

In all cases where the rights of a purchaser, his heirs or assigns, become forfeited, by failing to pay the amounts required, such purchaser, his heirs and assigns, may, before the resale at public auction of the land described in such contract, redeem the land and premises by paying all past due deferred and interest payments, and all costs which have been incurred in addition thereto, together with interest on such sums at the rate of six per cent per annum, provided, however, that no redemption shall be made where the name of the tax purchaser has been substituted in place of the contract holder. In the event of a redemption of said land and premises, the Land Commissioner shall execute and deliver a new contract of sale to the purchaser, his heirs or assigns, said contract to be in the form prescribed by the Board.

The Board of University and School Lands is hereby authorized to make such rules and regulations, as shall be by it deemed necessary for the manner, place and time of payment of principal, deferred and interest payments, and for such other conduct of the business of selling and disposing of foreclosed land not in conflict with the provisions of law.

Approved March 11, 1931.

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## SCHOOLS

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### CHAPTER 235

(H. B. No. 128—Bishop by Request.)

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#### ADVERTISEMENT SCHOOL DISTRICT CONTRACTS

An Act to provide for the manner of letting contracts other than building contracts in all classes of school district and to repeal Sections 1259 and 1356, Compiled Laws of 1913.

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

§ 1. CONTRACTS LET TO LOWEST BIDDER.] No contract other than a building contract involving the expenditure of an aggregate amount greater than \$200.00 shall be entered into by any school district of any kind or class in this state except upon sealed proposals and to the lowest responsible bidder, after ten days notice by at least one publication in a legal newspaper in the county in which the school district or a portion thereof is located or if no newspaper is published in said county, then in a newspaper in an adjacent county.

§ 2. EXCEPTIONS.] No notice need be given nor proposals requested with reference to contracts for personal service of employees of the district, school text or reference books, or any article which is not for sale on the open market or any patented, copyrighted

or exclusively sold device or feature required to match articles already in use, or any patented, copyrighted or exclusively sold article of so distinctive a nature that to secure the specifications or features desired it is necessary that only one make of such article be purchased. The above exceptions shall be strictly construed.

§ 3. PENALTY.] Violation hereof shall be a misdemeanor on the part of every school director or board member participating therein.

§ 4. REPEAL.] Sections 1259 and 1356, Compiled Laws of 1913 and all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1931.

CHAPTER 236  
(S. B. No. 112—Fine.)

**ARBITRATION CONTROVERSIES AS TO SCHOOL FACILITIES**

An Act to amend and re-enact Section 1189 of the Compiled Laws of 1913; and to provide for arbitration of controversies as to the nature of school facilities provided upon the closing of a school for lack of pupils, and for the re-opening of such closed schools upon demand of the parents or guardians of four or more pupils residing within two and one-half miles of such school.

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

§ 1. AMENDMENT.] Section 1189 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 1189. The district board shall determine and fix the length of time the schools in the district shall be taught each year, and when each term of school shall begin and end. It shall so arrange such terms as to accommodate and furnish school privileges equally and equitably to pupils of all ages; provided, that every common school shall be kept in session for not less than seven months in each school year; and provided further that any school may be discontinued when the average attendance of pupils therein for ten consecutive days shall be less than four, and all contracts between school boards and teachers shall contain a provision that no compensation shall be received by such teacher from the date of such discontinuance, if proper and convenient school facilities be provided for the pupils therein in some other school; and such proper and convenient facilities must be provided for the pupils in the territory of such school until such time as the school may be re-opened by the board. In determining what shall constitute proper and convenient school facilities the school board shall consider the distance of such child from the nearest other school, and all surrounding circumstances, and may furnish transportation to such other school, or pay an extra allow-

ance of transportation, or furnish the equivalent thereof in tuition or lodging at some other public school. In case of dispute between the patron and the school board as to whether or not the school 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 schools, one arbitrator named by the patron, and one arbitrator named by the school board, and the determination of such arbitrators, after hearing shall be binding upon the school board. Provided further, that when any school which has been closed by reason of the terms of this section, upon demand in writing of the parents or guardians of four or more children of compulsory school age, all of whom reside within two and one-half miles of such school, the school board shall reopen such school for the next ensuing term following such demand. Such school may be reopened by the board at any time upon its own motion without any petition having been presented.

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

Approved March 9, 1931.

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## CHAPTER 237

(H. B. No. 118—Lunde by Request.)

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### BOND TREASURER DISTRICT SCHOOL FUNDS

**An Act to require all school district treasurers and city treasurers acting as custodians of school district funds to be bonded with the North Dakota State Bonding Fund or Corporate Surety Company; fixing the amount of such bonds; and providing for the manner of the payment of the premiums for such bonds.**

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

§ 1. Each school district treasurer of any kind or class of school district and each city treasurer who shall act as custodian of any school district funds, shall give bond to the school district conditioned for the honest and faithful discharge of the duties of his office and that he will safely keep and render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bond shall be in an amount to be fixed by the board not less than the maximum amount of money that shall be subject to such treasurer's control at any one time. No personal sureties shall be accepted on any such bond, but all such bonds must be with the North Dakota State Bonding Fund, or with a corporate surety company authorized to do business within this state. Premiums for bonds of the North Dakota State Bonding Fund shall be paid by the school district in the manner provided by law, but no school district shall pay the premium upon any other bond

except for such bonds as are procured to replace bonds cancelled by the State Bonding Fund or to cover the excess over the amount carried in the State Bonding Fund.

