

EDUCATION

CHAPTER 96.

[S. B. No. 303—Talcott]

TEACHERS' STATE CERTIFICATES.

AN ACT to Amend Section 871 of the Revised Codes of the State of North Dakota of 1905 Relating to Education.

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

§ 1. AMENDMENT.] Section 871, of chapter 9, of the revised codes of 1905, state of North Dakota, is amended and re-enacted to read as follows:

§ 871. STATE CERTIFICATES, FIRST AND SECOND CLASS. SPECIAL, WHO ENTITLED.]

1. He may issue a state certificate to be valid for the term of five years unless sooner revoked, to be known as a state certificate of the first class. Such certificate shall be issued only to persons of good moral character who have completed the prescribed curriculum of study in the teachers' college of the state university, or in one of the normal schools of the state, or in a normal school elsewhere, having a reputation for thoroughness, or to those persons who have degrees in liberal arts, granted by any college or university of recognized standing, but the superintendent of public instruction may examine any such applicant in his discretion. Such certificate shall not be granted unless the applicant shall have taught school successfully for at least eighteen months after graduation.

2. He may issue a state certificate, to be valid for a term of three years, unless sooner revoked, to be known as a state certificate of the second class. Such certificate shall be issued only to persons of good moral character who have completed the prescribed curriculum of study in any reputable normal school, or who have received degrees in liberal arts from a college or university of good standing in this state, and have made at least one year's study in pedagogics, such as shall be prescribed by the superintendent of public instruction, but the superintendent of public instruction may examine any such applicant in his discretion.

3. Any person who is a graduate of the teachers' college of the university of North Dakota, or of one of the normal schools of North Dakota, and who has had nine months' successful experience as a teacher after graduation, may be granted a state certificate of

the first class; provided, that a diploma from the teachers' college of the university of North Dakota or of either of the normal schools of this state shall be the equivalent of a state certificate of the second class, if the party holding such diploma have the required age specified in section 875.

4. He may issue special certificates authorizing the holders thereof to teach music, drawing, kindergarten, primary subjects, manual and industrial training, domestic science, nature study or elementary agriculture, which certificates shall be valid throughout the state, each for a term of three years, under such regulations as the superintendent of public instruction may prescribe; provided, that graduates from the state normal and industrial school shall be entitled to certificates authorizing them to teach manual and industrial training without further examination.

Approved March 15, 1909.

CHAPTER 97.

[S. B. No. 252—Johnson]

STATE TUITION FUND.

AN ACT to Amend Section 6 of Chapter 95 of the Session Laws of 1907, Being Section 847 of the Revised Codes of North Dakota for 1905, Relating to the Tuition Fund and Enumeration.

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

§ 1. AMENDMENT.] Section six of the session laws of 1905, being section 847 of the revised codes of North Dakota for 1905, be and the same is hereby amended to read as follows:

§ 847. NOT ENTITLED TO TUITION FUND, WHEN. ENUMERATION.] No school district shall be entitled to receive any portion of the state tuition fund that fails to make a report of the enumeration of the children of school age in the manner provided by law, nor until such enumeration has been taken and reported as required by law. The county superintendent of schools shall not authorize the payment of money apportioned to any district unless the bond and oath of such treasurer has been duly approved and filed, as provided for by section 817; provided, also, that the county superintendent is empowered to withhold the payment of state and county tuition from any district whose clerk and treasurer have failed to make the reports provided for in section 835. New districts organized after the annual enumeration has been taken shall proceed immediately to take the enumeration as provided by law, and after the receipt of such enumeration by the superintendent of public instruction through the county superintendent, the newly organized district shall receive its proportionate share of the funds to be apportioned;

provided, further, that the county superintendent shall have the right to withhold the apportionment of the county and state tuition fund from any school district other than the new districts herein provided for, which has not maintained school therein for a period of not less than six school months in each school of said district in the school year preceding such apportionment or has not otherwise provided school facilities for the pupils of that district; provided, further, that it shall be mandatory upon the county superintendent to withhold the apportionment of state and county tuition funds from any district which has not maintained school for a period of at least four months in each school in said district or otherwise provided school facilities for the pupils of that district for the school year preceding such apportionment; and when such apportionment of state and county tuition funds shall be withheld by the county superintendent from any district, they shall revert to the funds from which they were originally apportioned.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there are no provisions for the return of these funds, therefore this act shall take effect immediately after its passage and approval.

