

service of any such common carrier, and the remains of a person killed in employment of a carrier, and the ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph, shall include the families of those persons named in this provision, also the families of persons killed and the widows during the widowhood and minor children during minority, of persons who died while in the service of any such common carrier.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1929.

SCHOOLS

CHAPTER 200

(S. B. No. 99—Ployhar.)

APPOINTMENT COMMITTEE ON SCHOOL LAWS

An Act providing for the appointment of a committee for the purpose of drafting and reporting the inconsistencies, contradictions, and omissions of the school laws of the State of North Dakota, and providing an appropriation therefor.

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

§ 1. COMMISSION, HOW CONSTITUTED, DUTIES.] There shall be created not later than the first day of July, 1929, a committee of five persons to be appointed by the governor. The said committee shall meet and organize not later than September first, 1929, and shall proceed with all due care to perform the duties contemplated by this act. The committee shall complete its work not later than September first, 1930. The said committee shall report at the next session of the legislature any inconsistencies, contradictions, and omissions found in the existing school laws, and shall draft and report to that session of the legislature, such school laws as in its judgment can be of use and benefit to the State for information, assistance, and action of said legislature.

§ 2. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated a sum of money not to exceed \$200.00 to meet the actual and necessary expenses of the committee provided, however, that the members of

this commission shall receive no compensation whatsoever. All bills and expenses shall be paid upon the presentation of duly verified vouchers, approved by the state board of audit.

§ 3. REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 4, 1929.

CHAPTER 201

(S. B. No. 96—Peck.)

DISSOLUTION CONSOLIDATED SCHOOLS AND REORGANIZATION RURAL OR GRADED SCHOOLS, ETC.

An Act to provide a method for the dissolution of consolidated schools and for the reorganization and restoration of rural or graded schools in lieu thereof and providing for the calling and conduct of elections upon the question of such dissolution and reorganization.

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

§ 1. In any district in which there is a consolidated school heretofore or hereafter established, the school board, if petitioned by one-third (1-3) of the voters of the district and if the county superintendent of schools and the board of county commissioners of the county in which said district is situated give their written consent thereto, shall call an election to determine the question of whether or not the said consolidated school shall be dissolved as such and reorganized as rural or graded schools. Said elections, except as hereinafter provided, shall be conducted both as to notices and as to the manner of canvassing the votes in the same manner as is the annual school election. If two-thirds (2-3) of the votes cast at such election are in favor of the proposal to discontinue the consolidated school and reorganize as rural or graded schools, such district school board shall proceed to organize and conduct a school or schools in the district as provided by law for the organization, maintenance and operation of such schools.

Approved March 11, 1929.

CHAPTER 202

(H. B. No. 98—Boe and Craig.)

MAINTENANCE COUNTY AGRICULTURAL AND TRAINING
SCHOOLS

An Act to amend and re-enact Section 1456 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913, relating to the maintenance of county agricultural and training schools.

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

§ 1. AMENDMENT.] That Section 1456 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for the year 1913, shall be amended and re-enacted to read as follows:

§ 1456. JOINT MAINTENANCE BY COUNTY AND STATE.] After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinafter provided. The board of county commissioners is hereby empowered and directed, annually, to levy and spread upon the tax roll a sum sufficient to pay the county's share of the cost of maintenance. The state's share of such maintenance shall be five thousand dollars annually up to the first 150 students; and additional one thousand dollars for each additional 100 students, or major fraction thereof, above the first 150 as determined by the latest annual report to the state superintendent of public instruction. The state's share of such maintenance shall not exceed seven thousand dollars in any one year. It is the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this shall not prevent the county from levying a greater sum for maintenance, if deemed necessary.