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

Approved March 7, 1931.

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## CHAPTER 238

(S. B. No. 119—Marshall.)

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### SCHOOL BUSES

An Act providing for the letting of contracts to furnish vehicular transportation to school districts to the lowest bidders after notice requiring a bond for such contracts; fixing the qualifications of operators of such vehicles and the requirements of such vehicles; requiring the State Department of Public Instruction to prepare standard contracts therefor and fixing the terms thereof; and providing for the maintenance of discipline among the students while being transported therein.

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

§ 1. The school board or board of education of any school district which furnishes vehicular transportation to its schools or any of them, shall enter into written contracts for such transportation for the ensuing school year prior to the opening of school in each year; such board shall give at least ten days notice of the time and place of the letting of such contracts and shall call for sealed bids therefor by posting notices thereof in at least three of the most public places in such school district; such notices shall describe the route or routes to be covered by each contract, and shall state that the board reserves the right to reject any and all bids, and that a bond will be required of each successful bidder in the sum of five hundred dollars (\$500.00), conditioned for the faithful performance of the duties prescribed by the contract, and that the bids submitted must name the person or persons who shall operate the said vehicle and describe the nature of the vehicle.

§ 2. The School Board or Board of Education shall let the contracts, in each case, to the lowest responsible bidder who shall present a bond in the sum of five hundred dollars (\$500.00) to be approved by the board, for the faithful performance of the duties of the contract by the persons named therein, and who shall offer a vehicle for such use which, in the judgment of the board, is a safe, comfortable and suitable vehicle for the purpose, and who shall name a driver or drivers who, in the judgment of the board, are competent and responsible. No contract shall be entered into with any member of the board, but a member of the board may be designated in said contract as the operator of a vehicle.

§ 3. The State Department of Public Instruction shall prepare a standard form of contract for the furnishing of vehicular transportation, copies of which shall be distributed upon request to the various school districts of the state. Such contract shall provide for the operation of such vehicles by the person or persons named therein, and no person other than those named therein shall be permitted to operate such school bus without the written permission of the school board, or, in temporary emergencies until the next regular or special meeting, the written permission of the President of the Board. Such contract shall describe the vehicle or vehicles which are to be used for such transportation, and no other vehicle shall be permitted to be used except with the written permission of the school board, or in temporary emergencies until the next regular or special meeting, the written permission of the President of the Board. The contract shall describe the route or routes to be covered by the vehicles, which shall be fixed by the Board, and shall provide that in case it shall become necessary to change the said routes in any particulars, an equitable adjustment of the compensation shall be made by the school board and the holder of the contract, and in case of their failure to agree,, the matter shall be submitted to arbitration, one arbitrator to be appointed by the Board, one by the holder of the contract, and one by the two arbitrators so appointed, and the award of the said arbitrators shall adjust the compensation to meet the changed situation, and shall be binding upon both parties thereto. The contract shall be assignable only upon the written approval of the board.

§ 4. The operator or operators of such vehicles shall be under the supervision and direction of the Board, Superintendent, Principal and Teachers of such schools at all times while engaged in the performance of their duties, and the disciplinary authority of the schools shall exist over all children while being transported to and from the schools, and the operator shall be charged with their control and discipline while being so transported.

§ 5. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

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#### CHAPTER 239

(S. B. No. 129—Burkhart.)

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#### SCHOOL CENSUS

An Act to amend and re-enact Section 1195 of the Compiled Laws of North Dakota for 1913, relating to the taking of the school census.

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

§ 1. AMENDMENT.] Section 1195 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1195. The school board shall cause an enumeration to be made between the first and twentieth days of June of each odd numbered year, of all unmarried persons of school age, being over six and under twenty-one, having their legal residence in the district, giving the names and ages of such persons and the names of parents and guardians having the care and custody of each; also the name and age of each deaf and dumb, blind, and feeble minded person between the ages of five and twenty-five years, residing in the district, including all such persons as may be too deaf or feeble minded to acquire an education in the common schools; also the name and age of each crippled person of any age; and the names and post-office addresses of the parents or guardians of all such persons. The enumeration shall be made upon and in accordance with the blanks furnished therefor by the County Superintendent, and shall be approved by the school board and returned to the County Superintendent prior to the fifteenth day of July.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 11, 1931.

CHAPTER 240  
(H. B. No. 127—Kadell.)

CERTIFICATION OF TEACHERS

An Act to amend and re-enact Sections 1359, 1360, 1361 and 1362, Compiled Laws of 1913, and to repeal Sections 1363, 1365, 1366, 1367, 1368 and 1369 of the Compiled Laws of 1913, relating to the certification of teachers.

