

EDUCATION

CHAPTER 138

S. B. No. 246
(Longmire and Saumur)

ASSEMBLY HALL ON UNIVERSITY CAMPUS

AN ACT

To provide for the erection on the campus of the university of an assembly hall, the cost to be paid from donated funds net receipts from student activities not otherwise allocated.

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

§ 1.) The state board of higher education is hereby authorized and empowered to provide for the erection upon the campus of the state university of North Dakota a building for use as an assembly hall, for musical, forensic and dramatic productions, as a meeting place, and as a class room for large classes, the cost thereof to be paid solely from donated funds, and net receipts from student activities not otherwise allocated, now or hereafter available, and on hand at the university of North Dakota.

Approved March 10, 1959.

CHAPTER 139

H. B. No. 712
(Committee on Education)

COMPENSATION OF ELECTION OFFICIALS

AN ACT

To permit election officials in a common school district election to be paid, and declaring an emergency.

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

§ 1. **Compensation of Election Officials.**) Election officials at common school district elections shall receive four dollars per day as compensation.

§ 2. **Emergency.**) This Act is hereby declared to be an emergency measure, and shall be in full force and effect from and after its adoption and approval by the governor.

Approved March 12, 1959.

CHAPTER 140

S. B. No. 98
(Foss and Livingston)

DEAF-BLIND CHILDREN

AN ACT

To provide for the education of deaf-blind children outside the state of North Dakota; providing appropriation for this purpose.

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

§ 1.) The state board of administration, is hereby authorized to pay from funds appropriated to it for the purpose of sending children under the age of twenty-one (21), who are deaf as well as blind, for which there are no facilities for education in this state, to any school or institution, outside the state of North Dakota providing a qualified program of education for such children.

Such funds may be spent for room, board, tuition, transportation, and other items which are necessarily relevant to the education of such children.

In interpreting and carrying out the provisions of this Act, the words "deaf-blind child" wherever used, will be construed to include any child whose combination of handicaps of deafness and blindness will prevent him from profiting satisfactorily from educational programs provided for the blind child or the deaf child.

The board of administration through facilities under its jurisdiction is hereby authorized to determine if such children should be sent to out-of-state places, and the board of administration, is hereby authorized to promulgate such rules and regulations as it deems necessary and proper for carrying out the purposes and intents of this Act.

§ 2.) There is hereby appropriated out of any moneys in the public welfare fund in the state treasury, not otherwise appropriated, the sum of \$30,000 for the education of children

who are deaf as well as blind under the sole supervision of the board of administration, for the biennium beginning July 1, 1959, and ending June 30, 1961.

Approved March 16, 1959.

CHAPTER 141

H. B. No. 547

(Link, Esterby, Streibel, Baldwin)
(From LRC Study)

HIGHER EDUCATION RECIPROCAL AGREEMENTS

AN ACT

Authorizing the state board of higher education to enter into reciprocal agreements with other states' institutions of higher learning for higher education of North Dakota students and making an appropriation.

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

§ 1. Agreements With Other States' Institutions of Higher Learning.) The state board of higher education is hereby authorized to enter into agreements with institutions of higher learning in other states, and, subject to the limits of legislative appropriations, to make such expenditures as are necessary for the purpose of utilizing the educational facilities of such institutions for teaching North Dakota students those courses that are not offered by institutions of higher learning in this state. In addition the state board of higher education is authorized to enter into agreements with other state institutions of higher learning for the acceptance of students from other states in North Dakota institutions of higher learning.

§ 2. Appropriation.) There is hereby appropriated out of any moneys in the general fund in the state treasury, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to the state board of higher education for the purpose of carrying out the provisions of this Act.

Approved March 12, 1959.

CHAPTER 142

H. B. No. 863
(Committee on Delayed Bills)

HIGH SCHOOL CORRESPONDENCE STUDY DIVISION

AN ACT

Providing for a separate special fund to carry on certain functions of the high school correspondence study division, making a standing appropriation of all income and collections of that division, and making an appropriation to such fund.

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

§ 1. Establishment of Special Fund; Standing Appropriation.) There is hereby created in the state treasury a special fund to be known as the high school correspondence study division fund to which shall be credited all income and collections, other than biennial appropriations, of the high school correspondence study division. All balances, income and collections credited to such fund are hereby appropriated on a continuing and permanent basis to the high school correspondence study division to be expended for the following purposes:

1. Payment of fees to course supervisors.
2. Purchase of books for book rental library and library supplies.
3. Purchase of educational films and salaries and other overhead expense of maintaining a film library.
4. Payment for educational entertainment furnished to schools of the state and salaries, commissions, and other expenses of selling such entertainment programs to the schools.
5. Purchase of books for resale to students of the division.
6. Such other purposes in relation to the activities of the high school correspondence division as may be deemed necessary at the discretion of the director of the high school correspondence study division including salaries, administrative expense, equipment and other operational expense of the division.

§ 2. Appropriation.) There is hereby appropriated out of the general fund of this state a sum equal to the balance transferred into the general fund from the high school correspondence division fund under the provisions of section 3 of House Bill No. 543 of the Thirty-sixth Legislative Assembly, but not in excess of fifty thousand dollars, which amount

shall be credited to the high school correspondence study division fund created in section 1 of this Act and to be expended for the purposes and in the manner provided in section 1 of this Act.

Approved March 14, 1959.

CHAPTER 143

H. B. No. 629
(Diehl, Sorlie, Strand)

LEASE OF STATE LAND TO MAYVILLE MUTUAL AID CORPORATION

AN ACT

Authorizing the state board of higher education to negotiate a lease with the Mayville Mutual Aid Corporation, a domestic nonprofit corporation, for certain state land located on the Mayville State Teachers College campus, and declaring an emergency.

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

§ 1.) The state board of higher education is hereby authorized to lease to the Mayville Mutual Aid Corporation, a domestic nonprofit corporation, certain state land under the control of the board of higher education and located on the campus of the Mayville State Teachers College, which land is specifically described as follows:

An irregular tract of land in the southwest quarter of section thirty-two, township one hundred forty-seven north, range fifty-two west of the fifth principal meridian, now a part of the Mayville State Teachers College campus, which tract begins at a point sixty feet east of the west quarter section corner of said section thirty-two, the said point also being on the east right-of-way line of the county highway; thence one hundred thirty-nine feet north, seventy degrees fifty-eight minutes east to Third Avenue northeast; thence three hundred twenty-eight feet south nineteen degrees two minutes east to the spur track of the Great Northern Railroad which services the college powerhouse; thence following the Great Northern spur track in a northwesterly direction to the east right-of-way line of the county highway; thence two hundred forty-seven feet north along the right-of-way line of the county highway to the point of beginning, which entire tract contains one and thirty-nine one hundredths acres more or less.

In consideration of the lease of the above described real property the Mayville Mutual Aid Corporation shall construct on such property not to exceed three fourplex dwelling houses the specifications of which shall be approved by the board of higher education, to be used principally by faculty members of the Mayville State Teachers College. The lease shall run for a period of not more than forty years at which time the above described real property and any improvements thereon shall be returned to the state. Such property and any improvements thereon may be returned to the state at any time prior to the expiration of the lease if mutually agreed upon by the state board of higher education and the Mayville Mutual Aid Corporation.

§ 2. **Emergency.**) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 11, 1959.

CHAPTER 144

S. B. No. 241

(Foss)

LEASE OF STATE LAND TO VALLEY CITY
DEVELOPMENT CORPORATION

AN ACT

Authorizing the state board of higher education to negotiate a lease with the Valley City Development Corporation, a domestic corporation located at 236 Second Avenue Northeast, Valley City, North Dakota, for certain state land located on the State Teachers College campus at Valley City.

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

§ 1.) The state board of higher education is hereby authorized to lease to the Valley City Development Corporation, a domestic corporation, certain state land under the control of the board of higher education and located on the campus of the State Teachers College at Valley City, which land is specifically described as follows:

All of that part of the northwest quarter of section twenty-eight, in township one hundred forty north, of range fifty-eight west of the fifth principal meridian, Barnes County, North Dakota, described as follows, to-wit: Commencing at a point, said point being the intersection of the west

line of 6th Avenue, Southwest (formerly Pleasant Place) and the south line of 7th Street, Southwest, (formerly Columbia Avenue) in Tracy's Third Addition to the City of Valley City, Barnes County, North Dakota; thence in a westerly direction along the south line of said 7th Street, Southwest, (formerly Columbia Avenue), a distance of 250 lineal feet to a point; thence in a southerly direction parallel with the west line of said 6th Avenue, Southwest (formerly Pleasant Place) a distance of 505 lineal feet more or less to its intersection with the center line of the Sheyenne River as it now runs; thence in a northeasterly direction along the center line of said Sheyenne River to its intersection with the southerly produced west line of 6th Avenue, Southwest (formerly Pleasant Place) in Tracy's Third Addition to the City of Valley City, Barnes County, North Dakota; thence in a northerly direction on said west line of 6th Avenue, Southwest (formerly Pleasant Place) and its extended production thereof before mentioned a distance of 376 lineal feet to the point of beginning, containing in all 2.53 acres, more or less.

