
EDUCATION

CHAPTER 132

House Bill No. 262
(Committee on Agriculture)

BOARD OF HIGHER EDUCATION, SALE AND CONVEYANCE
OF TRACT OF LAND

AN ACT

Authorizing the State Board of Higher Education to sell and convey a tract of land, described as that portion of the South Half of Section 35, Township 140 North, Range 49 West of the 5th P. M., which lies south of the Great Northern right of way, and to use the proceeds of said sale for the purchase of other suitable agricultural land.

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

SECTION 1.) The state board of higher education, with the approval of the governor and the attorney general, is hereby authorized to sell and convey a tract of land comprising approximately 124 acres, described as follows, to-wit: That portion of the South Half of Section 35, Township 140 North, Range 49 West, which lies south of the Great Northern Railway right of way, and to use the proceeds of said sale for the purchase of other agricultural land suitable for experimental use by the North Dakota Agricultural college.

SECTION 2.) The conveyance of said property shall be executed in the name of the State of North Dakota by the governor and attested by the secretary of state under the Great Seal of the state of North Dakota.

Approved March 10, 1949.

CHAPTER 133

Senate Bill No. 169
(Rue and Duffy)

JUNIOR COLLEGES IN SPECIAL SCHOOL DISTRICTS;
TAX LEVY, ETC.

AN ACT

To amend and reenact Section 15-1803, North Dakota Revised Code of 1943, relating to junior colleges in special school districts; providing for tuition in junior colleges; providing for a tax levy for the support of junior colleges.

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

SECTION 1.) Section 15-1803, North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-1803. TUITION IN JUNIOR COLLEGES; DUTY OF BOARD OF OF EDUCATION; TAX LEVY AUTHORIZED ON VOTE OF PEOPLE; MAINTENANCE OF DEPARTMENT.) On or before August fifteenth in each year, the board of education of a special school district which maintains a junior college shall determine the rate of tuition required to be paid by all pupils attending the department, whether or not the pupils are residents of the district, and such tuition may be at a different rate for students non-resident in the district than for pupils resident in the district. That every special school district maintaining a junior college under the provisions of Chapter 15-18, North Dakota Revised Code of 1943, may levy a tax for the maintenance and operation of said junior college department in a sum not to exceed eight (8) mills; provided, that before the levy of such a tax, the levying of such a tax for the support, maintenance and operation of a junior college shall have been approved by a majority vote of those voting at an election to be held in said special school district, which election may be a special election held in the manner provided for special elections in special school districts, at which election the board may submit the question of making such special and additional tax levy and may, if they so desire, specify a mill levy to be levied for such purpose less than the eight (8) mill limit hereinbefore provided, and that if such question is approved the levy authorized shall be the levy specified in the question submitted at such an election, and subsequent levies shall not exceed such limitation without another election authorizing a greater levy, but no election shall ever authorize a greater levy than eight (8) mills. That such tax levy for the support of a junior college shall be in addition to all other mill

levies authorized by law for such special school districts, and the proceeds of the levy shall be used exclusively for the support, operation and maintenance of a junior college.

Approved March 8, 1949.

CHAPTER 134

House Bill No. 109
(Esterby by request)

COUNTY SUPERINTENDENT OF SCHOOLS, MILEAGE
AND TRAVEL EXPENSE

AN ACT

To amend and reenact section 15-2205, North Dakota Revised Code of 1943, fixing mileage and travel expense, amount, and how paid for county superintendents of schools, and repealing acts and parts of acts in conflict herewith, and declaring an emergency.

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

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

15-2205. MILEAGE AND TRAVEL EXPENSE: AMOUNT, HOW PAID.) A county superintendent of schools, and his duly appointed deputy, shall receive seven and one-half cents per mile for travel by motor vehicle for trips necessarily made within his county in the performances of his duty. For any other travel authorized by law, he shall receive for each mile actually and necessarily traveled in the performance of his duties, the following amounts: when travel is by motor vehicle, the sum of seven and one-half cents per mile; when travel is by rail or other common carrier, the amount actually and necessarily expended therefor. Before any allowance for mileage or travel expense may be paid by the county, the county superintendent or deputy, as the case may be, shall file with the county auditor an itemized statement verified by his affidavit showing the mileage traveled, the manner of travel, the day or days upon which the traveling was done, and the purpose or purposes and destinations of such travel. The statement and affidavit shall be submitted to the board of county commissioners, and the claim shall be approved by the board before it shall be allowed or paid.

SECTION 2.) The provisions of this act authorizing increase in mileage as herein provided shall be effective to July 1, 1951.

SECTION 3. 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 10, 1949.

CHAPTER 135

House Bill No. 140
(Esterby and Siverson)

APPOINTMENT AND SALARY OF DEPUTY COUNTY SUPERINTENDENT OF SCHOOLS

AN ACT

To amend and reenact Section 15-2206 of the North Dakota Revised Code of 1943, relating to appointment and salary of deputy county superintendents of schools.

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

SECTION 1. AMENDMENT.) Section 15-2206 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2206. DEPUTIES; APPOINTMENT; SALARY.) In counties in which fifty or more teachers are under his supervision, the county superintendent of schools may appoint an office deputy for whose acts as such deputy he shall be responsible. The salary of the deputy shall be fixed by the board of county commissioners. In counties in which sixty or more teachers are under the supervision of the county superintendent, he shall be allowed one field deputy and an additional field deputy for each additional one hundred teachers or major fraction thereof under his supervision. The field deputies shall assist the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the educational qualifications required of the county superintendent and shall receive a salary equal to eighty percent of the county superintendent's salary. In counties where the county court has increased jurisdiction and where the county has a population exceeding forty thousand, the number and salary of deputies, clerks, and assistants for the county superintendent of schools shall be fixed from time to time by resolution of the board of county commissioners according to the volume of business of the office.

Approved March 9, 1949.

CHAPTER 136

House Bill No. 168
(Esterby, Siverson and Lee)

COUNTY SUPERINTENDENT, CLERKS, OFFICE AND SUPPLIES

AN ACT

To amend and reenact section 15-2207 of the North Dakota Revised Code of 1943, relating to clerks and assistants, office and supplies for the county superintendent of schools.

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

SECTION 1. AMENDMENT.) Section 15-2207 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2207. CLERKS; OFFICE AND SUPPLIES.) The board of county commissioners shall determine the number and salaries of office assistants and clerks for the county superintendent of schools and shall furnish a suitable office for the transaction of his official business, with all necessary books, stationery, and postage. If he is not furnished with such office by the board, he may provide the same, and the board of county commissioners shall audit and pay his reasonable accounts for office rental and for furniture for such office.

Approved March 9, 1949.

CHAPTER 137

House Bill No. 284
(Haugen of McLean, Bentz and Thompson of McLean)

CONSOLIDATION OF SCHOOL DISTRICTS

AN ACT

To provide for the consolidation of school districts when the assessed valuation of any district is diminished by the acquisition of property under eminent domain; the consolidation of the remaining portion with adjoining districts; requiring notice before action is taken; making the action of the county commissioners final; and repeal acts or parts of acts in conflict therewith, and declaring an emergency.

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

SECTION 1. DISSOLUTION OF SCHOOL DISTRICTS; DUTY OF COUNTY SUPERINTENDENT.) When the county superintendent of

schools shall notify the board of county commissioners that any school district within the county has had its assessed valuation reduced to an amount which will no longer enable the district to raise sufficient funds to carry on normal school operations as a result of the federal or state government acquiring property by eminent domain, the board of county commissioners shall forthwith give notice of hearing to dissolve the school district and provide for its attachment to an adjoining school district.

SECTION 2. NOTICE OF HEARING.) The county superintendent of schools upon order of the board of county commissioners shall notify the clerk of each school district adjoining the district which is to be dissolved that a hearing will be held at the next regular meeting of the board of county commissioners for the purpose of determining which school district the dissolved territory will be attached to.

SECTION 3. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 4. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1949.

CHAPTER 138

Senate Bill No. 50

(Legislative Research Committee

at the request of the School District Reorganization Committee and the Superintendent of Public Instruction)

DIRECTORS COMMON SCHOOL DISTRICTS; INCREASING NUMBER; RURAL REPRESENTATION

AN ACT

To amend and reenact sections 15-2401, 15-2403, 15-2409 and 15-2501 of the North Dakota Revised Code of 1943 and section 15-5314 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to directors in common school districts; providing means for increasing the number of directors in certain districts, and providing for rural representation.

