

---

# EDUCATION

---

## CHAPTER 140

H. B. No. 143

(Bymers, Erickson, Sticka)

---

### COMPENSATION AND MILEAGE BOARD MEMBERS COMMON SCHOOL DISTRICT

#### AN ACT

To amend and reenact subsection 3 of section 15-2505 of the North Dakota Revised Code of 1943, relating to compensation and mileage of school board members.

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

§ 1. AMENDMENT.] That subsection 3 of section 15-2505 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

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;

Approved March 3, 1947.

**CHAPTER 141**

S. B. No. 102 (Torno)

**CLERK COMMON SCHOOL DISTRICT  
DUTIES, REPORT, COMPENSATION****AN ACT**

To amend and reenact Section 15-2515 of the North Dakota Revised Code of 1943, relating to the common school district clerk, his duties, report, and compensation.

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

§ 1. AMENDMENT.] That Section 15-2515 of 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 not less than ten dollars for one school and five dollars for each additional school in the district, but such compensation shall not exceed fifty dollars in any year 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 five cents for each mile actually and necessarily traveled, but not to exceed two 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 27, 1947.

## CHAPTER 142

H. B. No. 172

(Stair, Benno, Esterby, Bagge, Acheson and Fraser)

## EMPLOYMENT ETC., TEACHERS COMMON SCHOOL DISTRICT

## AN ACT

To amend and reenact section 15-2508 of the North Dakota Revised Code of 1943; providing for employment and dismissal of teachers by school board; providing for qualification of teachers; providing for written contract and providing a minimum salary.

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

§ 1. AMENDMENT.] That section 15-2508 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2508. TEACHERS: EMPLOYMENT; DISCHARGE; QUALIFICATIONS; WRITTEN CONTRACT.] The school board shall employ the teachers of the district and may dismiss a teacher at any time for plain violation of contract, gross immorality, or flagrant neglect of duty. No person related by blood or marriage to any member of the board shall be hired as a teacher without the unanimous consent of the board. No person shall be permitted to teach in any public school who is not the holder of a teachers' certificate or a permit to teach, valid in the county or district in which the school is situated. Every contract for the employment of a teacher shall be in writing, and shall be executed before the teacher begins to teach in such school, and each such contract shall provide that in the event of the discontinuance of a school term for lack of attendance as provided in this chapter, no compensation shall be paid to the teacher from the date of such discontinuance. No teacher holding a valid first grade elementary certificate shall receive less than nine hundred dollars per school term, a teacher holding a second grade professional certificate, shall not receive less than ten hundred eighty dollars per school term, and a teacher holding a first grade professional certificate shall not receive less than thirteen hundred fifty dollars, but this section shall not require teachers holding certificates of the same grade to receive the same salaries.

Approved March 22, 1947.

## CHAPTER 143

H. B. No. 28

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction)

## MINIMUM TERM COMMON SCHOOL DISTRICTS

## AN ACT

To amend and reenact Section 15-2509 of the North Dakota Revised Code of 1943 relating to minimum school term; discontinuance of term; arbitration.

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

§ 1. AMENDMENT.] That Section 15-2509 of 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 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 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, and the board may reopen such school at any time upon its own motion.

Approved February 11, 1947.

---

## CHAPTER 144

S. B. No. 244 (Bridston)

---

### ELECTIONS INDEPENDENT SCHOOL DISTRICTS

#### AN ACT

To amend and reenact Section 15-3102, of the North Dakota Revised Code of 1943, relating to annual and special elections in independent school districts, and to provide for the annual election to be held on the third Tuesday in April of each year, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 15-3102 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3102. ANNUAL AND SPECIAL ELECTIONS; WHEN HELD; DESIGNATION OF PRECINCTS AND POLLING PLACES; APPOINTMENT OF BOARDS; NOTICE AND CONDUCT.] The annual election in each independent school district shall be held on the third Tuesday in April in each year. Upon a resolution of the board, a special election may be held at any time for any lawful purpose except for the election of officers. The board of education shall designate one precinct and polling place for each six thousand people residing in the school district as shown by the last available state or national census. Such precincts shall be arranged so as to make the number of electors in the districts as nearly equal as possible, and no precinct shall have a population in excess of six thousand residents. The polling places established in a precinct shall be located as conveniently as possible for the voters in the precinct, and a polling place once established by the board shall remain the polling place for the precinct until it is changed by subsequent action of the board. The board shall appoint two judges and two clerks for each polling place in the district. Each election shall be noticed and conducted in all respects and the votes shall be canvassed as in the case of municipal elections.

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

Approved March 21, 1947.

---

## CHAPTER 145

S. B. No. 250 (Day)

---

### PAYMENT CITY TREASURER INDEPENDENT SCHOOL DISTRICT

#### AN ACT

To permit the board of education of any independent school district to pay compensation to city for services of city treasurer as ex-officio school district treasurer.

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

§ 1. The board of education of any independent school district in this state may pay to the city, for the services of the city treasurer as ex-officio treasurer of such school district, such compensation as may be deemed by the board to be just and reasonable in all the circumstances, or it may contribute to or pay the compensation of any assistant who may be necessary because of the extra work involved in performing the duties of school district treasurer.

Approved March 21, 1947.

---

## CHAPTER 146

H. B. No. 109 (Haugen)

---

### RENEWAL TEACHERS CONTRACT

#### AN ACT

To provide for the method and time for renewing contracts of teachers, principals and superintendents in the public schools and institutions of higher education in the State of North Dakota, and penalty for breach of contract. Repeal.

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

§ 1.] The term "teacher" as used in this Act, shall be construed to include all teachers, principals, and superin-

tendents in all classes of school districts within this state, whether common, special, independent or organized under special law, and all persons employed in teaching in any state institution. The term "state institution" as used in this act shall include the State University of North Dakota, State Agricultural College, County Agricultural and Training Schools, State Normal Schools, State Teachers Colleges, State School of Forestry, State School of Science, North Dakota School for the Deaf, State Institution for Feeble Minded, and State Training School.

§ 2.] Any teacher who has been employed by any School District or State Board of Higher Education in this state during any school year, shall be notified in writing by the School Board, Board of Education or State Board of Higher Education, as the case may be, on or before the 15th day of April in the school year in which he or she has been employed to teach, of the Board's determination not to renew the teacher's contract for the ensuing school year, and failure to give such written notice on or before said date shall constitute an offer on the part of the Board to renew the contract for the ensuing school year under the same terms and conditions as the contract for the then current year. On or after April 15th in any year, the Board may notify all teachers of a date, which shall be not less than 15 days after the date of such notice, upon which they will be required to accept or reject such proffered re-employment, and failure on the part of the teacher to accept said offer within such time shall be deemed to be a rejection of the offer. Any teacher who shall have accepted the offer of re-employment, either by the action of the Board, or non-action of the Board on or before April 15, as herein provided, shall be entitled to the usual written contract for the ensuing school year, as provided by law.

§ 3.] Nothing in this Act shall be construed as in any manner repealing or limiting the operation of any existing law with reference to the dismissal of teachers for cause.

§ 4.] Provided that in the event of breach of contract on the part of a teacher, the superintendent of public instruction shall suspend such teacher's certificate for a period not to exceed one year, during which time it shall be unlawful for such teacher to receive payment for teaching in the public schools of North Dakota.

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

Approved March 22, 1947.

## CHAPTER 147

H. B. No. 43

(Langley and Legislative Research Committee)

## REORGANIZATION OF SCHOOL DISTRICTS

## AN ACT

Relating to schools; defining terms; providing for state committee and county committees for the reorganization of school districts; defining the powers and duties of county committees and state committee; providing for school boards in reorganized school districts; prescribing duties of state and county officers; providing for appeals; making an appropriation; and providing for a saving clause.

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

§ 1. TITLE AND PURPOSE.] This Act shall be known and may be cited as an "Act to provide for the reorganization of school districts." It shall have for its purpose the formation of new school districts and the alteration of the boundaries of established school districts in order to provide a more nearly equalized educational opportunity for pupils of the common schools, a higher degree of uniformity of school tax rate among districts, and a wiser use of public funds expended for the support of common school system.

§ 2. DEFINITIONS.] In this Act unless the context or subject matter otherwise clearly requires:

1. "Reorganization of school districts" shall mean and include the formation of new school districts, the alteration of the boundaries of established school districts, and the dissolution or disorganization of established school districts, through or by means of:
  - a. The uniting of two or more established districts;
  - b. The subdivision of one or more districts;
  - c. The transfer to an established district of a part of the territory of one or more districts; or the attachment thereto of all or any part of the territory of one or more districts subject to disorganization for any of the reasons now specified by law; or the transfer therefrom of any part of the territory of said established districts; and
  - d. Any combination of the methods aforementioned.
2. "County committee" and "state committee" shall mean respectively, the county committee for the re-

organization of school districts and the state committee for the reorganization of school districts hereinafter provided for by this Act; and

3. "County superintendent" shall mean the county superintendent of schools.

§ 3. BOARD TO APPOINT STATE COMMITTEE, MEMBERS OF; MEETINGS; COMPENSATION; AND TERMINATION OF.] The governor, attorney general and the commissioner of agriculture and labor shall constitute the members of a board to select the state committee provided for in this Act. Within sixty days after this Act becomes effective such board shall meet and select the members of the state committee. The governor shall be the chairman and the commissioner of agriculture and labor the secretary of such board. Minutes of meetings shall be kept by the secretary and such board shall hold meetings only upon the call of the governor, or upon the call of the other two members of the board. Such members shall serve without compensation. Such board shall terminate six years after the effective date of this Act unless extended as hereinafter provided.

§ 4. STATE COMMITTEE: MEMBERS: VACANCIES: DURATION AND COMPENSATION.] The state committee shall be composed of seven members, one of whom shall be the superintendent of public instruction. At least one member of the state committee shall be appointed from among the residents of each judicial district of the state. At least four members of such committee shall be persons not engaged in the profession of education. The members of the state committee shall be appointed without regard to political affiliation. Vacancies in the membership of the committee shall be filled by action of the board provided for in Section 3 of this Act. The life of the state committee shall terminate six years after the effective date of this Act unless extended as hereinafter provided. All members of the committee, except the superintendent of public instruction shall be compensated for the time spent in attendance at sessions of the committee at the rate of ten dollars per day and all members, including the superintendent of public instruction, shall be paid their actual expenses incurred in attending such meetings and in the performance of their official duties.

§ 5. ORGANIZATION OF STATE COMMITTEE.] Within sixty days after its appointment, the state committee shall organize by electing from its membership, a chairman, vice chairman and a secretary.

§ 6. COUNTY COMMITTEES; CREATION; COMPOSITION.] Within six months after the effective date of this Act there

shall be created in each county in the state a committee which shall be known as the county committee. Prior to the time specified in this section, the county superintendent shall be required to give a ten day written notice to each school board in each county requiring the members of such board to select from among its members or electors one person who shall represent such school board in electing the county committee as provided in this section. Such notice shall also specify the time and place of the meeting to select such county committee. Each school board in the county, upon the receipt of such notice, shall be required to meet and select such person. At the county meeting the school district representatives from each commissioner's district shall divide into groups by commissioner's districts and shall select the member of the county committee from that commissioner's district as specified in this section. If any school district consists of territory within two or more commissioner's districts, the representative of the school district shall vote in the commissioner's district in which the greater part of his school district lies. The member selected by such school boards shall each have one vote at the election to elect the members of the county committee. The size of the county committee shall be dependent upon and shall have the same number of members as there are county commissioner districts in the county. No person who is engaged in the teaching profession as an instructor, supervisor, or administrator shall be eligible to serve on any county committee. At least one member of such county committee shall be elected from among the residents of each commissioner district of the county.