In consideration of the lease of the above described real property, the Valley City Development Corporation shall construct on such property not to exceed six two-bedroom apartments, the specifications of which shall be approved by the board of higher education, to be used mainly by faculty members or married students of the State Teachers College at Valley City. The lease shall run for a period of not more than forty years at which time the above described real property and any improvements thereon shall be returned to the state. Such property and any improvements thereon may be returned to the state at any time prior to the expiration of the lease if mutually agreed upon by the state board of higher education and the Valley City Development Corporation.

Approved March 10, 1959.

CHAPTER 145

H. B. No. 550
 (Link, Esterby, Streibel)
 (From LRC Study)

MINIMUM CURRICULUM AND TEACHER QUALIFICATION
 REQUIRED FOR ACCREDITATION

AN ACT

Providing for teacher qualification and the minimum curriculum that must be offered by each high school in this state by 1961 to be accredited by the department of public instruction and for waivers of the conditions imposed.

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

§ 1. High Schools; Minimum Curriculum; Accreditation.)
 Not later than July 1, 1961, the following units of study shall be made available to all students in each high school in this state at least once during each four-year period if such high school is to receive any accreditation by the department of public instruction:

Course Area or Field	Number of Units
English	4
Mathematics	3
Physical Science	4
Social Studies	3
Health and Physical Education	1
Music	1

Six units of any combination of the following subjects: Business Education, Foreign Language, Homemaking, Vocational Agriculture, and Industrial Arts.

§ 2. High Schools; Teacher Qualification; Accreditation.)
 Not later than July 1, 1961, every teacher in any high school in this state teaching any of the course areas or fields mentioned in section 1 of this Act shall have a first grade professional certificate and shall have a major or minor in the course areas or fields that he is teaching if such high school is to receive any accreditation by the department of public instruction.

§ 3. Waiver.) Upon due cause therefor being shown, the superintendent of public instruction is authorized to grant waivers of the conditions for accreditation imposed by this Act for a reasonable length of time.

Approved March 9, 1959.

CHAPTER 146

H. B. No. 608

(Baldwin, Anderson of Richland, Guy)

PURCHASE OF ADDITIONAL LAND FOR
AGRICULTURAL COLLEGE

AN ACT

Authorizing the state board of higher education of the state of North Dakota to negotiate for and enter into a contract for the purchase of additional land for the use of the North Dakota agricultural college at Fargo, North Dakota, and declaring an emergency.

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

WHEREAS, the North Dakota agricultural college is in need of additional land for the proper development and promotion of necessary work and activities related to experimentation and research at the college, and

WHEREAS, there is now available a quarter section of land lying adjacent and in close proximity to premises now occupied and used in connection with the operation of said college which quarter section is described as follows: to-wit:

The southeast quarter of section twenty-seven township one hundred forty, range forty-nine, Cass County, North Dakota, containing one hundred sixty acres, more or less according to the United States government survey, and

WHEREAS, said above described premises may be leased for the 1959 farming season with the right to purchase the same at a cost of two hundred fifty dollars per acre, under contract for deed, with deferred payments extending from the 16th day of January, 1960, to and including the 16th day of January, 1965, with interest at five percent per annum on such deferred payments, and

WHEREAS, said college will have on hand funds sufficient to meet the cost of leasing as well as the various payments on said purchase price when they become due, and

WHEREAS, the sale of such land to others might seriously handicap and jeopardize the future operations and development of said college, *Now Therefore,*

§ 1.) If the state board of higher education is able to negotiate and enter into a contract for the leasing and ultimate purchase of said premises above described at the price and terms above indicated, and with the assurance that neither the state board of higher education nor the state of North Dakota

shall be obligated for the payment of the purchase price other than as above set forth, and upon terms providing that the said purchase price shall be paid from funds of the college now on hand or to be received in the future from the income of said college or incident to the operation or ownership of its land then the board of higher education is hereby authorized to enter into a contract for the purchase of said land.

§ 2. **Emergency.**) This Act is hereby declared to be an emergency measure and shall be in full force and operation from and after its passage and approval.

Approved March 4, 1959.

CHAPTER 147

S. B. No. 113

(Larson, Livingston, Longmire, Vendsel)

SALE OF TAX EXEMPT BONDS FOR REVENUE
PRODUCING BUILDINGS

AN ACT

To authorize the state board of higher education to sell tax exempt bonds for the purpose of constructing revenue-producing buildings at institutions of higher learning in this state, and providing an appropriation.

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

§ 1.) In accordance with the provisions of chapter 15-55 of the 1957 Supplement to the North Dakota Revised Code of 1943, the state board of higher education is hereby authorized and empowered to issue and sell tax exempt bonds for the purpose of constructing revenue-producing buildings at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as is hereinafter provided:

1. University of North Dakota, Grand Forks, North Dakota
 - a. Women's dormitories (2)\$1,400,000.00
 - b. Married student housing 700,000.00
 - c. Men's dormitory 600,000.00
2. North Dakota Agricultural College, Fargo, North Dakota
 - a. Chapel-YMCA\$ 200,000.00
 - b. Armory, army reserve 149,000.00
 - c. Married student housing 300,000.00
 - d. Men's dormitories (2) 1,400,000.00
 - e. Women's dormitory 500,000.00
 - f. Student union addition 550,000.00

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| 3. State School of Science, Wahpeton, North Dakota | |
| a. Men's dormitory | \$ 475,000.00 |
| b. Student union | 400,000.00 |
| 4. State Teachers College, Minot, North Dakota | |
| a. Married student housing | \$ 270,000.00 |
| b. Student union | 450,000.00 |
| c. Faculty apartments | 90,000.00 |
| 5. State Normal and Industrial College, Ellendale,
North Dakota | |
| a. Faculty homes (3) | \$ 36,000.00 |
| 6. State Teachers College, Valley City, North Dakota | |
| a. Women's dormitory addition | \$ 275,000.00 |
| b. Men's dormitory addition | 275,000.00 |
| c. Student union | 300,000.00 |
| d. Student housing (6 units) | 42,000.00 |
| 7. State Teachers College, Dickinson, North Dakota | |
| a. Married student housing | \$ 200,000.00 |
| 8. State Teachers College, Mayville, North Dakota | |
| a. Birkelo Hall addition | \$ 250,000.00 |
| b. Student union | 250,000.00 |

The bonds authorized by this Act shall be retired solely from revenues from the buildings and facilities constructed under the provisions of this Act, and such bonds shall never become a general obligation of the state of North Dakota.

§ 2. Appropriation.) The proceeds resulting from the sale of bonds authorized under section 1 of this Act, or so much thereof as may be necessary, are hereby appropriated for the construction and equipment of the buildings and facilities authorized in section 1. Any unexpended proceeds from the sale of the bonds shall be placed in sinking funds for the retirement of the bonds authorized in section 1.

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Approved March 16, 1959.

CHAPTER 148

H. B. No. 680
(Skaar and Strand)

TEACHER ABSENCES

AN ACT

Relating to absence of teachers due to sickness.

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

§ 1. Five Days Annual Sick Absence; Cumulative.) The employment contract of any teacher, as defined in section 15-4726 of the 1957 Supplement to the North Dakota Revised Code of 1943, as amended, shall provide for at least five days permissible absence annually due to sickness, without loss in pay for the period; and shall further provide for any unused portion of such annually permissible absence to be cumulative from year to year, with a minimum accumulation of twenty days.

Approved March 13, 1959.

CHAPTER 149

H. B. No. 714
(Link and Rolfsrud)

LEASING OF ORIGINAL GRANT SCHOOL LANDS

AN ACT

To amend and reenact sections 15-0401, 15-0407, 15-0409, 15-0410, 15-0411, and 15-0420 of the North Dakota Revised Code of 1943 and to repeal section 15-0408 of the North Dakota Revised Code of 1943 and to create and enact section 15-0422 of the North Dakota Revised Code of 1943, relating to the leasing of original grant school lands, and providing a penalty.

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

§ 1. Amendment.) Section 15-0401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0401. Leasing of School and Other Public Lands; Rent.) All lands granted by the United States to this state for the

establishment and support of common schools and of educational, penal, or charitable institutions may be leased for pasturage and meadow purposes at public auction after notice as provided by this chapter. The lease may be for a period of not more than five years. Grant lands which have never been placed under cultivation by a contract purchaser, in the event such contract is canceled, may be leased for pasturage or meadow purposes for a period of not more than five years. Grant lands which have been placed under cultivation by a contract purchaser, in the event such contract is canceled, may be leased at the discretion and under the control of the board of university and school lands for other than pasturage and meadow purposes until the land is resold. All rents shall be payable annually in advance.

§ 2. **Amendment.)** Section 15-0407 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0407. Minimum Rentals.) The board of university and school lands shall set the minimum rental for uncultivated and cultivated lands, which shall be subject to review and change when deemed necessary by said board.

§ 3. **Repeal.)** Section 15-0408 of the North Dakota Revised Code of 1943 is hereby repealed.