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

§ 1. Section 1359, Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 1359. CLASSES OF CERTIFICATES NAMED.] There shall be four regular grades of certificates issued by the Superintendent of Public Instruction, viz:

- (1) The second grade elementary certificate.
- (2) The first grade elementary certificate.
- (3) The second grade professional certificate.
- (4) The first grade professional certificate.

These shall be issued only to persons of good moral character who fulfill all the requirements specified by law and by the rules and regulations of the State Superintendent of Public Instruction.

§ 2. Section 1360, Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 1360. SECOND GRADE ELEMENTARY CERTIFICATE.]

1. Issued on Examination: The second grade elementary certificate shall be granted to those persons over eighteen years of age who are found proficient in the following subjects: reading, arithmetic, language, and grammar, geography, United States history, physiology and hygiene (including physical culture), civil government, pedagogy, and any one of the following named subjects, music, drawing, agriculture, nature study, domestic science, manual training; provided, that the State Superintendent of Public Instruction in his discretion may specify which of the above subjects may be required. The proficiency of the applicants in spelling and writing will be determined from the papers submitted by the applicants. The second grade elementary certificate shall be valid for two years in any county in the State when recorded by the county superintendent of schools. It shall qualify the holder to teach in the public schools in this state up to and including the eighth grade except in such schools which under rules of standardization require higher qualifications. This certificate is not renewable other than by examination.

§ 3. Section 1361, Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 1361. FIRST GRADE ELEMENTARY CERTIFICATE.]

1. Issued on Examination: The first grade elementary certificate shall be granted to those persons who have had at least eighteen months experience in teaching and who in addition to those subjects required for a second grade elementary certificate, are found proficient in elements of psychology and four of the following subjects of secondary grade: Elementary algebra, plane geometry, physics, physical geography, botany, the elements of agriculture, nature study, manual training, domestic science and American literature. This certificate is valid for three years and it is not renewable other than by examination.

2. First grade elementary certificate issued upon high school diploma and the one year normal course. Graduates from high schools doing four years of standard work and in addition have completed the one-year teacher training course at a State Teachers College or Normal School or an equivalent course from outside the state, and who are at least 18 years of age, shall be granted a first grade elementary certificate. This certificate shall be valid for three years in any county in the State when recorded by the county superintendent of schools. It shall qualify the holder to teach in the public schools of this state up to and including the eighth grade in any school in the state except in such schools which under rules of standardization require higher qualifications and shall be renewable by not less than twelve quarter hours credit earned at a State Teachers College or Normal School.

§ 4. Section 1362, Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 1362. PROFESSIONAL CERTIFICATE ISSUED ON DIPLOMA.]

1. Second grade professional certificate.

(a) Diplomas granted to graduates of the standard course of a North Dakota Normal School or Teachers College and who are at least 18 years of age will be accredited by the State Department of Public Instruction as second grade professional certificates for three years; and if the holder has had eighteen months of successful experience in teaching in North Dakota, after such graduation, satisfactory evidence of the same having been filed with the State Superintendent of Public Instruction on blanks printed for that purpose, such diplomas will entitle the holders to second grade professional certificates valid for life.

(b) Diplomas from institutions whose curriculum is the equivalent of the standard curriculum of the State Normal Schools or Teachers Colleges will be recognized as a basis for granting a second grade professional certificate valid for three years, provided that the diploma implies at least two year courses or sixteen semester hours, of professional preparation for teaching. After the holder of such diploma has had eighteen months of successful experience in teaching in North Dakota after receiving the second grade professional certificate, satisfactory evidence of such experience having been filed with the State Superintendent of Public Instruction on blanks printed for that purpose, he shall be granted a second grade professional certificate valid for life.

(c) This certificate qualifies the holder to teach in any of the elementary grades of the public schools of the State and also such subjects as are generally taught in the ninth and tenth grades.

II. First grade professional certificate.

(a) Diplomas granted to graduates of Teachers College of the University of North Dakota, the School of Education of the North Dakota Agricultural College, and of the four year course of the State Teachers Colleges or Normal Schools shall be accredited by the State Department of Public Instruction as first grade professional certificates for three years; and when the holder has had eighteen months of successful experience in teaching in North Dakota, after such graduation, satisfactory evidence of the same having been filed with the State Superintendent of Public Instruction on blanks printed for that purpose, such diploma will entitle the holders to first grade professional certificates valid for life.

(b) Graduates of standard accredited colleges and universities within or without the state receiving the bachelor's degree will be granted first grade professional certificates valid for three years after presenting to the State Superintendent of Public Instruction proof of such graduation and other data, provided the diploma implies at least

two year courses, or sixteen semester hours of professional preparation for teaching, and when the holder has had eighteen months of successful experience in teaching in North Dakota after receiving such first grade professional certificate, satisfactory evidence of such experience having been filed with the Superintendent of Public Instruction on blanks printed for this purpose, the holder shall be entitled to a first grade professional certificate which shall be valid for life.

