

## CHAPTER 229

H. B. No. 69—(Drainage and Irrigation Committee)

REPEAL SEC. 8270 C.L. 1913 RELATING TO WATER  
APPROPRIATION

An Act to Repeal Section 8270, Compiled Laws of North Dakota for 1913, providing for the Appropriation of Water by the Proper Officers of the United States; and Declaring an Emergency.

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

§ 1. REPEAL.] That Section 8270, Compiled Laws of North Dakota for the year 1913, providing for the appropriation of water by the proper officials of the United States, be and the same is hereby repealed.

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

Approved February 24, 1943.

## SCHOOLS

## CHAPTER 230

H. B. No. 175—(Committee on Education)

ADMITTING PUPILS FROM ANOTHER SCHOOL  
DISTRICT AND PAYING TUITION

An Act to amend and re-enact Section 1179 of the Compiled Laws for 1913, as amended by Chapter 257 of the Session Laws of 1941, relating to powers of school districts to admit pupils from other districts, providing for payment of tuition and transportation, and repealing all Acts and parts of Acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 1179 of the Compiled Laws for 1913, as amended by Chapter 257 of the Session Laws of 1941, be amended and re-enacted to read as follows:

§ 1179. It shall have the power to admit to the schools in the district, pupils other than high school pupils from other district,

when it can be done without injuring or overcrowding such schools, and shall make regulations for their admission; and when on account of shorter distance and other conveniences and with the approval of the County Superintendent of Schools the district from which such pupils are received may pay the tuition for each such pupils, except that districts admitting pupils shall give credit on tuition to the extent that parent or guardian of pupils pay school tax or in case of tenants to the extent the landlord pays the school tax in that district. It shall have the power to arrange with the board of another district for sending to such district such pupils as can conveniently be taught herein, for paying their tuition, and for arranging and paying for their transportation to and from the school in such district; and when petitioned by a majority of the voters of a district it shall be the duty of the board of any district to arrange for sending to such district such pupils as can conveniently be taught therein, for paying their tuition and for arranging and paying for their transportation to and from the school in such district. It shall have the power to admit to the schools in the district, pupils residing in the unorganized territory adjacent to the district, and to arrange with the parents or guardian of such pupils for paying their tuition; but in no instance shall a board refuse privileges to or collect tuition from pupils residing in such adjacent unorganized territory, if the parents of such pupils are property holders in the district and pay taxes. It shall also have the power to make proper and needful rules for the assignment and distribution of pupils to and among the schools in the district, and their transfer from one school to another.

§ 3. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1943.

## CHAPTER 231

S. B. No. 208—(Interim Committees—Streibel and Kehoe)  
By Permission of Delayed Bills Committee

BOARD OF UNIVERSITY AND SCHOOL LANDS,  
AUTHORIZING SALE OF LANDS BY—  
AMENDMENT

An Act to amend and re-enact sub-section 1 of Section 1 of Chapter 252 of the Session Laws of North Dakota for 1941, relating to the manner of sale of lands belonging to the permanent school or institutional funds but not a part of the Federal Grant Lands.

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

§ 1. That sub-section 1 of Section 1 of Chapter 252 of the Session Laws of 1941 be and the same is hereby amended and re-enacted to read as follows:

(1) Manner of Sale:

(a) All such lands shall be appraised by the Commissioner of University and School Lands or his deputy or representatives, such appraisal to be approved by the Board of University and School Lands and shall be sold for not less than the appraised value and not less than the amount of the permanent school funds invested therein to the highest bidder at public sale conducted at the front door of the Court House in the county seat of the county wherein the lands to be sold lie between the hours of nine (9) o'clock in the forenoon and four (4) o'clock in the afternoon.

(b) If the mortgagor or former owner from whom the lands were acquired or his widow or one or more of his lineal descendants, who in all cases must be a bona fide farmer residing upon the land, not less than three days prior to a public sale of such land, shall make a bona fide offer to repurchase such lands at a price not less than the combined amounts of the original unpaid loan plus costs paid by the state and interest unpaid at the time the state acquired title to such lands, the Board of University and School Lands shall resell any of such lands to any such bona fide applicant at such sale upon the terms and conditions provided for in this chapter except that upon such private sale the cash payment shall be not less than twenty per cent of the sale price.

Approved March 17, 1943.

## CHAPTER 232

H. B. No. 78—(Committee on Drainage and Irrigation)

## CONSERVATION STUDY REQUIRED IN SCHOOLS

An Act requiring the State Superintendent of Public Instruction to set up courses for the teaching of conservation of natural resources, including irrigation and conservation of water and soil and providing for the offering of these courses in teacher training institutions where feasible.