§ 4. **Amendment.)** Section 15-0409 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0409. Notice of Leasing; Publication; Posting.) Each year at such time as in its judgment is for the best interests of the state, the board of university and school lands shall advertise and offer for lease the lands to be leased. All lands to be leased or offered for lease within the respective counties shall be advertised for lease by the board by publication once each week for a period of three weeks prior to the day of leasing in a legal newspaper published nearest the land and in the newspaper designated for the publication of the official proceedings and legal policies within the county in which said land is situated. A list of the lands to be offered for leasing shall be filed with the county treasurer of the county wherein such lands are situated at least 10 days prior to the day of leasing. If, in the opinion of the board, the land that will be leased in any county will not be sufficient to warrant the expense of advertisement in a newspaper by description of each tract or parcel, the notice may be given by general advertisement.

§ 5. **Amendment.)** Section 15-0410 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0410. Leasing To Be By Auction; Regulations Governing.) The commissioner of university and school lands, or such other person as may be appointed by the board of university and school lands, shall conduct the leasing of the lands. The leasing shall be at public auction, to the highest bidder, and shall be held at the courthouse or the place where terms of the district court are held. The auction shall commence on the day specified in the advertisement for the leasing and shall be held between the hours of ten o'clock a. m. and five o'clock p. m., and shall continue from day to day until all tracts or parcels of land advertised for lease have been leased or offered for lease. Auctions for leasing lands shall not exceed ten days in any county, except that an adjournment may be made over Sunday or any legal holiday. Notice shall be given when the land is offered for lease, that all bids are subject to approval by the board. In counties where a large number of tracts of land are to be leased, the land situated in certain townships may be designated in the advertisement to be leased on certain specified days, and in that case the lands shall be leased or offered for lease on the days specified. If all designated lands are not offered for lease because of lack of time, the leasing of the lands unoffered may be adjourned until the following day or days when they shall be the first lands offered for lease. Lands that have not been subdivided specially shall be offered for lease in tracts of one-quarter section each, and lands specially subdivided may be offered for lease in the smallest subdivision thereof. At the time of offering the lands for lease, the county auditor of the county shall act as clerk. He shall make a report of the leasing stating the terms of leasing in the same manner as is provided in section 15-0612.

§ 6. Amendment.) Section 15-0411 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0411. Amount of Bid Deposited at Time of Leasing; Minimum Bid.) The highest bidder for any parcel of land shall deposit the amount of his bid for one year's rental on the day of the sale with the county treasurer, who shall act as treasurer at the auction. No bid shall be accepted which is less than the minimum price fixed pursuant to the provisions of section 15-0407.

§ 7. Amendment.) Section 15-0420 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-0420. Permits to Cut Hay and to Remove Timber.) When in its judgment it is for the best interests of the state, the board of university and school lands may sell the right to cut

grass on any of the lands mentioned in this chapter and may sell any down and dead timber on the lands for such price and upon such terms and conditions as it may think proper. No dead timber, if standing, shall be included in the sale unless expressly specified in the permit. All permits shall be for the current season only, which shall be between the fifteenth day of June and the first day of April of the following year. No control or right of occupancy of the land shall be other than that specified in the permit. All permits shall be paid for in advance.

§ 8.) Section 15-0422 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-0422. Fraudulent Bidding; Penalty.) Any person, who willfully at any leasing auction held pursuant to section 15-0410 makes a successful bid and then fails or refuses to make the deposit on the day of the sale as required by section 15-0411 is guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five hundred dollars, or by both such fine and imprisonment.

Approved March 14, 1959.

CHAPTER 150

S. B. No. 59

(Gefreh, Erickstad, Larson, Schrock, Baeverstad)

(From LRC Study)

JUNIOR COLLEGE PAYMENTS

AN ACT

Relating to payments to school districts operating junior colleges, creating and enacting sections 15-1807, 15-1808, and 15-1809 of the North Dakota Revised Code of 1943, and providing an appropriation.

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

§ 1.) Section 15-1807 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-1807. State Aid for Junior Colleges.) There shall be paid to each school district maintaining a junior college meeting the standards prescribed in section 15-1808, out of funds appropriated for this purpose, the sum of two hundred dollars which shall be paid immediately preceding October first of

each year, for every student in attendance during the two full semesters or fall, winter and spring quarters. For the purpose of this section, a "student" shall mean a person enrolled and in attendance, exclusive of temporary absences, in a junior college for a period of not less than thirty days, and carrying a course of study of not less than twelve class hours in courses meeting standards prescribed by the state board of higher education during each calendar week. A class hour shall mean not less than fifty minutes of instruction or supervised laboratory training. Each student enrolled for a period of more than thirty days in any one quarter or semester, but less than two complete semesters or three complete quarters shall entitle the school district to receive proportionate payments based upon the number of weeks the student is enrolled and in attendance, exclusive of temporary absences, bears to the total weeks in the two complete semesters or three quarters. Such calculations shall exclude weeks of regular vacation time.

§ 2.) Section 15-1808 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-1808. Standards for State Aid.) No school district maintaining a junior college shall be eligible to receive payments as provided in section 15-1807 unless it maintains an enrollment at all times during all semesters or quarters for which payment is made of not less than one hundred "students" as defined in section 15-1807 and meets such academic standards in the various courses and fields of study as shall be prescribed by the state board of higher education. The state board of higher education shall provide for an annual inspection of each junior college to determine compliance with prescribed academic standards.

§ 3.) Section 15-1809 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-1809. Method of Payment.) On or before July 15 of each year, the dean or chief administrative officer of each junior college or the superintendent of each school district claiming state aid payments under section 15-1807, shall file with the commissioner of higher education a verified statement containing the name and residence of each student for whom payments are claimed, together with a listing of each course of study and the number of class hours for which such student was enrolled and in attendance, exclusive of temporary absences, during each week of the period for which payment is claimed. Such other information shall be submitted as may be requested by the state board of higher education. The state board of higher education shall consider all claims submitted for payment from each school district, and on or before Sep-

tember 15 of each year shall forward to the state auditor a certified list of all school districts entitled to payments under section 15-1807, together with the amount of the approved payments. The state auditor shall immediately issue a warrant to each school district entitled to payment in accordance with the certified statement submitted by the state board of higher education. The decision of the state board of higher education in regard to all claims for payment shall be final.

§ 4. Appropriation.) There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of two hundred and thirty thousand dollars, or so much thereof as may be necessary for the purpose of carrying out the provisions of this Act during the biennium beginning July 1, 1959, and ending June 30, 1961.

Approved March 9, 1959.

CHAPTER 151

S. B. No. 184
(Saumur and Longmire)

VOCATIONAL REHABILITATION DEFINITIONS

AN ACT

To amend and reenact section 15-2012 of the 1957 Supplement to the North Dakota Revised Code of 1943 relating to vocational rehabilitation.

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

§ 1. Amendment.) Section 15-2012 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2012. 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 public school education;
2. "Division" shall mean the division of vocational rehabilitation established by this Act (chapter);
3. "Director" shall mean the director of the division of vocational rehabilitation;
4. "Executive officer of the board" shall mean superintendent of public instruction;

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, counseling 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, 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.

Approved March 9, 1959.

CHAPTER 152

H. B. No. 804
(Anderson of Stutsman)
(Loewen, Stockman)

DISSOLUTION OF SCHOOL DISTRICTS AND ATTACHMENT
OF TERRITORY

AN ACT

To amend and reenact section 15-2221 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to dissolution of school districts and attachment of territory.

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

§ 1. Amendment.) Section 15-2221 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2221. Dissolution of School Districts; Duty of County Superintendent.) When the county superintendent of schools shall notify the board of county commissioners that any school district within the county has had its assessed valuation reduced to an amount which will no longer enable the district to raise sufficient funds to carry on normal school operations as a result of the federal or state government acquiring property by eminent domain, or for any other reason, the board of county commissioners shall forthwith give notice of hearing to dissolve the school district and provide for its attachment to an adjoining school district. Be it further provided that when the county superintendent shall notify the board of county commissioners of unorganized territory and recommends that the same shall be attached to an adjacent school district, the board of county commissioners shall forthwith provide for its attachment to an adjoining school district or districts.

Approved March 17, 1959.

CHAPTER 153

S. B. No. 69
(Committee on Education)

COMMON SCHOOL DISTRICT ELECTIONS

AN ACT

To amend and reenact section 15-2406 of the North Dakota Revised Code of 1943, relating to common school district elections.

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

§ 1. **Amendment.)** Section 15-2406 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2406. Candidates to File; Ballots; Stickers.) In common school districts any person desiring to be a candidate at the annual election therein shall file his name and the name of the office which he seeks with the clerk of the school board not less than five days prior to the election. At least three days before the election, the clerk shall prepare and have printed an official ballot containing all of the names filed as provided in this section. The ballot shall:

1. Be headed "official ballot";
2. Contain the name of the district;
3. Contain the date of the election;
4. Be nonpartisan;
5. State the number of persons for whom votes may be cast for each office;
6. Contain blank spaces beneath the names of the candidates for each office in which additional names may be written by the electors.

Any person who fails to file as provided in this section for an office which he seeks may provide stickers to be attached to the official ballot. Such stickers shall not be more than one-half inch in width and shall contain the name of only one candidate.

Approved March 10, 1959.

CHAPTER 154

H. B. No. 711
(Committee on Education)

ADMISSION OF NONRESIDENT STUDENTS

AN ACT

To amend and reenact section 15-2511 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the approval by the county superintendent of elementary nonresident pupils and determining cost.