(c) The first grade professional certificate qualifies the holder to teach in any of the public schools of this State. The certificates issued by the State Superintendent of Public Instruction shall be valid in any county of the State when recorded by the county superintendent of schools.

§ 5. REPEAL.] Sections 1363, 1365, 1366, 1367, 1368 and 1369 of the Compiled Laws of 1913 and all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 6. This Act shall not take effect until September 1st, 1931, and nothing in this Act shall be construed to affect the validity of any certificate theretofore issued.

Approved March 10, 1931.

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CHAPTER 241  
(H. B. No. 116—Butt by Request.)

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**DEFINING CONSOLIDATED SCHOOL**

An Act to define the term "Consolidated School" as used in School Transportation Statutes.

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

§ 1. Whenever the term "Consolidated School" is used in any statute either heretofore or hereinafter enacted with reference to the payment of transportation fees or the transporting of children to school, the same shall be deemed to include all schools which have become consolidated by an election upon the question, and all schools which employ not less than two teachers and serve not less than eighteen contiguous sections, without regard to the manner of their formation.

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

Approved March 7, 1931.

CHAPTER 242  
(H. B. No. 121—Aljets.)

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DEFINING HIGH SCHOOLS, ETC.

*An Act to define High Schools and schools doing high school work.  
Be It Enacted by the Legislative Assembly of the State of North  
Dakota:*

§ 1. All six year high schools shall consist of grades seven to twelve inclusive and shall employ a minimum of three full time high school teachers. All five year high schools shall consist of grades eight to twelve inclusive and shall employ a minimum of three full time high school teachers. All four year high schools shall consist of grades nine to twelve inclusive and shall employ a minimum of two full time high school teachers. All three year high schools shall consist of grades ten to twelve inclusive and shall employ a minimum of two full time high school teachers. A principal or superintendent who teaches at least four classes shall be considered a full time high school teacher. All other schools with high school departments shall be considered as graded schools doing high school work and the minimum number of teachers required shall be determined by the Superintendent of Public Instruction. No high school work shall be taught in one room rural schools in which any of the grades from one to eight inclusive are taught, unless conditions are such that the County Superintendent shall consider it proper for one or more years of high school work to be taught. Four units of high school work shall be considered the minimum number for any year from grades nine to twelve inclusive. All unit courses except natural science courses shall be taught a minimum of forty minutes a day for at least five days a week for thirty-six weeks. The length of the periods of all natural science courses shall exceed forty minutes as shall be determined by the Superintendent of Public Instruction. In all four year high schools and all schools doing high school work in which are any or all grades nine to twelve, it must be possible for each grade to complete four units of work each year. The work which is done by pupils in any school which violates the provisions of this section shall not be accredited by the Department of Public Instruction through state high school examinations or otherwise.

§ 2. The content of all courses and the grade in which they are taught in all types of high schools and in the high school departments of all schools doing high school work shall follow the state course of study for high schools as outlined by the Superintendent of Public Instruction. No school which violates the provisions of this section shall be accredited by the Department of Public Instruction through state high school examinations or otherwise.

Approved March 7, 1931.

CHAPTER 243  
(H. B. No. 123—Wilson by Request.)

DISPOSITION SCHOOL DISTRICT TERRITORY ON  
DETACHMENT OR ATTACHMENT

An Act to require the board of county commissioners and county superintendent, and upon their failure to agree, the State Superintendent, to order special school districts which have heretofore attached territory of school districts and leaving therein property of an assessed valuation of less than \$100,000, to return territory previously taken therefrom to such school districts, or to attach the remaining portions of such school districts to such special school districts.

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

§ 1. In all cases in which any territory has heretofore been detached from a common school district in this State and attached to a special school district or special school districts, and the remaining portion of such common school district shall have, at the time this Act goes into effect, an assessed valuation of less than one hundred thousand dollars, the Board of County Commissioners and the County Superintendent of the County in which such school district is located; or if two or more counties are affected, the Boards of County Commissioners and County Superintendents of all counties affected, acting in a joint meeting; shall, upon petition in writing of two-thirds of the electors in such common school district, give at least ten days' notice in writing to the school boards of all school districts involved, and to the State Superintendent of Public Instruction, that they will, at a stated time and place, hold a hearing upon the question of the proper method of providing adequate school facilities for the pupils of such common school district. At such meeting representatives of all school districts involved shall be entitled to be heard, and the Board or Boards of County Commissioners and the County Superintendent or County Superintendents shall, after a full hearing, make such order providing for school facilities for such children as to them seems most just and equitable under all the facts and circumstances in the case. By such order they may require such special district or districts to return all or any part of such attached territory to such common school district, unless such special school district or districts consent to such territory being attached to it or them.

§ 2. The State Superintendent of Public Instruction or one of his subordinate officers designated by him, shall attend the hearing and give advice and counsel, and in case of a tie vote among the members of the Board or Boards of County Commissioners and County Superintendent or Superintendents, the State Superintendent or his designated representative, shall cast the deciding vote.