Approved March 15, 1909.

CHAPTER 98.

[S. B. No. 235—Senate Committee on Education]

ENCOURAGEMENT OF PROFESSIONAL SPIRIT AMONG TEACHERS.

AN ACT to Encourage Professional Spirit Among Teachers in This State.
Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SUPERINTENDENTS, PRINCIPALS, TEACHERS ATTENDING THE NORTH DAKOTA EDUCATIONAL ASSOCIATION.] The board of education in special or independent districts, or the school district board in any common school district is hereby authorized to allow the superintendent, principal or teachers of the schools under its charge to attend any meeting of the North Dakota educational association which may be held while the schools of such districts are in session without loss of salary.

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

Approved March 15, 1909.

CHAPTER 99.

[S. B. No. 232—Senate Committee on Education]

COMPULSORY ATTENDANCE.

AN ACT to Amend Sections 894 and 896 of the Revised Codes of 1905.

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

§ 1. AMENDMENT.] Section 894 of the revised codes of 1905 is amended to read as follows:

§ 894. SCHOOL AGE, WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person who resides in any school district or city, who has control over any child or children of or between the ages of eight and fourteen shall send each child or children to a public school in each year during the entire time the public schools of such district or city are in session, and every parent, guardian, or other person having control of any deaf or feeble-minded child or youth between the ages of seven and twenty-one years of age shall be required to send each deaf child to the school for the deaf at the city of Devils Lake, and any feeble-minded child to the institution for the feeble-minded at Grafton; provided, that such parent, guardian, or other person having such control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by such board; that no school shall be approved by such board unless the branches usually taught in the public schools are taught in such schools.

2. That such child is actually necessary to the support of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by the county physician, if required by the board) as to render such attendance inexpedient or impracticable. If no school is taught the requisite length of time within three miles of the residence of such child by the nearest route, such attendance shall not be enforced, except in cases of consolidated schools where transportation may be arranged by the school board; provided, that in districts where children live beyond the three mile limit and school facilities are not otherwise provided, the district board shall provide transportation for such children to and from school, paying therefor a

sum not exceeding ten cents per mile one way per day for one or two pupils, and five cents each per mile one way per day for more than two pupils for each day's attendance at school. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, attendance shall be required of pupils residing within four miles of such school or schools, but this provision shall not apply to deaf or feeble-minded children in this state. The common schools provided for in this chapter shall be at all times equally free, open and accessible to all children over six and under twenty years of age, residents of the school districts where they are held or entitled to attend school, under any special provisions of this chapter, subject to the regulations herein made, and to such regulations as the several school boards and boards of education may prescribe, equitably and justly, and not in conflict with the provisions of law; provided, further, that this section shall not be construed to apply to parents, guardians or other persons having control of any child or children between the ages of eight and fourteen who desire to send such child or children for a total period not exceeding six months to any parochial school for the purpose of preparing such child or children for certain religious duties.

§ 2. AMENDMENT.] Section 896 of the revised codes of North Dakota, amended by the legislature of 1907, is amended to read as follows:

§ 896. PROSECUTION FOR NEGLECTING THIS DUTY.] It shall be the duty of the superintendent or principals of schools in any city, town or village, or the teacher of any district school to inquire into all cases of negligence of the duty prescribed in this article and to ascertain from the person neglecting to perform such duty the reason therefor, if any, and in common school districts notify the county superintendent of schools of such neglect; and said county superintendent, upon proper presentation of facts, shall lay the complaint before the state's attorney whose duty it will be to proceed forthwith to secure the prosecution for any offense occurring under this article. In special or independent districts the superintendent or principal of schools shall lay the complaint before the state's attorney who shall proceed as above; provided, further, that the board of education or district school board in any city or school district of over five hundred inhabitants may employ a truant officer who shall perform the duties implied in this section.