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

§ 1. **Amendment.**) Section 15-2511 of the 1957 Supplement to the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

15-2511. Pupils; Admission of From Other Districts; Distribution Within Districts; Tuition.) The school board shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitting district pupil, if such parent or guardian is a tenant, then to the extent that the landlord pays school taxes in that district. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by a three-member committee consisting of the county judge, state's attorney and the county superintendent of schools within fifteen days after consulting the boards of education of both districts concerned, and the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds and receipts from the building fund. The board may admit to the schools in the district pupils residing in unorganized territory adjacent to the district and may arrange with the parents or guardians of such pupils for the payment of tuition. The board shall not refuse school privileges to, nor collect tuition from, pupils residing in adjacent unorganized territory if the parents or

guardians of such pupils are the holders of property and taxpayers in the district. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another. Districts not complying with the decision of the committee herein provided shall forfeit their county tuition payments to the schools receiving the pupils.

Approved March 17, 1959.

CHAPTER 155

H. B. No. 850
(Streibel, Dick, Guy, Hogenson)

REPORTS AND FINANCIAL STATEMENTS OF SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-2529, subsection 13 of section 15-2908, section 15-3213 and subsection 5 of section 15-5122 of the North Dakota Revised Code of 1943, relating to reports of school districts and providing for publication of financial statements.

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

§ 1. **Amendment.**) Section 15-2529 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2529. Statement of Receipts and Expenditures: Publication.) The school board shall cause an itemized statement of the receipts and expenditures of the preceding year to be published in a newspaper to be designated by the board. If the board or the treasurer fails to publish the statement before the first of September following the presentation of the treasurer's annual report, the county superintendent of schools shall cause the statement to be published in the newspaper published nearest to such school district in the county. The expense of publication shall be paid by the school district.

§ 2. **Amendment.**) Subsection 13 of section 15-2908 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

13. To make a report on July first of each year, or as soon thereafter as practicable, of the progress and financial and educational condition of all the schools under its charge. A copy of such report, together with such further

information as shall be required by the superintendent of public instruction, shall be forwarded to the county superintendent of schools. The report of financial condition and such other portions as the board of education shall consider advantageous to the public, shall be published in the official newspaper of the city or village, or if no newspaper is published in the district, in a newspaper to be designated by the board, and in cities of over eight hundred inhabitants, it may be published in pamphlet form;

§ 3. Amendment.) Section 15-3213 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3213. Report of City Treasurer: When Made; Contents; Publication.) The city treasurer, at least fifteen days before the annual election of members of the board and as often as directed by the board, shall prepare and submit to the board, a true and correct statement of the receipts and disbursements of moneys under the provisions of this chapter during the preceding year. Such statement shall set forth, under appropriate heads:

1. The money raised by the board from taxes levied;
2. The school moneys received from the county treasurer;
3. The money received from the sale of bonds;
4. All moneys received by the city treasurer, subject to the order of the board, specifying the sources from which it accrued;
5. The manner in which all money was expended, specifying the amount under each head of expenditures.

The board, at least one week before the annual election, shall cause the statement to be published in the official newspaper of the city.

§ 4. Amendment.) Subsection 5 of section 15-5122 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

5. The manner in which all moneys paid out have been expended, specifying the amount under each head of expenditure, and the city council shall at least one week before such election, cause the same to be published in the official newspaper of said city.

Approved March 12, 1959.

CHAPTER 156

H. B. No. 570

(Gress, Muggli, Stockman,
(Schmalenberger, Tough)

RURAL MEMBERS OF SCHOOL BOARDS

AN ACT

To amend and reenact section 15-2802 of the North Dakota Revised Code of 1943, relating to the number of rural members of school boards.

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

§ 1. **Amendment.)** Section 15-2802 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2802. Rural Members of School Board.) When a special school district is composed of six or more sections of land having a city or incorporated village within its boundaries and when the population of the district does not exceed two thousand persons, at least two members of the board of education shall be residents upon farms outside the corporate limits of the city or village. In every special school district, composed of six or more sections of land and having within its boundaries a city or an incorporated village with a population of more than two thousand but less than fifteen thousand persons, and which has at least twenty-five families residing upon farms outside the corporate limits of the city or village but upon farmsteads located within the school district and sending children to school in such special school district, at least one member of the board of education shall be a resident upon a farm outside the corporate limits of the city or village.

Approved March 9, 1959.

CHAPTER 157

S. B. No. 172
(Yunker, Longmire, O'Brien)

COMPENSATION OF SCHOOL BOARD MEMBERS

AN ACT

To amend and reenact section 15-2905 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to compensation of school board members.

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

§ 1. **Amendment.)** Section 15-2905 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2905. Compensation of Board Members.) Each member of the board of education shall receive as compensation five dollars for each meeting of the board actually attended by him, but no compensation shall be allowed for more than one meeting in each calendar month.

Approved March 9, 1959.

CHAPTER 158

H. B. No. 733
(Halcrow, Strand, Guy, Loewen)

ADMISSION OF ELEMENTARY PUPILS FROM OTHER DISTRICTS

AN ACT

To amend and reenact section 15-29082 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the approval by the county superintendent of elementary nonresident pupils, tuition, and determining costs.

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

§ 1. **Amendment.)** Section 15-29082 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-29082. Admission of Pupils From Other Districts; Tuition.) The board of education of any special school district

shall admit to the schools of the district pupils other than high school pupils from other districts when it can be done without injuring or overcrowding the schools, and shall make regulations for the admission of such pupils. When a pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of a pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by a three member committee consisting of the county judge, state's attorney and the county superintendent of schools within fifteen days after consulting the boards of education of both districts concerned, and the balance of the tuition, after credit for taxes paid, shall be paid by the district from which the pupil is admitted, but the whole amount of tuition shall not exceed the average cost of elementary education per child in the county. Such costs shall include expenditures from the general and sinking and interest funds and receipts from the building fund. Districts not complying with the decision of the committee herein provided shall forfeit their county tuition payments to the schools receiving the pupils.

Approved March 17, 1959.

CHAPTER 159

S. B. No. 200

(Longmire, Meidinger, Schrock)

AGE OF COMPULSORY SCHOOL ATTENDANCE

AN ACT

To amend and reenact section 15-3401 of the North Dakota Revised Code of 1943, relating to the age of compulsory school attendance.

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

§ 1. Amendment.) Section 15-3401 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3401. Schools: Compulsory Attendance.) Every parent, guardian, or other person who resides in any school district and has control over any educable child of an age of seven years to sixteen years shall send or take the child to a public school each year during the entire time the public schools of the district are in session.

Approved March 21, 1959.

CHAPTER 160

H. B. No. 657

(Berntson, Knutson of Benson,)

(Kadlec, Sears)

TRANSPORTATION OR MAINTENANCE OF HIGH SCHOOL
STUDENTS

AN ACT

To amend and reenact section 15-3409 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to transportation or maintenance of pupils.

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

§ 1. **Amendment.**) Section 15-3409 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3409. Transportation or Maintenance of Pupils Permitted.) Any school district may provide transportation from the places of residence or, where convenient or more economical, may at the discretion of the school district board pay a reasonable allowance for board and lodging for pupils who are eligible to attend high school and who reside in the district, in order that such pupils may attend a high school in another school district in the county, or in an adjoining county or any county agricultural and training school. Such transportation or allowance shall be provided in such manner and in such amounts as shall be determined by the board of the district furnishing such transportation or allowance.

Approved March 11, 1959.

CHAPTER 161

H. B. No. 710
(Committee on Education)

SCHOOL BUILDING CONSTRUCTION

AN ACT

To amend and reenact subsections 3 and 4 of section 15-3502 of the 1957 Supplement to the North Dakota Revised Code of 1943 and to amend and reenact section 15-3503 of the North Dakota Revised Code of 1943, relating to the construction of school buildings, and declaring an emergency.

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

§ 1. Amendment.) Subsections 3 and 4 of section 15-3502 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

15-3502. School Buildings; Construction.)

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 skylights, shall be equal to at least fourteen percent of the floor space;
4. All ceilings shall average at least nine feet in height, and shall not be lower than nine feet at any point;

§ 2. Amendment.) Section 15-3503 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3503. Toilet Rooms; Construction.) All toilet rooms constructed in any public school building shall have ventilation permitting free access of air.

§ 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 12, 1959.

CHAPTER 162

S. B. No. 72
(Committee on Education)

TEACHERS' CERTIFICATES

AN ACT

To amend and reenact section 15-3611 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to teachers' certificates.

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

§ 1. Amendment.) Section 15-3611 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3611. Certificate Required.) No person who is not the holder of a valid certificate or permit shall be employed or permitted to teach in any of the public schools of the state, except in cities organized for school purposes under special laws or organized as independent districts under the general school laws. Be it further provided that by September 1960 no person, who is not the holder of a valid second grade professional certificate, shall be employed or permitted to teach in any of the public schools of the state.

Approved March 3, 1959.

CHAPTER 163

S. B. No. 130
(Meidinger)
(By request)

DEFINITION OF "TEACHER"

AN ACT

To amend and reenact subsection 1 of section 15-3901 of the North Dakota Revised Code of 1943, relating to definitions.