§ 7. VACANCIES; DURATION AND COMPENSATION OF COUNTY COMMITTEE.] No member of a county committee shall continue to serve thereon if he ceases to be a resident of the commissioner district from which he was elected. Vacancies in the membership of a county committee shall be filled by such committee and any person elected to fill such vacancy shall be selected from the county commissioner district in which such vacancy occurs. In case of a tie vote existing upon filling a vacancy, the county superintendent shall cast the deciding vote. The life of each county committee shall terminate six years after the effective date of this Act unless extended as hereinafter provided, or unless such committee seeks and secures from the state committee a discharge at an earlier date on a showing of having fully performed the duties imposed upon it by this Act. Members of the county committee shall each receive as full compensation for their services the sum of six dollars per day but in no event shall any member of the committee receive more than three hundred dollars in any one year and in addition to such compensation each member shall receive his actual and necessary expenses incurred

by him in attending said meetings and in the performance of his official duties.

§ 8. ORGANIZATION; MEETINGS; QUORUM AND ADDITIONAL SALARY OF COUNTY SUPERINTENDENT.] Within ten days after the county committee has been elected as provided in Section 6, the county committee shall organize by selecting from its membership a chairman, and a vice chairman. The county superintendent shall be the secretary of the committee. Meetings of the committee shall be held upon call of the chairman or a majority of the members thereof. A majority of the members of the committee shall constitute a quorum. The county superintendent shall receive monthly in full for services rendered under this Act a sum of money equal to ten per cent of his monthly salary as county superintendent; said salary to commence upon the organization of the county committee and ceases as soon as the reorganization of said county is completed. He shall also be allowed and paid his actual and necessary expenses incurred while in the performance of his duties under the provision of this Act. Such additional salary and expenses shall be chargeable and payable as an expense of the county.

§ 9. STATE COMMITTEE TO CALL MEETINGS OF COUNTY COMMITTEE: PURPOSE.] Within thirty days after all county committees have been organized as provided in Section 8, the state committee shall call as many meetings of different county committees as in its discretion may be necessary. Such meetings shall be held at such centrally located points throughout the state as such state committee may designate. Such county committees as are requested to be in attendance at any such meeting shall be given at least a ten day prior notice of such meeting by the state committee. Such meetings shall be held to counsel and advise the county committees on:

1. The provisions of this Act;
2. The topography of the state and its road and highway system;
3. The general economic conditions of the state including population trends and developments; and
4. All factors which may affect the determination of proper district boundaries of the school system of the state in keeping with a wise educational and economic school district program.

All members of a county committee upon receipt of such notice shall attend such meeting, if possible, but the chairman and secretary of the county committee shall be required to attend.

§ 10. COUNTY COMMITTEES TO CONDUCT HEARINGS AND MEETINGS TO EXPLAIN PROVISIONS OF ACT; NOTICE REQUIRED.] Prior to preparing or formulating a plan for the reorganization of school districts as hereinafter provided, each county committee shall conduct such public hearings and hold such public meetings at such specified places throughout the county as it may be deemed necessary to explain and acquaint the people in the various communities with the provisions of this Act. Notice of any such hearing shall be given by publishing a notice in the official county newspaper at least ten days prior to the date set for such hearing. Such notice shall specify the time, place, and purpose of such meetings.

§ 11. COMPREHENSIVE STUDY OF COUNTY MADE BY COMMITTEE; CONSIDERATIONS.] Within nine months after its organization the county committee shall make a comprehensive study of the county school system in order to consider and determine:

1. The taxable assessed valuation of existing districts and the differences in such valuation under possible reorganization plans;
2. The size, geographical features, and boundaries of the districts;
3. The number of pupils attending school and the population of the districts;
4. The location and condition of school buildings and their accessibility to the pupils;
5. The location and condition of roads, highways, and natural barriers within the districts;
6. The school centers where children residing in the districts attend high school;
7. Conditions affecting the welfare of the teachers and pupils;
8. The boundaries of other governmental units and the location of private organizations; and
9. Any factors concerning adequate school facilities for the pupils.

Such committee shall also give due consideration in the preparation of a plan for the reorganization of school districts to the educational needs of local communities; to economies in transportation and in administration costs; to the future use of existing satisfactory school buildings, sites and playfields; to a reduction in disparities in per pupil valuation among school districts; to the equalization of the educational opportunity of pupils, and to any other matters which in its judgment are of importance.

§ 12. DETERMINATION AND ADJUSTMENT OF PROPERTY, ASSETS, DEBTS AND LIABILITIES AMONG DISTRICTS.] The county committee shall determine the value and amount of all school property and all bonded and other indebtedness of each school district affected in a reorganization plan and consider the amount of all outstanding indebtedness and shall make an equitable adjustment of all property, assets, debts and liabilities among the districts involved after the hearing provided for in Section 13.

§ 13. PUBLIC HEARING ON PROPOSALS FOR REORGANIZATION; HEARING TESTIMONY FOR ADJUSTING.] The county committee shall hold a public hearing on the advisability of any proposal by such committee for the reorganization of school districts which involves the formation of a new district or the transfer from one established district to another of any territory in which children of school age reside. Notice of such hearings as are held under the provisions of this section shall be given by publishing a notice in the official county newspaper at least ten days prior to the date of such hearing. Such committee shall also hear at such time as may be fixed by it, testimony offered by any person or school district interested in any proposal of the county committee to form a new district or to transfer territory from one school district to another or to attach to an established district or districts all or any part of another district subject to disorganization for any of the reasons now specified by law, said testimony to be heard for the purpose of finding and determining the value and amount of all school property of whatever nature involved in the proposed action, the nature and amount and value of all bonded, warrant and other indebtedness of each school district affected by the proposed action, including all legal uncompleted obligations then existing and in so doing to consider the amount of such outstanding indebtedness incurred for current expenses, the amount incurred for permanent improvements and the location of such improvements and to make an equitable adjustment of all property, debts, and liabilities among the districts involved; and to keep a record of all hearings on the reorganization of school districts and of all findings and terms of adjustment of property, debts and liabilities among the districts involved, and to submit the same to the state committee at the time of submitting a plan for the reorganization of school districts as provided in Section 14 of this Act. A sub-committee composed of not less than three members of a county committee, or three members of the county committee of each county concerned in case territory in two or more counties is involved, may hold any hearing that the county committee is required to hold.

§ 14. 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 proposed 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;
4. A summary of the reasons for such proposed reorganization of school districts;
5. Recommendations specifying whether such reorganized districts shall be common 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; provided, however, that in no case shall such extension be for a longer period than six months.

§ 15. PLAN INVOLVING TERRITORY IN MORE THAN ONE COUNTY.] A plan for the reorganization of school districts involving territory lying in two or more counties shall be prepared by joint action of a special committee composed of not less than three members of the county committee of each county involved, which plan, for purposes of submission to the state committee shall be incorporated into the comprehensive plan of the county which has the largest number of pupils residing in the proposed joint district.

**§ 16. COMPLETED PLANS FOR DISTRICT OR DISTRICTS MAY BE SUBMITTED PRIOR TO COMPREHENSIVE COUNTY PLAN.]** The county committee, from time to time, may submit to the state committee a plan for the reorganization of one or more school districts within the county or one or more joint districts comprising territory within the county without awaiting the completion of a comprehensive plan; provided, however, that such plan fit into and become an integral part of such comprehensive plan as the county committee is required to prepare.

**§ 17. STATE COMMITTEE, POWERS AND DUTIES.]** The state committee shall:

1. Appoint and employ a director and other personnel. Appoint and employ a director and such other assistants and personnel as may be necessary to enable the committee to carry out the powers and duties imposed upon it by this Act and to fix the compensation of such appointees and employees;

2. Disbursement of funds. Govern the disbursement of such funds as are provided by law for carrying out the provisions of this Act with authority to designate one or more of its members to examine and pass upon all claims against such funds for submission to the state auditing board and to require good and sufficient bond of such member or members so appointed for the faithful performance of the duties of such member or members in examining, passing upon, and approving such claims. All such disbursements shall be by the procedure and in the manner provided by law for the disbursement of funds of the state;

3. Aid county committee. Aid county committees in carrying out the powers and duties vested in and imposed upon them by this Act by furnishing such committees with the assistance of the employed staff of the state committee, with other necessary clerical assistance, and with such plans of procedure, standards, data, maps, forms and other materials and services as may be necessary.

4. Receive, examine, approve or disapprove reorganization plans. Receive, file and examine the plans for the reorganization of school districts and the reports of findings and terms of adjustment of property, debts and liabilities among the districts involved, submitted to the state committee by county committees, and to approve such plans and terms of adjustment when they are found by the state committee to provide for a satisfactory school district system for the counties and the state and for an equitable adjustment of property, debts and liabilities. Whenever a plan submitted by a county committee is found by the state committee

to be unsatisfactory, or whenever the terms of adjustment so submitted are found not to be fair and equitable, the state committee shall so notify the county committee and upon request shall assist said county committee in the revision of such plan or terms of adjustment, which revision shall be completed by the county committee and resubmitted within ninety days after such notification;

5. Appoint county committee. Appoint a county committee, in case no county committee is elected, as required in Section 6 of this Act, or in case a committee so elected shall fail or refuse to submit plans, records, reports and other data as provided for in this Act;

6. Transmit approved plans to county superintendent. Transmit to the county superintendent of each county a copy of the plan for the reorganization of the school districts of a county approved by the state committee; a copy of approved terms of adjustment of property, debts and liabilities; a statement of the findings and conclusions of the state committee respecting such approved plans and terms of adjustment; and copies of maps, reports, records and all other pertinent material submitted to the state committee by the county committee of his county; and

7. Present recommendations for extension of life of committees. Present to the legislative assembly a recommendation in writing that the life of a county committee and of the state committee be extended beyond six years, if in the judgment of the state committee such extension is necessary to the complete and satisfactory performance of the duties imposed upon said committees by this Act.