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

SECTION 1. AMENDMENT.) Section 15-2401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2401. ELECTIONS IN NEWLY ORGANIZED DISTRICTS; OFFICERS ELECTED AND TERMS OF OFFICE.) At the first election after the organization of a new common school district, there shall be elected at large three directors, one to serve until the first annual election, one to serve until the second annual election, and one to serve until the third annual election thereafter, and a school treasurer to serve until the annual election held in the next even numbered year thereafter and until his successor is elected and qualified. However, if a district is established in accordance with the provisions of chapter 15-53 of the 1947 Supplement to the North Dakota Revised Code of 1943 and the approved organization plan so provides, there shall be elected at large or by geographic areas five directors, one to serve until the first annual election, two to serve until the second annual election, and two to serve until the third annual election thereafter. The length of the respective terms of the directors shall be determined by lot.

SECTION 2. AMENDMENT.) Section 15-2403 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2403. ANNUAL ELECTIONS; WHEN HELD; OFFICERS ELECTED; TERMS.) An annual election shall be held in each common school district on the first Tuesday in June of each year. At each annual election, directors shall be elected to fill vacancies caused by the expiration of terms of office or otherwise. Each director elected shall serve for a term of three years except when elected to serve an unexpired term. At each annual election held in an even numbered year, a school treasurer shall be elected for a term of two years. The officers shall hold their respective offices from the second Tuesday in July following their election until the expiration of the term for which they are elected respectively and until their successors are elected and qualified.

SECTION 3. AMENDMENT.) Section 15-2409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2409. RURAL MEMBERS OF BOARD.) When a common school district is composed of six or more sections of land and has within its boundaries an incorporated village or city, at least one member of the board of directors shall reside upon a farm outside the corporate limits of the village or city. When a common school district has five directors and has within its boundaries an incorporated village or city, at least two members of the board of directors shall reside upon farms outside the corporate limits of the village or city. When the assessed taxable valuation of the rural area of a common school district, containing

an incorporated city or village is greater than the assessed taxable valuation of the urban area of the district, the majority of the members of the board of directors shall reside upon farms outside the corporate limits of the village or city.

SECTION 4. AMENDMENT.) Section 15-2501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2501. BOARD OF COMMON SCHOOL DISTRICT; QUORUM; MAJORITY VOTE ON CONTRACTS.) The school directors in each common school district shall constitute the district school board. A majority of the board shall constitute a quorum, and the agreement of a majority shall be necessary to the validity of any contract entered into by the board.

SECTION 5. AMENDMENT.) Section 15-53-14 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5314. REORGANIZATION PLAN PREPARED AND SUBMITTED TO STATE COMMITTEE.) Within one and one-half years after its selection, the county committee shall have prepared and submitted to the state committee a comprehensive plan for the reorganization of school districts within the county. Such plan shall be accompanied by:

1. A map showing the boundaries of established school districts and the boundaries proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this act;
2. A description of the boundaries aforementioned;
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school districts except as otherwise provided by law;
4. A summary of the reasons for such proposed reorganization of school districts;
5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic areas, or special school districts which classification shall be based upon and subject to the laws existing in regard thereto; and
6. Such other reports, records and materials as the state committee may require.

If any difficulties are encountered by a county committee in formulating such comprehensive plan for the reorganization of school districts so that such plan will be unable to be submitted to the state committee within the time specified in this section, such county committee may make an application to the state committee for an extension of time in which to submit such comprehensive plan. The state committee, in its discretion and if the facts and circumstances warrant, may grant extension as it may see fit.

Approved March 8, 1949

CHAPTER 139

House Bill No. 92

(Lindberg, Dewing, Monson and Erickson)

ANNUAL ELECTION COMMON AND SPECIAL SCHOOL DISTRICTS; NOTICE; POLLING PLACES

AN ACT

Relating to notice of time and place of annual elections in school districts; amending section 15-2404 and repealing section 15-2407 of the North Dakota Revised Code of 1943.

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

SECTION 1. COUNTY SUPERINTENDENT OF SCHOOLS TO PUBLISH NOTICE OF ANNUAL ELECTION.) At least fourteen days before the first Tuesday in June of each year, the county superintendent of schools in each county shall publish, in the official newspaper of the county, notice that annual elections will be held on the first Tuesday in June in common and special school districts. If no newspaper is published in the county, the notice shall be published in a newspaper in an adjoining county in the state.

SECTION 2. AMENDMENT.) Section 15-2404 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2404. DESIGNATION OF POLLING PLACES FOR ANNUAL ELECTION.) At least fourteen days before the first Tuesday in June of each year, the school board of each common school district shall designate at least one polling place. If there are more than three and less than six election precincts within the boun-

daries of the school district, the board may designate two polling places, and if there are six or more election precincts within the boundaries of the district, the board may designate three polling places. The polling places designated by the board shall be located as conveniently as possible to the voters in the district, and the board shall designate the portions of the district which shall be served by each polling place. If the designation of polling places and portions of the district to be served by each differs from the designation made for the preceding annual election, the clerk of the school board shall cause written or printed notices of the changes to be posted in at least three of the most public and conspicuous places within the district.

SECTION 3. REPEAL.) Section 15-2407 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved February 25, 1949.

CHAPTER 140

House Bill No. 266
(Fristad, Skaar and Link)

COMMON AND SPECIAL SCHOOL DISTRICTS, COMPENSATION AND MILEAGE BOARD MEMBERS

AN ACT

To amend section 15-2505 as amended and section 15-2905 of the North Dakota Revised Code of 1943, relating to compensation of board members in common and special school districts.

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

SECTION 1. AMENDMENT.) Section 15-2505 of the North Dakota Revised Code of 1943 as amended, is hereby amended and re-enacted to read as follows:

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

1. In districts containing a common school of three or more departments, a school board member shall receive three dollars for each meeting attended;
2. In districts containing more than four townships and in which ten or more schools are operated, a school board member shall receive four dollars for each meeting attend-

- ed and mileage at the rate of seven and one-half cents for each mile actually and necessarily traveled to and from such meetings;
3. In all other common school districts, a school board member shall receive sixteen dollars per annum less four dollars for each regular meeting which he fails to attend;
 4. Four dollars per meeting shall be paid to school board members for attending general county meetings of school officers convened by the county superintendent of schools.

SECTION 2. AMENDMENT.) Section 15-2905 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2905. COMPENSATION OF BOARD MEMBERS.) Each member of the board of education shall receive as compensation three dollars for each meeting of the board actually attended by him, but no compensation shall be allowed for more than one meeting in each calendar month.

Approved February 28, 1949.

CHAPTER 141

House Bill No. 48
(Legislative Research Committee)
at the request of the
(Superintendent of Public Instruction)

ADMISSION OF PUPILS FROM OTHER DISTRICTS; TUITION AN ACT

To amend and reenact sections 15-2509 of the 1947 Supplement to the North Dakota Revised Code of 1943 and 15-2511 of the North Dakota Revised Code of 1943, relating to powers of school districts to admit pupils from other districts and providing for payment of tuition.

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

SECTION 1. AMENDMENT.) Section 15-2509 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2509. SCHOOL TERM; MINIMUM; DISCONTINUANCE OF TERM; ARBITRATION.) The terms in a common school district shall be arranged to accommodate pupils of all ages and to furnish school privileges equally and equitably to all pupils in the district. Each

common school shall be kept in session for not less than eight months in each school year, except that any school may be discontinued when the average attendance of pupils therein shall be less than six for ten consecutive days, if proper and convenient school facilities for the pupils can be provided in some other school in the territory of the closed school until such time as the school may be reopened by the board. In determining what constitutes proper and convenient school facilities, the board shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may furnish transportation to the nearest school, or may pay extra allowance for the transportation, or may furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a patron and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by the patron to the board of arbitration consisting of the county superintendent of schools, one arbitrator named by the patron, and one arbitrator named by the board, and the determination of the arbitrators, after hearing, shall be binding. The board shall reopen any school which has been closed for lack of attendance under this section for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

SECTION 2. AMENDMENT.) Section 15-2511 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2511. PUPILS: ADMISSION OF FROM OTHER DISTRICTS; DISTRIBUTION WITHIN DISTRICT; TUITION.) The school board shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil, or if such parent or guardian is a tenant, then to the extent that the landlord pays school taxes in that district. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience and is approved by the county superintendent of schools, the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the actual costs. The board may admit to the schools in the district pupils residing in unorganized territory adjacent to the district and may arrange with the parents or guardians of such pupils

for the payment of tuition. The board shall not refuse school privileges to, nor collect tuition from, pupils residing in adjacent unorganized territory if the parents or guardians of such pupils are the holders of property and taxpayers in the district. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another.

Approved February 8, 1949.

