be not over one-half inch in width and have printed thereon one name only.

The provisions of Sections 640, 641, 644, 648, 649 and 681 of the Revised Codes of 1905, and of Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Chapter 129 of the Session Laws of 1911, shall apply to elections held under the provisions of this act.

EMERGENCY.] Whereas, an emergency exists, in this, that

there is now no law providing for an official ballot for school elections, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 17, 1913.

CHAPTER 263.

[S. B. No. 342—Joint Sub-Committee on Education.]

SCHOOL INSPECTION.

AN ACT to Amend Section 80 of Chapter 266 of the Session Laws of 1911, Relating to Board of Inspection.

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

§ 1. AMENDMENT.] That Section 80 of Chapter 266 of the Session Laws of 1911 be, and the same is hereby, amended to read as follows:

§ 80. COUNTY BOARD OF HEALTH.] Whenever the county superintendent of schools shall report to the county board of health that a school house or any school out-building is in an unsanitary or unsafe condition, or that any of the pupils or any person of school age is alleged to be defective in mind or body, it shall be the duty of the said board to investigate the report without delay and to direct the school board or a person in charge of the alleged defective to take such action as shall seem to be for the best interests of the persons immediately concerned.

Approved March 11, 1913.

CHAPTER 264.

[H. B. No. 238—Homan.]

SCHOOL SUPPLIES.

AN ACT to Amend Section 70 of Chapter 266 of the Session Laws of 1911, Relating to the Purchase of School Supplies.

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

§ 1. AMENDMENT.] That Section 70 of Chapter 266 of the Session Laws of 1911 be amended to read as follows:

§ 70. FURNITURE, MAPS, REGISTER, SCHOOL LIBRARY.] The district school board shall, with the approval of the county superintendent of schools, furnish to each school all necessary and suitable furniture, maps, charts, globes, blackboards, and other school apparatus, including any dictionary which is recognized as a standard authority. The school

register and all school blanks used shall be those furnished by the state department of public instruction. It shall appropriate and expend each year not less than ten dollars (\$10.00), or more than twenty-five dollars (\$25.00, for each school of the district for the purpose of school library, to be selected by the school board and the teacher, from any list of books authorized by the superintendent of public instruction, and furnished by him to the county superintendent for that purpose.

Approved March 11, 1913.

CHAPTER 265.

[S. B. No. 343—Joint Sub-Committee on Education.]

SCHOOLHOUSE SITES.

AN ACT to Amend and Re-enact Section 81 of Chapter 266 of the Session Laws of 1911, Relating to School House Sites.

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

§ 1. AMENDMENT.] That Section 81 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended and re-enacted to read as follows:

§ 81. SCHOOL HOUSE SITES, HOW OBTAINED AND MAXIMUM AREA ALLOWED.] The school board of any school district may take in the corporate name thereof any real property not less than two acres, nor exceeding five acres in area chosen as a site for school house, as provided in this chapter, and may hold and use such tract for school purposes only. It shall secure good title to any and all of the school sites in the district, and cause the same to be recorded in the office of the register of deeds. It shall be the duty of the state's attorneys to pass upon the title to any school site before the deed thereof is recorded. Should the owner of such real property refuse or neglect to grant and convey such site a site for a school house may be obtained by proceeding in eminent domain, as provided in the Code of Civil Procedure. If this site so selected is not used for the purpose for which it is taken for two successive years it shall revert to the original owner or his assigns upon payment of the sum originally paid by the school district. If such owner or his assigns neglects or refuses to make such re-payment for one year after the demand therefor by the board such site shall be the property of the district.

Approved March 11, 1913.

CHAPTER 266.

[S. B. No. 345—Joint Sub-Committee on Education.]

SCHOOL TERMS.

AN ACT to Amend Section 85 of Chapter 266 of the Session Laws of 1911, Relating to Additional School Time.

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

§ 1. AMENDMENT.] That Section 85 of Chapter 266 of the Session Laws of 1911 be, and the same is hereby, amended so as to read as follows:

§ 85. ADDITIONAL SCHOOL TIME.] If a majority of the patrons of any school averaging eight or more pupils in daily attendance for a period of three months immediately prior to the date of filing the petition with the clerk of the district board, shall petition the board to continue such school for an additional time, the board shall continue such school for that length of time if there are funds in the treasury sufficient for that purpose.

Approved March 11, 1913.

CHAPTER 267.

[S. B. No. 376—Joint Sub-Committee on Education.]

SCHOOL COMPULSORY ATTENDANCE.

AN ACT to Amend Section 232 of Chapter 266 of the Session Laws of 1911, Relating to Education.