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

§ 1. In connection with the subjects now taught in all public schools of this state, the State Superintendent of Public Instruction shall also cause to be set up courses in the teaching of conservation of natural resources, including irrigation and conservation of water and soil, and where feasible in teacher training institutions, courses in teaching of these subjects shall also be offered.

Approved March 9, 1943.

## CHAPTER 233

H. B. No. 118—(Bubel and Rohde)

## FEES, LEASING AND SALE OF SCHOOL LANDS

An Act to Amend and Re-enact Section 363 of the 1913 Compiled Laws of North Dakota, as Amended and Re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, as Amended and Re-enacted by Chapter 223 of the Session Laws of North Dakota for 1933, relating to the fixing and collecting and distribution of fees at the leasing and sale of school lands.

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

§ 1. That Section 363 of the Compiled Laws of North Dakota for 1913, as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, as amended and re-enacted by Chapter 223 of the Session Laws of North Dakota for 1933, be and the same hereby is amended and re-enacted to read as follows:

§ 363. FEES FOR SERVICE. DUTY OF COUNTY TREASURER.] It shall be the duty of the State Land Commissioner to charge the following fees: For each one year lease of school or other state lands, one dollar and fifty cents; for each lease for a period of more than

one year, three dollars; for each contract for lands purchased, five dollars; for each patent, five dollars; for approving and recording each assignment of school land contract, five dollars; for furnishing certified copies of school land contracts, three dollars. All fees must be paid in advance, and all leasing fees shall be collected by the county treasurer of the county wherein such land is leased at the time the first payment is made for leases, and by him credited to the general fund of the county. All other fees shall be collected by the State Land Commissioner and credited to the State General Fund.

Approved March 15, 1943.

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## CHAPTER 234

H. B. No. 102—(Committee on Education)

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### HIGH SCHOOL TUITION

An Act to amend and re-enact Section 6 of Chapter 255 of the Session Laws of North Dakota for 1941, relating to high school tuition and fixing the amounts of such tuition.

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

§ 1. AMENDMENT.] Section 6 of Chapter 255 of the Session Laws of North Dakota for 1941 is hereby amended and re-enacted to read as follows:

§ 6. HIGH SCHOOL TUITION. WHEN AND HOW PAYABLE.] There shall be paid out of said State Equalization Fund to each Public School District in this State which during the current school year offers four or more units of standard high school work approved by the State Superintendent of Public Instruction as by law provided, and which has employed only teachers duly certified and who have been paid not less than the minimum salary required by law, the sum of \$1.75 per week, except in County Agricultural and Training Schools and model high schools where the sum shall be \$1.20 per week of attendance for each non-resident high school student who attended such high school during the preceding semester. In the case of County Agricultural and Training Schools, all students shall be considered as non-resident high school students and subject to all the provisions of this section. Be it further provided that high school tuition shall be paid to any School District for any pupil or student who has completed the eighth grade, living in a district having no high school and residing in a county that is on the border line of another State who may be attending a four-year high school in

the adjoining state. The term "non-resident high school student" shall include only students who have completed all the work of the first eight grades, who are residents of the State of North Dakota and of School Districts which does not, during the current school year, offer four full units of high school work, approved by the State Superintendent of Public Instruction, for which the student was prepared, and who had not previously attended high school for four years nor completed fifteen or more full units of high school work. Immediately upon the close of each semester and in any event not later than February tenth and June Thirtieth of each school year, the superintendent or principal of each district claiming high school tuition under this Act shall certify and the clerk shall attest to the County Superintendents of Schools a verified claim, giving the name, residence, number of weeks of attendance, and number of units of high school work taken by each non-resident student to whom tuition is claimed. The County Superintendent of Schools shall investigate the propriety of the claim for each student, and determine the residence and other qualifications of each, and on or before February twentieth, or on or before July twentieth, as the case may be, shall certify to the State Superintendent of Public Instruction the number of non-resident high school students for which each district is entitled to payment of high school tuition, and shall at that time notify the School Districts of the names of any students for which the claim has been disallowed by him, and such district may, if it so desires, on or before August fifth of such year, appeal to the State Superintendent of Public Instruction, who may, if in his judgment the evidence submitted by the district warrants it, change or modify the certificate of the County Superintendent of Schools, and his judgment thereon shall be final. Immediately upon receiving the certificate of the County Superintendent of Schools and in any event not later than March twentieth for the first semester and not later than September first for the second semester, the State Superintendent of Public Instruction shall certify to the State Auditor a list of the districts entitled to payment of high school tuition together with the amount of which each district is entitled. Such high school tuition payments shall be the sole and only compensation received by such district for non-resident high school students, and no district shall charge or collect from any non-resident student, his parents or guardian or the district of his residence, any tuition fees, registration fee, text book fee, laboratory fee, or any other fee or charge which is not also charged of all resident students; provided, however, that this Act shall not affect the right of a district to charge and collect from students who are not residents of this State such tuition as may be agreed upon.