CHAPTER 142

House Bill No. 119
(Leet and Skaar)

CLERK COMMON SCHOOL DISTRICTS; DUTIES; REPORTS; COMPENSATION

AN ACT

To amend and reenact section 15-2515 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to clerks of school boards in common school districts.

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

SECTION 1. AMENDMENT.) Section 15-2515 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2515. CLERK: DUTIES; REPORTS; COMPENSATION.) The clerk of the school board shall keep an accurate record of all proceedings of the board, give or post all notices, prepare all reports and statements, and perform all other duties required by law or by direction of the board. He shall prepare annually an itemized financial report containing a statement of the receipts and expenditures of the district from the beginning of the school year to and including the first Tuesday in June, and a statement of estimated receipts and expenditures to the end of the school year. A copy of such report shall be posted in each school polling place before the opening of the polls on the day of the annual school election, and the clerk shall read the report or cause it to be read immediately preceding the opening of the polls. His annual compensation shall be fixed by the board in an amount of not less than twenty dollars nor more than twenty dollars if there is no school in operation, and not to exceed fifty dollars for one school, with ten dollars for each additional school in the district in op-

eration, but such compensation shall not exceed one hundred dollars in any year except in districts containing more than four townships and operating ten or more schools, or school districts which operate four-year high schools, in which case such compensation shall not exceed two hundred dollars in any year. He shall receive four dollars, for attending general county meetings of school officers convened by the county superintendent of schools. He shall be paid such additional compensation for taking the annual school census as the board may allow.

Approved February 25, 1949.

CHAPTER 143

House Bill No. 338
(Langley, Stair, Haugland, and Callahan)

ATTENDANCE OF PUPILS IN CERTAIN SCHOOLS

AN ACT

Relating to attendance of pupils in certain schools and amending and reenacting subsections 1 and 2 of section 15-2908 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Subsections 1 and 2 of section 15-2908 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

15-2908. GENERAL POWERS AND DUTIES OF BOARD OF EDUCATION.) The powers and duties of the board of education shall be as follows:

1. To establish a system of graded schools which shall be free to all children of legal school age residing within such district, and such schools shall be kept open not less than eight months, nor more than ten months in any year;
2. To establish and maintain such schools in its district as it shall deem requisite or expedient, and to change or discontinue the same in accordance with the provisions of law;

SECTION 2.) A school in a special school district may be discontinued when the average attendance of pupils therein shall be less than six for ten consecutive days, if proper and convenient

school facilities for the pupils can be provided in some other school in the territory of the closed school until such time as the school may be reopened by the board of education. In determining what constitutes proper and convenient school facilities, the board of education shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may furnish transportation to the nearest school, or may pay an extra allowance for the transportation, or may furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a patron and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by the patron to a board of arbitration consisting of the county superintendent of school, one arbitrator named by the patron, and one arbitrator named by the board, and the determination of the arbitration board, after hearing, shall be binding. The board shall reopen any school which has been closed for lack of attendance under this act for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board of education may reopen such school at any time upon its own motion.

SECTION 3.) The board of education of any special school district shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience and is approved by the county superintendent of schools, the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the actual costs.

Approved March 10, 1949.

CHAPTER 144

Senate Bill No. 8
(Legislative Research Committee
at the request of the State Board of Administration)

COMPULSORY SCHOOL ATTENDANCE OF DEAF, MUTE,
BLIND OR FEEBLE-MINDED PERSONS

AMENDMENT

AN ACT

To amend and reenact section 15-3402 of the North Dakota Revised Code of 1943, relating to compulsory school attendance of deaf, mute, blind or feeble-minded persons.

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

SECTION 1. AMENDMENT.) Section 15-3402 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3402. COMPULSORY ATTENDANCE, DEAF, MUTE, BLIND OR FEEBLE-MINDED PERSONS.) Every parent, guardian, or other person who has control over any deaf, mute, blind, or feeble-minded child of an age of seven years to twenty years, both inclusive, shall send the child, if deaf or mute, to the school for the deaf at Devils Lake or other adequate institution for the entire school year, unless excused by the superintendent of that institution; and if blind, to the school for the blind at Bathgate or other adequate institution for the entire school year, unless excused by the superintendent of said institution; and if feeble-minded, to the institution for the feeble-minded at Grafton or other adequate institution. Adequate institution shall mean any school, public or private, specializing in the training of handicapped children as stated.

Approved March 7, 1949.

CHAPTER 145

House Bill No. 120

(Thompson of Richland, Skaar, Stormon of Ramsey, Frank,
Lindberg and Lillehaugen)

TRANSPORTATION PAYMENTS COMMON SCHOOL DISTRICTS

AN ACT

Amending and reenacting Section 15-3404 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to transportation payments in common school districts.

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

SECTION 1. AMENDMENT.) Section 15-3404 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3404. TRANSPORTATION: PAYMENT OPTIONAL WITH SCHOOL BOARD; SCHEDULE.) The school board or board of education of any school district in the state, whether or not such district contains a consolidated school, may pay, in its discretion, to each family living more than two miles from a school in the district which is taught the required length of time, a sum per day of each day's attendance of a child or children of such family, not including children in the high school department, when transported by a member of the family or by a conveyance furnished or paid for by the family or when the family has paid for lodging for the child, in proportion to the distance between the home of the family and the school, according to the following schedule:

From 2 miles to 2 $\frac{1}{4}$ miles	15c per day
From 2 $\frac{1}{4}$ miles to 2 $\frac{1}{2}$ miles	18c per day
From 2 $\frac{1}{2}$ miles to 2 $\frac{3}{4}$ miles	21c per day
From 2 $\frac{3}{4}$ miles to 3 miles	24c per day
From 3 miles to 3 $\frac{1}{4}$ miles	27c per day
From 3 $\frac{1}{4}$ miles to 3 $\frac{1}{2}$ miles	30c per day
From 3 $\frac{1}{2}$ miles to 3 $\frac{3}{4}$ miles	33c per day
From 3 $\frac{3}{4}$ miles to 4 miles	36c per day
from 4 miles to 4 $\frac{1}{4}$ miles	39c per day
From 4 $\frac{1}{4}$ miles to 4 $\frac{1}{2}$ miles	42c per day
From 4 $\frac{1}{2}$ miles to 4 $\frac{3}{4}$ miles	45c per day
From 4 $\frac{3}{4}$ miles to 5 miles	48c per day
From 5 miles to 5 $\frac{1}{4}$ miles	51c per day
From 5 $\frac{1}{4}$ miles to 5 $\frac{1}{2}$ miles	54c per day
From 5 $\frac{1}{2}$ miles to 5 $\frac{3}{4}$ miles	57c per day
From 5 $\frac{3}{4}$ miles to 6 miles	60c per day
Each $\frac{1}{2}$ mile over 6 miles, the further sum of	5c per day

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

Approved February 25, 1949.

CHAPTER 146

House Bill No. 340
(Delayed Bills Committee)

SECOND GRADE ELEMENTARY TEACHING CERTIFICATES

AN ACT

To amend and reenact section 15-3602 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to second grade elementary teaching certificates.

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

SECTION 1. AMENDMENT.) Section 15-3602 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3602. SECOND GRADE ELEMENTARY CERTIFICATE.) A second grade elementary certificate shall be granted to persons who have earned twelve quarter hours of credit at a state teachers college or normal school or to persons who have graduated from a four-year high school course as prescribed by the state superintendent of public instruction, are eighteen years of age, and on examination, are found proficient in the following subjects: reading, arithmetic, language, grammar, geography, United States history, physiology, and hygiene, including physical culture, and in civil government, pedagogy, and in any one of the following named subjects: music, drawing, agriculture, nature study, domestic science, or manual training, and the superintendent of public instruction may specify which of said subjects shall be required. The proficiency of the applicants in spelling and writing shall be determined from the papers submitted by them. A second grade elementary certificate shall be valid for two years. It shall qualify the holder to teach in the public schools in this state up to and

including the eighth grade, except in schools which, under rules of standardization, require higher qualifications. Such certificates shall be renewable only upon examination or by obtaining twelve quarter hours of credit by summer school attendance.

Approved March 10, 1949.

CHAPTER 147

House Bill No. 334
(Hofstrand, Baker, Langley and Link)

TEACHERS EXAMINATION FOR SECOND GRADE ELEMENTARY
CERTIFICATES

AN ACT

To amend and reenact section 15-3613 of the 1947 Supplement to the North Dakota Revised Code of 1943, relating to teachers examination for second grade elementary certificates.