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

Approved March 7, 1931.

**CHAPTER 244**  
**(S. B. No. 117—Brunsdale.)**

**DUTY SCHOOL BOARDS PAYMENT TRANSPORTATION FEES**

**An Act to require school boards to pay transportation fees or the equivalent thereof on or before the fifteenth day of July following the school year during which the same have been earned; to provide a remedy by mandamus for the payment thereof, and to limit the time in which action may be brought to enforce the same.**

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

§ 1. Whenever it is provided by law that fees for transportation of school children or the equivalent thereof in lodging or tuition, shall be paid, it shall be the mandatory duty of the school board to pay said transportation fees, or the equivalent thereof in lodging or tuition as provided by law, on or before the 15th day of July following the school year during which the same shall have been earned, without the necessity of any demand therefor, and for failure on the part of the school board to make such payments within the time above set forth, the parent or guardian of the children for whose attendance such payments are due shall have remedy in the courts by mandamus; provided that any action for the enforcement of such payment must be brought within one year after the cause of action accrued.

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

Approved March 9, 1931.

**CHAPTER 245**  
**(H. B. No. 135—Correll.)**

**ESTABLISHMENT FREE KINDERGARTENS**

**An Act to amend and re-enact Section 1402 of the 1925 Supplement to the Compiled Laws of 1913 with reference to free kindergartens.**

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

§ 1. Section 1402 of the 1925 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1402. The school board of any school district in this State may, at any annual school election, and upon petition of one-fifth of the electors of such school district, must, at the next annual school election, submit the question of the establishment of free kindergartens in connection with the public schools of such district for the instruction of resident children under the age of six years. If a majority of the votes cast upon the proposition favor the establishment of such kindergartens, the board shall establish such kindergartens, and shall maintain the same until such time as they may be discontinued as hereinafter provided. The board shall establish such course of

training, study and discipline and such other rules and regulations governing such kindergartens as it may deem best, and shall govern the same, so far as practicable, in the same manner and by the same officers as are provided by law for the government of other public schools. No person shall be employed as a teacher in such kindergartens who is not the holder of a valid certificate issued by the State Superintendent of Public Instruction entitling the holder to teach in the kindergartens of this state. The State Superintendent shall adopt rules governing the examination of kindergarten teachers, and shall furnish County Superintendents with examination questions and the examinations shall be held in the manner provided by law for the examinations of teachers in the public schools; provided that any person who shall have completed the course of training for kindergarten teachers at any of the State Normal Schools in this State shall, and, at the discretion of the State Superintendent of Public Instruction, those who have completed an equivalent course at other schools may, be granted a certificate to teach in the kindergartens of this state without examination.

After such kindergartens have been in operation under this or any other law for two years or more, the board at any annual election may, and upon petition of one-fifth of the electors of such school district, must, at the next ensuing annual school election, submit the question of the discontinuation of such kindergartens, and if a majority favor the discontinuation thereof, the same shall be discontinued, otherwise the same shall be continued in operation.

Approved March 7, 1931.

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CHAPTER 246  
(S. B. No. 209—Sperry.)

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**JUNIOR COLLEGE WORK IN HIGH SCHOOLS**

An Act authorizing the establishment and maintenance in certain high schools of this state of a department of junior college work and providing for the supervision thereof.

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

§ 1. JUNIOR COLLEGE AUTHORIZED.] The Board of Education of any special school district in any city of the State having a population of more than ten thousand when authorized by a two-thirds vote of the electors voting thereon to do so, may establish and maintain, in conjunction with the high school of such district, a department of junior college work to consist of not more than two years of work beyond a four year high school course.

§ 2. ELECTION.] The establishment and maintenance of such department of junior college work shall be authorized only at an election held pursuant to a ten days' notice thereof stating that such proposition is to be voted upon thereat.

§ 3. SUPERVISION.] The State Board of Administration shall prepare and publish from time to time standards for junior colleges, provide for their inspection and recommend for accrediting such courses of study offered by them as may meet the standards prescribed.

§ 4. DUTIES OF BOARD OF EDUCATION.] The Board of Education of such school district on or before August 15th in each year, shall determine the rate of tuition, if any, required to be paid by all pupils attending such department, whether residents or not, of the district maintaining the same.

Approved March 11, 1931.

CHAPTER 247  
(S. B. No. 63—Brunsdale.)

PER CAPITA SCHOOL TAX

An Act to provide for a per capita tax of one dollar (\$1.00) for school purposes on all persons twenty-one (21) years of age or over who have resided in the state ninety (90) days prior to April 1st in each year; providing for the distribution of said tax and prescribing the duties of the county auditor, assessor and governing body of any city, village or township in connection therewith; repealing Sections 1961 to 1967 inclusive of the Compiled Laws of 1913, Subdivision D and Subdivision E of Section 4 of Chapter 235 of the Session Laws of North Dakota for the year 1929 and all 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:*

§ 1. PER CAPITA SCHOOL TAX.] The County Auditor shall each year levy a tax of one dollar (\$1.00) on each person twenty-one (21) years of age or over who on the first day of April in each year has resided in the State ninety (90) days or more, and no property shall be exempt from the collection of such tax by distress or otherwise. It shall be the duty of each assessor to prepare and file with the County Auditor a list of the names and addresses of all persons subject to the per capita tax herein required and upon the request of the County Auditor, the governing board of any city, village or township shall furnish him, or cause to be furnished, a list of the names and addresses of all persons residing therein subject to the levy herein required.