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

§ 1. Amendment.) Subsection 1 of section 15-3901 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. "Teacher" shall include:
 - a. All persons employed in teaching in any state institution or by any board of education, school board, or other governing body of any school district of this state;
 - b. All superintendents and assistant superintendents employed in any state institution or in the school system of any school district in this state;
 - c. All principals, assistant principals, and special teachers in any state institution or in the school system of any school district in this state;
 - d. The superintendent of public instruction and all county superintendents of schools and their assistants;
 - e. All supervisors of instruction;
 - f. All state school inspectors and supervisors;
 - g. Every person engaged as president, dean, school librarian, or registrar of any state institution;
 - h. The secretary of the North Dakota education association and any assistants to the secretary holding at least a first grade professional certificate;
 - i. The commissioner of higher education; and
 - j. Any person who serves in the capacity of substitute or part-time teacher for a period of not less than twenty days in any one school year.

Approved March 2, 1959.

CHAPTER 164

S. B. No. 132
(Meidinger)
(By request)

TEACHER RETIREMENT

AN ACT

To amend and reenact subsections 1 and 3 of section 15-3927 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the eligibility to participate in fund.

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

§ 1. Amendment.) Subsections 1 and 3 of section 15-3927 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read as follows:

1. After a period or periods aggregating twenty-five years of service as a teacher, of which eighteen years, including the last five years, of teaching shall have been

spent in public schools or state institutions of this state, if such teacher shall have paid into the fund all of the assessments required under the provisions of this chapter. If a teacher shall retire before attaining the age of fifty-five years, eligibility for the retirement annuity shall be deferred until the age of fifty-five years is attained.

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

Approved March 9, 1959.

CHAPTER 165

S. B. No. 129
(Meidinger)
(By request)

RETIREMENT ANNUITY OF TEACHERS

AN ACT

To amend and reenact subsections 1 and 2 of section 15-3928 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to retirement annuity of teachers.

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

§ 1. Amendment.) Subsections 1 and 2 of section 15-3928 of the 1957 Supplement to the North Dakota Revised Code of 1943 are hereby amended and reenacted to read 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 be less than six hundred dollars in any one year upon completion of twenty-five years of service and shall be subject to all the provisions of this chapter. Provided, however, a teacher who has completed twenty-five years of teaching service in compliance with the retirement law and has earned an annuity of twelve hundred dollars at that age and continues to teach beyond that time shall be eligible to annuity increases of sixty dollars per year, for each year of teaching thereafter. Provided further that a teacher who has completed twenty-five years of teaching service in compliance with retirement law and attained the age of fifty-five may have her annuity calculated at that age and granted the six hundred dollar minimum if her total salary is less than thirty thousand dollars. Provided further that if said teacher continues to teach the annuity shall be increased by one hundred dollars per year until the annuity reaches twelve hundred dollars after which time the annuity shall be increased by sixty dollars per year.
2. If said teacher shall have retired and applied for an annuity under the provisions of section 15-3927, subsection 2, he shall receive as an annuity a sum equal to two percent of the total earnings at salary for the years

of teaching service for which assessments were paid. Said annuity, however, shall not be less than three hundred dollars in any one year, subject to all the provisions of this chapter.

Approved March 2, 1959.

CHAPTER 166

S. B. No. 127
(Meidinger)
(By request)

MILITARY SERVICE CONSIDERED TEACHING SERVICE

AN ACT

To amend and reenact section 15-3936 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to military service in war counted as teaching service.

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

§ 1. **Amendment.**) Section 15-3936 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-3936. Military Service in War Counted as Teaching Service.) A teacher who has been granted an honorable discharge from the United States armed forces for services rendered during a national emergency, if he was engaged in the occupation of teaching in North Dakota at the time of entering the service, or who had been engaged in teaching in North Dakota prior to such time but was attending an institution of higher learning for the purpose of improving himself in such profession at the time of entry into the armed services, shall be entitled to have the time of such service counted as teaching service under the provisions of this chapter, upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such service. Provided such back assessments are paid not later than the end of the first year of teaching service in North Dakota following receipt of an honorable discharge from the armed forces of the United States.

Approved March 3, 1959.

CHAPTER 167

S. B. No. 131
(Meidinger)
(By request)

WITHDRAWAL FROM TEACHERS' RETIREMENT FUND, REPEAL
AN ACT

To repeal section 15-3938 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to withdrawal from fund by members of armed forces.

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

§ 1. Repeal.) Section 15-3938 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 14, 1959.

CHAPTER 168

H. B. No. 552
(Link, Esterby, Streibel)
(From LRC Study)

EMERGENCY ASSISTANCE FROM STATE EQUALIZATION FUND
AN ACT

To amend and reenact subsection 1 of section 15-4007 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the financial effort required for emergency assistance from the state equalization fund.

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

§ 1. Amendment.) Subsection 1 of section 15-4007 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. That the district shall have provided the normal 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 fifty percent except in cases of extreme emergency when approved by the state board of public school education. The district shall submit an affidavit by the county auditor stating that such levy has been or will be spread.

Approved March 5, 1959.

CHAPTER 169

S. B. No. 70
(Committee on Education)

EMERGENCY FUND PAYMENTS TO SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-4009 of the North Dakota Revised Code of 1943, relating to the emergency fund.

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

§ 1. Amendment.) Section 15-4009 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4009. Expenditure of Emergency Fund; Aid Applied to Payment of Teachers' Salaries.) Aid granted to school districts from the emergency fund shall be applied to the payment of teachers' salaries.

Approved March 3, 1959.

CHAPTER 170

H. B. No. 551
(Link, Esterby, Streibel)
(From LRC Study)

FOUNDATION PROGRAM, TRANSPORTATION

AN ACT

To provide financial assistance in the transportation of school children and to create and enact sections 15-40011 and 15-56011 of the North Dakota Revised Code of 1943 and to amend and reenact sections 15-4013, 15-4014, 15-40141, 15-4015, 15-4016, 15-4019, 15-4020, 15-4021, 15-5601, 15-5602, 15-5603, 15-5604, 15-5605, 15-5606, 15-5609, 57-1524, and 57-1525 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to county and state equalization funds and county tuition funds and school tax levies and limitations, and to repeal chapter 15-58 and section 57-15251 of the 1957 Supplement to the North Dakota Revised Code of 1943 and section 57-1526 of the North Dakota Revised Code of 1943.

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

§ 1. Amendment.) Section 15-4013 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4013. Definition of "High School Student".) As used in this chapter and in the provisions relating to payments from the county equalization fund, the term "high school student" shall include only students who:

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

§ 2. Amendment.) Section 15-4014 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4014. Payments From County Equalization Fund; Amount; Student Attending School in Foreign State.) There shall be paid from the county equalization fund to all school districts operating high schools, all county agricultural and training schools, the state school for the blind, the state school for the deaf and state training school, that amount of money resulting from multiplying the factor 1.32 times one hundred fifty dollars for each high school pupil in average daily membership in such schools each year. However no payment shall be made for Indian pupils in districts in which the school facilities are being provided, maintained and staffed wholly or in part by the federal government for the education of the Indian pupils. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, teachers have been paid not less than the minimum legal salaries, and the other standards prescribed by this chapter have been met. Districts that did not maintain high schools during the year of 1954-1955 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school work are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school work is offered. A student who lives within twenty miles of another state or in a county bordering on another state and in a school district which has no high school, with the approval of the county superintendent of schools, may attend a four year public high school in an adjoining state and payments from the county equalization fund shall be paid to the district in which the high school which he attends is located in the amount provided for in this section. For purposes of this Act "average daily membership" shall

mean the total days all students in a given school are in attendance plus the total days all students are absent, divided by one hundred eighty days.

• **§ 3. Amendment.)** Section 15-40141 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-40141. Reciprocal Agreement for Payment From County Equalization Fund.) The superintendent of public instruction may enter into reciprocal agreements with the state educational agencies or officers of bordering states in regard to payments from the county equalization fund for high school students attending public school in a bordering state. Such agreements may provide for the payment from the county equalization fund for students from North Dakota attending schools in adjoining states in sums equal, on a per student basis, to payments from the county equalization fund received by North Dakota high schools for students from such bordering states. The superintendent of public instruction by certificate to the state auditor may authorize such payments, from the appropriation from the state equalization fund to the county equalization fund, to schools in adjoining states for the attendance of such high school students. The payment for each student shall not exceed the payments established by reciprocal agreement less the amounts otherwise paid for such student from state and county equalization funds. The auditor by voucher drawn upon the state equalization fund shall make such payments to the appropriate public school, school district or agency of the adjoining state.