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

SECTION 1. AMENDMENT.) Section 15-3613 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3613. TEACHERS EXAMINATION FOR SECOND GRADE ELEMENTARY CERTIFICATES.) Under the direction of the superintendent of public instruction, the county superintendent of schools shall hold a public examination of all persons offering themselves as applicants who are high school graduates and who are at least eighteen years of age when they present themselves to write. The examination shall be held at the most suitable place or places in the county on the last Thursday and Friday of April in each year or more often at the discretion of the superintendent of public instruction. The county superintendent shall examine the applicants by a series of written or printed questions prepared under the direction of the superintendent of public instruction, and shall forward all examination papers submitted by applicants, immediately after the close of the examination, to the office of the superintendent of public instruction for examination, marking, filing, and recording. The superintendent of public instruction shall grant a second grade elementary certificate valid for two years to each applicant who is found to possess the understanding, general qualifications, and moral character required to teach in the common schools of the state as prescribed by this chapter.

Approved March 10, 1949.

CHAPTER 148

Senate Bill No. 184

(Olson of Barnes, Bilden, Reinke, Strand, Mehlhaff, and Lichty)

TEACHERS INSURANCE AND RETIREMENT FUND

AN ACT

To amend and reenact sections 15-3911, 15-3912, 15-3914, 15-3915, 15-3917, 15-3924, 15-3927, 15-3928, 15-3929, 15-3933, 15-3937, 15-3939, 15-3940 and 15-3941 of the North Dakota Revised Code of 1943, relating to the Teachers' Insurance and Retirement Fund, assessments, matching by school districts and educational institutions, eligibility for membership, annuities, retirement, military service, defining school "year," withdrawal of fund, options, and death of member.

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

SECTION 1. AMENDMENT.) Section 15-3911 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3911. PERSONS BROUGHT WITHIN DEFINITION OF TEACHER IN 1941; MEMBERSHIP OPTIONAL.) Any dean, school librarian, or registrar, secretary of the North Dakota education association, commissioner of higher education, or other person who:

1. Is included under the definition of "teacher" contained in this chapter;
2. Was not included in such definition prior to July 1, 1941; and
3. Was engaged on that date in an employment which was first included in the definition of "teacher" on July 1, 1941, may elect to join the fund and come within the provisions of this chapter by notifying the board of his intention so to do and upon compliance with the applicable provisions of section 15-3912.

SECTION 2. AMENDMENT.) Section 15-3912 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3912. EXTENSION OF MEMBERSHIP OPTION FOR PERSONS WHO FAILED TO EXERCISE OPTION TO JOIN FUND.) Any teacher who taught in any public school of the state prior to January 1, 1914 and who did not become a member of the fund by operation of law and who, under any law heretofore in effect in this state, had an option of joining or refusing to join the fund, and who failed to exercise his option to join the fund within the time here-

tofore permitted by law, may join the fund by notifying the board of his intention so to do. As a condition precedent to the exercise of the right granted by this section, such teacher must pay into the fund contributions, at the rate in effect July 1, 1949, for all years for which he would have been required to pay had he not declined membership in the fund when he first became eligible to join, plus simple interest at the rate of six percent per annum upon each of said contributions from the time the same would have been required to be paid.

SECTION 3. AMENDMENT.) Section 15-3914 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3914. AMOUNT OF ASSESSMENTS.) Every teacher who is a member of the fund shall be assessed upon his salary as teacher as follows:

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

The total amount of assessments paid, however, shall not be less than the full amount of annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement. When a political subdivision or institution covered by the benefits of the teachers' retirement fund provides sick leaves and employs substitute teachers at additional cost to said subdivisions or institutions, they shall in no event be required to pay in excess of \$180.00 per year as matching fund for any one teaching position.

SECTION 4. AMENDMENT.) Section 15-3915 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3915. TEACHER COMING FROM SCHOOL NOT INCLUDED IN PROVISIONS OF CHAPTER TO PAY BACK ASSESSMENTS.) Any teacher who comes from a school or educational institution supported by public taxation in another state of this nation and becomes a teacher in a public school or state institution within North Dakota may elect to have not to exceed seven years out of state teaching accredited in North Dakota provided he declares his request to the board of trustees of this fund for such out of state credit

within the first year after he begins teaching in North Dakota. Every such teacher shall be advised of the provisions of this section by the school board in writing at the time of employment, and a copy of such notice with written acknowledgment thereof, shall be filed with the teachers' insurance and retirement fund board. Before receiving any retirement annuity, he shall pay assessments to the fund for the number of years out of state teaching he elects based upon his first annual salary in a public school or state institution in this state, or, if he has taught in North Dakota previously, upon his first salary in the state after his resumption of teaching in this state. After July 1, 1949, assessment payments on out of state teaching shall be doubled. The rate of interest shall be six percent, the same interest as required of North Dakota teachers having delinquent assessments within the state.

SECTION 5. AMENDMENT.) Section 15-3917 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3917. ASSESSMENTS AND CONTRIBUTIONS AND STATEMENTS THEREOF TO BE FORWARDED TO COUNTY TREASURER.) The disbursing officers of each school district, and of each county, between June twentieth and June thirtieth of each year, shall forward to the treasurer of the county the assessments deducted and retained as provided in this chapter, and in addition thereto, contributions to the fund in an amount equal to such assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution by any school district, as determined by a teacher's contribution, shall exceed four percent of the teacher's salary or the maximum contribution specified in section 15-3914. Such contributions shall be forwarded to the treasurer of the county. Provided, however, that if a teacher fails to complete the term, the district shall not be required to match said teacher's salary in entirety but shall pay the proportional part of the maximum assessments required for the time that teacher taught, unless such requirement increases the amount of assessments to be paid in which event the assessment shall be that computed on the actual salary the teacher received. Said disbursing officers shall forward the contributions with a statement, verified by the clerk of the school district or the county auditor, as the case may be, and containing the following information:

1. The name and the monthly salary of each teacher;
2. The number of months of school taught during the school year for which the statement is made by each teacher in the public schools of the district or school organization over which the governing board has jurisdiction;

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

SECTION 6. AMENDMENT.) Section 15-3921 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3921. MONEYS DERIVED FROM ASSESSMENTS AND CONTRIBUTIONS TO BE TRANSMITTED TO STATE TREASURER.) Between July fifteenth and August first of each year, the county treasurer, the secretary or disbursing officer of each state institution, the state auditor, the state board of higher education, and the board of directors of the North Dakota education association shall transmit to the state treasurer the assessments deducted and retained as provided in this chapter and which have been received by such officer or board under the provisions of this chapter, and in addition thereto, contributions to the fund in an amount equal to such assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution paid by any school district, association, board office or institution, as determined by a teacher's contribution, shall exceed four percent of the teacher's salary or the maximum contribution as specified in section 15-3914 of this act. Such contributions shall be transmitted to the state treasurer. The transmitting officer shall certify to the board under oath the amount of moneys received and transmitted as assessments for and contributions to the fund, and if the transmitting officer is other than a county treasurer, he shall furnish to the board a statement showing the name and monthly salary of each teacher from whom assessments have been collected by him, the total salary of such teacher, the number of months in which such teacher was employed during the year for which the statement is made, the total amount withheld from the salary of each teacher and contributed by each state institution, the state, the state board of higher education, and the North Dakota education association, in accordance with the provisions of this chapter, the total amount withheld from the salaries of all teachers included in the statement, and the total number of years each teacher listed in the statement has been a teacher in the state.

SECTION 7. AMENDMENT.) Section 15-3924 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3924. FAILURE TO REPORT AND ACCOUNT DEPRIVES DISTRICT OF RIGHT TO PARTICIPATE IN STATE TUITION FUND.) No school district shall share in the apportionment of the state tuition fund for any year unless the school board or board of education, or an officer thereof, has made the reports required under the provisions of this chapter and had paid over for credit to the fund the percentage provided in section 15-3914 of the total wages paid to teachers in the district who are members of the fund, and has paid the required funds for matching the assessments required of the teachers, nor unless the county treasurer has remitted to the state treasurer the portion of the county tuition fund designated in section 15-3923.

SECTION 8. AMENDMENT.) Section 15-3927 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3927. ELIGIBILITY TO PARTICIPATE IN FUND.) Any teacher who is employed as such in a public school or state institution and who has complied with the provisions of this chapter may retire and receive the annuity provided for in section 15-3928 in the following cases:

1. After a period or periods aggregating twenty-five years of service as a teacher, of which eighteen years, including the last five years, of teaching shall have been spent in public schools or state institutions of this state, if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. If a teacher shall retire before attaining the age of fifty years, eligibility for the retirement annuity shall be deferred until the age of fifty is attained.
2. After a period or periods aggregating fifteen years of service as a teacher in the public schools or state institutions of this state, when such teacher suffers from a permanent mental or physical disability, such mental or physical condition to be determined by the board after an examination of such teacher has been made by two physicians appointed by the board. The annuity is payable only if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. The fees of such physicians shall be paid by the applicant. Payment of the annuity based upon such disability shall commence the first month following the determination of the

disability by the board and the payment of any deficiency in assessments as provided in this section, regardless of the age of the teacher at such time.