Such tax when collected shall be distributed to the several school corporations in the county in proportion to the number of children of school age residing within the territorial limits thereof.

§ 2. REPEAL.] That Sections 1961 to 1967 inclusive of the Compiled Laws of 1913 and Subdivisions D and E of Section 4 of Chapter 235 of the Session Laws of North Dakota for the year 1929 and all Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist in that the road poll tax is an ancient and obsolete tax for highway purposes and subject to a large number of exemptions, and the present per capita school tax unfairly discriminates between voters and alien inhabitants and persons not qualified to vote; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1931.

CHAPTER 248  
(H. B. No. 113—Lofthus.)

PETITION SCHOOL ORGANIZATION

An Act to amend and re-enact Section 1188 of the 1925 Supplement to the Compiled Laws of 1913 of North Dakota, relating to the organization of schools by petition.

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

§ 1. That Section 1188 of the 1925 Supplement to the Compiled Laws of 1913 of North Dakota be amended and re-enacted to read as follows:

§ 1188. SCHOOL TO BE ORGANIZED ON PETITION.] If a petition signed by the persons charged with the support and having the custody and care of nine or more children of the compulsory school age determined by Section 1342 of the Compiled Laws of the State of North Dakota for the year 1913 and Acts amendatory thereto, all of whom reside not less than two and one-half miles from the nearest school, is presented to the board, asking for the organization of a school for such children, the board shall organize such school and employ a teacher therefor, if a suitable room for such school can be leased or rented at some proper location not more than two and one-half miles distant from the residence of any one of such children, and if no suitable room for such school can be leased or rented, the board shall call a meeting of the voters of the district for the selection and purchase or erection of a School House, as provided for in Section 1185. If at such meeting no such site is selected or if it is not voted to erect or purchase a School House for such school, the board shall select and purchase a school site and erect, purchase or move thereon a School House at a cost of not more than twenty-five hundred dollars for such School House and furniture therefor; provided, that the provisions of this section shall not apply in any instances where schools have been consolidated in accordance with the provisions of Section 1190; and provided further that the school board shall not lease any premises for a longer period than one school year, and schools shall be conducted in such leased quarters for no longer than one school year, unless there remain in the territory within two and one-half miles of said school nine or more children of compulsory age all of whom reside more than two and one-half miles from any

other existing school in such district, in which case the lease may be continued from year to year so long as such conditions exist.

Approved March 10, 1931.

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CHAPTER 249  
(S. B. No. 114—Atkins.)

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QUALIFICATION ELECTION OFFICERS COMMON SCHOOL  
DISTRICTS

An Act to amend and re-enact Section 1156 of the Compiled Laws of North Dakota for 1913, relating to the qualifications of election officials in common school districts.

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

§ 1. AMENDMENT.] Section 1156 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 1156. At such annual election two of the directors of the School District shall act as judges and the Clerk of the District School Board and one other person chosen by the voters present at the opening of the polls shall act as clerks, provided that no person shall act as an election officer who is a candidate for election or re-election to any office at such election. The voters present at the opening of the polls shall choose a person to fill any vacancy caused by the absence or disqualification of any such officers to act as Judge or Clerk of such election. Before opening the polls each of the Judges and Clerks of Election shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will perform my duties as Judge or Clerk (as the case may be) according to law and the best of my ability." Such oath or affirmation may be administered by any officer authorized to administer oaths or by either of the Judges or Clerks. Any school officer elected and qualified under the provisions of this chapter is authorized and empowered to administer any oath or affirmation pertaining in any manner to school officers.

Approved March 11, 1931.

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CHAPTER 250  
(H. B. No. 117—W. M. Martin by Request.)

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REPORT SUPERINTENDENT PUBLIC INSTRUCTION

An Act to amend and re-enact Section 1117 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] Section 1117 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 1117. One thousand copies of the report of the Superintendent of Public Instruction shall be printed biennially in the month of December preceding the session of the Legislative Assembly. One copy shall be furnished to each of the members of the Legislative Assembly, five to each state educational institution, one copy to each County Superintendent of the State, one copy to each state officer, one copy to each state and territorial superintendent and twenty copies shall be filed in the office of the Superintendent of Public Instruction and ten copies in the State Library. Copies may be distributed among the various colleges, universities and libraries in the United States.

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

Approved March 7, 1931.

## CHAPTER 251

(H. B. No. 291—Committee on Delayed Bills.)

### SCHOOL BUILDINGS USE OTHER PURPOSES

An Act granting power to school boards and boards of education to permit the use of school buildings for other than school purposes, when such use interferes in no way with school use and making restrictions and regulations covering such usage.