Be it further provided, that the board of county commissioners may from time to time levy and spread upon the tax roll such additional sums of money for the purchase, erection and construction of additional buildings and improvements, or for the purchase of equipment, but levies for such purposes shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section 1455. Unused portions of the equipment fund may be transferred to a building fund or to a real estate fund by the board of county commissioners upon the recommendation of the board of trustees of the county agricultural and training school. The board of trustees of the county agricultural and training school shall charge and collect tuition for all students from outside the county at the annual rate of fifty-four dollars, collectible in the same manner as

provided by Section 1438a3 of the Supplement to the 1913 Compiled Laws of North Dakota. Provided, further, that no state appropriation shall be available until the state superintendent of public instruction shall determine that a reasonable effort has been made to collect the above tuition.

Approved March 8, 1929.

CHAPTER 203

(H. B. No. 32—Twete.)

APPLICATION STATE AID GRADED, RURAL AND CONSOLIDATED SCHOOLS—APPOINTMENT DIRECTOR RURAL EDUCATION

An Act to amend and re-enact Section 1444 of the Compiled Laws of 1913, relating to application for state aid to state graded schools, state rural schools and state consolidated schools and providing for the inspection thereof.

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

§ 1. That Section 1444 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1444. State graded schools, state rural schools or state consolidated schools which heretofore have been classified, shall be duly inspected and recommended for classification by the county superintendent of schools of the county wherein such schools are located before any apportionment of any aid can be made under the provisions of this act. The recommendation of the county superintendent shall set forth in detail the examination made and a full report together with application for such aid must be filed with the state superintendent of public instruction, together with the recommendation of the County Superintendent.

The state superintendent of public instruction shall appoint a director of rural education whose term of office shall be for a period of two years beginning July 1st of each odd numbered year. This director of rural education shall have the same educational qualifications as required by law for the office of state superintendent of public instruction, and shall have been a county superintendent of schools. He shall receive such annual salary as shall be provided in the general appropriation bill, and in addition thereto his necessary and actual expenses incurred in the discharge of his official duties. It shall be the duty of the director of rural education to have charge of the carrying into effect the rules and regulations governing the classification of rural, graded, and consolidated

schools. He shall carefully check over the applications for state aid, submitted by the county superintendents, conduct correspondence with the county superintendent pertaining thereto, classify the applications for aid, and properly prepare said applications for the approval of the state superintendent of public instruction. It shall be the special duty of the director of rural education to visit the different counties at the request of the county superintendents of schools in order to settle disputes concerning standardization, visit all new schools seeking classification, and approve requirements for building. It shall also be his duty to promote standardization by meeting with school officers, attending teachers meetings or other meetings where it is desired that standardization shall be discussed. It shall further be his duty to prepare a report showing kinds and numbers of schools classified as well as the amounts appropriated to each standardized school, and also securing such other information as shall be required of him by the legislature or the state superintendent of public instruction.

This report shall be transmitted to the governor by the state superintendent of public instruction on or before October 1st of each year.

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

Approved March 7, 1929.

CHAPTER 204

(S. B. No. 159—Eastgate.)

STATE AID RURAL, GRADED AND CONSOLIDATED SCHOOLS

An Act to amend and re-enact Sections 1445 and 1446 of the Supplement to the Compiled Laws of 1913, of the State of North Dakota, relating to the apportionment of state aid to rural, graded, and consolidated schools.

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

§ 1. AMENDMENT.] That Section 1445 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1445. THE APPORTIONMENT. WHEN APPORTIONED. AMOUNT OF APPORTIONMENT.] Between the first and the fifteenth of August in each year the state superintendent of public instruction shall apportion such amounts as are appropriated to each of said

state graded consolidated schools, the sums named in section 1446 of this act; to each of state graded schools which have fully complied with the provision of this act and such additional rules as may be established by the state superintendent of public instruction relating to state graded schools, the sum of one hundred dollars in each year to state graded schools of the first class; to state graded schools of the second class a sum of seventy-five dollars; and to state graded schools of the third class, the sum of fifty dollars; and the superintendent shall apportion to each of the state rural schools which have fully complied with the provisions of this act and such additional rules as may be established by the superintendent of public instructions relating to state rural schools, the sum of one hundred dollars in each year to each rural school of the first class; to each state rural school of the second class, the sum of eighty dollars; and to each state rural school of the third class, a sum of sixty dollars; provided, that in any district where the tax rate for the preceding year is four mills and less than seven, these amounts shall be doubled for each class of school, and that in any district where the tax rate for the preceding year is seven mills or greater these amounts shall be trebled. These amounts shall be paid by the state treasurer on the warrant of the state auditor when duly certified and filed with the state auditor by the superintendent of public instruction. Provided also, that in case the amount apportioned shall not be sufficient to pay the amount specified, then the amount available shall be apportioned pro rata among the schools entitled thereto.