3. A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select Option One or Option Two, as described in section 15-3929, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in sections 15-3928 and 15-3929. A written designation of the choice of option and beneficiary must be filed with the board of trustees of this fund in order for such choices to be effective. Such choices, when duly made, shall be irrevocable. If a continuing teacher who has duly registered such choices with the board should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary, if living, shall receive the retirement allowance for life as provided by the terms of the option previously selected by the teacher. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily before death, then sections 15-3928 and 15-3929 shall apply directly except that any previously registered choice of option and beneficiary shall continue in full force and effect and may not be changed.

If an applicant for annuities under either subsection 1 or subsection 2 of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-3914, he shall pay any deficiency into the fund before receiving the annuity.

SECTION 9. AMENDMENT.) Section 15-3928 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he, annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, how-

ever, shall not exceed twelve hundred dollars in any one year nor be less than six hundred dollars in any one year and shall be subject to all the provisions of this chapter.

2. If any said teacher shall have attained the age of fifty years but shall not have attained the age of fifty-five years at the time of his application for the annuity, he shall be entitled, at the age of fifty years or thereafter, to receive a reduced annuity which shall be the actuarial equivalent of the one which would have been received upon the attainment of the age of fifty-five years, according to standard annuity tables, and at an interest rate specified from time to time by the board. Any such teacher, at his option, may defer applying for the annuity until the attainment of the age of fifty-five years;
 - a. A teacher who has completed all requirements for retirement previous to July 1, 1947, may choose to retire under the provisions of the Insurance and Retirement Fund then in effect. This does preclude, however, continuation of payments to the Retirement Fund after July 1st, 1947, at the rate prescribed by law for the remaining teaching career of such person.
 - b. A teacher who has completed all requirements for retirement previous to July 1, 1947, and does not teach after July 1, 1947, must retire under the provisions of the Insurance and Retirement Fund Act in effect prior to July 1st, 1947.
 - c. A teacher who has completed all requirements for retirement previous to July 1, 1947 and continues to teach shall have the option of electing to qualify under either the law in effect after July 1, 1947, or the one in effect previous to that time.
 - d. A teacher in service after July 1, 1947, who had previous to that date completed all requirements for retirement under the Insurance and Retirement Fund Act may at his own option pay into the Fund assessments on salaries earned between the date of completing payments and July 1, 1947. The rate of payment shall be six percent on the total salary earned, plus 6 percent interest on such assessments per annum.
 - e. If a teacher chooses not to pay the assessments on the interim period, those years may not be used in calculating the final annuity payment.

3. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive the maximum benefits allowable under the provisions of this chapter without regard to his age at the time of retirement.
4. If any person retiring under this chapter shall resume service as a teacher of a public school or state institution the retirement allowance paid to such person shall cease during the time of such employment but shall again be paid at the same amount and under the same conditions after subsequent retirement.
5. No annuity payments shall commence before the applicant shall have arrived at the age of fifty years except in the case of retirement based on disability as provided in section 15-3927.

SECTION 10. AMENDMENT.) Section 15-3929 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3929. OPTIONS OF TEACHERS ELIGIBLE TO RECIEVE ANNUITIES.) At any time after his retirement under the circumstances provided in this chapter and before the first annuity payment shall become due, a teacher may elect to receive the actuarial equivalent, at that time, of the regular retirement allowance for life, in the form of a reduced retirement allowance payable throughout his life with either, but not both of the following additional provisions:

Option One. Upon the death of the teacher, the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement; or,
Option Two. Upon the death of the teacher, one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

The amount of the reduced retirement allowance payable upon the exercise of either of such options shall be computed upon an actuarial basis through the use of standard actuarial tables and based upon the ages of the teacher and his designated beneficiary.

A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select Option One or Option Two,

as described in section 15-3929, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in sections 15-3928 and 15-3929. A written designation of the choice of option and beneficiary must be filed with the board of trustees of this fund in order for such choices to be effective. Such choices, when duly made, shall be irrevocable. If a continuing teacher who has duly registered such choices with the board should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary, if living, shall receive the retirement allowance for life as provided by the terms of the option previously selected by the teacher. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily, before death, then sections 15-3928 and 15-3929 shall apply directly except that any previously registered choice of option and beneficiary shall continue in full force and effect and may not be changed. If an applicant for annuities under subsections of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-3914, he shall pay any deficiency into the fund before receiving the annuity.

SECTION 11. AMENDMENT.) Section 15-3931 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3931. BOARD MAY DIMINISH ANNUITIES.) The board may reduce the annuities provided in this chapter ratably whenever, in its judgment, the condition of the fund requires a reduction in such annuities. The percentage of such reduction shall be reduced by forty percent in annuities paid to teachers completing all requirements for retirement prior to July 1, 1947.

SECTION 12. AMENDMENT.) Section 15-3936 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3936. MILITARY SERVICE IN WAR COUNTED AS TEACHING SERVICE.) A teacher who has been granted an honorable discharge from the United States armed forces for services rendered during a national emergency, if he was engaged in the occupation of teaching in North Dakota at the time of entering the service, shall be entitled to have the time of such service counted as teaching service under the provisions of this chapter, upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such service.

SECTION 13. AMENDMENT.) Section 15-3937 of the North Da-

kota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3937. 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, hereafter shall enter into active service in any of said armed forces, and who, immediately prior to the entry into such active service was a teacher by whom contributions had been made into the state teacher's 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 service 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.

SECTION 14. AMENDMENT.) Section 15-3939 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3939. "YEAR" AS USED IN CHAPTER DEFINED.) In computing the terms of service of a teacher under the provisions of this chapter, a year shall be a legal school year at the time and place where such service was rendered. Where the service was rendered in schools not included within the provisions of this chapter, a time less than a legal school year in this state shall not be included as a full year but only as such proportion of a year as the number of teaching weeks in each year taught in such excluded school bears to the number of weeks required at such time to constitute a legal year in this state.

"Day" defined for part time teacher. At least four hours per day for twenty days per month shall constitute a month's teaching credit toward a retirement annuity.

SECTION 15. AMENDMENT.) Section 15-3940 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3940. WITHDRAWAL OF MEMBER FROM FUND; DEATH OF MEMBER; REFUND.) Any teacher who shall cease to be a teacher in the public schools or state institutions of this state without receiving any benefit or annuity from the fund upon such retirement, upon making written application therefor to the board within eighteen months after he has ceased to be a teacher in North Dakota, shall be entitled to the return of one-half of the amount of assessments which he has paid into the fund on salaries earned

prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947 without interest. If such teacher, after having withdrawn from the fund as provided in this section, shall become a teacher again in the public schools or state institutions of this state, he, within one year after he again becomes a teacher, shall return to the fund the amount which was returned to him, with simple interest at a rate to be set by the board, but not exceeding four percent per annum, from the time of such withdrawal. If the teacher who is or was a member of the fund shall die before he has retired as provided in this chapter and before he has forfeited his contributions by the failure to claim a refund as provided in this section his designated beneficiary, or if no beneficiary has been designated, his executor or administrator, or if no executor or administrator has been appointed then the surviving spouse or heirs at law shall be entitled to receive from the fund the total amount without interest to which the beneficiary or heirs may be entitled.

SECTION 16. AMENDMENT.) Section 15-3941 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3941. EFFECT OF AMENDMENTS TO CHAPTER UPON EXISTING RIGHTS.) Nothing contained in this chapter or in any amendment thereto or any amendment of any section thereof which has been or shall be adopted from time to time, unless the amendment expressly states otherwise, shall reduce, modify or enlarge any rights, privileges, or benefits established prior to the effective date of such amendment. All pensions, rights, privileges, and benefits which have become fixed and determined prior to the effective date of any such amendment shall remain unchanged. Annuities, however, may be reduced ratably by the board as provided in section 15-3931.

Approved March 8, 1949.