Approved March 15, 1909.

CHAPTER 100.

[H. B. No. 340—McCrea]

COURSE OF STUDY FOR RURAL SCHOOLS.

AN ACT to Authorize the Superintendent of Public Instruction and Presidents of the State Normal Schools to Arrange a Course of Study for the State Normal Schools, to Provide for the Rural Schools of North Dakota.

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

§ 1. COURSE OF STUDY AUTHORIZED.] For the purpose of encouraging education in the rural communities of North Dakota and promoting a knowledge of rural environment and life, the presidents of the state normal schools with the superintendent of public instruction are authorized and empowered to provide and arrange a course of study for the state normal schools of not less than ten and one-half months extent, for students who have completed the eighth grade in the common and rural schools of the state or the eighth grade in the cities, towns and villages, and for such persons as may have previously been granted a certificate to teach in this state.

§ 2. NORMAL SCHOOLS GRANT CERTIFICATES.] The said normal schools are further empowered, upon the completion of the course of study hereby provided for with standings in each subject which are approved by the superintendent of public instruction, to grant a certificate of completion which shall be the equivalent of second grade teachers' certificate and shall be valid as a certificate to teach in any county of the state of North Dakota.

§ 3. BRANCHES REQUIRED.] The course of study herein provided for shall consist of a professional review of the common branches of study, together with physiology, civil government, methods of teaching, practice and observation and not less than one year's course in elementary agriculture and nature study.

§ 4. REQUIREMENTS OF STUDENT.] The student admitted to this course of study must be at the time of entrance at least seventeen years of age, submit evidence to the school authorities of good moral character and must be able to pass, if required, a medical examination showing that he has the general health required to perform the work of a teacher. He must also possess the other qualifications required under the law for the certification of teachers.

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

Approved March 12, 1909.

CHAPTER 101.

[S. B. No. 58—Movius]

COMPENSATION BOARD OF EDUCATION

AN ACT to Amend Section 955 of the Revised Codes of North Dakota, 1905, Relating to Compensation of Members of the Board of Education.

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

§ 1. AMENDMENT.] Section 955 of the 1905 revised codes of North Dakota is amended to read as follows:

§ 955. COMPENSATION OF MEMBERS WHO MUST NOT BE INTERESTED IN CONTRACTS.] Each member of such board of education shall receive a compensation of one dollar and fifty cents for each meeting of such board actually attended by him; provided, that no compensation shall be allowed for more than one meeting in each calendar month. The members shall not be interested, directly or indirectly, in any contract for making any improvements or repairs, or for erecting any building or for furnishing any materials or supplies for their district.

Approved February 15, 1909.

CHAPTER 102.

[H. B. No. 349—Law]

PHYSICAL EDUCATION.

AN ACT to Amend Section 889 of the Revised Codes of 1905.

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

§ 1. PHYSICAL EDUCATION REQUIRED.] Physical education, which shall aim to develop and discipline the body and promote health through systematic exercise, shall be introduced and taught as a regular branch to all pupils in the departments of the public schools of the state and in all educational institutions supported wholly or in part by money from the state.

§ 2. TEACHER EMPLOYED.] School district boards and boards of education in special and in independent districts having a population of over five hundred shall employ regularly a competent person, who shall also be a teacher in said school, to supervise the work in physical education; said physical education shall consist of the theory and practice of physical training and include a practical knowledge of personal hygiene.

§ 3. INSTRUCTION GIVEN IN SUMMER SCHOOLS.] All teachers when convened in institutes or summer training schools for teachers shall receive daily instruction in the theory and practice of physical education and there shall be employed in each institute or summer training school for teachers a competent person to give such instruction.