§ 18. APPROVED PLAN RECEIVED BY COUNTY SUPERINTENDENT; DUTY OF SUPERINTENDENT TO CALL SPECIAL ELECTION; DEFINITION OF VOTING UNITS; FAVORABLE RESULTS.] Upon receipt from the state committee of an approved plan for the reorganization of school districts, and approved terms of adjustment of property, debts and liabilities among the districts involved, the county superintendent shall call a special election of the voters residing within the territory of each new district, such election to be held at the place or places therein which have been determined by the county superintendent to be convenient for the voters. In holding such elections, any territory within the proposed new district consisting of one or more incorporated villages or cities shall vote as a unit, and all rural territory within such proposed new district shall vote as a unit. For the purpose of this section all incorporated areas in the proposed new districts, regardless of their number and size, shall be considered as one incorporated area, and all rural areas in the proposed new

district, regardless of size, shall be considered as one rural area. Notice of such election, stating the time and place of holding the election, shall be published by the county superintendent in the official county newspaper once each week for two consecutive weeks at least thirty days next preceding such election, and by posting not less than fourteen days before the election one such notice on each school house door of each school district containing a school building and included in the proposed change. The election notices shall clearly state that the election has been called for the purpose of affording the voters an opportunity to approve or reject a proposal for the formation of a new school district and shall also contain a description of the boundaries of the proposed new district and a statement, if there be any, of the terms of adjustment of property, debts and liabilities applicable thereto. The county superintendent shall appoint judges and clerks of the elections and the elections shall be held and conducted in the same manner and the polls shall open and close at the same time as is specified for elections in special school districts. The result of the elections shall be certified and delivered to the county superintendent within three days after the closing of the polls. 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 make the proper adjustment of the property, assets, debts, and liabilities as provided in such approved plan and shall organize and establish such districts and in so doing shall perform all other necessary duties that are required by law to be performed by the county superintendent in connection with the organization and establishment of new school districts of any kind or type.

§ 19. TRANSPORTATION REQUIRED.] Whenever any re-organization plan provides for the transportation of students from one part of such new district to a central point, and such plan is approved by the voters of such new district, then it shall be mandatory upon the school board of such new school district to provide adequate and practical transportation.

§ 20. 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 boun-

daries 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 electors so residing within both urban and rural units are in favor of the formation of the new 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.

§ 21. CLASSIFICATION AND TYPE OF SCHOOL DISTRICTS.] The identity and classification as to type of school districts reorganized under the provisions of this Act shall be subject to the provisions of Subsection 5 of Section 14 of this Act; provided, however, that any school district existing prior to the effective date of this Act and not having had its boundaries changed under the provisions of this Act, and all independent school districts and school districts organized under a special law shall keep and retain their present identity.

§ 22. SCHOOL BOARDS IN REORGANIZED AND ORIGINAL DISTRICTS.] After the establishment of any new school district, the school board for such new school district shall be elected at the regular annual school district election. At the first election to elect a school board in a newly reorganized district constituting a common school district the provisions of Sections 15-2401, 15-2402, and 15-2409, of the North Dakota Revised Code of 1943 shall govern; and in a district constituting a special school district the election shall be governed by the provisions of Section 15-2801 and 15-2802, of the North Dakota Revised Code of 1943. Members of school boards elected in the newly reorganized districts shall not enter upon the duties of such office until the time specified in Section 22 of this Act. School boards in original school districts included within a reorganized district shall continue and remain in existence until the time specified in Section 22 of this Act at which time the new school board elected for the newly reorganized district as provided in this section shall become the governing body of such school districts; provided, however, that prior to the completion of the reorganization of any school district under the provisions of this act, the existing school board of any school district shall not contract or place such district under any obligation, except upon the recommendation of the county committee. Subse-

quent annual elections in such school district shall be governed by the laws pertaining thereto.

§ 23. EFFECTIVE DATE OF APPROVED REORGANIZATION PLANS.] Any reorganization plan voted upon and approved shall become operative and effective on the first day of July succeeding final approval of the same.

§ 24. VOLUNTARY PROPOSALS FOR ORGANIZATION OR ALTERATION OF SCHOOL DISTRICTS.] After the effective date of this Act, proposals for the organization of a new school district, for the consolidation of two or more districts, and for the alteration of the boundaries of established school districts, through or by any of the means provided for by any law in effect at the time, must be submitted by the board of county commissioners, or the county superintendent, as the case may be, to the county committee and to the state committee for approval before any hearings on petitions are held by the board of county commissioners or the county superintendent, or final action is taken by the board of county commissioners, or the county superintendent in cases where no petition is required, or where proposals are submitted to the vote of the electors as the law may require in each case. Such proposals shall be approved by the county committee and by the state committee, and the board of county commissioners and the county superintendent, as the case may be, so notified if in the judgment of said committees they constitute an acceptable part of a comprehensive program for the reorganization of the school districts of the county.

§ 25. COUNTY AND STATE OFFICERS TO COOPERATE WITH COMMITTEES.] The county and state officers shall make available to the county committee and the state committee such information from public records in their possession as is essential to such committees in the performance of their duties.

§ 26. REORGANIZED BOUNDARIES OF SCHOOL DISTRICTS NOT TO BE ALTERED WITHIN FIVE YEARS; EXCEPTION.] The boundaries of a school district established through and by means of the reorganization of school districts provided for in this Act shall not be altered within five years of such establishment, except upon recommendation of the county superintendent and approval by the county committee and the state committee during the life of said committees.

§ 27. DUTIES IMPOSED UPON COUNTY SUPERINTENDENT AND OFFICERS WHERE REORGANIZED DISTRICTS CONSTITUTE JOINT DISTRICTS.] The duties imposed upon and required to be performed by the county superintendent under the provisions of this Act or under other provisions of law are in

like manner imposed upon and required to be performed by all county superintendents affected by a reorganization of school districts involving territory in two or more counties. Duties that are required by law to be performed by any other county officers or by any school district officers in connection with the operation of joint school districts established under the provisions of existing law shall likewise be performed by such officers in connection with the operation of such joint districts as are organized and established pursuant to the provisions of this Act.

§ 28. APPEAL FROM DECISION OF COUNTY COMMITTEE IN MAKING ADJUSTMENTS OF PROPERTY, DEBTS AND LIABILITIES.] An appeal may be taken to the district court on any question of adjustment of property, debts and liabilities among the districts involved in which the power to make an adjustment or adjustments has been extended by this Act. Any person feeling aggrieved by the decision of the county committee after the hearing provided for in Section 13 may appeal from such decision. Such appeal shall be taken within thirty days after the decision of the committee on the adjustment of the property, debts and liabilities, by serving a written notice of appeal upon a member of the county committee. If such court finds the terms of the adjustment in question not to be equitable or in conformity with any provisions of the Constitution of North Dakota, such court shall make an adjustment that is equitable and in conformity with every provision of the state Constitution of which such adjustment shall be deemed by the court to be violative. Any determination by the court with respect to the adjustment of property, debts and liabilities among the districts or areas involved shall not otherwise affect the validity of the reorganization or creation of any district or districts under the provisions of this Act.

§ 29. APPROPRIATION.] There is hereby appropriated out of any monies in the state treasury, in the State Equalization Fund not otherwise appropriated, the sum of sixty thousand dollars or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act.

§ 30. SAVINGS CLAUSE.] If any section, subdivision, sentence, or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved March 15, 1947.

## CHAPTER 148

H. B. No. 153 (Link, Esterby, Baker)

## CONSTRUCTION REQUIREMENTS SCHOOL BUILDINGS

## AN ACT

To amend and reenact subsections 2, 3 and 4 of section 15-3502 of the North Dakota Revised Code of 1943, relating to the requirements of plans for school buildings and declaring an emergency.

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

§ 1. AMENDMENT.] That subsections 2, 3 and 4 of section 15-3502 of the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

2. They shall provide facilities which assure at least fifteen cubic feet of pure air every minute per pupil, of which one half may be recirculated air, and which warm the air to maintain an average temperature of seventy degrees Fahrenheit during the coldest winter weather, and the facilities for exhausting the foul or vitiated air shall be positive and independent of atmospheric changes;
3. They shall provide for the admission of light from the side, or from the side and rear, of the classrooms, provided that if there is a light source from both sides, one such side light source shall be at least eight feet above the floor, and the total light area, unless strengthened by the use of reflecting lenses, shall be equal to at least twenty percent of the floor space;
4. All ceilings shall average at least ten feet in height, and shall not be lower than nine feet at any point;

§ 2. EMERGENCY.] For the reason that the plans for many proposed school buildings will be required prior to July 1, 1947, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.

Approved March 3, 1947.

## CHAPTER 149

H. B. No. 48

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, and North Dakota School Officers Association and the Superintendent of Public Instruction)

## NON-PROFIT SCHOOL LUNCH PROGRAM

## AN ACT

To provide for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs in schools in the state.

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

§ 1. DEFINITIONS.] In this Act unless the context otherwise clearly requires:

1. "School board" shall mean publicly elected officials as provided for in Title 15 of the North Dakota Revised Code of 1943;
2. "School" shall mean a public school operated by a school district as provided for in Title 15 of the North Dakota Revised Code of 1943;
3. "School lunch program" means a program under which lunches are served by any school in the state on a nonprofit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States; and
4. "State educational agency" shall mean the state department of public instruction.

§ 2. EXPENDITURE OF FEDERAL FUNDS.] The state educational agency shall establish a fund known as the North Dakota school lunch fund. All monies received by the state educational agency, from the federal government or any other source, for the North Dakota school lunch program, shall be placed in such a fund. All disbursements from such funds shall be made only by checks or warrants drawn on the school lunch fund. Such checks and warrants shall be drawn only by persons who are duly authorized to do so by resolution of the state agency.

§ 3. ADMINISTRATION OF PROGRAM.] The state educational agency may enter into such agreements with any agency of the federal government, with any school board, or with any

other agency or person, prescribe such regulations, employ such personnel, and take such other action, as it may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school lunch program, and to direct the disbursement of federal funds, in accordance with any applicable provisions of federal or state law. The state educational agency may give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and may assist in training personnel engaged in the operation of such program. The state educational agency and any school board may accept any gift for use in connection with any school lunch program.

§ 4. SCHOOL BOARDS.] Pursuant to any power of school boards to operate or provide for the operation of school lunch programs in schools under their jurisdiction, school boards may use therefor funds disbursed to them under the provisions of this Act, gifts, and other funds received from the sale of school lunches under such programs.

§ 5. ACCOUNTS, RECORDS, REPORTS, AND OPERATIONS.] The state educational agency shall prescribe regulations for the keeping of accounts, and records and the making of reports by or under the supervision of school boards. Such accounts and records at all times shall be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five years, as the state educational agency lawfully may prescribe. The state educational agency shall conduct or cause to be conducted such audits, inspections, and administrative reviews of accounts, records, and operations with respect to school lunch programs as may be necessary to determine whether its agreements with school boards and regulations made pursuant to this Act are being complied with, and to insure that school lunch programs are effectively administered.

§ 6. STUDIES, APPRAISALS, AND REPORTS TO GOVERNOR.] The state educational agency to the extent that funds are available for that purpose, and in cooperation with other appropriate agencies and organizations, may conduct studies of methods of improving and expanding school lunch programs and promoting nutritional education in the schools, may conduct appraisals of the nutritive benefits of school lunch programs, and may report its findings and recommendations, from time to time, to the governor.

§ 7. EXPENDITURE OF STATE FUNDS.] No funds appropriated by this or any subsequent legislative assembly from funds belonging to the state of North Dakota shall be used for any purpose other than administrative expense.

Approved March 1, 1947.

## CHAPTER 150

H. B. No. 30

(Langley and Legislative Research Committee at the request of North Dakota Educational Association, State Congress of Parents and Teachers Association, The North Dakota School Officers Association and the Superintendent of Public Instruction.)

## SECOND GRADE ELEMENTARY CERTIFICATE

## AN ACT

To amend and reenact Section 15-3602, 15-3612 and 15-3613 of the North Dakota Revised Code of 1943 relating to the granting and the exhibiting of second grade elementary certificate.