§ 4. Amendment.) Section 15-4015 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4015. Application for Payments; Report of County Superintendent of Schools; Appeal.) Immediately upon the termination of the school year and in no event later than July fifteenth of each year the principal or superintendent of each district claiming payments from the county equalization fund under the provisions of this chapter shall file with the county superintendent of schools a verified claim stating the name, residence, and the average daily membership as provided for in section 15-4014, and number of units of high school work taken by each enrolled high school student for whom payment is claimed. Such claim shall be attested by the clerk or secretary of the district. The county superintendent shall investigate the validity of the claim and shall determine the residence and other qualifications of each student named in a claim filed with him. He shall certify to the superintendent of public instruction on or before September first of each year the number

of enrolled high school students for which each district in his county is entitled to receive payment from the county equalization fund. At the same time, he shall give notice to any district the claim of which has been disallowed in whole or in part and shall state in such notice the name of any student for whom payment has been disallowed. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final. Not later than December fifteenth the superintendent of public instruction shall certify to the state auditor a list of the school districts and schools not operated by school districts entitled to payment from the county equalization fund, together with the amounts to which the several districts are entitled.

§ 5. Amendment.) Section 15-4016 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4016. High School Payments Are Exclusive; Exception.) No school district shall charge or collect from any nonresident high school student, his parents or guardian, or the district of his residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident high school students. However, a high school district shall charge tuition for nonresident high school students. The whole amount of such tuition shall be paid by the district from which the pupil is admitted and shall equal the average cost of high school education per child in the county less payments from county equalization and state equalization funds. Such costs shall include expenditures from the general and sinking and interest funds. Districts not providing high school education which refuse to pay the tuition charges shall forfeit their rights to county equalization fund payments. The school board of any school district not providing high school education may levy an amount sufficient to pay tuition charges for high school students attending in another North Dakota school district. Such levy shall not be subject to any mill levy limitations prescribed by law. This chapter, however, shall not affect the right of a school district to charge and collect such tuition as may be fixed by agreement from students who are not residents of this state.

§ 6. Amendment.) Section 15-4019 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4019. Determination of Sums Due County Equalization Funds.) At the close of each school year the county superintendent of schools of each county shall submit to the superintendent of public instruction a request for a grant in aid from the state equalization fund for the county equalization fund. The request shall be filed on forms furnished by the superintendent of public instruction and shall state the full amount of the payments from the county equalization fund to be made to each school or school district that has complied with the provisions of law relating to such fund. The superintendent of public instruction shall determine the amount of the grants in aid to which each county is entitled by subtracting from the full amount of the payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by twenty and five-tenths mills. The balance will be the amount of aid to which the county is entitled for such fund.

§ 7. Amendment.) Section 15-4020 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

***15-4020. Distribution of Payments to County Equalization Funds; Duty of State Auditor.)** Upon receiving the certifications of the county superintendent of schools, the superintendent of public instruction shall certify to the state auditor a list of all county equalization funds in the state together with a statement of the payments due such funds. The state auditor shall pay to the county equalization fund from the state equalization fund the sum found to be due under the provisions of this chapter.

§ 8. Amendment.) Section 15-4021 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

****15-4021. Method of Making Payment From Fund; Duty of State Auditor; Use of Moneys Restricted.)** The state auditor shall make the payments provided for in this chapter for high school correspondence work, for vocational education in agriculture, home economics, and distributive occupations, and for occupational information and guidance, upon the receipt of the certificates therefor from the state board of public school education, and he shall make the payments from the emergency fund on the basis of need, and the payments to county equalization funds upon receipt of the certificates therefor from the superintendent of public instruction. Such payments shall be by the auditor's warrants drawn upon the fund and made payable to the respective school districts, schools or county treasurers, as the case may be, or to the

***Note:** Section 15-4020 was also amended by chapter 372, section 11.

****Note:** Section 15-4021 was also amended by chapter 372, section 12.

county superintendent of schools, as directed by the superintendent of public instruction. If such warrants are sent to the county superintendents, they shall deliver them to the school districts, schools, or county treasurers within their respective counties. Each clerk, secretary or other official shall make a record of each such warrant received by him and shall deliver such warrant to the treasurer. Such payments shall be deposited to the general fund of the school district or to the county equalization fund as the case may be.

§ 9. Amendment.) Section 15-5601 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5601. Elementary Per Pupil Payments; Amount.) There shall be paid out of the county equalization fund, to the school districts of the county operating elementary schools and to the state school for the blind, the state school for the deaf and the state training school, employing teachers holding valid certificates or permits, payments based on the average daily membership as provided for in section 15-4014, the following amounts:

1. In one room rural schools there shall be paid 1.5 times \$150, or a total of \$225 for each of the first sixteen pupils in average daily membership and \$150 for each additional pupil in average daily membership except that no payment shall be made for more than twenty pupils in average daily membership; and
2. In elementary schools having under one hundred pupils in average daily membership there shall be paid 1.25 times \$150, or a total of \$187.50 for each of the first twenty pupils in average daily membership in each classroom or for each teacher and \$150 for each additional pupil in average daily membership in each classroom or for each teacher except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher; and
3. In elementary schools having one hundred or more pupils in average membership there shall be paid \$150 for each of the first thirty pupils in average daily membership in each classroom or for each teacher except that no payment shall be made for more than thirty pupils in average membership in each classroom or for each teacher.

Payment shall not be made for Indian pupils in districts in which the school facilities are being provided, maintained and staffed wholly or in part by the federal government for the education of Indian pupils. It is further provided that for the school year 1959-1960, districts with a one room rural

school or schools closed subsequent to July 1, 1949, shall receive payments as follows:

- a. If the district is composed of eighteen sections of land or less the sum of eight hundred fifty dollars for 10 pupils or less in a school and seventy-five dollars for each pupil in excess of ten in a school.
- b. If the district is composed of more than eighteen sections of land the sum of twelve hundred fifty dollars for ten pupils or less in a school and seventy-five dollars for each pupil in excess of ten in a school;

providing the school board has made a written agreement for the attendance of the pupils in another public school and vehicular transportation is furnished. Districts receiving payments where less than four pupils are enrolled shall receive a proportional amount of the payments as the total enrollment bears to four.

§ 10.) Section 15-56011 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-56011. Balance in Fund After Payments; How Divided.)

Any balance remaining in the county equalization fund after making payments as provided for in section 15-5601 shall be divided among the school districts of the county according to the total number of students in average daily membership in schools in such school districts.

§ 11. Amendment.) Section 15-5602 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5602. Credit for Tuition Paid By District of Residence.)

A credit of one hundred fifty dollars shall be allowed against tuition charged by the district in which an elementary pupil is enrolled in all cases where the tuition for such pupil is paid by the district in which the pupil resides. An elementary student who lives in a county in this state bordering on another state and who, because of more convenient roads, distances or other circumstances, has the recommendation of the county superintendent of schools to attend a public school in an adjoining state, may attend such public school. The home county shall pay the school district in such neighboring state the amount of one hundred fifty dollars toward the elementary tuition for such pupils. Such elementary students attending public schools in a foreign state shall be counted in the county from which they come in calculating the obligations of said county. The payment of such foreign elementary tuition shall be paid by the home county.

§ 12. Amendment.) Section 15-5603 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5603. Certificates Made to County Superintendent of Schools.) On or before July fifteenth of each year the clerk of each school district, shall certify to the county superintendent of schools the total number of high school and elementary pupils in average daily membership in schools in the school district for the preceding year.

§ 13. Amendment.) Section 15-5604 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5604. County Superintendent of Schools Determine Payments: Appeals.) The county superintendent of schools shall determine from the certificates submitted to him by each school district or school, the elementary per pupil payments from the county equalization fund due each school district or school. In determining the payments due, he shall make such investigation as he deems necessary. If a payment is disallowed, in whole or in part, notice thereof and the reason for disallowance shall be given to the district or school on or before September first. Any district or school may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district or school warrants a modification. The decision of the superintendent of public instruction shall be final.

§ 14. Amendment.) Section 15-5605 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5605. Payments to Schools and School Districts.) Not later than December thirty-first the county superintendent of schools shall certify to the county auditor a list of the school districts or schools entitled to elementary per pupil payments from the county equalization fund together with the amounts to which the several districts or schools are entitled. The county auditor shall pay to each district or school the amount received by the county from the state equalization fund upon receiving such certificate, and shall make a second payment on or before March fifteenth in an amount to be determined by the county superintendent of schools and shall pay the balance on or before May fifteenth of each year. Payments shall be made by auditor's warrants drawn upon the county equalization fund to the respective school districts or schools. The payments shall be deposited in the general fund of the district or school.

§ 15. Amendment.) Section 15-5606 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5606. Districts in More Than One County.) If a school district embraces land in more than one county, the county superintendent of schools of the county in which the largest portion of the area of the school district is located shall determine the county equalization fund payments for such district and shall certify to the auditor of each county the amount to be paid by such county which shall be in the same ratio as the number of pupils of the school district residing in such county bears to the total number of pupils of the district.

§ 16. Amendment.) Section 15-5609 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5609. Penalty for False Report.) Any school official who shall falsify any report in connection with the administration of the county equalization fund shall be guilty of a misdemeanor.

§ 17. Amendment.) Section 57-1514 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1514. Tax Levy Limitations in School Districts.) The aggregate amount levied by any school district, whether common, independent, or special, shall not exceed such amount as will be produced by a levy of nineteen mills on the dollar of the net assessed valuation of the district, except that:

1. Any school district giving two years of standard high school work may levy taxes not to exceed twenty-one mills;
2. Any school district giving three years of standard high school work may levy taxes not to exceed twenty-four mills;
3. Any school district giving four years of standard high school work may levy taxes not to exceed twenty-seven mills;
4. Any school district maintaining a consolidated elementary school may levy taxes not to exceed twenty-two mills on the dollar of its net taxable valuation, except that where high school work is offered by such school the limitations on the regular high school levy shall apply.