§ 4. NORMAL SCHOOLS MUST TEACH.] All persons attending any of our state normal schools shall receive a definite and thorough course in the science and art of physical education as will prepare them for efficient service in the subject in the public schools of this state, and no person shall be deemed qualified to receive a diploma from any one of our state normal schools who has not had such training.

§ 5. PENALTY FOR FAILURE.] Any teacher refusing or neglecting to comply with the provisions of this act shall be subject to the same penalties as provided for failure to teach any other required subject.

§ 6. DUTY OF BOARDS.] It shall be the duty of all boards of education and boards of educational institutions receiving money from the state, to make provisions for daily instruction in all schools and institutions under their respective jurisdiction, and to adopt such method or methods as will adapt progressive physical exercise to the development, health and discipline of the pupils in the various grades and classes of schools and institutions receiving aid from the state.

Approved March 12, 1909.

CHAPTER 103.

[S. B. No. 46—Neal]

FREE KINDERGARTENS.

AN ACT to Empower the School Board of Any District to Establish and Maintain Free Kindergartens for the Instruction of Children Between Four and Six Years of Age.

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

§ 1. MAY BE ESTABLISHED. COST, HOW PAID. GOVERNMENT. DUTY OF SUPERINTENDENT OF PUBLIC INSTRUCTION.] The school board of any school district in the state, upon a petition signed by a majority of the legal voters in the district, shall have the power to establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between four and six years of age, residing in said district, and shall establish such courses of training, study and discipline and such other rules and regulations governing such preparatory or kindergarten

schools as said board may deem best; provided, that nothing in this act shall be construed to change the law relating to the taking of the census of the school population or the apportionment of the state or county school funds among the several counties and districts in this state; provided, further, that the cost of establishing and maintaining such kindergartens may be paid from the school funds of said districts, raised by direct taxation for such purpose, and the said kindergartens shall be a part of the public school system, and governed, as far as practicable, in the same manner and by the same officers as are provided by law for the government of the other public schools of the state; provided, further, that no person shall be employed as a teacher in such kindergarten schools who has not passed a satisfactory examination in such subjects as the state superintendent of public instruction shall require. The state superintendent of public instruction shall adopt rules governing the examination of kindergarten teachers and shall furnish county superintendents with examination questions, and the examinations shall be held in the manner provided by law for the examination of teachers in the public schools; provided, further, that any person who shall complete the course of training for kindergarten teachers at the state normal school or its auxiliaries shall be entitled to teach in the kindergarten schools of this state without examinations.

Approved March 11, 1909.

CHAPTER 104.

[S. B. No. 237—Senate Committee on Education]

SALARY COUNTY SUPERINTENDENT.

AN ACT to Amend Section 777 of the Revised Codes of 1905, as Amended by Chapter 105 of the Session Laws of North Dakota for 1907.

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

§ 1. AMENDMENT.] Section 777 of the revised codes of North Dakota for the year 1905, as amended by chapter 105 of the session laws of North Dakota for 1907, is hereby amended to read as follows:

§ 777. SALARY. DEPUTIES. TRAVELING EXPENSES.] The salary of the county superintendent of schools shall be as follows: In each county having one school and not over five, one hundred and fifty dollars; six schools and not over ten, three hundred dollars; eleven schools and not over fifteen, four hundred dollars; sixteen schools and not over twenty, five hundred dollars; twenty-one schools and not over twenty-five, six hundred dollars; twenty-six schools and not over thirty, seven hundred dollars; thirty-one schools and not over thirty-five, eight hundred dollars; thirty-six schools and