§ 2. AMENDMENT.] That Section 1446 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1446. AID TO CONSOLIDATED SCHOOLS. CONSOLIDATED SCHOOLS DEFINED.] Any consolidated school meeting the requirements for the state graded school of the first class shall receive aid in the sum of three hundred dollars, any consolidated school meeting the requirements for the state graded school of the second class shall receive aid in the sum of two hundred fifty dollars, and any consolidated school meeting the requirements for a state graded school of the third class shall receive aid in the sum of two hundred dollars; provided, that in any district where the tax rate for the preceding year is four mills and less than seven, each school shall receive double the amount named here and where the tax rate for the preceding year is seven mills or more, each school shall receive treble the amount. It is provided further, that a consolidated school here and elsewhere in the law is one where at least two teachers are employed and at least eighteen contiguous sections are served, without regard to the manner of its formation. It is still further provided that not more than ten thousand dollars of the appropriation

for state aid to rural, graded and consolidated schools shall be used for aid and encouragement of the unclassified rural, graded and consolidated schools of the state in such manner as may be determined by the state superintendent of public instruction.

Approved March 7, 1929.

CHAPTER 205

(S. B. No. 160—Eastgate.)

STATE AID HIGH SCHOOLS—APPOINTMENT DIRECTOR
SECONDARY EDUCATION

An Act to amend and re-enact Section 1433 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota relating to application for state aid to high schools, and providing for the direction thereof, and the appointment of a director of secondary education.

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

§ I. AMENDMENT.] That Section 1433 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 1433. DIRECTOR OF SECONDARY EDUCATION. HOW APPOINTED. HIGH SCHOOL AID. HOW APPORTIONED.] With the approval of the board of administration, the superintendent of public instruction shall appoint a director of secondary education who may thereby become affiliated with the faculties of the schools of education of North Dakota for the purpose of co-ordinating the practical and theoretical situations in the high schools of the state and the instruction in the school of education. Said director of secondary education shall be a graduate of a college or university of recognized standards, and shall have had at least five years of successful experience either as principal of a high school or superintendent of city schools in North Dakota. His duties shall be prescribed by the superintendent of public instruction and may include instructional duties in the schools of education of North Dakota, not to exceed more than the summer term. His term of office shall be for two years and shall begin July 1 of the odd numbered years. The salary shall be paid monthly on a warrant of the state auditor from the general fund of the state, and shall be in such amount as shall be provided for in the general appropriation bill. The director of secondary education shall receive his actual and necessary expenses incurred in the discharge of his official duties. The said director of secondary education, under the direction of the state superintendent of public instruction, shall carefully supervise the instruction, discipline and all conditions af-

fecting the efficiency of the high schools of the state receiving aid under this article, and make a written report on the same; provided, that no money shall be paid in any cases until such report shall have been received, examined, and the work of the school approved by the superintendent of public instruction.

The said superintendent shall receive applications from such schools for aid as hereinafter provided. The said superintendent shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose applications shall have been approved by the superintendent, the following sums, to-wit: eight hundred dollars each year to each first class high school; the sum of five hundred dollars each year to each second class high school; and the sum of three hundred dollars each year to each third class high school; provided that the moneys so apportioned to any high school shall be used to increase the efficiency of high school work; provided, further, that the total amount of apportionment, expenses and salary under this act, except salary and expenses of the director of secondary education provided for above, shall not exceed the amount provided for in the budget, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said superintendent duly certified and filed with the state auditor; provided that in case the amount appropriated and available for the payment of aid to such schools shall in any year be insufficient to apportion to each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes then in such case, two thousand five hundred dollars shall be apportioned to each of the four schools having an agricultural, manual training and domestic economy department, and the remainder of such amount as is appropriated and available shall be apportioned pro rata among the schools entitled thereto: provided, further, that with the approval of the state superintendent of public instruction, the money appropriated by the state to the high schools designated to maintain departments of agriculture, manual training and domestic economy may be used for the extension of agricultural education and demonstration outside of the district in which the school is located, within the limits of efficiency.