Approved March 12, 1943.

## CHAPTER 235

H. B. No. 148—(Fitch)

MILITARY INSTRUCTION AT THE UNIVERSITY AND  
AGRICULTURAL COLLEGE

An Act requiring instruction in military training at the University and Agricultural College, and repealing Chapter 234 of the Session Laws of North Dakota for 1937 and all acts or parts of acts in conflict herewith.

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

§ 1. MILITARY INSTRUCTION REQUIRED.] The State University and the Agricultural College are authorized and required to give theoretical and practical instruction in military science under such rules and regulations as the State Board of Higher Education may prescribe.

§ 2. REPEAL.] That Chapter 234 of the Session Laws of North Dakota for 1937 and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1943.

## CHAPTER 236

H. B. No. 236—(Johnson of Richland and Olson of Barnes)

REGULATION OF TRADE AND CORRESPONDENCE  
SCHOOLS

An Act providing for the regulation of private trade schools, correspondence schools and solicitors therefor, and providing penalties for violation.

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

§ 1. DEFINITIONS.] The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section:

(1) Private trade schools and correspondence schools mean schools maintained or classes conducted for the purpose of teaching any trade or industrial occupation or educational subjects for profit or for a tuition charge but shall not include private business schools, schools or colleges regularly chartered and authorized by the laws

of the State of North Dakota to grant degrees, endowed schools which offer approved courses without profit, schools exclusively engaged in training physically handicapped persons or schools conducted by any person for the education and training of his own employees.

(2) Board means the State Board for Vocational Education.

(3) Commissioner means the Commissioner of the Board of Higher Education of the State of North Dakota, or the chief executive officer of the above mentioned board.

(4) Solicitor means a person who solicits business for a private trade or correspondence school or who offers to sell or sells any such instruction or course of instruction. Private trade schools or correspondence schools, as used in this paragraph, includes those within and without the state of North Dakota.

§ 2. LICENSE PROCURED, FROM WHOM.] Every private trade or correspondence school, before offering any instruction, shall first procure a license from the commissioner.

§ 3. LICENSING OF PRIVATE TRADE AND CORRESPONDENCE SCHOOLS: REQUIREMENTS FOR.]

Subdivision 1. The commissioner is empowered to issue a license upon compliance with the terms and provisions of this act.

Subdivision 2. Application for a license shall be made to the commissioner upon a form prescribed and furnished by him and shall be accompanied by an application fee of Twenty-five Dollars (\$25.00).

Subdivision 3. A license shall not be issued until the commissioner has approved the method and content of the advertising, the standards and methods of instruction, the equipment and housing provided, the qualifications of the teachers, the form and contents of the student enrollment agreement or contract, and the sufficiency of its resources and equipment for its license purpose.

Subdivision 4. If the license is granted it shall be issued upon the payment of an additional fee of Twenty-five Dollars (\$25.00), and the filing with the commissioner of a surety bond to the State of North Dakota in the penal sum of One Thousand Dollars (\$1,000.00). Such bond shall be conditioned for the faithful performance of all agreements and contracts with students, as disclosed by the application for license, and the compliance with this act and all rules and regulations prescribed hereunder. Every license shall expire on the thirtieth day of June following the date of issuance. Licenses may be renewed upon payment of Twenty-five Dollars (\$25.00).

§ 4. SOLICITORS REQUIRED TO PROCURE PERMITS.]

Subdivision 1. Every solicitor, before engaging in such business, shall first procure a permit from the commissioner.

Subdivision 2. A permit shall only be issued upon written application to the commissioner. The application shall be upon a form prescribed and furnished by the commissioner and shall be accompanied by Ten Dollars (\$10.00), the fee for such permit. If the application is granted, the permit shall not be issued until the applicant has filed with the commissioner a continuing surety bond to the state of North Dakota in the penal sum of One-thousand Dollars (\$1,000.00), conditioned for the faithful performance of all contracts and agreements with students by the solicitor and the employing private trade or correspondence school, as disclosed by the application for the permit, and for the compliance by the solicitor with this act and all rules and regulations prescribed hereunder. Every permit shall expire on the thirtieth day of June following the date of issuance.

§ 5. RULES AND REGULATIONS.] The board shall make rules and regulations prescribing standards for private trade and correspondence schools and regulating the conduct thereof and of solicitors. The rules and regulations shall be effective when filed in the office of the secretary of state and amendments thereof shall be effective twenty days after being so filed.