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

§ 1. WHEN SCHOOL BUILDINGS MAY BE USED FOR OTHER PURPOSES.] School Boards and Boards of Education having charge of any school buildings may permit the use thereof, when not occupied for school purposes, under careful restrictions, for any proper purpose, giving equal rights and privilege to all religious denominations and political parties, provided that such use shall not be at any cost to the district, and provided that furniture fastened to the building shall not be removed or unfastened. Public School or High School auditoriums and gymnasiums may be let for individual meetings, entertainments, or conventions of any kind, subject to such restrictions as the governing board of such districts shall prescribe, provided that such letting shall not interfere with the operation of the school or with school activities, and provided that a charge shall be made for such use, at least sufficient to cover any cost to the district for light, heat, janitor service, or other incidental expense connected therewith.

§ 2. EMERGENCY.] Whereas there is doubt as to the power of School Boards and Boards of Education to use such buildings for other purposes, this act is hereby declared to be an emergency measure, and to be in full force and effect from and after its passage and approval.

Approved March 9, 1931.

CHAPTER 252  
(S. B. No. 121—Putnam.)

SCHOOL DISTRICT BUILDING FUNDS

An Act to amend and re-enact Subdivision 5 of Section 7 of Chapter 235, Session Laws of 1929, relating to the creation of building funds in school districts.

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

§ 1. AMENDMENT.] Subdivision 5 of Section 7 of Chapter 235, Session Laws of 1929, is hereby amended and re-enacted to read as follows:

(5) The governing body of any school district may levy taxes annually for a school building fund, not in excess of one mill and not in excess of the limitations prescribed in this Section and Section 13, when authorized to do so by 60% of the electors voting upon the question at a regular or special election; provided, however, that in any school district having, at the time of making the annual levy no outstanding, unpaid certificates of indebtedness, and in which district the limitation of levy as prescribed by this Section has not been increased, the governing body of such school district may create such building fund by appropriating and setting up in its budget for such building fund an amount not in excess of twenty per cent of the current annual appropriation for all other purposes combined (exclusive of appropriations to pay interest and principal of the bonded debt) and not in excess of the limitations prescribed by law; provided that no such appropriation shall be made in any year in which the mill levy for all purposes including building funds is in excess of the mill levy provided by law. All revenues accruing from such levy, together with such amounts as may be realized for building purposes from all other sources, shall be placed in a separate fund, known as a School Building Fund, and shall be deposited and held by the same officer in the same manner and subject to all the requirements of law governing the sinking funds of such school district. Such funds shall be used solely and exclusively for the purpose of erecting new school buildings or additions to old school buildings, and shall be paid out by the custodian thereof only upon order of the School Board, signed by the President and Clerk of said school district, which order must recite upon its face the purpose for which such payment is made. Any moneys remaining in such fund after the completion of the payments for any school building project which has cost 75% or more of the amount in such building fund at the time of letting the contracts therefor, shall be returned to the general fund of the school district upon the order of the School Board. Upon the first day of June of each year, the custodian of such funds shall pay into the general fund of the school district any funds which have remained in such fund for a period of ten years or more, and such school district must compute same as a part of its cash on hand in making up its budget

for the ensuing year; provided that in determining what amounts have remained in said fund for ten years or more, the custodian shall consider that all payments which have been made out of the School Building Fund for building purposes have been paid from the funds first acquired. Any accumulations held by any school district at the time this act takes effect, either through building funds previously set up or through a surplus of revenue over expenses, may be placed into such building fund, and shall thereafter be subject to all the requirements above set forth. Every officer participating in the unlawful withdrawal of such building funds shall be guilty of a misdemeanor and shall be liable for the loss to such building fund on his official bond.

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

Approved March 11, 1931.

CHAPTER 253  
(H. B. No. 137—Herman.)

SELECTION, ETC., SCHOOL SITE AND BUILDING

An Act to amend and re-enact Section 1184 of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] Section 1184 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 1184. Whenever in the judgment of the Board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the voters of the district, the Board shall call an election of the voters in the District at some convenient time and place fixed by the Board, to vote upon the question of the selection, purchase, exchange or sale of a school site, or the erection, removal, purchase or sale of a school house. Said election shall be conducted and the votes canvassed in the same manner as at the annual election of school officers. If the question to be voted upon is the selection of a school site, the Board shall select one site to be described upon the ballot, and the voters shall express their preference either "For the selection of such site" or "Against the selection of such site". If the question to be voted upon is the removal of a school house, the Board shall select one site to be described upon the ballot, and the voters shall express their preference either "For the removal of said school house to such site" or "Against the removal of said school house to such site".

Approved March 7, 1931.

CHAPTER 254  
(S. B. No. 105—Brunsdale.)

TEACHERS INSURANCE AND RETIREMENT FUND  
COMMISSION

An Act providing for the appointment of a commission to ascertain the condition of the Teachers Insurance and Retirement Fund, and to make recommendations regarding said fund to the Governor and the next Legislative Assembly, and providing for an appropriation from said fund to defray the expenses of said commission.