Be it Enacted by the Legislative Assembly of the State of North Dakota.

§ 1. Section 232 of Chapter 266 of the Laws of 1911 is hereby amended to read as follows:

§ 232. SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian, or other person, who resides in any school district or city, and who has control over any child of or between the ages of eight and fifteen, shall send such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian, or other person having control of any deaf, blind or feeble-minded child or youth between the ages of seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake for the entire school year unless excused by the superintendent or principal of such

school, such blind child to the school for the blind at Bathgate for the entire school year unless excused by the superintendent or principal of such school, and such feeble-minded child to the institution for the feeble-minded at Grafton; *provided*, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction subject to appeal as provided by law that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by the county superintendent of school subject to appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the common schools are taught in such schools.

2. That such child is actually necessary to the support of of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

5. If no school is taught the requisite length of time within two and one-half miles of the residence of such child by the nearest route such attendance shall not be enforced, except in cases of consolidated schools, where the school board has arranged for the transportation of pupils. In every school district where consolidated schools have not been established the school board shall arrange a system of zones for the transportation of children to and from school at the expense of the district. Children living within not less than one and one-quarter miles nor more than two and one-quarter miles from the school house by the nearest public route shall be in zone number one; children living within not less than two and one-quarter miles nor more than three and one-quarter miles from the school house by the nearest public route shall be in zone number two; and children living at a greater distance than three and one-quarter miles from the school house by the nearest public route shall be in zone number three. In providing compensation for transportation the school board shall provide a maximum compensation per family for the first zone, and compensation per family for transportation from zone number two shall be one-half greater per family than for zone number one, and compensation per family for zone number three shall be twice the compensation per family for zone number one.

Provided, that when provision has been made for the transportation of pupils by the school board of any district agreeably to the provisions of this Chapter, the pupils residing therein shall be amendable to the provisions of law requiring the attendance at school of such pupils. *Provided*, further, that the provisions for transportation shall not apply to deaf, blind and feeble-minded children in this state, and this Section shall not be construed to apply to parents, guardians, or other persons having control of any child or children between the ages of eight and fifteen, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or children for certain religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for the transportation of pupils.

Approved March 11, 1913.

CHAPTER 268.

[S. B. No. 51—Cashel.]

HIGH SCHOOL AID.

AN ACT to amend and Re-enact Sections 1031, 1032, 1033, 1034, 1035, 1036, 1037 of the Revised Codes of 1905, Relating to Education, as Amended by Chapter 99 of the Session Laws of 1907 and Chapter 267 of the General Laws of 1911; and to Amend Sections 1, 2, 3, 4, 5, of Chapter 40 of the General Laws of 1911, and to Repeal Section 6, 7, 8, 9, 10, 11 of Chapter 40 of the General Laws of 1911.

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

§ 1. That Section 1031 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1031. STATE BOARD OF EDUCATION. POWERS.] The state board of education shall have general supervision over secondary education in the state, and shall perform the duties and have and exercise the powers hereinafter mentioned.

§ 2. That Section 1032 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1032. SCHOOLS CLASSIFIED.] Any public graded school in any city or incorporated village or township, organized into a district, under the township or district system, which shall give instruction according to the terms and provisions of this Act, and shall admit pupils of either sex from any

part of the state without charge for tuition in the secondary school or high school department, shall be entitled to be classified as a state high school, and to receive pecuniary aid as hereinafter specified; *provided*, however, that no such school shall be required to admit non-resident pupils unless they pass an examination in orthography, reading in English, penmanship, arithmetic, language and grammar, modern geography and the history of the United States; *provided*, however, that in case of state high schools having an agricultural department, pupils pursuing courses in said department shall be admitted into the seventh and eighth grades, and secondary school department without charge for tuition.

§ 3. That Section 1033 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1033. REQUIREMENTS FOR CLASSIFICATION.] The said board shall require of the schools applying for such pecuniary aid compliance with the following conditions, to-wit:

1. That there shall be adequate school buildings conforming to modern approved ideas respecting heating, lighting, ventilation and sanitation, and under no circumstances shall aid be given to or continued when the board of education fails to or refuses to comply with reasonable requirements of this character.

2. That there shall be regular and orderly courses of study in the eight grades of the elementary school, together with all subjects prescribed by the said board for the first two years of the secondary school curriculum.

3. That the said secondary school receiving pecuniary aid under this Article shall at all times permit members of the state board of education, or any one appointed by said board, to visit and examine the classes pursuing said elementary and secondary school courses, and make recommendations concerning the conduct of such school.