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

§ 1. AMENDMENT.] That Section 15-3602 of the North Dakota Revised Code of 1943 be 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 graduated from a four-year high school course as prescribed by the state superintendent of public instruction and who are over eighteen years of age who, 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.

§ 2. AMENDMENT.] That Section 15-3612 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

15-3612. CERTIFICATE MUST BE EXHIBITED TO CLERK: COMPLETION OF TERM AFTER EXPIRATION OF CERTIFICATE.] No teacher shall be entitled to receive any compensation for

the time he teaches in a public school without a certificate to teach which lawfully is issued and in force in the county in which the school is taught. Prior to receiving his salary for the first month taught in a school district, a teacher must exhibit his certificate to the clerk of the school board or the secretary of the board of education, as the case may be. If a teacher's certificate shall expire by its own limitations within six weeks of the close of the term, the teacher may finish the term without reexamination or renewal thereof.

§ 3. AMENDMENT.] That Section 15-3613 of the North Dakota Revised Code of 1943 be 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. 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 February 11, 1947.

## CHAPTER 151

H. B. No. 338 (Committee on Education)  
(Through Committee on Delayed Bills)

## TRANSPORTATION OPTIONAL WITH SCHOOL BOARD

## AN ACT

To amend and reenact section 15-3404 of the North Dakota Revised Code of 1943, relating to the family system transportation for grade children, setting up a schedule and making such payments optional with the school board.

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

§ 1. AMENDMENT.] That section 15-3404 of 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.....	5¢ per day
From 2 $\frac{1}{4}$ miles to 2 $\frac{1}{2}$ miles.....	8¢ per day
From 2 $\frac{1}{2}$ miles to 2 $\frac{3}{4}$ miles.....	11¢ per day
From 2 $\frac{3}{4}$ miles to 3 miles.....	14¢ per day
From 3 miles to 3 $\frac{1}{4}$ miles.....	17¢ per day
From 3 $\frac{1}{4}$ miles to 3 $\frac{1}{2}$ miles.....	20¢ per day
From 3 $\frac{1}{2}$ miles to 3 $\frac{3}{4}$ miles.....	23¢ per day
From 3 $\frac{3}{4}$ miles to 4 miles.....	26¢ per day
From 4 miles to 4 $\frac{1}{4}$ miles.....	29¢ per day
From 4 $\frac{1}{4}$ miles to 4 $\frac{1}{2}$ miles.....	32¢ per day
From 4 $\frac{1}{2}$ miles to 4 $\frac{3}{4}$ miles.....	35¢ per day
From 4 $\frac{3}{4}$ miles to 5 miles.....	38¢ per day
From 5 miles to 5 $\frac{1}{4}$ miles.....	41¢ per day
From 5 $\frac{1}{4}$ miles to 5 $\frac{1}{2}$ miles.....	44¢ per day
From 5 $\frac{1}{2}$ miles to 5 $\frac{3}{4}$ miles.....	47¢ per day
From 5 $\frac{3}{4}$ miles to 6 miles.....	50¢ per day
Each $\frac{1}{2}$ mile over 6 miles, the further sum of.....	5¢ 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 March 15, 1947.

---

## CHAPTER 152

H. B. No. 213  
(Luick, by request)

---

### HIGH SCHOOL TUITION ATTENDANCE FOREIGN STATES

#### AN ACT

To amend and reenact Section 15-4014 of the North Dakota Revised Code of 1943, as amended by Chapter 165 of the Session Laws of 1945, relating to payments of high school tuition and students attending school in foreign states, or districts other than the district of residence.

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

§ 1. AMENDMENT.] That Section 15-4014 of the North Dakota Revised Code of 1943, as amended by Chapter 165 of the Session Laws of 1945, be, and the same is hereby amended and reenacted to read as follows:

15-4014. HIGH SCHOOL TUITION; AMOUNT OF PAYMENTS; STUDENT ATTENDING SCHOOL IN FOREIGN STATE.] There shall be paid out of the fund to each school district in this state which, during the then current year, offers four or more units of standard high school work approved by the superintendent of public instruction as provided in this title and has employed only teachers who are duly certified and has paid its teachers not less than the minimum salary required by law:

1. For each non-resident high school student attending a county agricultural and training school or a model high school in the district, the sum of three dollars for each week in which such student attended such school during the preceding school semester. In the

case of county agricultural and training schools, all students shall be considered as non-resident high school students and subject to all the provisions of this section ;

2. For each non-resident high school student attending a high school, other than a county agricultural and training school or a model high school, in the district, the sum of three dollars for each week in which such student attended the high school during the preceding school semester.

A student who lives in a county in this state bordering on another state and in a school district which has no high school may attend a four year high school in the adjoining state, and high school tuition shall be paid from the fund in the amount specified in this section to the district in which the high school which he attends is located.

Provided, however, that a pupil may attend a high school in a district other than the district of his residence, if found more convenient on account of roads, distances and other circumstances, upon recommendation of the county superintendent and approval by the department of public instruction, and in such cases the tuition shall be paid from the State Equalization Fund as in other cases.

Approved March 11, 1947.

---

## CHAPTER 153.

H. B. No. 116 (Committee on Education)  
COUNTY AGRICULTURAL AND TRAINING SCHOOLS  
JOINT MAINTENANCE

---

### AN ACT

To amend and re-enact Section 15-4208, North Dakota Revised Code of 1943, relating to the joint maintenance of County Agricultural and Training Schools by county and state; levy of county tax; and increasing state aid.

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

§ 1. AMENDMENT.] Section 15-4208, North Dakota Revised Code of 1943, is hereby amended and re-enacted to read as follows:

15-4208. JOINT MAINTENANCE BY COUNTY AND STATE; LEVY OF COUNTY TAX; STATE AID.] The expense of maintaining a county agricultural and training school shall be borne jointly by the county and the state. The board of county commissioners shall levy and spread upon the tax roll, annually, an amount sufficient to pay the county's share of such cost. The state's share of such maintenance expense shall be seven thousand five hundred dollars annually for the first one hundred fifty students, and twenty-five dollars for each additional student over the first one hundred fifty students. The state's share of such maintenance expense, however, shall not exceed twelve thousand five hundred dollars in any one year. An amount at least equal to the state's share shall be levied and paid by the county, but the county, if it is necessary, may levy a greater amount for such maintenance.

Approved March 3, 1947.

---

## CHAPTER 154

S. B. No. 37

(Brant for Legislative Research Committee  
at the request of Board of Higher Education)

---

### CONSTRUCTION REVENUE PRODUCING BUILDINGS HIGHER EDUCATIONAL INSTITUTIONS

#### AN ACT

Providing for the construction, equipping and furnishing of revenue producing buildings or additions to existing buildings on the campuses of the several institutions under the control of the state board of higher education; providing for the financing of all or part of the cost thereof through the issuance of revenue bonds; authorizing the board of higher education to fix rents, charges and fees to assure payment of principal and interest of such bonds, and to operate and maintain such buildings or additions to existing buildings; authorizing the making of appropriate covenants and agreements to effect the purposes of this Act; authorizing the making of agreements with the United States of America or any agency or instrumentality thereof; providing for approval of such bonds by the attorney general; making such bonds lawful investments and collateral security for certain funds and exempting such buildings or additions to existing buildings and equipment from taxation.

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

§ 1. BOARD OF HIGHER EDUCATION MAY SET ASIDE PORTIONS OF CAMPUSES FOR AUTHORIZED REVENUE PRODUCING BUILDINGS.] That subject to and in accordance with the

terms of this Act, the state board of higher education, for and on behalf of the several institutions now and hereafter under its supervision and control, from time to time, may set aside such portions of the respective campuses of said institutions as may be necessary and suitable for the construction thereon of such revenue producing buildings as, from time to time, may be authorized by the legislative assembly of the state of North Dakota, and including additions to existing buildings used for such purposes, and may construct such buildings or additions thereon and may equip, furnish, maintain and operate such buildings.

§ 2. BOARD MAY BORROW MONEY AND ISSUE BONDS; CONDITIONS; BONDS TAX FREE.] For the purpose of paying all or part of the cost of the construction, equipment and furnishing of any such buildings or any addition to existing buildings, the state board of higher education may borrow money on the credit of the income and revenue to be derived from the operation of the said building or buildings, and, in anticipation of such collections of such income and revenues, may issue negotiable bonds in such an amount as, in the opinion of the said board, may be necessary for such purposes, all within the limits of the authority granted by the legislative assembly in each instance, and may provide for the payment of such bonds and the rights of the holders thereof as provided in this Act. Such bonds shall be payable serially, and may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding twenty-five years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium or payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest, not exceeding five per cent per annum, as may be provided by resolution or resolutions to be adopted by the state board of higher education. Such bonds may be sold in such manner and at such price or prices not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed five per cent per annum, computed on the basis of average maturities according to standard tables of bond values. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota, or by any county, municipality, or political subdivision therein. The board, in its discretion may authorize one issue of bonds hereunder for the construction, furnishing and equipment of more than one building and may make

the bonds payable from the combined revenues of all buildings acquired in whole or in part with the proceeds thereof, and where bonds are so issued the words "the building," as herein used, shall be construed to refer to all the buildings so acquired.

§ 3. BONDS ARE SPECIAL OBLIGATIONS AND BOARD MAY INSERT SPECIAL PROVISIONS IN BONDS.] The bonds issued under the provisions of this Act shall not be an indebtedness of the state of North Dakota nor of the institution for which they are issued nor of the state board of higher education thereof, nor of the individual members, officers or agents thereof, nor shall any building or the land upon which it is situated, or any part thereof be security for or be levied upon or sold for the payment of said bonds, but the said bonds shall be special obligations payable solely from the revenues to be derived from the operation of the building, and the board is authorized and directed to pledge all or any part of such revenues to the payment of principal of and interest on the bonds. In order to secure the prompt payment of such principal and interest and the proper application of the revenues pledged thereto the board is authorized by appropriate provisions in the resolution or resolution authorizing the bonds:

1. To covenant as to the use and disposition of the proceeds of the sale of such bonds;
2. To covenant as to the operation of the building and the collection and disposition of the revenues derived from such operation;
3. To covenant as to the rights, liabilities, powers and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;
4. To covenant and agree to carry such insurance on the building, and the use and occupancy thereof as may be considered desirable and, in its discretion, to provide that the cost of such insurance shall be considered as part of the expense of operating the building;
5. To vest in a trustee or trustees for the bondholders the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of bonds issued hereunder and to hold, apply and dispose of the same, and the right to enforce any covenant made to secure the bonds and to execute and deliver a trust agreement or agreements which may set forth the powers and duties and

the remedies available to such trustee or trustees and may limit the liabilities thereof and prescribe the terms and conditions upon which such trustee or trustees or the holder or holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all such covenants and resort to such remedies as may be appropriate;

6. To fix rents, charges and fees to be imposed in connection with and for the use of the building and the facilities supplied thereby, which rents, charges and fees shall be considered to be income and revenues derived from the operation of the building, and are hereby expressly required to be fully sufficient to assure the prompt payment of principal and interest on the bonds as each becomes due, and to make and enforce such rules and regulations with reference to the use of the building, and with reference to requiring any class or classes of students to use the buildings as it may deem desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this Act;
7. To covenant to maintain a maximum percentage of occupancy of the building;
8. To covenant against the issuance of any other obligations payable from the revenues to be derived from the building; and
9. To make covenants other than and in addition to those herein expressly mentioned of such character as may be considered necessary or advisable to effect the purposes of this Act.