§ 6. REVOCATION OR SUSPENSION OF LICENSE OR PERMIT.]

Subdivision 1. A license or permit issued hereunder may be revoked by the board for cause upon notice and hearing.

Subdivision 2. Upon the filing with the board of charges against the holder of a license or permit issued hereunder, the commissioner may suspend such license or permit pending determination thereof.

§ 7. PENALTY.] Any person, firm, association, or corporation violating any of the provisions of this act, shall upon conviction, be subject to a fine not to exceed One Hundred dollars (\$100.00) or imprisonment in the county jail, not to exceed ninety days, or by both such fine and imprisonment.

§ 8. REMEDY OF STUDENT DEFRAUDED BY MISREPRESENTATION. TREBLE DAMAGES.] Any pupil of a correspondence school, or of a private trade school as defined in this act, who is defrauded by a misrepresentation made by an officer or agent of such school, or by any advertisement or circular issued by it, or by any person, firm, association or corporation, who sells textbooks to the said school or to the pupils thereof, may recover from such school or person, firm, association or corporation, three times the amount paid.

§ 9. SEVERABILITY CLAUSE.] If any section, subsection, clause, sentence, or phrase of this act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, sub-section, clause, sentence or phrase hereof, irrespective of whether any one or more of the sections, sub-sections, clauses, sentences, or phrases, be declared unconstitutional.

Approved March 12, 1943.

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## CHAPTER 237

H. B. No. 189—(Forseth, Monson, Sandness, Schnell and Haugland)

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### REQUIRING A COURSE FOR TEACHERS IN COOPERATIVES AT COLLEGES

An Act providing that a course for teachers in cooperatives, and other business methods, their history, principles, organization and operations shall be taught in the teachers' colleges of the State of North Dakota and in the teachers' college at the University of the State of North Dakota.

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

§ 1. The teachers' colleges of the State of North Dakota and the teachers' college of the University of the State of North Dakota shall teach a course of study in cooperatives, and other business methods, their history, principles, organization and operation. Such course in cooperatives and other business methods shall be offered to students in the teachers' colleges of the State and credit for work done in such course shall be given according to semester hours and grade in the same manner and at the same rating as in other subjects taught in said colleges.

Approved March 18, 1943.

## CHAPTER 238

H. B. No. 72—(Committee on Education)

## SCHOOL DISTRICT SPECIAL RESERVE FUNDS

An Act authorizing school districts to set up and maintain a Special Reserve Fund; providing for the expenditures which may be made from said Special Reserve Fund, providing for transfer of present funds into a Special Reserve Fund; and authorizing a three mill tax levy for the establishment and maintenance of said Special Reserve Fund; repealing all acts or parts of acts in conflict; and declaring an emergency.

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

§ 1. Each school district in this state is hereby authorized and empowered to establish and maintain a special Reserve Fund, which shall be separate and distinct from all other funds now authorized by law, which Special Reserve Fund shall not exceed in amount at any one time the sum which could be produced by a levy of the maximum mill levy allowed by law in that district for that year.

§ 2. Such Special Reserve Fund shall be deposited with the County Treasurer of the county in which the school district, or the greater part of its territory, is situated, for the use and benefit of the School District, to be drawn upon as herein provided, and kept by such County Treasurer as a separate trust fund.

§ 3. Immediately after this act becomes effective any school district having on hand funds, other than sinking or building funds, which are not otherwise incumbered, and are not required for the payment of the items contained in the current operating budget, may by a resolution of the governing body of the school district, set aside a part or all of such surplus funds in such a Special Reserve Fund, subject to the limitation contained in Section 1 on the size of such Fund.

§ 4. In each year after the effective date of this act each school district shall have the power to levy a tax sufficient in amount to establish, maintain, or replenish such Special Reserve Fund, provided that such levy shall not exceed such an amount as will be produced by a levy of three mills on the net taxable valuation of property in such school district; and provided further that such levy shall be in addition to tax levy limitations otherwise specified by law:

§ 5. That such Special Reserve Fund and the funds therein shall not be considered in determining the budget or the amount to be levied for each school fiscal year, for normal tax purposes,

but shall be shown in such budget as a special trust fund, and shall not be deducted therefrom as otherwise provided by law.

§ 6. Whenever collections from the taxes levied for the current budget are insufficient to meet the requirements of such budget for teacher salaries, heat, light and fuel, a majority of the governing body of the school district may, by resolution, provide for the issuance of vouchers directed to the County Treasurer, drawing on funds in said Special Reserve Fund of such district. Such voucher may be substantially in the same form as a warrant, but shall not be a negotiable instrument, and shall direct the County Treasurer to pay over to the school district from the Special Reserve Fund, the amount of money specified in the voucher. Subject to the limitations in the next section, the County Treasurer shall transfer from the Special Reserve Fund to the School District general fund the sum so specified, and shall enter such voucher in a book known as the Special Reserve Fund Voucher Register, in the order in which they are issued.