Approved March 7, 1929.

CHAPTER 206

(H. B. No. 204—Johnston.)

**MANUAL TRAINING AND DOMESTIC SCIENCE NOT REQUIRED
FOR HIGH SCHOOL AID**

An Act providing that teaching of manual training and domestic science shall not be required of high schools for classification for state pecuniary aid.

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

§ 1. In the preparation and prescription of the courses for study for high schools of the state, the teaching of manual training and domestic science shall not be required for classification as a state high school for pecuniary aid; but the teaching of such subjects shall be optional with each local board of education.

§ 2. REPEAL.] All acts and parts of acts in so far as they are in conflict herewith are hereby repealed.

Approved March 9, 1929.

CHAPTER 207

(H. B. No. 113—McManus.)

**PAYMENT STATE AND COUNTY TUITION FUNDS TO U. S. BY
DISTRICT WITHIN INDIAN RESERVATION**

An Act providing for the payment of state and county tuition funds to the United States whenever the educational responsibility of a school district within an Indian Reservation is completely taken over by the United States.

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

§ 1. Whenever the educational responsibility of a school district within an Indian Reservation in this state, including the payment of the high school tuition provided by Chapter 245 of the Session Laws of 1927 and Section 1438a2 and 1438a3 of the 1925 Supplement to the Compiled Laws of 1913, shall be completely taken over and taken care of by the government of the United States, the state tuition fund and the county tuition fund, which would otherwise be paid to said school district, if functioning, shall be paid to the United States; provided that the compulsory school attendance laws of the state shall apply to and be enforced in such district and government school.

§ 2. If the school board shall cease to exist or function in such district, then the county superintendent of schools of the county within which such Indian Reservation is situated shall cause the school census or enumeration to be taken and reported as required by Section 1195 Compiled Laws of 1913, and the cost thereof shall be paid out of the county tuition fund, apportioned to be due the United States as herein provided, the same to be deducted and paid by the county treasurer from the amount apportioned said United States, upon presentation of a bill therefor, approved by such county superintendent of schools.

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

Approved February 25, 1929.

CHAPTER 208

(H. B. No. 132—O. E. Erickson.)

SOLICITATION SALE OF MERCHANDISE AND SUBSCRIPTION TO
PERIODICALS BY SCHOOLS UNLAWFUL

An Act to prevent the advertising or sale of merchandise and the soliciting of subscriptions to periodicals through the agency of the public schools, and prescribing penalties for violation of the provisions of this act.

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

§ 1. It shall be unlawful for any person, firm or corporation to attempt to sell, advertise for sale, or secure orders for, any merchandise whatever, or to attempt to secure subscriptions for any magazine, newspaper or other periodical, or to obtain agents or solicitors for any such purpose, through the agency of any public school in this state, or to attempt, during school hours or at any time upon public school premises, to organize pupils of such school into clubs or contesting bodies for any such purpose. It shall also be unlawful for a teacher of any public school, and for any school officer, to promote or knowingly to permit any of the acts above mentioned by such means; provided, however, that this act shall not in any way affect or restrict the education or extra-curricula activities of any school, or its participation in any movement for the public welfare or for any charitable purpose, if such activity or movement is not connected with, and does not contribute to, any private business.

§ 2. Any teacher violating any provision of this act shall be subject to dismissal by the school board, and any other person violating any such provision shall be subject to a fine of not more than one hundred dollars (\$100.00).

Approved March 8, 1929.

CHAPTER 209

(H. B. No. 234—Committee on Delayed Bills.)