not over forty, nine hundred dollars; forty-one schools and not over fifty, one thousand dollars, and for each additional school ten dollars additional; provided, that in computing the salary of such superintendent no school shall be included unless the same shall have been taught at least four months during the preceding school year; provided, further, that such salary shall not exceed one thousand five hundred dollars in any county where the number of schools does not exceed one hundred thirty, and in counties where the number of schools exceeds one hundred thirty, the county superintendent shall be allowed, in computing such salary, five dollars additional; provided, always, that such salary shall in no case exceed two thousand dollars. In addition thereto he shall receive ten cents a mile for the distance actually and necessarily traveled by him in the discharge of his duties. He shall at the end of every three months make and furnish to the county commissioners an itemized statement, subscribed and sworn to, of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the board of county commissioners. The amount of his salary and the appropriation for office deputy shall be determined each year by the actual number of schools or separate departments in graded and high schools in the county in which school has been taught for at least four months during the preceding school year and the same shall be paid out of the county general fund, monthly upon the warrant of the county auditor; provided, that whenever the number of schools in a county is diminished by reason of the consolidation of schools or other provision for the instruction of pupils in any district or districts, the same number of schools shall be counted for such district or districts in computing the salary of the county superintendent as existed before said consolidation or other provision until such time as the number of separate departments in the general school or schools provided for the pupils of vacated schools shall equal the number of schools originally vacated. In counties having fifty or more schools the county superintendent may appoint an office deputy for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary; provided, further, that in counties having one hundred fifty or more schools the county superintendent shall be allowed one deputy for each one hundred schools or major fraction thereof, under the supervision of said superintendent. Such deputies shall be for the purpose of assisting the county superintendent in visiting the schools and in the general supervision of the educational work of the county. They shall possess the qualifications of the county superintendent specified in section 778 and shall each receive a salary of two hundred dollars in excess of that paid to the office deputy.

Approved March 15, 1909.

CHAPTER 105.

[H. B. No. 205—Ployhar]

SCHOOL LAW COMPILATION COMMISSION.

AN ACT Providing for the Appointment of a Committee for the Purpose of Drafting and Reporting the Inconsistencies, Contradictions and Omissions of the School Laws of the State of North Dakota, and Appropriating Money Therefor.

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

§ 1. COMMISSION, HOW CONSTITUTED. DUTIES.] There shall be created not later than the first day of August, 1909, a committee of five persons, of whom the attorney general and the deputy state superintendent of public instruction shall be members, and the other three members shall be appointed by the governor from among the best known and the best posted school men of this state. The said committee shall meet and organize not later than September the first, 1909, and shall proceed with all due care to perform the duties contemplated by this act, as hereafter provided. The committee shall complete its work not later than September first, 1910. The said committee shall report to the next session of the legislature any contradictions, inconsistencies and omissions found in the existing laws, and shall draft and report to that session of the legislature such school laws as, in its judgment, would be of use and benefit to the state, for information, assistance and action of said legislature.

§ 2. APPROPRIATION FOR EXPENSES OF THE COMMISSION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum of money sufficient to meet the actual and necessary expenses of the committee; provided, however, that the members of this commission shall receive no compensation whatever. All bills for expenses shall be paid only upon the presentation of duly verified vouchers, approved by the state board of audit.

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

Approved March 11, 1909.

CHAPTER 106.

[S. B. No. 27—Welo.]

INVESTMENT OF PERMANENT SCHOOL FUND.

AN ACT to Amend Section 155 of Chapter 4 of the Political Code of the State of North Dakota, and All Acts or Parts of Acts Amendatory Thereof, Providing for the Investment of Moneys Belonging to the Permanent Funds of the Common Schools, University, School of Mines, Reform School, Agricultural College, School for the Deaf and Dumb, Normal Schools and All Other Permanent Funds Derived From the Sale of Public Lands or Any Other Source Belonging to the School Divisions of the State.

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

§ 1. AMENDMENT.] Section 155 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, are hereby amended to read as follows:

§ 155. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITIONS OF LOANS.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college and the school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under the authority of law within the state, bonds of the United States, bonds of the state of North Dakota, bonds of other states; provided, such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division on which the same may be loaned, such value to be determined by the board of appraisal of school lands; provided, at least one-third of the whole amount of the several permanent funds aforesaid, as computed by the commissioner of university and school lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; provided, further, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgages on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which such lands are located. For the first five years payments shall consist only of interest, paid annually and commencing with the sixth year the interest shall be paid annually as above stated, and the borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated lands within the state, and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums not more than five thousand dollars, to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon; provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the principal and interest then due on such loan the interest on the principal for six months in advance of date of such payment. All proceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

§ 2. SATISFACTION OF MORTGAGE LOANS ON REAL ESTATE.] The governor and superintendent of public instruction, who are respectively the chairman and secretary of the board of university and school lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the board of university and school lands whenever the loans secured by such mortgages shall have been fully paid, as attested by the records in the office of the state treasurer.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is no law governing the provisions of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1909.