4. That Section 1034 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1034. HIGH SCHOOL INSPECTOR. HOW APPOINTED. SALARY AND EXPENSES. SCHOOLS TO RECEIVE STATE AID. APPROPRIATION.] The state board of education shall appoint a high school inspector, upon the nomination of the superintendent of public instruction, who shall be a graduate of a college or a university of recognized standards, and shall have had five years of successful experience either as principal of a high school or superintendent of city schools in North Dakota. The board shall prescribe his duties. His term of office shall be two years, provided that the inspector appointed in 1911 shall hold office for two years from July 1, 1911. The yearly salary of said inspector shall not exceed

two thousand dollars, as may be fixed by the state board of education. Such salary shall be payable monthly on warrant of the state auditor from the general fund of the state. It shall be the duty of the secretary of state board of education to notify the state auditor, prior to July 1st of each year, the amount of salary which has been fixed for the biennial period.

The state high school inspector shall receive his actual and necessary expenses incurred in the discharge of his official duties; such duties, under the direction of the state board of education, may take him outside of the state of North Dakota, and in such cases all his actual and necessary expenses shall be paid. These expenses, which shall not exceed twelve hundred (\$1,200.00) dollars in any given year, shall be paid from the general fund of the state upon itemized vouchers properly approved.

The said state high school inspector, under the direction of the state board of education, shall carefully inspect the instruction, discipline and all conditions affecting the efficiency of the high schools of the state receiving aid under this article, and make a written report on the same; *provided*, that no money shall be paid in any cases until such report shall have been received, examined and the work of the school approved by the board. The said board shall receive applications from such schools for aid as herein-after provided, which applications shall be received and acted upon in the order of their reception. The said board shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose applications shall have been approved by the board, the following sums, to-wit: Two thousand five hundred dollars for the school year 1913-14 to each of seven schools having an agricultural, manual training and domestic economy department; and after the school year of 1913-14, the sum of two thousand five hundred dollars each year to each ten schools having an agricultural, manual training and domestic economy department; eight hundred dollars each year to each school maintaining a four-year high school curriculum and doing four years of high school work; the sum of five hundred dollars each year to each school having a three-year high school curriculum and doing three years of high school work; and the sum of three hundred dollars each year to each school having a two-year high school curriculum and doing two years of high school work; *provided*, that the moneys so apportioned to any high school shall be used to increase the efficiency of the high school work; *provided*, also, that the state board of education may require that forty per cent of the money appropriated shall

be used in any one year for libraries, laboratories and other apparatus and equipment; *provided*, further, that the total amount of apportionment, expenses and salary under this Act, except salary and expenses of the inspector provided for above, shall not exceed seventy-seven thousand five hundred dollars in the school year 1913-14, and eighty-five thousand dollars in each succeeding year. The sum of seventy-seven thousand five hundred dollars for the year July 1, 1913-14, and thereafter the sum of eighty-five thousand dollars, is hereby appropriated annually for the purpose of this Act, to be paid out of any moneys in the state treasury not otherwise appropriated, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said board, duly certified and filed with the state auditor; *provided*, that in case the amount appropriated and available under this Article for the payment of aid to such schools shall in any year be insufficient to apportion each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes, then, in such case, two thousand five hundred dollars shall be apportioned to each of the seven or ten schools having an agricultural, manual training and domestic economy department, and the remainder of such amount as is appropriated and available shall be apportioned pro rata among the schools entitled thereto; *provided*, further, that with the approval of the state board of education, the money appropriated by the state to the high schools designated to maintain departments of agriculture, manual training and domestic economy may be used for the extension of agricultural education and demonstration outside of the district in which the school is located, within the limits of efficiency.

§ 5. That Sections 1, 2, 3 of Chapter 40 of the General Laws of 1911 are hereby revised to read as follows:

SCHOOLS TO MAINTAIN DEPARTMENTS OF AGRICULTURE. HOW DESIGNATED. REQUIREMENTS.] Any state high school having satisfactory rooms, equipment and a tract of land of at least ten acres within one mile of the school house, having shown itself fitted by location and otherwise to do agricultural work; having trained instructors in agriculture, manual training and domestic economy; maintaining well organized short courses and agricultural, manual training and domestic science and art courses, and meeting such other requirements as the state board of education may define, shall upon application be designated by said board to maintain an agricultural department; *provided*, that the high schools now designated and those hereafter designated to maintain departments of agriculture, manual training and

domestic economy shall continue to be so designated and aided so long as they comply with the rules and regulations of the state board of education and perform satisfactorily the work contemplated by this Section.