TEACHERS' INSURANCE AND RETIREMENT FUND COMMISSION

An Act providing for the appointment of a commission for the purpose of ascertaining the condition of the teachers' insurance and retirement fund and making recommendations regarding said fund to the governor and the legislative assembly.

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

§ 1. That a commission of five persons, two of whom shall be members of the Twenty-First Legislative Assembly, shall be appointed by the governor upon this act taking effect. Said commission shall make a thorough study and investigation of the Teachers' Insurance and Retirement Fund and shall report its findings and recommendations to the governor not later than the 1st day of November, 1930.

Approved March 6, 1929.

CHAPTER 210

(H. B. No. 151—Smith by Request.)

TEACHING U. S. CONSTITUTION IN SCHOOLS

An Act to require the teaching of the Constitution of the United States in the public and private schools of the State of North Dakota.

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

§ 1. In all public and private schools located within the State of North Dakota, commencing with the school year next ensuing after the passage of this act, there shall be given regular courses of instruction in the Constitution of the United States.

§ 2. Such instruction in the Constitution of the United States shall begin not later than the opening of the eighth grade, and shall continue in the high school course to an extent to be determined by the superintendent of public instruction.

Approved March 7, 1929.

CHAPTER 211

(H. B. No. 76—Amsberry.)

SPECIAL SCHOOL DISTRICTS ADJACENT TERRITORY

An Act to amend and re-enact Section 1240 of the Supplement to the Compiled Laws of 1913 as amended by Chapter 246 of the 1927 Session Laws relating to special school districts.

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

§ 1. AMENDMENT.] That Section 1240 of the Supplement of the Compiled Laws of 1913 as amended by Chapter 246 of the 1927 Session Laws be amended and re-enacted to read as follows:

§ 1240. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a board of education under any general law, or special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of county commissioners upon application in writing signed by two-thirds of the voters of such adjacent territory; provided, that no territory shall be annexed from any school district where the part remaining after such proposed annexation would have an assessed valuation of less than one hundred thousand dollars for each teacher employed in such remaining territory and one hundred and twenty-five thousand dollars for each teacher employed in such remaining territory if such remaining territory has a graded or consolidated school with two or more teachers.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and on school questions; provided, that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided that the county commissioners shall detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and form a new common school district in case such adjacent territory would have an assessed valuation of not less than one hundred thousand dollars for each teacher employed or attach it to any adjacent common or special school district or districts on petition to do so signed by two-thirds of the legal voters of such adjacent territory, provided, further, that in all cases of annexation or detaching of territory fourteen days' notice of hearing before the board of county commissioners shall be given by posted notices in conspicuous places, three to be in the special district, three

in the territory sought to be annexed or detached, and three in the district from which the territory is to be taken or to which it is to be attached. If the board of county commissioners decide to annex or detach, as the case may be, then such territory shall become a part of the special district or be detached therefrom within five days after such hearing and all assets and liabilities shall be equalized according to Section 1327 of the Compiled Laws of North Dakota for 1913. Provided, also, that any special school district to which adjacent territory has been attached under this or any other act shall pay compensation, or furnish lodging, or pay tuition, or furnish vehicular transportation by public conveyance, for all pupils residing in such special school district, not including high school pupils attending such central school, more than two miles from the central school house thereof, in accordance with the provisions of Section 1190 of the Supplement to the Compiled Laws of 1913, and acts amendatory thereof. Provided, further, that in districts where vehicular transportation by public conveyance is furnished; that resident children who are in high school department, if such district maintains such high school department, shall be transported in such public conveyance.

Approved March 6, 1929.

CHAPTER 212

(S. B. No. 24—Brant.)

SPECIAL SCHOOL DISTRICTS—POWERS AND DUTIES OF
BOARD OF EDUCATION

An Act to amend and re-enact paragraph 2 of Section 1251 of the Compiled Laws of 1913 relating to powers and duties of the board of education of a special school district.

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

§ 1. AMENDMENT.] That paragraph 2 of Section 1251, Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

2. To establish and maintain such schools in its district as it shall deem requisite or expedient and to change or discontinue the same.

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

Approved February 5, 1929.