All such agreements and covenants entered into by the board shall be enforceable by appropriate action or suit at law or in equity, which may be brought by any holder or holders of bonds issued hereunder.

§ 4. BOARD MAY ENTER INTO CONTRACT WITH FEDERAL AGENCIES.] The board may enter into any agreements or contracts with the United States of America or any agency or instrumentality thereof which it may consider advisable or necessary in order to obtain a grant of funds or other aid to be used in connection with the proceeds of the bonds in paying the cost of the construction, furnishing and equipment of the building.

§ 5. PROCEEDS OF BONDS DEPOSITED IN STATE TREASURY; AUTHORIZING ISSUING OF WARRANTS.] That the proceeds derived from the sale of the bonds herein authorized

shall be deposited in the state treasury to the credit of the board and kept in a separate fund and used solely for the purpose for which the bonds are authorized. The board is authorized to make all contracts and to execute all instruments which in its discretion may be deemed necessary or advisable to provide for the construction, furnishing and equipment of the building, and the state auditor is hereby authorized and directed to issue warrants upon the state treasury against such funds for such amounts as he may from time to time find to be due upon audited itemized estimates and claims which bear the approval of the officials designated by the board for such purpose.

§ 6. INCOME AND REVENUES COLLECTED BY DESIGNATED AGENT; MONTHLY EXPENSE FUND RETAINED BY AGENT; SPECIAL FUND CREATED.] All income and revenues derived from the operation of any building financed in the manner provided in this Act, except revenues paid directly to a trustee or trustees for the bondholders under the provisions of subsection 5 of Section 3 hereof, shall be collected by such officer or agent of the institution where the building is located as the state board of higher education, from time to time, may designate, and shall be accounted for by him and remitted to the state treasurer at least once a month. The said board, in its resolution authorizing the bonds, may provide for a monthly expense fund to be retained by the collecting officer for the purpose of paying the expense of operation and maintenance of the building, and if such expense fund is so provided, the collecting officer may pay such expenses from said fund, and at the time of each monthly accounting and remittance to the state treasurer, he shall account for and deduct from the remittance the amount of such expense during the preceding month, not exceeding the amount provided for in such resolution. The funds required to be remitted to the state treasurer shall be held by him in a special fund, to be applied solely to the payment of the principal and interest on said bonds, and the establishment of a reserve for future payments until all of said bonds and the interest thereon has been fully paid. As principal and interest become due from time to time, the state auditor, not less than fifteen days prior to the payment dates, shall issue warrants upon the state treasurer against such special fund for the amount of such payment coming due, and the state treasurer shall make payment from such fund of the amounts due.

§ 7. ENDORSEMENT OF BONDS; ATTORNEY GENERAL TO APPROVE; INCONTESTABLE; EXCEPTION.] All bonds issued under the provisions of this Act, shall have endorsed thereon, a statement to the effect that the same do not constitute an obligation of the state of North Dakota, the state board of higher

education, nor the individual members, officers or agents thereof, nor of the institution upon the campus of which the building is located, and that the said bonds are payable solely and only out of the revenues to be produced and received from the operation of said building. Such bonds shall be submitted to the attorney general of North Dakota for his examination and when such bonds have been examined and certified as legal obligations by the attorney general in accordance with such requirements as he may make, shall be incontestable in any court in this state unless suit thereon shall be brought in a court having jurisdiction thereof within thirty days from the date of such approval. Bonds so approved by the attorney general shall be prima facie valid and binding obligations according to their terms and the only defense which may be offered thereto in any suit instituted after such thirty day period shall have expired shall be forgery, fraud, or violation of the constitution.

§ 8. WHO MAY INVEST IN BONDS.] Any bank, trust or insurance company organized under the laws of this state may invest its capital and surplus in bonds issued under the provisions of this Act. Any state board, bureau, institution or industry having the power to invest public funds or the funds of such board, bureau, institution or industry, may invest said funds in bonds issued pursuant to this Act in the same manner and under the same restrictions as are provided by law for other investments. The officers having charge of any sinking fund of any county, city, town, township or school district thereof may invest the sinking fund of such county, city, town, township or school district in bonds issued under the provisions thereof. Such bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

§ 9. CONSTRUCTION OF ACT NOT TO PERMIT OBLIGATING OF STATE.] Nothing in this Act shall be construed to authorize or permit the state board of higher education, or any officer or agency of the state, to create any state debts, or to incur any obligations of any kind or nature, except as shall be payable solely and only from the special funds to be created from the revenues of the building or buildings erected under the terms and provisions of this Act, nor shall the state of North Dakota or any funds or moneys of this state other than the special funds derived from the income of said building or buildings respectively ever be deemed obligated for the payment of the said bonds or any part thereof.

§ 10. LIMITATION ON BUILDINGS AND ISSUANCE OF BONDS.] No building or buildings shall be erected, and no bonds shall be issued for the payment of the cost of any build-

ing or buildings under the terms of this Act, save and except for such specified buildings as may be from time to time designated and authorized by legislative act, nor shall any such building or buildings be erected at a cost exceeding the amount fixed by the legislature in such Act as the maximum to be expended for each such building.

§ 11. SAVINGS CLAUSE.] If any section, paragraph, sentence, part or provision of this Act shall be found by any court to be invalid, it shall be conclusively presumed that this Act would have been passed and enacted by the legislative assembly without such invalid section, paragraph, sentence, part, or provision.

Approved March 6, 1947.

---

## CHAPTER 155

S. B. No. 213 (Judiciary Committee)

---

### BONDS REVENUE PRODUCING BUILDINGS HIGHER EDUCATIONAL INSTITUTIONS

#### AN ACT

Authorizing 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 Senate Bill No. 37 of the Thirtieth Legislative Assembly of the State of North Dakota.

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

§ 1.] In accordance with the provisions of Senate Bill No. 37 of the Thirtieth Legislative Assembly of North Dakota 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. At the University of North Dakota, Grand Forks, North Dakota
  - (a) Men's Dormitory .....\$350,000.00
  - (b) Women's Dormitory ..... 400,000.00
  - (c) Student Union Building ..... 500,000.00

2. North Dakota Agricultural College, Fargo, North Dakota
  - (a) Women's Dormitory ..... 400,000.00
3. State School of Science, Wahpeton, North Dakota
  - (a) Women's Dormitory ..... 200,000.00
4. State Normal and Industrial College, Ellendale, North Dakota
  - (a) Men's Dormitory ..... 100,000.00
5. State Teachers College, Mayville, North Dakota
  - (a) Men's Dormitory ..... 100,000.00
6. State Teachers College, Dickinson, North Dakota
  - (a) Men's Dormitory ..... 135,000.00

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

Approved March 7, 1947.

---

## CHAPTER 156

S. B. No. 286—(Committee on Delayed Bills)

---

### SCHOLARSHIPS ORPHANS WORLD WAR I AND II VETERANS

#### AN ACT

Providing for scholarships in any State Educational Institution or in any Junior College in this state for orphans of World War I or II Veterans who are unable to attend any such institution or college with out financial assistance; prescribing the duties of the Commissioner of Veterans Affairs, the Veterans Aid Commission and Commissioner of Higher Education relative thereto; providing that payments of such scholarships shall be made out of moneys in the Veterans Post War Rehabilitating Reserve Fund.

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

§ 1. The sum of two hundred dollars per year shall be made available for any child of a deceased veteran of World War I or II between the ages of 16 years and 21 years, whose father or mother was killed in action or died from wounds or other causes during the period of the war in which he or she served, who died or was declared wholly incompetent thereafter of service connected disability, who desires to attend the

State University, State Agricultural College, any State Normal School or Teachers College or any State Trade School or Junior College and who is unable to attend such institution, school or Junior College without such financial assistance. The financial aid herein provided shall be used for the sole purpose of contributing to the payment of tuition, board, room rent, books and supplies; provided that the child of a deceased veteran shall be admitted to any educational institution maintained by this state free of tuition.

§ 2. The amounts that may be or may become due to any State Educational Institution or Junior College shall be payable to such institution from the earnings of the Veterans' Post War Rehabilitation Fund, but not more than two hundred dollars shall be paid under the provisions of this Act for any one child for any year and no individual shall be eligible to receive the financial assistance herein provided for a period of more than four years.

§ 3. The need for financial assistance for any child of a deceased or incompetent veteran of World War I or II shall be determined and established by the Commissioner of Veterans Affairs and his determination shall be subject to the approval of the Veterans Aid Commission. Payment for board, room rent, tuition, books and supplies shall be made on vouchers approved by the Commissioner of Veterans' Affairs subject to such rules and regulations as he may, with the approval of the Commissioner of Higher Education, prescribe.

§ 4. Each institution or Junior College shall make triplicate lists of applicants for the financial assistance provided by this Act, the unit of the armed forces in which the parent of the applicant served, the course of study selected, and the Commissioner of Veterans Affairs shall check such lists with such records as are on file in his office, or as can be procured by the Adjutant General of North Dakota, the U. S. War Department or U. S. Veterans Administration and shall thereupon certify to the Commissioner of Higher Education the names of applicants on such lists who are eligible for the benefits provided for in this Act.

Approved March 21, 1947.

## CHAPTER 157

H. B. No. 9  
(Langley and Legislative Research Committee  
at the request of Attorney General)

### EFFECT OF PUBLIC LAND PATENT ISSUED TO PERSON WHO DIES PRIOR TO DATE OF PATENT

#### AN ACT

Construing and determining the effect of a patent for public lands issued to a person who had died prior to the patent's date.

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

§ 1. PATENTS TO PUBLIC LANDS ISSUED TO A PERSON WHO DIED BEFORE DATE OF PATENT; EFFECT.] Where patents for public lands have been or may be issued, in pursuance of any law of this state, to a person who has died before the date of such patent, the title of the land designated therein shall inure to and vest in the heirs, devisees or assignees of such deceased patentees as if the patent had been issued to the deceased person during life.

Approved March 13, 1947.

## CHAPTER 158

H. B. No. 7  
(Langley and Legislative Research Committee  
at request of Attorney General.)

### CONVEYANCE GRANT AND NON-GRANT SCHOOL LANDS

#### AN ACT

Amending Sections 15-0707, 15-0717, and 15-0816 of the North Dakota Revised Code of 1943, relating to the manner of conveying grant and nongrant school lands, ratifying and confirming conveyances heretofore made, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 15-0707 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0707. CONVEYANCE TO PURCHASER UPON PAYMENT IN FULL OF PURCHASE PRICE.] When the purchase price of

any nongrant land sold under the provisions of this chapter, together with any interest on deferred payments due under such contract, has been paid in full, the lands purchased shall be conveyed to the purchaser, his heirs or assigns, by quitclaim deed executed in the name of the state of North Dakota by the commissioner of university and school lands, attested by the secretary of state, with the great seal of the state of North Dakota affixed thereto.