§ 7. The amount of outstanding, unredeemed vouchers, shall never exceed in the aggregate a sum equal to seventy five percent (75%) of the uncollected and unencumbered delinquent taxes for the current and four preceding years which are apportionable to the general fund of such school district. Such vouchers, in the hands of the County Treasurer, shall be redeemed from the collections of such delinquent taxes. Whenever there are unredeemed vouchers in said Voucher Register, the County Treasurer shall first apply the proceeds of the collections of that portion of any unencumbered delinquent tax which would otherwise be apportionable to the general fund of the school district, to the redemption of such vouchers in the order listed in such Register, and shall deposit such sum in the Special Reserve Fund and mark the voucher and the entry in the Register as "redeemed" and shall thereupon return to the governing body of the school district such voucher, marked "redeemed" and signed by the County Treasurer. Any balance of collections apportionable to the general fund of the school district remaining after redemption of all such vouchers, shall be paid to the school district in the manner now provided by law.

§ 8. Any school district official knowingly and wilfully causing to be issued a voucher in excess of the limit provided in Section 7 or any County Treasurer honoring such a voucher or transferring from such Special Reserve Fund moneys in excess of 75% of the uncollected delinquent taxes for the current and four preceding years apportionable to the general fund of the school district, or paying over to the school district any such funds without the redemption of any outstanding vouchers, shall be personally liable for the sum involved.

§ 9. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 10. 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 10, 1943.

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## CHAPTER 239

H. B. No. 174—(Committee on Education)

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### SCHOOL ELECTION, FARGO

An Act to amend and re-enact Section 1321a2 of the 1925 Supplement to the Compiled Laws of North Dakota, providing for annual school election for the city of Fargo; the number of polling places, election officials, and hours of election, and declaring an emergency.

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

§ 1. Section 1321a2 of the 1925 Supplement to the Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 1321a2. ELECTION OF MEMBERS.] The City Council of Fargo shall give legal notice of such election and designate one polling place for each six thousand (6,000) people or majority fraction thereof residing in said city, as shown by the last available national census, which polling places shall be so located and distributed throughout the city as to be most conveniently accessible to all voters in said city. The Council shall appoint one judge and two clerks for each such polling place, who shall make return of said election to the city auditor and who shall receive the same compensation and be paid in the same manner as judges and clerks of election for other city officers are paid. The polls at such election shall be opened at nine o'clock A.M. and be closed at seven o'clock P.M.

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

Approved March 11, 1943.

## CHAPTER 240

H. B. No. 171—(Olson of Bowman)

## TEACHERAGES &amp; DORMITORIES

An Act to amend and re-enact Section 1390a of the Supplement to the 1913 Compiled Laws of North Dakota, authorizing the erection and equipping of teacherages and dormitories, and providing boarding facilities at cost, and repealing all Acts or parts of Acts in conflict herewith, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1390a of the Supplement to the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 1390a. POWER TO BUILD AND EQUIP.] The school board in any district is hereby empowered to build and equip a dwelling for the use of teachers in such district, the same to be known as a teacherage; and also to build, purchase, or lease suitable buildings to be used as dormitories and equip the same for the use of resident and non-resident grade and high school pupils attending said school, and setting up boarding facilities, or school lunches available to such students; and also such lunches for nursery and kindergarten pupils. All said teacherages and dormitories and facilities shall be operated on a self-supporting and non-profit basis under the direction of the school board.

§ 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 13, 1943.

## CHAPTER 241

H. B. No. 98—(Belzer and Dahlen)

## TEACHERS INSURANCE FUND AMENDMENT

An Act to provide for participation in the North Dakota Teacher's Insurance and Retirement Fund by members of the Armed Forces of the United States during the period of their service, and fixing the period within which such persons may withdraw from participation and receive refund and repealing all acts or parts of acts in conflict herewith.

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

## § 1. PARTICIPATION IN FUND BY MEMBERS OF ARMED FORCES.]

Any person who since the first day of January, 1940, entered into active service in the Army, Navy, Marine Corps, or Coast Guard, including the Specialist's Corps of the United States Army, or who, during the continuation of the present War between the United States and Germany and Japan, or either of them, shall hereafter enter into active service in any of said armed forces, and who, prior to the entry into such active service was a teacher by whom contributions had been made into the State Teachers' Insurance and Retirement Fund, shall be entitled, upon his resumption of the teaching profession in the State of North Dakota, to have the time of his services in such armed forces credited as "teaching service" under said Teachers' Insurance and Retirement Fund Law upon payment by him of the assessments for said period of service, based upon the salary received by him during the first school year during which teaching is resumed.