CHAPTER 149

House Bill No. 5
(Legislative Research Committee)

STATE EQUALIZATION FUND

AN ACT

Providing for payments from the state equalization fund to the county tuition funds and for high school tuition; providing for determination of sums to be paid and manner of payment; amending reenacting subsection 1 of section 15-4007 and section 15-4014 of the 1947 Supplement to the North Dakota Revised Code of 1943, and subsection 1 of section 15-4008 and section 15-4013, 15-4015, 15-4019, 15-4020, 15-4021, and 15-4024 of the North Dakota Revised Code of 1943 and repealing section 15-4011, 15-4012 and 15-4018 of the 1947 Supplement to the North Dakota Revised Code of 1943 and section 15-4017 of the North Dakota Revised Code of 1943.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 15-4007 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4007. EXPENDITURES OF EMERGENCY FUND; MAXIMUM FINANCIAL EFFORT DEFINED; REQUIREMENTS.) Before it shall be determined that a school district has made the maximum financial effort to pay for the operation of its schools, it must appear:

1. That the district shall have provided the normal maximum mill levy. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread.

SECTION 2. AMENDMENT.) Subsection 1 of section 15-4008 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4008. EXPENDITURE OF EMERGENCY FUND; REASONABLE TEACHER-PUPIL BASIS: HOW DETERMINED.) In determining what constitutes a reasonable teacher-pupil ratio, the superintendent of public instruction shall consider the size and type of the school and its proximity and transportation facilities to adjacent schools. The following standards shall be used as guides on the teacher-pupil basis:

1. Schools with seven or more teachers shall maintain a teacher-pupil ratio of at least twenty-two pupils per teacher;

SECTION 3. AMENDMENT.) Section 15-4013 of the North Da-

kota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4013. DEFINITION OF "HIGH SCHOOL STUDENT.") As used in this chapter and in the provisions relating to the payment of high school tuition from the fund, the term "high school student" shall include only students who:

1. Have completed all of the work of the first eight grades;
2. Are residents of this state; and
3. Have not attended a high school previously for four years nor completed fifteen or more full units of high school work.

SECTION 4. AMENDMENT.) Section 15-4014 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION: AMOUNT OF PAYMENTS: STUDENT ATTENDING SCHOOL IN FOREIGN STATE.) Subject to the provisions of this chapter, there shall be paid out of the fund to each school district, county agricultural and training school or model high school in the state, the sum of ten dollars for each month of regular enrollment during the preceding year by a high school student who was a resident of North Dakota. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, teachers have been paid not less than the minimum legal salaries, and the other standards prescribed by this chapter have been met. Districts that did not maintain high schools during the year 1947-1948 shall not be eligible for payments unless they have at least an average enrollment of ten pupils in the ninth grade, ten pupils in the tenth grade, ten pupils in the eleventh grade, and ten pupils in the twelfth grade during the preceding year. A student who lives within twenty miles of another state or in a county bordering on another state and in a school district which has no high school, with the approval of the county superintendent of schools, may attend a four year public high school in an adjoining state and high school tuition shall be paid from the fund to the district in which the high school which he attends is located in the amount of twelve dollars for each month such student attends the high school.

SECTION 5. AMENDMENT.) Section 15-4015 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4015. APPLICATION FOR HIGH SCHOOL TUITION: REPORT OF COUNTY SUPERINTENDENT OF SCHOOLS; APPEAL.) Immediately

upon the close of each semester, and in any event not later than February tenth and June thirtieth of each school year, the principal or superintendent of each district claiming high school tuition under the provisions of this chapter shall file with the county superintendent of schools a verified claim stating the name, residence, and number of weeks of attendance of, and number of units of high school work taken by, each enrolled high school student for whom tuition is claimed. Such claim shall be attested by the clerk or secretary of the district. The county superintendent shall investigate the validity of the claim and shall determine the residence and other qualifications of each student named in a claim filed with him. He shall certify to the superintendent of public instruction on or before February twentieth or July twentieth, as the case may be, the number of enrolled high school students for which each district in his county is entitled to receive payment of high school tuition. At the same time, he shall give notice to any district the claim of which has been disallowed in whole or in part and shall state in such notice the name of any student for whom high school tuition has been disallowed. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before August fifth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final. Not later than March twentieth for the first semester, or September first for the second semester, the superintendent of public instruction shall certify to the state auditor a list of the school districts entitled to payment of high school tuition, together with the amounts to which the several districts are entitled.

SECTION 6. AMENDMENT.) Section 15-4019 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4019. DETERMINATION OF SUMS DUE COUNTY TUITION FUNDS.) On or before the first day of September of each year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant in aid from the state equalization fund for the county tuition fund. The request shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the elementary per pupil payments to be made to each school district that has complied with the provisions of law relating to the county tuition fund. The superintendent of public instruction shall determine the amount of the grants in aid to which each county is entitled by subtracting from the full amount of the elementary per-pupil

payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by 9.5 mills. The balance will be the amount of aid to which the county is entitled.

SECTION 7. AMENDMENT.) Section 15-4020 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4020. DISTRIBUTION OF PAYMENTS TO COUNTY TUITION FUNDS; DUTY OF STATE AUDITOR.) Upon receiving the certification of the county superintendent of schools, and in any event not later than November first of each school year, the superintendent of public instruction shall certify to the state auditor a list of all county tuition funds in the state together with a statement of the payments due each fund. The state auditor shall pay to each such fund from the state equalization fund the sum found to be due under the provisions of this chapter.

SECTION 8. AMENDMENT.) Section 15-4021 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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

SECTION 9. AMENDMENT.) Section 15-4024 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4024. ORDER OF PAYMENT; LIMITATION BY LEGISLATIVE APPROPRIATIONS; FRACTIONAL PAYMENTS.) The allocations made in this chapter shall be a first charge and claim upon and against all moneys appropriated and coming to the fund. Should the money in the fund be insufficient to pay all appropriations therefrom, the basis of need appropriation provided from the emergency fund shall be paid in full if the full amount appropriated is required for such purposes, and such fractional payments as the moneys in the fund will permit shall be made for the other purposes specified. When fractional payments are made pursuant to this section, such payments shall constitute full payment under this chapter. If the full amount of the appropriation made under any section of this chapter is not needed for such purpose, the unexpended balance may supplement any other appropriation made under a section of this chapter which has proved to be insufficient for the purpose specified.

SECTION 10. REPEAL.) Section 15-4017 of the North Dakota Revised Code of 1943 and sections 15-4011, 15-4012, and 15-4018 of the 1947 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 10, 1949.

CHAPTER 150

House Bill No. 147
(Committee on Education)

COUNTY AGRICULTURAL AND TRAINING SCHOOL BUILDING FUND LEVY

AN ACT

To permit a levy of one mill in excess of other levies permitted by law to be made by counties maintaining county agricultural and training schools for building funds for such schools.

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

SECTION 1.) The board of county commissioners of any county maintaining a county agricultural and training school may levy taxes annually for a building fund for such schools, not in excess of one mill, which levy shall be in addition to and not restricted by the levy limitations prescribed by law.

SECTION 2.) This said fund is a special fund for building purposes and any unexpended balance therein shall not revert to the general fund of the county.

Approved February 28, 1949.

CHAPTER 151

House Bill No. 145
(Committee on Education)

SELECTION PRINCIPAL, FACULTY AND EMPLOYEES COUNTY
AGRICULTURAL TRAINING SCHOOLS

AN ACT

To amend and reenact section 15-4211 of the North Dakota Revised Code of 1943, relating to selection and determination of salaries, expenses and mileage of the principal, teachers and other employees of county agricultural and training schools.

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

SECTION 1. AMENDMENT.) Section 15-4211 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4211. SUPERINTENDENT OF PUBLIC INSTRUCTION: SELECTION OF FACULTY; SCHOOL VISITATIONS; REPORTS.) The superintendent of public instruction shall have a vote in the selection of the principal for a county agricultural and training school and in fixing his salary. The board of trustees of the school shall select and fix the salaries of the other teachers on the faculty and the other employees of the school and shall determine the amount of expenses and mileage to be allowed all persons employed. The superintendent of public instruction shall visit and inspect each of such schools at least once each year and shall make a report to the governor relating to the property management, instruction, and efficiency of such schools and containing such recommendations as he believes will further the efficiency and usefulness of the schools.

Approved February 28, 1949.

CHAPTER 152

Senate Bill No. 194
(Melvin Olson — Barnes)

CHILD'S AGE FOR SCHOOL ADMISSION

AN ACT

To amend and reenact section 15-4701 of the North Dakota Revised Code of 1943, relating to schools free and accessible, school ages, and age of starting a child in school.