§ 2. AMENDMENT.] That Section 15-0717 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0717. TERMS OF SALE OF NONGRANT LANDS SOLD ON AMORTIZATION CONTRACT.] The terms of sale of nongrant lands sold on an amortization contract shall be as follows:

1. Twenty per cent of the purchase price shall be paid at the time the contract is executed;
2. The balance of the purchase price shall be paid in equal annual installments, each annual payment to be six per cent of the original purchase price.

An amount equal to three per cent of the unpaid principal shall be credited to interest and the balance of each payment shall be applied on the principal as a credit on the purchase price each year. The purchaser may pay all or any installment or installments before the same are due on any interest paying date. The purchaser may pay the entire balance due on his contract with interest to the date of payment at any time, and he shall then be entitled to a quitclaim deed executed as provided in Section 15-0707.

§ 3. AMENDMENT.] That Section 15-0816 of the North Dakota Revised Code of 1943 be and the same hereby is amended and reenacted to read as follows:

§ 15-0816. PATENTS FOR PUBLIC LANDS; EXECUTION.] Patents for original grant lands sold under the provisions of this title shall be issued to the purchaser, his heirs, or assigns, when payment is made in full for the lands and all the terms of the contract of purchase are performed. All such patents shall be signed by the governor and attested by the secretary of state with the seal of the state, and shall be countersigned by the commissioner of university and school lands with his seal affixed.

§ 4. FORMER CONVEYANCES CONFIRMED.] In all cases where nongrant lands have been conveyed by conveyances executed otherwise than is provided by Section 15-0707, such conveyances are hereby in all things ratified and confirmed.

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

Approved March 13, 1947.

---

## CHAPTER 159

H. B. No. 326

(Hegge, Fraser, Mollet, Schwartz, Moerke)

---

### LEASING AND SALE SCHOOL AND PUBLIC LANDS TRAVERSED BY RAILROAD OR HIGHWAY

#### AN ACT

Relating to the leasing and sale of school and public lands traversed or bisected by a railroad or highway and declaring an emergency.

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

§ 1.] From and after the date of this Act all boards, departments and officials of government shall be authorized and permitted to lease or sell such school and public lands in separate tracts where such tract of land is traversed or bisected by a highway or railroad. It is the intent of this Act that such tract located on one side or the other of a highway or a railroad, which may be less than 160 acres, as the case may be, may be sold or leased to separate purchasers or tenants.

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

Approved March 13, 1947.

## CHAPTER 160

H. B. No. 149 (Sellens)

## SALE PROCEDURE ORIGINAL GRANT SCHOOL LANDS

## AN ACT

Providing procedure for Sale of Original Grant School Lands, and Repealing Sections 15-0603, 15-0604, 15-0605, 15-0606, 15-0607, 15-0608, 15-0609, 15-0610, 15-0611, 15-0612, 15-0613, 15-0614, 15-0615, 15-0616, and 15-0617 of the North Dakota Revised Code of 1943.

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

§ 1.] When an offer to purchase any particular tract or original grant land has been made to the board of university and school lands, the commissioner shall request the county board of appraisers to appraise such tract. Upon receipt of such request by the county auditor, he shall immediately notify the members of the county board of appraisers, who shall, within ten (10) days, proceed to view and appraise such tract.

§ 2.] The county board of appraisers shall certify to the correctness of the appraisal, and file the same with the county auditor who shall immediately transmit the same to the commissioner of university and school lands. The appraisal shall be verified by each of the appraisers, and shall disclose any real or contingent interest that any of the appraisers has in the tract appraised. Any member of the county board of appraisers who wilfully makes any false statement in the appraisal relating to such interest is guilty of a misdemeanor.

§ 3.] If any tract so appraised is not sold immediately, it may again be offered and sold without reappraisal if sold within two years of such appraisal.

§ 4.] The board of university and school lands shall cause a notice of sale of such tract to be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land, and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated. Such notice shall describe the land to be sold, and shall state the amount bid therefor, and the terms and conditions of sale.

§ 5.] At the time appointed for the sale, the commissioner of university and school lands, his deputy, or any other person appointed by him shall proceed to sell or offer

for sale the land so advertised to be sold at public auction to the highest bidder. The sale shall be held at the front door of the courthouse or of the place where the terms of the district court are held, in the county in which the land is situated. Lands that have not been subdivided specially shall be offered in tracts of one quarter section, and those subdivided shall be sold in the smallest subdivision thereof. No tract shall be sold for less than the fair market value thereof or for less than ten dollars (\$10.00) per acre. If the tract to be sold consists of grant lands once sold on contract and the contract has been canceled, and the lands form a single farm unit, the entire tract may be sold as a single tract and farm unit.

§ 6.] The highest bidder for any tract of land offered for sale under this chapter shall be declared the purchaser thereof. The purchaser shall pay twenty (20) percent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) percent of the original purchase price. An amount equal to not less than three (3) percent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on the purchase price. If the purchaser fails to pay the amount required to be paid at the time of sale, the commissioner or other person conducting the sale shall re-offer the tract for sale immediately, but no bid shall be received from the person failing to pay as aforesaid. Any person refusing or neglecting to make such initial payment after purchase shall forfeit the sum of one hundred dollars (\$100.00) to be recovered for the benefit of the fund to which the land belongs by civil suit in the name of the state.

§ 7.] Immediately upon the sale by the Board of University and School Lands, the purchaser shall execute a contract in duplicate in the form prescribed by the Board. The failure of a purchaser to execute the contract shall constitute a forfeiture of the payment made at or before the sale. When the contract is executed properly by the Commissioner, the copy marked "duplicate" shall be delivered to the purchaser. Each contract executed shall have on the face a notation of the date of the delivery of the duplicate to the purchaser.

§ 8.] Whenever the interests of the state will be promoted by dividing any portion of the land under its control into small parcels, city lots, or village lots, the board of university and school lands may order the commissioner to cause the same to be done, and to have the land appraised in the manner prescribed in this chapter.

§ 9.] All parcels or lots appraised in accordance with

sections 1 and 2 herein shall be subject to sale in the same manner, upon the same terms and conditions, and at the prices not less than that at which they are appraised severally until a new appraisal is made, and the contract of purchase shall have the same effect. The board of university and school lands may order a new appraisal of such lands to be made at any time in the manner provided in this chapter and with like effect. No lots or parcels so appraised shall be sold for less than the minimum price of the land established in this chapter.

§ 10.] When the commissioner of university and school lands shall divide any tract of land into small parcels or lots as provided in this chapter, he shall cause a correct map of the land to be entered of record in the county where the land is situated.

§ 11.] The purchaser may pay all or any installments of principal not yet due to any interest-paying date. If the purchaser so desires, he may pay the entire balance due on the contract, plus accrued interest to date of payment, at any time, and he will then be entitled to proper conveyance. Payment for school or institutional lands purchased under the provisions of chapter 15-09 the North Dakota Revised Code of 1943 may be made at any time.

§ 12. REPEAL.] Sections 15-0603, 15-0604, 15-0605, 15-0606, 15-0607, 15-0608, 15-0609, 15-0610, 15-0611, 15-0612, 15-0613, 15-0614, 15-0615, 15-0616, and 15-0617 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 17, 1947.

## CHAPTER 161

H. B. No. 6

(Representative Langley and Legislative Research Committee at the request of Attorney General)

SALE OF STUMPAGE ON SCHOOL LANDS  
GARRISON DAM AREA

## AN ACT

To provide for the sale of stumpage on school lands about to be flooded by the dam about to be built across the Missouri river and commonly known as the Garrison dam, and any other dams, and declaring an emergency.

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

§ 1. SALES AUTHORIZED.] The board of university and school lands is hereby authorized and empowered to sell the stumpage on all lands belonging to the various permanent school funds of the state which are about to be or may hereafter be flooded by the dam about to be built by the United States government across the Missouri river in the state of North Dakota and commonly known as the Garrison dam, and all other dams constructed in North Dakota by or under authority of the United States, such stumpage to be sold on government subdivisions of forty acre, eighty acre, or one hundred sixty acre tracts.

§ 2. APPLICATIONS TO PURCHASE.] Applications may be made in writing for the purchase, in tracts as hereinbefore provided, to the commissioner of university and school lands. The applicant shall state the amount he will pay for the tract applied for and shall deposit such sum with the application as shall, in the estimation of such commissioner, cover the cost incurred in advertising and making such sale as herein-after provided.

§ 3. PROCEDURE.] After an application for the purchase of such stumpage has been received and approved by the said board of university and school lands, the said commissioner shall advertise such proposed sale by notice published for two successive weeks in a legal newspaper published near said land. Such notice shall state the place and time of sale, which time shall not be less than ten days after the last publication of said notice. Such notice shall also correctly describe the tract to be sold and the amount of the bid received therefor.

§ 4. SALE AT PUBLIC AUCTION.] All sales shall be made at public auction to the highest and best bidder for cash.

§ 5. CONVEYANCE.] Upon the sale as aforesaid, the state shall convey the stumpage purchased to the purchaser by bill of sale duly executed in the name of the state of North Dakota by the commissioner of university and school lands.

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

Approved February 11, 1947.

---

## CHAPTER 162

S. B. No. 247 (Committee on Education)

---

### EXPENDITURES ETC. STATE EQUALIZATION EMERGENCY FUND

#### AN ACT

To amend and reenact the following sections of the North Dakota Revised Code of 1943: Section 15-4007, relating to the expenditure of the emergency fund of the state equalization fund, the maximum financial effort defined and requirements; section 15-4011 as amended and reenacted by section 1 of chapter 169 of the Session Laws of North Dakota for the year 1945, relating to the determination of sums due school districts from the state equalization fund on the per pupil basis; section 15-4012 as amended and reenacted by section 2 of chapter 169 of the Session Laws of North Dakota for the year 1945, relating to the distribution of payments on the per pupil basis from the state equalization fund; and section 15-4018 as amended and reenacted by Chapter 170 of the Session Laws of North Dakota for the year 1945, relating to the payment from the state equalization fund on the teacher-unit basis, and providing additional distribution on the teacher-unit basis of any unused balance in the state equalization fund.

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

§ 1. AMENDMENT.] That section 15-4007 of 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 maximum mill levy, which means that in addition to having

provided for the normal maximum levy it shall have held an election and increased the normal maximum levy by at least the twenty-five percent increase allowed by the law. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread. A district in which the debt service levy of the district is twice as large as the normal maximum levy, shall not be required to vote at least twenty-five percent increase, but shall be required to make only the normal maximum levy;

2. That revenues from local taxes, and from state and county sources, have been exhausted;
3. That the district is unable to sell certificates of indebtedness, in the manner provided by law, in an amount sufficient to maintain adequate school facilities; or that it is unable to issue either further certificates of indebtedness or registered warrants, or, if able to issue the same, that they cannot be marketed;
4. That the budget of the school district for the fiscal year has been approved by the superintendent of public instruction. Such budget must include an itemized and certified statement of the financial condition of the school district as of the then current date;
5. That the school district has a reasonable teacher-pupil ratio.