§ 2. WITHDRAWAL FROM SAID FUND.] Any such person may apply for withdrawal from the State Teachers' Insurance and Retirement Fund and shall be entitled to the return of one-half the amount, without interest, theretofore paid into the fund by such teacher, at any time within twelve months from and after his discharge from such service.

§ 3. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 9, 1943.

## CHAPTER 242

S. B. No. 116—(Committee on Education)

TEACHERS, QUALIFICATION, EMPLOYMENT, DISMISSAL  
AND SALARY

An Act to amend and re-enact Section 1178 of the Compiled Laws of 1913 providing for the employment and dismissal of school teachers, their qualifications, and their minimum salaries.

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

§ 1. AMENDMENT.] Section 1178 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1178. TEACHERS, HOW EMPLOYED, SALARIES.] The District Board shall employ the teachers of the School District and may dismiss a teacher at any time for plain violation of contract, gross immorality, or flagrant neglect of duty. No person shall be permitted to teach in any public school who is not the holder of a teacher's certificate or a permit to teach, valid in the county or district in which such school is situated, and every contract for the employment of a teacher must be in writing and such contract must be executed before such teacher begins to teach in such school; provided, that no teacher holding a valid certificate shall receive less than seventy five (\$75.00) dollars per month. Nothing in this section shall be construed to mean that teachers holding the same grade certificate must necessarily receive the same salary.

§ 2. REPEAL.] Section 1178 of the Compiled Laws of 1913 and all Acts or parts of Acts in conflict herewith, are hereby repealed.

Approved March 5, 1943.

## CHAPTER 243

S. B. No. 202—(Streibel and Kehoe)  
Interim Committee

Permitted by Delayed Bills Committee

TEACHER UNIT: DEFINITION OF, PAYMENT FROM  
TEACHER UNIT BASIS FUND

An Act to amend and reenact that part of Section 8 of Chapter 255 of the Session Laws of 1941 set out in Section 15-4017 of House Bill No. 49, the proposed Revised Code of 1943, and that part of Section 8 and all of Section 7 of Chapter 255 of the Session Laws of 1941 set out in Section 15-4018 of House Bill No. 49, the proposed Revised Code of 1943.

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

§ 1. That part of Section 8 of Chapter 255 of the Session Laws of 1941 set out in Section 15-4017 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

15-4017. DEFINITION OF "TEACHER-UNIT".] As used in this chapter and in the provisions relating to payments made from the fund on a teacher-unit basis, the term "teacher-unit" shall mean one teacher who is devoting his entire time to the teaching of grade or high school subjects. When a teacher is devoting only a part of his time to grade or high school work, he shall be considered as such fractional part of a teacher-unit as is indicated by the ratio which the time he devotes to such work bears to the time devoted to such work by a full time teacher. Each teacher in an open country consolidated school maintained in a common school district shall be considered as one and one-half teacher-units.

§ 2. That part of Section 8 and all of Section 7 of Chapter 255 of the Session Laws of 1941 set out in section 15-4018 be and the same hereby is amended and reenacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county superintendent of schools its statement giving the name of each teacher employed within the district, the number of each teacher's certificate, and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who has not been certified by the superintendent of public instruction or who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

1. To a school employing one to four teachers, one hundred twenty dollars per year for each grade or high school teacher-unit maintained by such district during the then current year;
2. To a school employing more than four teachers, one hundred dollars per year for each grade or high school teacher-unit maintained by such district during the then current year,

subject to the restrictions contained in this section. A school district which levied for general purposes during the preceding year within four mills of its normal maximum levy shall receive the full teacher-unit payment specified in this section; a school district which levied for such purposes during the preceding year within five mills of its normal maximum levy shall receive seventy-five percent of such payment; a school district which levied for such purposes during the preceding year within six mills of its normal maximum levy shall receive fifty percent of such payment; a school district which levied for such purposes during the preceding year within seven mills of its normal maximum levy shall receive twenty-five percent of such payment; and a district which has not levied for such purposes during the preceding year within seven mills of its normal maximum levy shall receive no payment on the teacher-unit basis. If the school term in the district is one of less than nine months, the payments on a teacher-unit basis shall be such fractional part of the full payment which the district is entitled as is indicated by the ratio which the number of months the school actually is open bears to nine.

Approved March 17, 1943.