§ 18. Amendment.) Section 57-1524 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1524. County Mill Levy for Schools.) The county auditor, at the time the annual levy of taxes is made, shall levy a tax of twenty-one mills on the dollar on all taxable property in the county to be placed in the county equalization fund for apportionment as provided by law. The levy provided for in this section shall be over and above any tax levy limitations provided by law.

§ 19. Amendment.) Section 57-1525 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-1525. County Equalization Fund; How Constituted.) The county equalization fund shall consist of the taxes collected by virtue of the twenty-one mill levy made as provided by section 57-1524, payments from the state equalization fund and the balance remaining from collections of the per capita school tax under the provisions of section 57-1523 after the deductions are made as provided in section 15-3923. The distribution of moneys in the county equalization fund shall only be made pursuant to the provisions of section 15-5601 and 15-4014 of the North Dakota Revised Code of 1943, and section 21 of this Act, as they may be amended. If an apportionment of the county equalization fund is withheld from any district, it shall be retained in the fund and disbursed in the same manner as other moneys in the fund. Grants from the state equalization fund shall be converted into and become a part of the county equalization fund of each county.

§ 20. Definitions.) The following words when used in sections 20, 21, 22, and 23 shall have the meanings respectively ascribed to them in this section:

1. "School district" means any type of school district prescribed by the laws of this state.
2. "Route" means a highway, road, or street over and upon which a school bus regularly travels in accordance with a schedule maintained for the transportation of pupils from their homes to schools.
3. "Daily mileage" means twice the distance computed to the nearest tenth of a mile traveled in a single trip by each school bus over its scheduled route or routes.
4. "School bus" means any vehicle or other means of conveyance owned or operated by a school district or any vehicle subject to a contract for transportation of school pupils in accordance with the provisions of section 15-3412 of the 1957 Supplement to the North Dakota Revised Code of 1943 as amended.
5. "Pupil-miles" shall be the daily mileage multiplied by the total number of pupils transported each day in a school bus.

§ 21. Aid for Transportation.) There shall be paid from the county equalization fund to each school district providing school bus transportation a sum equal to .5 cent per pupil-mile for pupils transported in contract school buses or in district owned and operated buses. Such payments shall be made only to school districts operating school buses in accordance with the laws of this state relating to standards for school buses, and to the qualifications of school bus drivers. Certification as to the compliance with the laws of this state in regard to school buses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

§ 22. Method of Making Payment.) Payments under the provisions of this Act for transportation shall begin with the 1959-1960 school year but shall not be made to districts receiving closed school payments for the 1959-1960 school year. On or before the 15th day of July, 1960, and on or before July 15 of each year thereafter, the clerk of each school district in this state providing school bus transportation shall certify to the county superintendent of schools the number of pupils transported each day upon each school bus route, the number of miles in each school bus route, the number of days pupils were transported over such school bus route, the number of pupil-miles calculated in the manner prescribed in this Act, the amount of transportation payments claimed, and such other information as the superintendent of public instruction may require. On or before the first day of September in 1960 and each year thereafter, the county superintendent of schools shall certify all claims for transportation payments submitted by school districts in the county to the state superintendent of public instruction. At the time the county superintendent of schools certifies such claims to the superintendent of public instruction, he shall also give notice to any district of any disallowance that may have been made by him in the claim for transportation payments. Any district may appeal the decision of the county superintendent of schools to the superintendent of public instruction on or before the 15th day of September of any year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

§ 23. State Transportation Payments; Disbursement to School Districts.) The superintendent of public instruction shall determine the total amount of payments to be made from the county equalization fund of each county including those

for transportation, the proceeds of the taxable assessed valuation of each county multiplied by nineteen and five-tenths mills, and the total payments to be received from the state equalization fund excluding state payments for transportation. In the event it is determined by the superintendent of public instruction that insufficient moneys will be available in each county equalization fund to make all payments required to be paid from the fund, including those for transportation, he shall certify to the state auditor a list of such counties together with a statement of the amount of payments due each county equalization fund for the purpose of providing aid for the transportation of pupils. The state auditor shall pay the sum certified by the superintendent of public instruction to each county, where it shall be credited to the county equalization fund. The payments from the state equalization fund as aid for the transportation of pupils shall be made in the same manner and at the same time as other payments from the state equalization fund to county equalization funds are made. Disbursements from the county equalization fund to the respective school districts entitled to payments therefrom shall be upon warrant of the county auditor at the same time and in the same manner as other payments from the county equalization fund to the respective school districts are made.

§ 24.) Section 15-40011 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-40011. Declaration of Legislative Intent.) It is hereby declared that it is the intent of the legislative assembly to support elementary and secondary education in this state from state and county funds at sixty percent of the educational cost per pupil per year as adjusted by other provisions of this Act, exclusive of the cost of physical facilities, transportation and current indebtedness. It is hereby determined that sixty percent of such per pupil cost on the effective date of this Act is one hundred fifty dollars.

§ 25. **Repeal.)** Chapter 15-58 and section 57-15251 of the 1957 Supplement to the North Dakota Revised Code of 1943 and section 57-1526 of the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 21, 1959.

CHAPTER 171

H. B. No. 849

(Knutson of Benson and Sears)

COUNTY AGRICULTURAL AND TRAINING SCHOOL TUITION

AN ACT

To create and enact section 15-42171 of the North Dakota Revised Code of 1943, relating to tuition charges in county agricultural and training schools and to repeal section 15-4217 of the North Dakota Revised Code of 1943.

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

§ 1.) Section 15-42171 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-42171. Tuition in County Agricultural and Training Schools.) The board of trustees of a county agricultural and training school in all counties in this state shall charge and collect tuition for all students attending the school who are residents of school districts whether or not such school districts are operating high schools, but students coming from districts which operate high schools shall pay their own tuition. The tuition charge shall not be more than the total cost of education of each pupil in average daily membership at such school after deducting county and state equalization fund payments, state and federal aid received by the school on a per pupil basis and money received from any other source. For purposes of this section "average daily membership" shall mean the total days all students in a given school are in attendance plus the total days all students are absent, divided by one hundred and eighty.

§ 2. **Repeal.)** Section 15-4217 of the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 21, 1959.

CHAPTER 172

H. B. No. 585

(Hauf, Sears, Hogenson, Hjelle, Lowe,
(Schmalenberger, Davis, Myhre)

AGE OF SCHOOL CHILDREN

AN ACT

Relating to school attendance and to amend and reenact section 15-4701 of the 1957 Supplement.

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

§ 1. Amendment.) Section 15-4701 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4701. Schools Free and Accessible; School Ages.) The public schools of the state shall be equally free, open, and accessible at all times to all children between the ages of six and twenty-one, except that children who do not arrive at the age of six years by midnight, November thirtieth, 1960, shall not start school until the beginning of the following school year, and that children who do not arrive at the age of six years by midnight October thirty-first of each year thereafter shall not start school until the beginning of the following year.

Approved March 9, 1959.

CHAPTER 173

H. B. No. 633

(Johnston)

BIDS ON SCHOOL DISTRICT CONTRACTS

AN ACT

Relating to bids on school district contracts and to amend and reenact section 15-4715 of the 1957 Supplement.

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

§ 1. Amendment.) Section 15-4715 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4715. School Contracts; Advertisement for Bids; Publication, Exceptions.) No contract involving the expenditure of an aggregate amount greater than one thousand dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts; namely:

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

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

Approved March 4, 1959.

CHAPTER 174

H. B. No. 583

(Hornstein, Ostrem, Saugstad, Streibel)

TEACHERS' EMPLOYMENT AND CONTRACTS

AN ACT

Relating to teachers' employment and contracts, and amending and reenacting section 15-4727 of the 1957 Supplement.

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

§ 1. Amendment.) Section 15-4727 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4727. Time for Renewal of Teachers' Contracts.) 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, not earlier than the 15th day of February and not later than 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 before April 15th in any year and not earlier than February 15, the board shall notify all teachers of a date, which shall not be less than 30 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 and shall notify the board in writing of his or her acceptance or rejection on or before the date specified by the board or before May 1 whichever is earlier. Failure on the part of the teacher to so notify the board shall relieve the board of the continuing contract provision of sections 15-4726 through 15-4728. Nothing in this section 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.

Approved March 9, 1959.

CHAPTER 175

H. B. No. 548
(Link, Esterby, Streibel)
(From LRC Study)

LENGTH OF ELEMENTARY AND SECONDARY SCHOOL
YEAR TERM

AN ACT

To create and enact section 15-4733 of the North Dakota Revised Code of 1943, and to amend and reenact section 15-4106 of the North Dakota Revised Code of 1943, and to amend and reenact section 15-2509 and subsection 1 of section 15-2908 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the length of elementary and secondary school terms.