§ 2. AMENDMENT.] That section 15-4011 of the North Dakota Revised Code of 1943 as amended and reenacted by section 1 of chapter 169 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4011. DETERMINATION OF SUMS DUE DISTRICTS ON PER PUPIL BASIS: REPORT OF COUNTY SUPERINTENDENTS OF SCHOOLS.] The moneys appropriated to the fund by the legislative assembly from time to time for distribution to the school districts on a per pupil basis shall be distributed to the districts in amounts to be determined as follows:

1. The county superintendent of schools of each county, on forms supplied by the superintendent of public instruction, and on or before the first day of August in each year, shall report to the superintendent of public instruction:
  - a. The number of certificated teachers employed in each district in the county;

- b. The salary of each of such teachers;
  - c. The number of bona fide resident students who actually were enrolled in each school in each district at the end of the preceding school year and who attended such schools for ninety days or during such year; and
  - d. The assessed valuation of the property in each district on which taxes were levied for the preceding school year. Such assessed valuation shall be certified by the county auditor; and
  - e. The schools included within each school district of the county;
2. Where there are less than twenty pupils enrolled in a one teacher school, the enrollment, for the purposes of calculating payment, shall be considered as an enrollment of twenty pupils;
  3. In districts in which there are more than twenty pupils per teacher, the number of pupils used in calculating the payments shall be arrived at by multiplying the number of teachers in the district by twenty and adding to such product seventy per cent (70%) of the difference between such product and the number of bona fide resident pupils enrolled in schools of the district;
  4. The superintendent of public instruction shall divide the assessed taxable valuation of the district as shown by the report of the county superintendent of schools by the number of bona fide resident pupils in the district determined under the provisions of this section to the assessed taxable valuation per pupil in the district, and the moneys appropriated for per pupil payment shall be paid to the several school districts in the state in amounts inversely proportional to the assessed taxable valuation per pupil in the district. He shall determine the per pupil payments from the following table:

Taxable valuation per pupil	Payment per pupil
5851-6000 .....	\$ .50
5701-5850 .....	1.00
5551-5700 .....	1.50
5401-5550 .....	2.00
5251-5400 .....	2.50
5101-5250 .....	3.00
4951-5100 .....	3.50
4801-4950 .....	4.00

4651-4800	4.50
4501-4650	5.00
4351-4500	5.50
4201-4350	6.00
4051-4200	6.50
3901-4050	7.00
3751-3900	7.50
3601-3750	8.00
3451-3600	8.50
3301-3450	9.00
3151-3300	10.00
3001-3150	11.00
2651-3000	12.00
2701-2850	13.00
2551-2700	14.00
2401-2550	15.00
2251-2400	16.00
2101-2250	17.00
1951-2100	18.00
1801-1950	19.00
1800 or less	20.00

The per pupil payment for the district multiplied by the number of bona fide pupils in such district as used in determining the assessed valuation per pupil shall be the amount of the payment to the districts.

§ 3. AMENDMENT.] That section 15-4012 of the North Dakota Revised Code of 1943 as amended and reenacted by section 2 of chapter 169 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4012. DISTRIBUTION OF PAYMENTS ON PER PUPIL BASIS.] Each school district shall receive one-half of the amount which the superintendent of public instruction has determined to be due to it immediately upon the completion of calculations. The balance of such amount shall be paid on or before April first of each year. When the school term in a district is one of less than nine months, the superintendent shall determine the percentage which such term for which the schools in such district are open bears to a nine month term, and such payments shall be only such percentage of the full payment permitted under section 15-4011. For the 1947-1948 school year a school district which has levied taxes for general purposes during the previous year:

1. Up to its normal maximum levy, shall receive the full per pupil payment;
2. Within one mill of its normal maximum levy, shall

receive only seventy-five percent of the full per pupil payment;

3. Within two mills of its normal maximum levy, shall receive only fifty percent of the full per pupil payment;
4. Within three mills of its normal maximum levy, shall receive only twenty-five percent of the full per pupil payment;
5. Which is not within three mills of its normal levy shall receive no per pupil payment from the fund.

Thereafter a school district which has levied taxes for general purposes during the previous year:

1. Within four mills of its normal maximum levy, shall receive the full per pupil payment;
2. Within five and one-half mills of its normal maximum levy, shall receive only seventy-five percent of the full per pupil payment;
3. Within seven mills of its normal maximum levy, shall receive only fifty percent of the full per pupil payment;
4. Within eight and one-half mills of its normal maximum levy, shall receive only twenty-five percent of the full per pupil payment;
5. Which is not within eight and one-half mills of its normal levy shall receive no per pupil payment from the fund.

The per pupil payments made to a school district shall not exceed fifty percent of the salaries paid by such district to the teachers thereof during the then current year. The state auditor shall make the per pupil payments on certificates issued by the superintendent of public instruction.

§ 4. AMENDMENT.] That section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945, is hereby amended and reenacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county superintendent of schools, its statement giving the name of each teacher employed within the district, the number of each teacher's certificate, and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who has not been certificated by

the superintendent of public instruction or who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

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

subject to the restrictions contained in this section. For the 1947-48 school year a school district which levied for general purposes during the preceding year up to its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within one mill of its normal maximum levy shall receive seventy-five percent of such payment. A school district which levied for such purposes during the preceding year within two mills of its normal maximum levy shall receive fifty percent of such payment. A school district which levied for such purposes during the preceding year within three mills of its normal maximum levy shall receive twenty-five percent of such payment, and a district which has not levied for such purposes during the preceding year within three mills of its normal maximum levy shall receive no payment on the teacher-unit basis.

Thereafter a school district which has levied taxes for general purposes during the preceding year within four mills of its normal maximum levy shall receive the full teacher-unit payment specified in this section. A school district which levied for such purposes during the preceding year within five and one-half mills of its normal maximum levy shall receive seventy-five percent of such payment. A school district which levied for such purposes during the preceding year within seven mills of its normal maximum levy shall receive fifty percent of such payment. A school district which levied for such purposes during the preceding year within eight and one-half mills of its normal maximum levy shall receive twenty-five percent of such payment, and a district which has not levied for such purposes during the preceding year within eight and one-half mills of its normal maximum levy shall receive no payment on the teacher-unit basis. If the school term in the district is one of less than nine months, the payments on a teacher-unit basis shall be such fractional

part of the full payment to which the district is entitled as is indicated by the ratio which the number of months the school actually is opened bears to nine.

Approved March 21, 1947.

---

## CHAPTER 163

S. B. No. 249

(Committee on Education)

---

### MAXIMUM FINANCIAL EFFORT REQUIREMENTS STATE EQUALIZATION EMERGENCY FUND

#### AN ACT

To amend and reenact section 15-4007 of the North Dakota Revised Code of 1943 relating to the financial effort necessary for a school district to participate in the emergency fund of the state equalization fund, and declaring an emergency.

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

§ 1. AMENDMENT.] That section 15-4007 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4007. EXPENDITURE 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 maximum mill levy, which means that in addition to having provided for the normal maximum levy it shall have held an election and increased the normal maximum levy by at least the sixty percent increase allowed by law, except that after July 1, 1947, an increase of at least twenty-five percent of the normal maximum levy for the general fund shall be sufficient. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread. A district in which the debt service levy of the district is twice as large as the normal levy, shall not be required to vote at least twenty-five percent increase, but shall be required to make only the normal maximum levy;
2. That revenues from local taxes, and from state and county sources, have been exhausted;

3. That the district is unable to sell certificates of indebtedness, in the manner provided by law, in an amount sufficient to maintain adequate school facilities; or that it is unable to issue either further certificates of indebtedness or registered warrants, or, if able to issue the same, that they cannot be marketed;
4. That the budget of the school district for the fiscal year has been approved by the superintendent of public instruction. Such budget must include an itemized and certified statement of the financial condition of the school district as of the then current date;
5. That the school district has a reasonable teacher-pupil ratio; and

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

Approved March 21, 1947.

---

## CHAPTER 164

S. B. No. 248 (Committee on Education)

---

### PAYMENTS ON UNIT BASIS STATE EQUALIZATION FUND

#### AN ACT

To amend and reenact section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945 relating to the payments from the state equalization fund on teacher-unit basis until July 1, 1947; providing for additional distribution on teacher-unit basis of any unused balances in said state equalization fund; and declaring an emergency.

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

§ 1. AMENDMENT.] That section 15-4018 of the North Dakota Revised Code of 1943 as amended and reenacted by chapter 170 of the Session Laws of North Dakota for the year 1945 is hereby amended and reenacted to read as follows:

15-4018. PAYMENTS FROM FUND ON TEACHER-UNIT BASIS.] To qualify for payments from the fund on the teacher-unit basis, a school district shall file with the county

superintendent of schools, its statement giving the name of each teacher employed within the district and the monthly salary paid to each such teacher. No aid on the teacher-unit basis shall be given to any district for any teacher who is not teaching in a district organized by virtue of a special charter, or who did not receive at least the minimum salary provided by law. Payments from the fund on the teacher-unit basis shall be made to the several school districts as follows:

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

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

§ 2. LIMITATION OF ACT.] This Act shall be operative until July 1, 1947, but such payments may be made up to October 1, 1947.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 21, 1947.

**CHAPTER 165**

S. B. No. 103 (Dahlen)

**TEACHERS RETIREMENT ANNUITIES****AN ACT**

To Amend and Re-enact Section 15-3928 of the North Dakota Revised Code of 1943, Relating to Retirement Annuities under the Provisions of the Teachers' Insurance and Retirement Laws of this State.

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

§ 1. AMENDMENT.] That Section 15-3928 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted 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, however, 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;
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.

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.

Approved February 25, 1947.

---

## CHAPTER 166

S. B. No. 104 (Dahlen)

---

### ASSESSMENTS TEACHERS RETIREMENT

#### AN ACT

To Amend and Re-enact Section 15-3914 of the North Dakota Revised Code of 1943, Relating to the Amount of Assessments Payable by Teachers Under the Teacher's Insurance and Retirement Fund Law of the State of North Dakota.

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

§ 1. AMENDMENT.] That section 15-3914 of the North Dakota Revised Code of 1943 is hereby amended and re-enacted 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. Two percent per annum, but not more than forty 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 eighty 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 twenty 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 the annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement.

Approved February 25, 1947.

---

## CHAPTER 167

S. B. No. 105 (Dahlen)

---

### EMPLOYER CONTRIBUTION TEACHERS RETIREMENT AN ACT

Amending and Re-enacting Sections 15-3917 and 15-3921 of the North Dakota Revised Code of 1943, to provide for the making of a contribution to the teacher's insurance and retirement fund by every employer of a teacher who is a member of such fund in an amount equal to the assessment upon the salary of such teacher.

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

§ 1. AMENDMENT.] That Section 15-3917 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted 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, and such contributions shall be forwarded to the treasurer of the county, together with a statement thereof, 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.

§ 2. AMENDMENT.] That section 15-3921 of the North Dakota Revised Code of 1943 be and the same is hereby amended and re-enacted 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, and 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 who 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.

Approved February 15, 1947.

**CHAPTER 168****H. B. No. 275 (Education Committee)****WITHDRAWAL, DEATH, REFUNDS TEACHERS INSURANCE  
AND RETIREMENT FUND****AN ACT**

To amend and reenact section 15-3940 of the North Dakota Revised Code of 1943, relating to the withdrawal of a member from the Teachers' Retirement Fund, or death of a member, and refunds, under the provisions of the Teachers' Insurance and Retirement laws of this state.