*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 22nd Legislative Assembly, shall be appointed by the Governor upon the taking effect of this Act. 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 first day of November, 1932, to be by him transmitted to the next Legislative Assembly.

§ 2. APPROPRIATION.] There is hereby appropriated out of said Teachers Insurance and Retirement Fund, the sum of Five Thousand Dollars (\$5,000.00), or so much thereof as may be necessary to pay the actual and necessary expenses of said Commission and of any persons actually and necessarily employed by said Commission in performing its duties hereunder. Provided, however, that the members of said Commission shall personally not receive any per diem for their personal services.

Approved March 9, 1931.

CHAPTER 255  
(H. B. No. 95—Kneeland.)

TEACHERS OATH OR AFFIRMATION

An Act prescribing the oath or affirmation to be taken and subscribed to by professors, instructors and teachers in public schools, colleges and universities of this state.

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

§ 1. That every person who applies for a certificate or any renewal thereof, to teach in any of the public schools of this State, shall prescribe to the following oath or affirmation:

I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of North Dakota, and the Laws of the United States and the State of North Dakota, and will, by precept and example, promote respect for the Flag and the Institutions of the United States and of the State of North Dakota, respect for law and order and undivided allegiance to the Government of the United States of America.

Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the State Superintendent of Public Instruction at the time when the application for a certificate is made, and the other copy shall be retained by the person who subscribed to such oath or affirmation. No certificate shall be issued unless such an oath shall have been filed.

§ 2. Every professor, instructor or teacher who shall be employed hereafter by any university, college or normal school in this State which is supported in whole or in part by public funds, shall, before entering upon the discharge of his or her duties subscribe to the oath or affirmation as prescribed in Section 1 of this Act, before some officer authorized by law to administer oaths. Such oath or affirmation shall be executed in duplicate and one copy thereof shall be filed with the Board of Administration and one copy shall be retained by the person who subscribed to such oath or affirmation.

§ 3. Any person who is a citizen or subject of any country other than the United States, and who is employed in any capacity as a professor, instructor or teacher in any university, college or normal school in this State, which is supported in whole or in part by public funds, shall before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the State.

§ 4. The several Township Supervisors, School Directors and members of Boards of Education of this State are hereby authorized to administer the oath required by this Act to persons who apply for certificates to teach in the public schools of this State.

Approved March 10, 1931.

## CHAPTER 256

(H. B. No. 74—Traynor and McManus.)

### TUITION NON-RESIDENT PUPILS

An Act to amend and re-enact Section 1438a2 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota (Laws 1921, Chapter 107, Section 2), relating to tuition fees for non-resident pupils.

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

§ 1. AMENDMENT.] That Section 1438a2 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota (Laws 1921, Chapter 107, Section 2) be, and the same is, hereby amended and re-enacted to read as follows:

§ 1438a2. TUITION FEE, AMOUNT OF.] It shall be the duty of any School District not having a full four year high school course of at least fifteen (15) units to pay the tuition of pupils residing in such District that enter the high school department in any standardized graded school or standardized high school department in the State to complete such part of a full four year high school course of

at least fifteen (15) units as is not offered in the District in which the pupil resides. The School Board or Boards of Education of the District in which the standardized high school is located shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupil not to exceed two dollars per week for the time such non-resident pupils are in attendance and the School Board or Board of Education of the District in which the standardized graded school is located shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupils not to exceed two dollars per week for the time such non-resident pupils are enrolled.

Approved March 10, 1931.

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## SEEDS

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### CHAPTER 257

(H. B. No. 142—Anderson of Sargent.)

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#### SECURITY FOR SEED OR LOANS BY PUBLIC AGENCIES

**An Act to provide for security for seed furnished, or for funds loaned or advanced by public agencies for the purchase of seed.**

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

§ 1. Any County of this State or the United States of America, or any bureau, agency or department thereof, which shall furnish seed, or money for the purchase of seed, to any farmer within the State of North Dakota to be sown or planted upon lands owned, rented or contracted to be purchased, used, occupied or rented by such person, shall upon filing the statement provided for in the next section, have a lien upon the crop produced from the seed so furnished, or from the seed purchased with the money so furnished, to secure the purchase price of the said seed, or the payment of the money advanced for the purchase of such seed.

§ 2. Such lien shall be perfected by the filing in the office of the Register of Deeds of the County in which said seed is to be sown or planted, within thirty days after the furnishing thereof, of the statement in writing, verified by the oath of the officer having charge of the furnishing of such seed, which said statement shall show the kind and quantity of seed furnished, and its value, or the amount of money so advanced for the purchase of such seed, and the name of the person to whom the seed was furnished or the money advanced, and a description of the lands upon which the same is to be sown, or has been planted or sown.

§ 3. The lien given by this chapter shall, as to the crops covered thereby have priority over all the other liens and encumbrances, excepting only liens given by Chapter 97 of the Revised Codes of 1913.