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

SECTION 1. AMENDMENT.) Section 15-4701 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4701. SCHOOLS FREE AND ACCESSIBLE; SCHOOL AGES.) The public schools of the state shall be equally free, open, and accessible at all times to all children over six years of age and under twenty-one years of age. If a child shall arrive at the age of six years by midnight, December thirty-first, he shall be admitted to the first grade at the beginning of the current school year.

Approved March 8, 1949.

CHAPTER 153

House Bill No. 182
(Committee on Education)

SUPERINTENDENT OF PUBLIC INSTRUCTION AND SCHOOL DISTRICTS; AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS

AN ACT

Authorizing the superintendent of public instruction and school districts to enter into certain agreements pertaining to public education.

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

SECTION 1.) The superintendent of public instruction in order to carry out the purposes of any federal statutes pertaining to public education may enter into agreements with any agency of

the federal government and with the school board or board of education of any school district in the state, may make agreements with the federal government for and in behalf of the public school districts of the state and may adopt necessary rules of administration to insure the proper and efficient operation of such agreements and to comply with such conditions as may be necessary to obtain the full benefits of such federal statutes. Provided, however, that such contracts, agreements or arrangements shall in no way impair the rights, powers, duties or authority of local school districts and school boards in the management and control of their local schools.

SECTION 2.) All contracts, agreements or arrangements affecting public tax supported schools or school systems under the supervision of the state superintendent of public instruction which may be made and entered into with agencies of the federal government shall be entered into in accordance with regulations prescribed by the superintendent of public instruction and in no other manner.

Approved March 11, 1949.

CHAPTER 154

House Bill No. 156
(Baker, Larsen and Moerke)

SCHOOL CONTRACTS, BIDS; PUBLICATION

AN ACT

To amend and reenact section 15-4715 of the North Dakota Revised Code of 1943, relating to school contracts.

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

SECTION 1. AMENDMENT.) That section 15-4715 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4715. SCHOOL CONTRACTS; ADVERTISEMENT FOR BIDS; PUBLICATION; EXCEPTIONS.) No contract involving the expenditure of an aggregate amount greater than five hundred dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in

which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts; namely:

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

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

Approved March 9, 1949.

CHAPTER 155

Senate Bill No. 26
(Legislative Research Committee
at the request of the Bank of North Dakota)

INCREASE SCHOOL DISTRICT DEBT LIMITS; ELECTION PETITION; BOARD AUTHORITY AN ACT

To amend and reenact section 15-4801 of the North Dakota Revised Code of 1943, relating to calling elections to increase school district debt limits.

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

SECTION 1. AMENDMENT.) Section 15-4801 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4801. PETITION FOR ELECTION; AUTHORITY OF BOARD.) Whenever there shall be presented to, and filed with, the school board or the board of education, as the case may be, of any common,

special, or independent school district, a petition, signed by at least one-third of the electors of such school district, requesting that the school board or board of education submit to the electors of the district the question of increasing the limit of indebtedness of such district five percent on the assessed value of the taxable property of said district beyond the five percent limit of indebtedness fixed by the constitution, the board must submit said question to the electors at the next annual school election, or at a special election called in said district for that purpose, provided, that the board may submit said question to the electors at a regular or special election on its own motion without such petition.

Approved March 7, 1949.

CHAPTER 156

Senate Bill No. 231

(Stucke, Streibel, Brandt, Bridston and Day)

NORTH DAKOTA STATE MEDICAL CENTER; DISBURSEMENT ONE MILL LEVY

AN ACT

Implementing the constitutional amendment adopted in November, 1948, and directing the method of disbursement and the expenditure of the proceeds from the one mill levy provided thereby, together with any other funds received, for the establishment, development and maintenance of the North Dakota State Medical Center.

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

SECTION 1.) The proceeds of the one mill tax levy established by constitutional amendment adopted at the general election in November, 1948, together with any other funds that may be received by the state treasurer, from time to time, for the benefit of the North Dakota state medical center, shall be expended to establish, develop and maintain said North Dakota state medical center, as provided in chapter 172 of the North Dakota Session Laws of 1945, by the issuance of state warrants drawn on such funds by the state auditor in payment of vouchers approved by the state board of higher education, or its successor in authority.

Approved March 8, 1949.

CHAPTER 157

House Bill No. 264
(Link)

SCHOOL DISTRICT REORGANIZATION PLAN

AN ACT

To amend and reenact section 15-5314 and 15-5320 of the 1947 Supplement to the North Dakota Revised Code of 1943 relating to the Reorganization Plan for School Districts to be submitted to the state committee, and the method of voting in the reorganized districts.

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

SECTION 1. AMENDMENT.) Section 15-5314 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5314. REORGANIZATION PLAN PREPARED AND SUBMITTED TO STATE COMMITTEE.) Within one and one-half years after its selection, the county committee shall have prepared and submitted to the state committee a comprehensive plan for the reorganization of school districts within the county. Such plan shall be accompanied by:

1. A map showing the boundaries of established school districts and the boundaries proposed under any plan for the reorganization of school districts, prepared and submitted in compliance with the provisions of this act;
2. A description of the boundaries aforementioned;
3. Recommendations respecting the location of schools, the utilization of existing buildings, the construction of new buildings, including dormitories, and the transportation requirements under the proposed plan for the reorganization of school districts. Such recommendations shall not be binding upon such proposed school districts except as otherwise provided by law;
4. A summary of the reasons for such proposed reorganization of school districts;

5. Recommendations specifying whether such reorganized districts shall be common school districts with three directors, common school districts with five directors to be elected at large, common school districts with five directors to be elected from designated geographic districts, or special school districts which classification shall be based upon and subject to the laws existing in regard thereto; and
6. Such other reports, records and materials as the state committee may require.

If any difficulties are encountered by a county committee in formulating such comprehensive plan for the reorganization of school districts so that such plan will be unable to be submitted to the state committee within the time specified in this section, such county committee may make an application to the state committee for an extension of time in which to submit such comprehensive plan. The state committee, in its discretion and if the facts and circumstances warrant, may grant such extension as it may see fit.

SECTION 2. AMENDMENT.) Section 15-5320 of the 1947 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5320. PROPOSAL REJECTED, REVISION MADE: NEW ELECTION HELD.) If a proposal for the formation of a new school district is rejected by the voters at the election provided for in the preceding section, the county committee may make such revision as it deems advisable in the boundaries proposed for such new district in the terms of adjustments of the property, debts and liabilities thereof, as the case may be, and submit the same to the state committee for approval. If the boundaries of the proposed new district or the terms of adjustment, as the case may be, as revised, are approved by the state committee, notice thereof shall be transmitted to the county superintendent, as provided for in Section 17, Subsection 6 of this act. Upon receipt of such notice the county superintendent shall call, in the manner and for the purpose specified in Section 18 of this act, a special election of the voters residing within the revised boundaries of the proposed new district. If a majority of all votes cast by the electors residing within the rural area of a proposed new district and a majority of all votes cast by the electors within the incorporated area of the proposed new district are both in favor of the formation of the district, the county superintendent shall proceed to organize and establish such district and to perform the necessary duties related thereto in the same manner and to the same effect as is provided in Section 18 of this act.

Approved March 12, 1949.

CHAPTER 158

House Bill No. 271

(Baker, Sticka, B. Larson, Link, Dalzell, Esterby, and Langley)

CONTINUED OPERATION OF SCHOOLS IN REORGANIZED
DISTRICTS

AN ACT

To provide for continued operation of schools in reorganized districts.

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

SECTION 1.) Each common school in the local districts included in reorganized school districts shall be kept in session as provided by law, except that any school may be discontinued when the people in the old district where the school is located, by a majority vote, approve its closing, or when a petition requesting that the school is discontinued is signed by two-thirds of the electors in the old district where the school is located and is presented to the school board or board of education in the reorganized district. The board shall reopen any school which has been closed for the next ensuing term upon the written demand of the parents or guardians of six or more children of compulsory school age residing within two and one-half miles of the school. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

Approved March 10, 1949.

CHAPTER 159

House Bill No. 254
(Nygaard and Langley)

ANNEXATION REMAINING PORTIONS REORGANIZED
SCHOOL DISTRICTS TO OTHER DISTRICTS

AN ACT

Providing for annexation of remaining portions of reorganized school districts to other districts.