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

§ 1.) Section 15-4733 of the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-4733. Length of Elementary and Secondary School Year Term.) All elementary and secondary schools in this state shall provide at least one hundred seventy-five days of classroom instruction during each school term. Any day in which classes cannot be held because of Acts of God, epidemic or failure of physical facilities shall be included in the 175 days provided for in this section.

§ 2. **Amendment.)** Section 15-4106 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-4106. High School Courses: Requirements; Credits.) Four units of high school work shall be considered the minimum number for any year from the ninth grade to the twelfth grade, inclusive. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred seventy-five days, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. Any day in which classes cannot be held because of Acts of God, epidemic or failure of physical facilities shall be included in the 175 days provided for in this section. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth, inclusive, and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall

not be accredited by the superintendent of public instruction through state high school examinations or otherwise.

§ 3. Amendment.) Section 15-2509 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-2509. School Term: Minimum: Discontinuance of Term: Arbitration.) The terms in a common school district shall be arranged to accommodate pupils of all ages and to furnish school privileges equally and equitably to all pupils in the district. Each common school shall be kept in session for not less than one hundred seventy-five days of classroom instruction 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. Any day in which classes cannot be held because of Acts of God, epidemic or failure of physical facilities shall be included in the 175 days provided for in this section. 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. The parents or guardians of at least four such children must be residents of the district. The board may reopen such school at any time upon its own motion.

§ 4. Amendment.) Subsection 1 of section 15-2908 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

1. To establish a system of graded schools which shall be free to all children of legal school age residing within such district, and such schools shall provide at least one

hundred seventy-five days of classroom instruction each year; provided that any day in which classes cannot be held because of Acts of God, epidemic or failure of physical facilities shall be included in the 175 days provided for in this section.

Approved March 10, 1959.

CHAPTER 176

H. B. No. 820
(Hauf, Fossum, Streibel)

TRADE AND CORRESPONDENCE SCHOOLS

AN ACT

To amend and reenact subsection 3 of section 15-5001, sections 15-5002, 15-5003, 15-5004 and subsection 2 of section 15-5006 of the North Dakota Revised Code of 1943 to conform with chapter 132, Session Laws of 1955, relating to trade and correspondence schools.

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

§ 1. Amendment.) Subsection 3 of section 15-5001 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5001. Definitions.)

3. "Executive officer" means the officer who directs the policy making of the division of vocational education. The superintendent of public instruction is by law the executive officer for vocational education;

§ 2. Amendment.) Section 15-5002 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5002. License Procured; From Whom.) Every private trade or correspondence school, before offering any instruction, first shall procure a license from the executive officer.

§ 3. Amendment.) Section 15-5003 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5003. Licensing of Private Trade and Correspondence Schools: Requirements for.)

1. The executive officer is empowered to issue a license upon compliance with the terms and provisions of this chapter.
2. Application for a license shall be made to the executive officer upon a form prescribed and furnished by him.

3. A license shall not be issued until the executive officer has approved the method and content of the advertising, the standards and methods of instruction, the equipment and housing provided, the qualifications of the teachers, the form and contents of the student enrollment agreement or contract, and the sufficiency of its resources and equipment for its license purpose.
4. If the license is granted it shall be issued upon the faithful performance of all agreements and contracts with students, as disclosed by the application for license, and the compliance with this chapter and all rules and regulations prescribed thereunder. Every license shall expire on the thirtieth day of June following the date of issuance. Licenses may be renewed subject to the continued compliance with the rules and regulations of this chapter.

§ 4. **Amendment.)** Section 15-5004 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5004. Solicitors Required to Procure Permits.)

1. Every solicitor, before engaging in such business, first shall procure a permit from the executive officer.
2. A permit shall be issued only upon written application to the executive officer. The application shall be upon a form prescribed and furnished by the executive officer and shall be accompanied by ten dollars, the fee for such permit. If the application is granted, the permit shall not be issued until the applicant has filed with the executive officer a continuing surety bond to the state of North Dakota in the penal sum of one thousand dollars, conditioned for the faithful performance of all contracts and agreements with students by the solicitor and the employing private trade or correspondence school, as disclosed by the application for the permit, and for the compliance by the solicitor with this chapter and all rules and regulations prescribed thereunder. Every permit shall expire on the thirtieth day of June following the date of issuance.

§ 5. **Amendment.)** Subsection 2 of section 15-5006 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5006. Revocation or Suspension of License or Permit.)

2. Upon the filing with the board of charges against the holder of a license or permit issued under this chapter, the executive officer may suspend such license or permit pending determination thereof.

Approved March 12, 1959.

CHAPTER 177

S. B. No. 101
(O'Brien and Thompson)

CLASSIFICATION OF ELEMENTARY SCHOOL DISTRICTS
AS HIGH SCHOOL DISTRICTS

AN ACT

To create and enact section 15-53011 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the classification of certain elementary school districts as high school districts for the purpose of reorganization.

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

§ 1.) Section 15-53011 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby created and enacted to read as follows:

15-53011. Classification of Elementary School Districts Where County Agricultural and Training Schools Are Located.) For purposes of school district reorganization as provided in chapter 15-53 of the 1957 Supplement to the North Dakota Revised Code of 1943, an elementary school district in which a county agricultural and training school is located, shall be considered a high school district.

Approved March 3, 1959.

CHAPTER 178

S. B. No. 68
(Committee on Education)

REORGANIZATION OF SCHOOL DISTRICTS

AN ACT

To amend and reenact section 15-5314 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to reorganization of school districts.

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

§ 1. **Amendment.)** Section 15-5314 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5314. 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 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 election all existing districts within the proposed new district containing one or more incorporated villages or cities regardless of number or size shall vote as a single unit; and, all existing districts within such proposed new district regardless of number or size which do not contain one or more incorporated cities or villages shall vote as a single unit. For the purposes of this Act, all districts containing incorporated cities or villages shall be considered an incorporated area, and all districts which do not contain at least one incorporated city or village shall be considered a 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 at least fourteen days next preceding such election, and by posting not less than fourteen days before the election one such notice on each schoolhouse 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 election 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 the majority of all votes cast by the electors within the incorporated area of a 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.

Approved March 4, 1959.

CHAPTER 179

S. B. No. 71

(Committee on Education)

TEACHING SCHOLARSHIPS

AN ACT

To amend and reenact sections 15-5708 and 15-5710 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to teaching scholarships.

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

§ 1. Amendment.) Section 15-5708 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5708. Scholarship Payments; Conditions; Notes Required; Scholarship Continued.) Upon the granting of a scholarship and the acceptance thereto, the recipient shall be entitled to the sum of one hundred dollars for each college quarter to cover the cost of tuition, books and other institutional expenses and to provide a part of the subsistence costs of the recipient. The scholarship payment shall be given only to regularly enrolled students taking a full load of college work in a two-year course leading to a second grade professional certificate, who have declared their intent to enter teaching in North Dakota in a rural school for a term equal to the length of time the scholarship is held. At the beginning of each quarter of a regular college year, the board shall certify to the state auditor the name of each recipient of a scholarship, the auditor shall issue his warrant to the state treasurer who shall pay the amount of the scholarship through the secretary of the college in which the recipient is enrolled. Each recipient of a scholarship shall sign and execute notes to the state treasurer, endorsed by a responsible adult for the amount of such scholarship. The notes shall bear interest at the rate of three percent per annum and shall become due and payable with accrued interest forty-five months after the date of issue, except as otherwise provided in this chapter. The board may grant scholarships to a scholarship recipient to be used during the summer quarter of any year whenever the recipient may

thereby qualify for a second grade professional certificate in time to begin teaching at the beginning of the rural school year following the completion of the summer quarter. Such scholarship shall be in the same amount as for any other quarter. Upon the granting of the scholarship and the acceptance thereto, payment shall be made only to candidates who declare their intent to teach two years in a North Dakota rural public school.

§ 2. Amendment.) Section 15-5710 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

15-5710. Collection or Cancellation of Notes.) If a scholarship recipient, before the notes provided for in this Act (chapter) become due, has satisfactorily completed two years of teaching in a one-room rural school, the notes and accrued interest thereon shall be canceled. The county superintendent of schools of the county where the recipient has taught shall certify to the board the time of teaching completed by the recipient, and the board, if satisfied, shall notify the state treasurer to cancel the notes. Whenever less than a full school year of teaching has been completed the notes may be canceled in the order of execution, corresponding with the months of teaching which are completed. In the event of death or total disability of the recipient, the notes and accrued interest shall be canceled. The board may designate the county superintendent of schools of the county where the recipient has taught or resides as its agent in the collection of such notes and in carrying out the provisions of this Act (chapter).

Approved March 3, 1959.

CHAPTER 180

S. B. No. 105
(Larson)

TRANSFER OF FUNDS TO STATE SCHOOL
CONSTRUCTION REVOLVING FUND

AN ACT

To transfer funds received in the payment of interest and principal under chapter 15-60, of the 1957 Supplement to the North Dakota Revised Code of 1943, to the state school construction revolving fund and declaring an emergency.

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

§ 1. Transfer of Funds.) The state superintendent of public instruction is hereby authorized to transfer all money accumulating from the school districts in the payment of interest and principal to the state school construction fund, which is not necessary for administration, to the revolving fund.

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

Approved March 3, 1959.