CHAUTER 107.

[H. B. No. 48—Traynor]

LEASING PORTIONS OF CAMPUSES OF EDUCATIONAL INSTITUTIONS.

AN ACT to Authorize the Board of Trustees or Directors of the State University and School of Mines, the State Agricultural College, the State School of Forestry, the North Dakota Academy of Science, the State Industrial School and the Various State Normal Schools of the State of North Dakota to Lease Portions of the Campuses to Societies and Organizations of Students and Graduates Thereof, and Legalizing Such Leases Heretofore Made.

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

§ 1. POWER TO LEASE GRANTED.] The board of trustees or directors of the state university and school of mines, the state agricultural college, the state industrial school, the North Dakota academy of science, the state school of forestry and the various state normal schools and such other state institutions of learning of the state of North Dakota as may hereafter be established, shall have power to grant leases of land of portions of the campuses of said institutions to student and graduate student organizations for the purpose of erecting and maintaining thereon student club-houses or dormitories; provided, that said organizations shall first have incorporated under the laws of the state of North Dakota and shall have submitted to the board of trustees or directors plans and specifications of the building proposed to be erected thereon; and, provided, further, that in relation to the conduct and behavior of said organizations and their members in and about said premises and the use to be made of such buildings and premises said organizations and their members shall, in each instance, be subject to the management and control of the board of trustees or directors, and the faculty of the institution upon whose lands said lease is granted. Such premises and improvements thereon shall at all times remain under the absolute and exclusive control of the state, and the state or the board of trustees or directors of the institution upon whose lands such lease shall be granted may at any time revoke the same, and any such lease as may have been granted by any such board to any such organization for such purpose prior to the passage of this act is hereby legalized and must

be considered as binding on the parties thereto, in so far as the same shall be in accordance with the provisions of this act and the constitution of this state.

§ 2. EMERGENCY.] Whereas, an emergency exists in that dormitories as are contemplated in this act are now in the process of erection, and no law exists covering the provisions herein contemplated, therefore, this act shall take effect and be in force from and after the date of its passage and approval.

Approved February 19, 1909.

EMBALMERS

CHAPTER 108.

[S. B. No. 162—Duis]

QUALIFICATIONS OF EMBALMER.

AN ACT to Amend and Re-enact Section 344 of Article 17 of the Revised Codes of North Dakota of 1905, Relating to Qualifications of Embalmers of Dead Human Bodies, and the Duties and Relations for the Shipment Thereof.

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

§ 1. AMENDMENT.] Section 344 of article 17 of the revised codes of North Dakota is amended and re-enacted to read as follows:

§ 344. LICENSE ISSUED, WHEN.] Every person who wishes to practice the profession of embalming dead human bodies in the state of North Dakota or prepare for shipment any dead human body, shall appear before the state board of embalmers, or such member thereof designated, as hereinbefore provided, for examination on their knowledge of embalming, sanitation, preservation of the dead, disinfection of a deceased person and the apartments, bedding, clothing, excretion and anything likely to be affected in case of death from infectious or contagious disease, in accordance with the rules and regulations of the state board of health. Such examination shall be in writing and all examination papers shall be kept on record by said state board of embalmers; and if the applicant be of good moral character and passes a satisfactory examination, then the said board shall issue to said applicant, on payment of the sum of five dollars to the treasurer of said board, a license to practise the profession of embalming for the term of one year. If the applicant desires the renewal of the license, the said board shall grant it, except for cause, and the annual fee for the renewal of the license shall not exceed three dollars.

Approved March 13, 1909.