§ 6. That Sections 4 and 5 of Chapter 40 of the General Laws of 1911 are hereby revised to read as follows:

NATIONAL AND STATE AID. ONE SCHOOL IN COUNTY.] In addition to the state aid of two thousand five hundred dollars herein provided for a state high school having an agricultural department as defined in Section five of this Act, shall receive its proportionate share of all moneys appropriated by the national government for the teaching of elementary or secondary agriculture in the public or high schools of this state; *provided*, that said high schools having an agricultural department shall not receive more than two thousand five hundred dollars of aid from the state under this Act; *provided*, further, that no more than one high school in any county shall be designated a state high school having an agricultural department and receiving two thousand five hundred dollars state aid.

§ 7. Section 1035 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1035. COMPENSATION OF BOARD MEMBERS, CLERICAL SERVICE, SALARY, EXPENSES.] The ex-officio members of the board shall serve without compensation, but the appointive members shall receive a per diem of three dollars while actually on duty as members of the board.

The necessary expenses of all members of the board while on duty as members, salary and expenses of the clerical help of the examiner and of the readers of the state board of education examination papers, and other necessary expenses of administration, shall be paid from the "State High School Aid" fund, and in the manner provided by law for salaries and expenses of other state officers.

§ 8. That Section 1036 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1036. ANNUAL MEETING. ORGANIZATION. POWERS. ASSISTANT EXAMINERS.] The board shall hold a regular meeting in the months of July, September, November, January, March and May of each year.

The board shall have full discretionary power to consider and act upon applications of schools for state aid, and to prescribe conditions upon which said aid shall be granted; and it shall be its duty to accept and aid such schools only as will, in its opinion, if aided, efficiently perform the service contemplated by law. The period for which a school shall be classified shall be one year. The board shall have power to establish any necessary and suitable rules and

regulations relating to qualifications of teachers and superintendents, to examinations, reports, acceptance and classification of schools, curricula, and other proceedings implied under this article. The examiner shall report the results of the state board of education examinations annually to the superintendent of public instruction, who shall publish the same in his biennial report. Readers of state board of education examination papers shall be appointed by the examiner of the state board of education, and shall be entitled to receive such compensation as the board may allow.

§ 9. That Section 1037 of the Revised Codes of 1905 is hereby revised to read as follows:

§ 1037. ANNUAL REPORT OF INSPECTOR. BOARD SHALL KEEP RECORD AND MAKE REPORT.] The said high school inspector shall make, on or before August 1st, an annual report to the state board of education concerning the previous school year, showing the names and number of schools receiving state aid, the number of pupils enrolled, and other matters as directed by the board, and the said board shall cause the same to be published. Said board shall keep a record of all proceedings, and shall biennially make a report to the governor of the receipts and disbursements, matters of general importance regarding the schools aided, and shall add any recommendations that it deems useful and proper. This report shall be included and made a part of the printed report of the state superintendent of public instruction.

§ 10. REPEAL OF SECTIONS OF CHAPTER 40.] Sections 6, 7, 8, 9, 10, 11 of Chapter forty (40) of the General Laws of 1911, and all Acts or parts of Acts in conflict with this Act, are hereby repealed.

Approved March 21, 1913.

CHAPTER 269.

[S. B. No. 339—Joint Sub-Committee on Education.]

COUNTY TREASURER'S SCHOOL ACCOUNTS.

AN ACT to Amend and Re-enact Section 113 of Chapter 266 of the Session Laws of 1911, Relating to County Treasurer's Accounts Kept with School Corporations.

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

§ 1 AMENDMENT.] That Section 113 of Chapter 266 of the Session Laws of 1911 be and the same is hereby amended and re-enacted so as to read as follows;

§ 113. COUNTY TREASURER TO KEEP ACCOUNTS WITH THE SCHOOL CORPORATION.] Each county treasurer shall keep a regular account with each school corporation, in which he shall charge himself with all taxes collected by levy of the district school board and all sums apportioned to the district by the county superintendent or other authority and all sums received from the district, and he shall credit himself with all payments made to the treasurer of the district, distinguishing between the items paid by apportionment, those from county taxes and those from other sources. He shall also credit himself with all payments for redemption or endorsement of warrants in the collection of taxes and shall deliver to the district treasurer a duplicate tax receipt for the amount of each warrant so indorsed or redeemed, together with all warrants so redeemed at the time of making other regular payments to the district treasurer. To these credits, to balance the accounts, he shall add all items for legal fees, for collection and other duties. He shall annually on the first day of July file with the county superintendent of schools an itemized statement of all funds remitted by him during the preceeding school year to each of the respective school district treasurers. On the same day he shall also send statements to each of such treasurers itemizing the payments made by him during such time to such respective treasurers. Also, he shall, on the same day, send to each district clerk a copy of the statement which he sends to the treasurer of that district.

Approved March 11, 1913.