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## CHAPTER 244

H. B. No. 182—(Sharp and Nystrom)

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### TRANSFER OF FUNDS BY SCHOOL DISTRICTS

An Act Authorizing school districts to transfer certain portions of the general fund into sinking funds, and providing for the time, manner and amount of such transfers, repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. At the time of preparing the annual budget for the ensuing fiscal year, and as a preliminary to the making of such budget,

the governing body of any school district may, by resolution, transfer from the general fund of such school district, the amount of money, or any part thereof, by which the balance in the general fund exceeds the amount which would be required for the General Reserve Fund for the ensuing fiscal year, into any sinking funds of said school district established and held for the payment of outstanding bonds of the school district.

§ 2. Any funds or money so transferred into sinking funds shall not be considered as cash on hand in computing the budget for the ensuing fiscal year, but no sinking fund shall be increased by any such transfer to such an extent that the sinking fund shall be greater than an amount to pay the bond issue related thereto in full according to the terms of the issued bonds.

§ 3. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. An emergency is hereby declared, and this act shall be in full force and effect from and after its passage and approval.

Approved March 18, 1943.

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## CHAPTER 245

H. B. No. 85—(Committee on Education)

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### STATE EQUALIZATION FUND DISTRIBUTION

An Act making an appropriation to pay for a portion of the current operating expenses of our public school system as provided in the State Equalization Fund Law.

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

§ 1. There is hereby appropriated out of any money in the State Treasury belonging to the Retail Sales Tax Fund, to be paid under and pursuant to the State Equalization Fund Law, the sum of \$3,750,000.00 for the biennium commencing July 1, 1943 and ending June 30, 1945, to-wit:

Vocational Agriculture .....	\$ 18,000.00
Vocational Home Economics .....	24,000.00
Occupational Information and Guidance .....	4,000.00
Emergency Fund .....	504,000.00
Distribution on Per Pupil Basis .....	900,000.00
High School Tuition .....	1,400,000.00
Payment on Teacher-unit Basis .....	900,000.00
Total .....	<u>\$3,750,000.00</u>

§ 2. Should the money coming into the 7/12 share of the Retail Sales Tax Fund to be expended under and pursuant to the Equalization Fund Law exceed the appropriation above made either because of increased sales tax revenue or because of the full amount of the other items of the appropriation not being necessary, for the full payment thereof at the end of each fiscal year, such additional money or so much thereof as may be necessary to make full teacher unit payment is appropriated to the Payment on Teacher-unit Basis item.

§ 3. Payments authorized hereby may be made up to October 1, 1945.

Approved March 17, 1943.

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## CHAPTER 246

S. B. No. 199—(Tax and Tax Laws Committee)

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### STATE EQUALIZATION FUND, AMENDMENT

An Act to amend and re-enact Sub-section (c) of Section 3 of Chapter 255 of the Session Laws of North Dakota for 1941 relating to the distribution of the basis of need; and to amend Section 5 of Chapter 255 of the Session Laws of North Dakota for 1941 relating to the distribution of per pupil basis; and to amend Section 7 of Chapter 255 of the Session Laws of North Dakota for 1941 relating to payment on teacher-unit basis.

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

§ 3, Sub-section (c) MAXIMUM FINANCIAL EFFORT DEFINED.] In determining whether or not a school district has made the maximum financial effort mentioned above, it must appear; (1) That the district shall have provided the maximum mill levy which means that in addition to having provided for the normal maximum levy, it shall have held an election and increased the normal maximum levy by at least twenty-five (25%) percent increase allowed under the provisions of the law and shall submit an affidavit by the county auditor that such levy has been or will be spread provided, however, that in districts where the debt service levy of the district itself is twice as large as the normal maximum levy, it shall not be required that the district vote at least twenty-five (25%) percent increase, but only that such district levy the normal maximum levy. (2) That revenues from local taxes, and from State and County sources have been exhausted; (3) that such district is unable to sell in the manner now provided by law certificates

of indebtedness in an amount sufficient to maintain adequate school facilities; or that it is either unable to issue further certificates of indebtedness or registered warrants, or if able to issue same, they cannot be marketed; (4) that any school district expecting to apply for aid from the Emergency Fund must have its budget for the fiscal year approved by the Department of Public Instruction before such grant is allowed; this budget must include an itemized and certified statement of the exact financial condition of the school district as of the current date; (5) that no school district shall participate in the emergency fund unless and until it is shown to have a reasonable teacher-pupil ratio; in determining what constitutes a reasonable teacher-pupil ratio, the Superintendent of Public Instruction shall consider the type and size of the school, its proximity, and the transportation facilities to adjacent schools. To qualify for aid on the Emergency Fund basis, the following standards shall be used as guides on this teacher-pupil basis; schools with seven or more teachers shall maintain a teacher-pupil ratio of at least twenty-five pupils per teacher; in smaller schools, a teacher-pupil ratio of less than twenty pupils per teacher shall be considered unreasonable. Schools participating in this Emergency Fund should have a minimum enrollment of twenty-five pupils for four years of high school work, and a minimum enrollment of fifteen pupils for two years of high school work. Schools participating in the emergency fund must not pay transportation charges in excess of the amount that would be allowed under the family system of transportation.