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

§ 1. AMENDMENT.] That section 15-3940 of 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 his resignation, shall be entitled to the return of the full amount which he has paid into the fund 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 shall be entitled to receive from the fund the total amount, without interest which shall have been paid into the fund by the deceased teacher.

Approved March 22, 1947.

## CHAPTER 169

S. B. No. 34

(Brant for Legislative Research Committee at  
the request of Board of Higher Education)

VOCATIONAL EDUCATION—ACCEPTANCE, CUSTODIAN, STATE  
BOARD, STATE DIRECTOR, ETC.

## AN ACT

To amend and reenact Sections 15-2001, 15-2002, 15-2003, 15-2004, 15-2006  
and 15-2010 of the North Dakota Revised Code of 1943, relating to  
vocational education.

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

§ 1. AMENDMENT.] That Section 15-2001 of the North  
Dakota Revised Code of 1943 is hereby amended and reen-  
acted to read as follows:

15-2001. VOCATIONAL EDUCATION; ACCEPTANCE OF BEN-  
EFITS OF FEDERAL ACT.] The state of North Dakota accepts  
all of the provisions and benefits of the following act adopted  
by the congress of the United States of America:

1. "An Act to provide for the promotion of vocational  
education, to provide for cooperation with the states  
in the promotion of vocational education, to provide  
for cooperation with the states in the promotion of  
such education in agriculture and trades and indus-  
tries; to provide for cooperation with the states in  
the preparation of teachers of vocational subjects;  
and to appropriate money and regulate its expendi-  
tures," approved February twenty-third, 1917.

§ 2. AMENDMENT.] That Section 15-2002 of the North  
Dakota Revised Code of 1943 is hereby amended and reen-  
acted to read as follows:

15-2002. STATE TREASURER IS CUSTODIAN OF VOCA-  
TIONAL EDUCATION FUNDS.] The state treasurer shall be  
the custodian of all moneys received by this state from any  
appropriations made under the act of congress described in  
Section 15-2001, and he is authorized to receive and to pro-  
vide for the proper custody of such moneys and to make  
disbursements thereof in the manner provided in such act  
of congress and for the purpose specified in such act. He  
shall pay out any moneys appropriated by this state for the  
purpose of carrying out any of the provisions of this Chapter  
upon the order of the state board of higher education.

§ 3. AMENDMENT.] That Section 15-2003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2003. STATE BOARD FOR VOCATIONAL EDUCATION: STATE DIRECTOR FOR VOCATIONAL EDUCATION; APPOINTMENT, QUALIFICATIONS, ASSISTANTS, DUTIES.] The state board of higher education shall be the state board for vocational education. The state board of higher education shall appoint a state director and executive officer for vocational education who shall be charged with the administration, under the direction and supervision of the board, of the provisions of this Chapter relating to vocational education. The board shall designate such assistants to the director as may be necessary to carry out the provisions of this Chapter. The duties, terms of office, and compensation of the director and of his assistants shall be determined by the board. The director shall be a graduate of a standard college or university. He shall enforce such rules and regulations as the board may adopt and shall prepare such reports concerning vocational education as the board may require.

§ 4. AMENDMENT.] That Section 15-2004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2004. POWERS AND DUTIES OF STATE BOARD OF HIGHER EDUCATION RELATING TO VOCATIONAL EDUCATION.] The state board of higher education shall have all authority necessary to cooperate with the United States Office of Education in the federal security agency or other department or agency of the United States of America in the administration of the act of congress relating to vocational education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with the act of congress relating to vocational education;
2. To administer the funds provided by the federal government and by this state for the promotion of vocational education in agricultural, trade, industrial, home economics and distributive occupational subjects;
3. To formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in this state;
4. To provide for the preparation of teachers of the subjects mentioned in this Section;

5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this Chapter relating to vocational education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose;
6. To make studies and investigations relating to vocational education;
7. To promote and aid in the establishments of schools, departments, or classes giving training in the subjects mentioned in this Section, and to cooperate with local communities in the maintenance of vocational schools, departments, or classes;
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors in the subjects mentioned in this Section; and
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of vocational education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

§ 5. AMENDMENT.] That Section 15-2006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2006. COOPERATION OF SCHOOL BOARDS IN VOCATIONAL EDUCATION.] The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the state board of higher education in the establishment and maintenance of schools, departments, or classes in vocational education giving instruction in agricultural, trade, industrial, home economics, or distributive occupational subjects, and may use any moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. When any school, department, or class giving instruction in vocational education has been approved by the state board of higher education, it shall be entitled to share in any federal and state funds available for vocational education.

§ 6. AMENDMENT.] That Section 15-2010 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2010. REPORT OF STATE BOARD OF HIGHER EDUCATION TO GOVERNOR.] The state board of higher education, in its biennial report to the governor covering the operations of the educational institutions under its control, shall set forth:

1. The condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a statement of the expenditures of federal and state funds for that purpose.

Approved March 6, 1947.

---

## CHAPTER 170

S. B. No. 35

(Brant for Legislative Research Committee at the request of Board of Higher Education.)

---

### VOCATIONAL REHABILITATION DISABLED PERSONS— ACCEPTANCE, DIRECTOR, ETC.

#### AN ACT

Accepting the benefits of the vocational rehabilitation act approved by congress on July 6, 1943; providing for a division of vocational rehabilitation and the administration thereof; and repealing Sections 15-2005, 15-2007, 15-2009 of the North Dakota Revised Code of 1943.

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

§ 1. VOCATIONAL REHABILITATION; ACCEPTANCE OF BENEFITS OF FEDERAL ACTS.] The state of North Dakota accepts all of the provisions and benefits of an Act adopted by the congress of the United States of America, entitled:

1. "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment." H. R. 4438 approved June 2, 1920 and as amended by H. R. 2536 approved July 6, 1943.

§ 2. DEFINITIONS.] In this chapter, unless the context or subject matter otherwise requires:

1. "State board" shall mean the state board of vocational education which is the state board of higher education;

2. "Division" shall mean the division of vocational rehabilitation established by this Act;
3. "Director" shall mean the director of the division of vocational rehabilitation;
4. "Executive officer of the board" shall mean the officer who directs the policy making and coordinating levels of the division of vocational rehabilitation;
5. "Employment handicap" shall mean a physical or mental condition which constitutes, contributes to or if not corrected will probably result in an obstruction to occupational performance;
6. "Disabled individual" shall mean any person who has a substantial employment handicap;
7. "Vocational rehabilitation" and "vocational rehabilitation services" shall mean any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counselling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, and training books and materials;
8. "Rehabilitation training" shall mean all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, pre-conditioning, pre-vocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities;
9. "Physical restoration" shall mean any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions;
10. "Prosthetic appliance" shall mean any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ;

11. "Occupational licenses" shall mean any license, permit or written authority required by any governmental unit to be obtained in order to engage in an occupation;
12. "Maintenance" shall mean money payments not exceeding the estimated cost of subsistence during vocational rehabilitation; and
13. "Regulations" shall mean regulations made by the director with the approval of the state board.

§ 3. DIRECTOR OF DIVISION OF VOCATIONAL REHABILITATION AND EXECUTIVE OFFICER OF THE BOARD.] The state board shall contain a division of vocational rehabilitation. The division shall be administered, under the general supervision and direction of the state board, by a director who shall also be the executive officer of the state board, appointed by such board in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this Act, the director:

1. Shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this Act;
2. Shall establish, with the approval of the state board, appropriate subordinate administrative units within the division;
3. Shall appoint, with the approval of the state board, such personnel as he deems necessary for the efficient performance of the functions of the division;
4. Shall prepare and submit to the state board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out this Act and estimates of the amounts to be made available for this purpose from all sources;
5. Shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;
6. Shall take, with the approval of the state board, such other action as he deems necessary or appropriate to carry out the purposes of this Act; and

7. May delegate, with the approval of the state board, to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this Act.

§ 4. ADMINISTRATION OF VOCATIONAL REHABILITATION.] Except as otherwise provided by law, the state board, through the division, shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor. In carrying out the purposes of this Act, the division among other things, may:

1. Cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this Act, such programs, facilities and services as may be necessary or desirable;
2. Enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;
3. Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

§ 5. COOPERATION WITH FEDERAL GOVERNMENT.] The state board, through the division, shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and may adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

§ 6. RECEIPT AND DISBURSEMENT OF VOCATIONAL REHABILITATION FUNDS.] The state treasurer shall be the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation. The state treasurer shall make disbursements from such funds and from all state funds available for vocational rehabilitation purposes upon the requisition of the board upon the state auditor who shall draw his warrant upon the state treasurer for the amount for which requisition is made.

§ 7. GIFTS: AUTHORIZATION TO ACCEPT AND USE.] The director, with the approval of the state board, may accept

and use gifts made unconditionally by will or otherwise for carrying out the purposes of this Act. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this Act may be so accepted and shall be held, invested, and reinvested, and used in accordance with the conditions of the gift.

§ 8. REHABILITATION SERVICES PROVIDED TO ANY DISABLED INDIVIDUAL; ELIGIBILITY.] Vocational rehabilitation services shall be provided to any disabled individual who is:

1. A resident of the state at the time of filing his application therefor and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved; or
2. Eligible therefor under the terms of an agreement with another state or with the federal government.

§ 9. REHABILITATION SERVICES PROVIDED TO DISABLED INDIVIDUALS REQUIRING FINANCIAL ASSISTANCE.] Except as may be otherwise provided by law or as may be specified in any agreement with the federal government with respect to classes of individuals certified to the state board thereunder, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

1. Physical restoration;
2. Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary;
3. Occupational licenses;
4. Customary occupational tools and equipment;
5. Maintenance; and
6. Training books and materials.

§ 10. MAINTENANCE NOT ASSIGNABLE.] The right of a disabled individual to maintenance under this Act shall not be transferable or assignable at law or in equity.

§ 11. HEARINGS ALLOWED TO AGGRIEVED PERSONS.] Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the division shall be entitled, in accordance with regulations, to a fair hearing by the state board.

§ 12. MISUSE OF VOCATIONAL REHABILITATION LISTS AND RECORDS.] It shall be unlawful, except for purposes di-

rectly connected with the administration of the vocational rehabilitation program, and in accordance with regulations for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning persons applying or receiving vocational rehabilitation, directly, or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

§ 13. LIMITATION OF POLITICAL ACTIVITY.] No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority or influence or permit the use of the vocational rehabilitation program for the purposes of interfering with an election or affecting the results thereof or for any partisan political purposes. No such officer or employee shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinion as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

§ 14. REPORT TO GOVERNOR BY STATE BOARD.] The state board, in its biennial report to the governor covering the operations of the educational institutions under its control shall set forth:

1. The condition of vocational rehabilitation education in the state, a list of schools to which federal and state aid in vocational rehabilitation has been given, and a detailed statement of expenditures of federal and state funds for that purpose.

§ 15. REPEAL CLAUSE.] Sections 15-2005, 15-2007, and 15-2009 of the North Dakota Revised Code of 1943 and all acts and parts of acts in conflict herewith are hereby repealed.

§ 16. SEPARABILITY.] If any provisions of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 17. SAVINGS CLAUSE.] The legislature reserves the right to amend or repeal all or any part of this Act at any

time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this Act at any time.

Approved March 6, 1947.