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

SECTION 1. When a portion of any common or special school district has become a part of a reorganized school district under Chapter 15-53 of the 1947 Supplement to the North Dakota Revised Code of 1943, and a portion of the common or special school district is not included in the reorganized district, such remaining portion, having a taxable assessed valuation of less than one hundred thousand dollars for each teacher employed in the remaining territory, shall become a part of a school district adjacent thereto in the following manner:

1. The county school district reorganization committee shall, within forty-five days after the reorganized district has been approved by the voters, order a hearing for the purpose of determining to which district or districts said remaining territory shall be annexed;
2. The hearing shall be held in a designated school house or a designated place located in the remaining territory and notice of the time and place of the hearing shall be given by publication in the official county newspaper at least ten days before the date of the hearing. Within ten days after the hearing, the county committee shall make an order annexing the territory to adjacent school district or districts; and
3. The decision of the county committee shall be subject to review by the state school district reorganization committee upon petition by a majority of the electors residing in said territory.

Approved March 10, 1949.

CHAPTER 160

Senate Bill No. 147
(Judiciary Committee)

TAX EXEMPT BONDS FOR REVENUE PRODUCING BUILDINGS
AT N. D. AGRICULTURAL COLLEGE, FARGO AND STATE
TEACHERS COLLEGE, MINOT

AN ACT

To authorize the State Board of Higher Education to issue tax exempt bonds and construct revenue producing buildings at institutions of higher learning, under the provisions of Chapter 15-55 of the 1947 Supplement to the North Dakota Revised Code of 1943.

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

SECTION 1. In accordance with the provision of Chapter 15-55 of the 1947 Supplement to the North Dakota Revised Code of 1943, the state board of higher education is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue producing buildings at institutions of higher learning, under the jurisdiction of the said board, at such maximum amounts, at such locations, and for such purposes as hereinafter provided:

1. North Dakota Agricultural College, Fargo
 - a. Student Union Building.....\$600,000
2. State Teachers College, Minot
 - a. Addition to Student Union Building.....\$ 50,000

SECTION 2. No bonds issued under the authority of the act shall ever become a general obligation against the State of North Dakota or its institutions.

Approved February 26, 1949.

CHAPTER 161

Senate Bill No. 168

(Day, Blume, Freed, Shure, Bridston, Foss, and Braun)

REVENUE PRODUCING BUILDING BONDS; ADDITIONAL
POWERS BOARD OF HIGHER EDUCATION

AN ACT

Granting additional powers to the state board of higher education relative to the issuing of bonds under the provisions of Chapter 154 of the Session Laws of 1947, providing additional sources for the bond payment fund, and declaring an emergency.

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

SECTION 1.) The state board of higher education, when issuing bonds under the provisions of Chapter 154 of the Session Laws of North Dakota for 1947 and the powers therein granted, shall have additional powers as follows:

- (1) When the state board of higher education has issued bonds as provided in said Chapter 154 of the 1947 Session Laws for the purpose of securing funds for all or part of the cost of construction, equipment, and furnishing of any new dormitory for any of the state-supported institutions of higher learning of the state of North Dakota, said board is hereby authorized to cover into the interest and principal payment fund for bonds issued, the rental income from dormitories which are not encumbered or impressed with any lien and which are located upon the campuses of such institutions.
- (2) In case of destruction of such dormitories by fire, tornado, cyclone, or other cause, the proceeds from insurance on such dormitories shall be covered into the bond payment fund for the payment of bonds issued under said Chapter 154 of the Session Laws of 1947.
- (3) The rental income from said dormitories and the proceeds of insurance thereon shall be irrevocably pledged to the payment of the principal and interest of the bonds issued as in this chapter provided.
- (4) The bonds issued as in this act and in Chapter 154 of the 1947 Session Laws provided, shall not be an indebtedness or obligation of the state of North Dakota or of any of the state institutions nor of any board, bureau or officer

of the state of North Dakota, but such bonds shall be payable solely out of the income and revenue as in said Chapter 154 of the Session Laws of the state of North Dakota for 1947 and in this act provided.

SECTION 2.) The rental income from the dormitories, as defined herein, of any educational institutions of higher learning of the state shall be covered into the bond payment fund for the payment of the cost of a new dormitory or dormitories for such educational institution and not to any other institution.

SECTION 3. 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 8, 1949.

CHAPTER 162

House Bill No. 183
(Committee on Education)
(Hofstrand)

TEACHER PREPARATION SCHOLARSHIPS

AN ACT

To provide for teacher preparation scholarships for qualified residents of North Dakota who express an intent to prepare for rural teaching; providing for a board to administer the provisions of the act; making an appropriation and declaring an emergency.

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

SECTION 1.) There is hereby established a state board on teaching scholarships in this state consisting of the superintendent of public instruction and four other members to be appointed by the governor immediately after the effective date of this act. One of the appointive members shall be the president of a state supported college offering a one year course of instruction leading to a first grade elementary certificate, two shall be county superintendents of schools from counties having a predominantly rural population, and one shall be from the "in service teacher training department" of a state educational institution. The superintendent of public instruction shall be chairman of the board and the member appointed from the "in service teacher training department" of a state educational institution shall serve as secretary of the board. The appointive members of the board shall receive only

their actual and necessary traveling expenses when engaged in the discharge of their official duties, paid as other state officials are paid.

SECTION 2.) The state board of teaching scholarships shall:

1. Grant scholarships as provided in this act; and
2. Make rules and regulations and establish standards, requirements, and procedure in administering this act that will encourage rural people to enter rural teaching.

SECTION 3.) A person shall not be selected as a candidate or an alternate or a scholarship unless he will be at least eighteen years of age on or before September first following completion of teacher training as described in this act. In selecting candidates for scholarship, consideration shall also be given to:

1. Vocational adaptability to teaching;
2. Health;
3. Character;
4. Personal-social characteristics;
5. History of rural experience;
6. Capacity and willingness to make a success of college privileges; and
7. Vocational intention and willingness to teach in a rural school.

SECTION 4. On or before July fifteenth of the years 1949 and 1950, the county superintendent of schools of each county in this state shall certify to the board, the name of five candidates and five alternates from his county for scholarships. The candidates shall be selected according to the provisions of this act and the rules established by the board, and consideration shall be given first to high school graduates of the school year just preceding the selection.

SECTION 5. The county superintendent may certify additional qualified candidates, and may also send to the board a list of candidates who fail to meet one or more of the requirements set forth in this act and the regulations of the board with an explanation of the points on which the candidate fails to meet such requirements and the regulations and an explanation of why he feels such persons will qualify for a scholarship.

SECTION 6.) In the event that one of the certified candidates fails to accept or is not approved by the board, the county superintendent of schools shall select one of the alternates from his county to fill the vacancy.

SECTION 7.) If a county fails to provide five candidates who accept the scholarship by August fifteenth, of the year 1949 and 1950, the board may accept alternates from other counties. If less than two hundred sixty-five scholarships have been awarded in the state in either year, the board may select from the alternates certified and from the list of qualified and partially qualified candidates such additional candidates, chosen at large, without regard to county quota, as may be necessary to fill the state quota for such year.

SECTION 8.) Upon the granting of a scholarship and the acceptance thereto, the recipient shall be entitled to the sum of one hundred dollars for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a one-year course leading to a first grade elementary certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest twenty-one months after the date of issue, except as otherwise provided in this act. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of 1949 or 1950 whenever the recipient may thereby qualify for a first grade elementary certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter.

SECTION 9. The scholarship shall be used, first, to pay the tuition and other institutional charges of the recipient, second, to defray the cost of books and equipment needed by the recipient in pursuit of his studies and, third, for partial subsistence of the recipient through facilities operated by the college, or approved by the college secretary. Any facilities or personnel of the college designed to aid in securing part time employment for students to help defray costs of their education shall be made available to the recipient of a scholarship on an equal basis with other students enrolled. Scholarship holders may not continue to hold the scholar-

ship unless they maintain a satisfactory grade average as set by the board.

SECTION 10. If a scholarship recipient, before the notes provided for in this act become due, has satisfactorily completed either a full eight or nine months school term of teaching in a one-room rural school, the notes and accrued interest thereon shall be cancelled. The county superintendent of schools of the county where the recipient has taught shall certify to the board the time of teaching completed by the recipient, and the board, if satisfied, shall notify the state treasurer to cancel the notes. Whenever less than a full school year of teaching has been completed the notes may be cancelled in the order of execution, corresponding with the months of teaching which are completed. In the event of death or total disability of the recipient, the notes and accrued interest shall be cancelled. The board may designate the county superintendent of schools of the county where the recipient has taught or resides as its agent in the collection of such notes and in carrying out the provisions of this act.

SECTION 11.) APPROPRIATION.) There is hereby appropriated out of the equalization fund the sum of one hundred and sixty-four thousand dollars or whatever portion may be necessary for the purpose of paying teaching preparation scholarships in an amount not to exceed one hundred and fifty-nine thousand dollars for the administration of this act not to exceed five thousand dollars.

SECTION 12. 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 12, 1949.