§ 5. DISTRIBUTION ON PER PUPIL BASIS.] There shall be distributed out of said equalization fund a payment to the school districts of the State on a per-pupil basis, inversely proportional to the taxable assessed valuation back of each pupil in said districts which payment shall be determined in the following manner: The County Superintendent of Schools, on forms supplied by the State Superintendent of Public Instruction, shall on or before the first day of August of each year report to the State Superintendent of Public Instruction the number of teachers employed, their salaries and the number of bona fide resident students actually enrolled in the schools in the district as of the end of the preceding school year (who have attended ninety days or more), and the assessed valuation of the property on which taxes were levied for the preceding school year for each school district. Such assessed valuations shall be certified by the county auditors. Where there is more than one school in a school district the report shall be so prepared as to readily indicate the schools belonging to said school districts. In one teacher schools where the enrollment is less than fifteen pupils it shall be considered as fifteen for the purpose of this calculation. In districts having more than twenty pupils per teacher, the number of pupils used in calculating the per-pupil

payment shall be the number of teachers times twenty plus one-half the difference in this figure and the bona fide resident enrollment. From the reports the State Superintendent of Public Instruction shall determine the assessed valuation back of each thus enrolled pupil in the district and from the following table determine the per pupil payment for each district and this payment multiplied by the calculated enrollment, used in determining the aforesaid assessed valuation per pupil, shall be the payment to the district.

Assessed Valuation Per Pupil	Payment Per Pupil
\$3201-3300 -----	\$ .50
3101-3200 -----	1.00
3001-3100 -----	1.50
2901-3000 -----	2.00
2801-2900 -----	2.50
2701-2800 -----	3.00
2601-2700 -----	3.50
2501-2600 -----	4.00
2401-2500 -----	4.50
2301-2400 -----	5.00
2201-2300 -----	5.50
2101-2200 -----	6.00
2001-2100 -----	6.50
1901-2000 -----	7.00
1801-1900 -----	7.50
1701-1800 -----	8.00
1601-1700 -----	8.50
1501-1600 -----	9.00
1401-1500 -----	9.50
1301-1400 -----	10.00
1201-1300 -----	10.50
1100-1200 or less -----	11.00

Each school district shall then be paid one-half of its thus calculated payment for the year. The balance of the amount due under this Section shall be paid on or before April first of each year. Where the school term is less than nine months the payments shall be such fractional part of full payment as the number of months the school is actually open is of nine. School districts that levy for general purposes during the previous year within four mills of their normal maximum levy shall receive full per-pupil payments, those that levy within five mills shall receive 75% payment, those that levy within six mills shall receive a 50% payment, those that levy within seven mills shall receive a 25% payment and all other districts shall receive no payments. Provided, however, that in no case shall such per pupil payments exceed 40% of the salaries paid by such district for teachers for the current year. The State

Auditor shall make such payments on certificates furnished by the State Superintendent of Public Instruction.

§ 7. PAYMENT ON TEACHER-UNIT BASIS.] There shall be paid from said Equalization Fund to the Public School Districts of the State, \$120.00 for each grade or high school teacher-unit maintained by such school districts during the current year, where the schools have one to four teachers. If the schools have more than four teachers, each school district shall receive \$100.00 for each grade or high school teacher unit maintained. School districts that levy for general purposes during the previous year within four mills of their normal maximum levy shall receive full teacher-unit payments; those that levy within five mills shall receive a 75% payment; those that levy within six mills shall receive a 50% payment; those that levy within seven mills shall receive a 25% payment and all other districts shall receive no payment. If the school term is less than nine months the payments shall be such fractional part of full payment as the number of months the school is actually open is of nine.

Approved March 20, 1943.

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## STATE INSTITUTIONS

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### CHAPTER 247

H. B. No. 123—(Bergesen and Severson)

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#### SOLDIERS HOME, OFFICIALS

An Act to amend and re-enact Section 1782 of the 1925 Supplement to the Compiled Laws of North Dakota, relating to appointment of Commandant and subordinate officers of the Soldiers Home, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 1782 of the 1925 Supplement to the Compiled Laws of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 1782. COMMANDANT AND SUBORDINATE OFFICERS: QUALIFICATIONS.] Such board shall have the power and it shall be its duty to appoint a commandant for said home who shall serve during the pleasure of the board and who shall be one who was hon-