

SCHOOLS AND SCHOOL DISTRICTS

CHAPTER 201.

[S. B. No. 28—Sharpe]

IMPROVEMENTS TO SCHOOL GROUNDS.

AN ACT Defining the Duties of District School Boards in Relation to the Planting, Cultivation and Protection of Trees and Shrubs Upon School House Grounds.

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

§ 1. DUTIES OF DISTRICT SCHOOL BOARDS AS TO TREE PLANTING.] It is hereby made the duty of every district school board in the state of North Dakota to plant trees and shrubs upon the grounds of every school house in their district and to encourage school children to plant such trees and shrubs and to cultivate and protect the same.

§ 2. FENCES.] Where stock is permitted to run at large, it is hereby made the duty of the district school board to cause to be erected about the grounds of every school house in each district a fence sufficient to protect the trees and shrubs upon the school house grounds from destruction by live stock, and such fence shall be provided with convenient gates or stiles; provided, further, that in the construction of such fence barbed wire shall not be used.

§ 3. FUNDS FOR TREE PLANTING AND CULTIVATION.] The district school board is hereby empowered and it shall be its duty to expend not less than ten dollars annually out of the funds of the school district for the purposes mentioned in the foregoing sections.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is not at the present time any adequate law providing for the planting of trees upon school grounds and for the fencing of such school grounds, therefore, this act shall be in force and effect on and after its passage and approval.

Approved February 15, 1909.

CHAPTER 202.

[S. B. No. 116—Palmer]

SCHOOL HOUSE SITES.

AN ACT to Amend and Re-enact Section 830 of the Revised Codes of 1905, Relating to School House Sites, How They May Be Obtained and the Maximum Area Therefor.

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

§ 1. AMENDMENT.] Section 830 of the revised codes of 1905 is hereby amended and re-enacted so as to read as follows:

§ 830. SCHOOL HOUSE SITES, HOW OBTAINED AND MAXIMUM AREA ALLOWED.] The school board of any school district may take in the corporate name thereof, any real property not exceeding five acres in area chosen as a site for school house, as provided in this chapter, and may hold and use such tract for school purposes only. Should the owner of such real property refuse or neglect to grant and convey such site, a site for such school house may be obtained by proceeding in eminent domain, as provided in the code of civil procedure. If the site so selected is not used for the purposes for which it is taken for two successive years, it shall revert to the original owner or his assigns upon payment of the sum originally paid by the corporation. If such owner or his assigns neglects or refuses to make such repayment for one year after demand therefor by the board, such site shall be the property of the district.

Approved March 11, 1909.

CHAPTER 203.

[S. B. No. 157—Simpson]

SCHOOL HOUSE FURNISHINGS.

AN ACT to Amend and Re-enact Section 822 of the Revised Codes of North Dakota for the Year 1905.

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

§ 822. FURNITURE, MAPS, REGISTER, SCHOOL LIBRARY.] It shall furnish to each school all necessary and suitable furniture, maps, charts and apparatus, including any dictionary which is recognized as a standard authority. The school register and all school blanks used, shall be those furnished by the state department of public instruction. It may appropriate and expend each year not less than ten, nor more than twenty-five dollars for each school, or

separate department thereof, of the district for the purpose of a school library, to be selected by the school board and the county superintendent of schools from any list of books prepared by the superintendent of public instruction, and furnished by him to the county superintendent for that purpose, and it shall not purchase any books which have not been approved by the superintendent of public instruction. It shall have the care and custody of the library and may appoint as librarian any suitable person, including one of their number, but whenever practicable, the library shall be kept in the school house, and always so when school is in session. It shall make rules to govern the circulation and care of the books while in the hands of the pupils or other persons, subject to the general rules as may be prescribed by the state superintendent of public instruction, and may impose and collect penalties for injuries done to any book by the act, negligence or permission of the person who takes the same or while in his possession, but no book shall be loaned to any person not a resident of the district. It may at any time temporarily exchange any part or all of its library with any other district or person, so far as different books may be obtained, but each district shall recall its books before the close of the school term. It may at any time accept donations of books for the library, but it shall exclude therefrom all books unsuited to the cultivation of good character and good morals and manners, and no sectarian publications, devoted to the discussion of sectarian differences and creeds shall be admitted to the library. It shall be held accountable for the proper care and preservation of the library, and shall report annually to the county superintendent all library statistics which may be required by the blanks furnished for that purpose by the superintendent of public instruction.

§ 2. EMERGENCY.] An emergency exists in that there is no law now on the statute books permitting district school boards purchasing for the use of the public schools of this state any dictionary other than Webster's international dictionary, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1909.

CHAPTER 204.

[S. B. No. 234—Senate Committee on Education]

SCHOOL TREASURER'S BOND.

AN ACT to Amend Sections 811, 829, 882 and 883 of the Revised Codes of 1905, Pertaining to Education.

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

§ 1. AMENDMENT.] Section 811 of the 1905 revised codes of North Dakota is amended so as to read as follows:

§ 811. TREASURER'S BOND, HOW APPROVED. VACANCY, HOW FILED.] The school treasurer shall, on or before the second Tuesday in July following his election and before entering upon his duties, give a bond to the school district conditioned for the honest and faithful discharge of his duties and that he will render a true account of all funds and property that shall come into his hands and pay and deliver the same according to law. Such bonds shall be in such sum as may be fixed by the board, but not less than double the sum to come into his hands in any one year as nearly as may be ascertained, which bond shall be signed by two or more sufficient sureties to be approved by the school board. In case the school board neglects or refuses to approve the bond of such treasurer and the sureties thereon, such treasurer may present the same to the county superintendent and serve notice thereof upon the board and due proof of such notice being made to the county superintendent, he shall, unless good cause for delay appears, proceed to hear and determine the sufficiency of the bond and the sureties thereon, and may approve or disapprove the same as the facts warrant. In case of a failure to elect a successor to any school treasurer at the expiration of his term of office the said treasurer holds over [and] he shall be required to give a new bond, within ten days after notice by the board. In case of failure so to do a vacancy shall be deemed to exist in said office and shall be filled as provided by law. In case a vacancy occurs in the office of the district treasurer, it shall be the duty of the county treasurer of the county wherein such school district is located, upon being notified by the county superintendent or clerk of such school district that such vacancy exists, to perform the duties of treasurer of such school district until the vacancy is duly filled.

§ 2. AMENDMENT.] Section 829 of the 1905 revised codes of North Dakota is amended to read as follows:

§ 829. SCHOOL HOUSES AND SITES, HOW DETERMINED. PLANS FOR SCHOOL HOUSES, HOW PREPARED. BOARD OF INSPECTORS, HOW CONSTITUTED.] Whenever in the judgment of the board it is desirable or necessary to the welfare of the schools in the district, or to provide for the children therein proper school privileges, or whenever petitioned to do so by one-third of the voters of the district, the board shall call a meeting of the voters in the district at some convenient time and place fixed by the board, to vote upon the question of the selection, purchase, exchange or sale of a school house site, or the erection, removal, or sale of a school house. Said election shall be conducted and votes canvassed in the same manner as at the annual election of school officers. Three notices of the time, place and purpose of such meeting shall be posted in three public places in the district at least ten days prior to such meeting. If a majority of the voters present at such meeting shall by vote select a school house site, or shall be in favor of the purchase, exchange

or sale of the school house, as the case may be, in accordance with such vote; provided, it shall require a vote of two-thirds of the voters present and voting at such meeting to order the removal of the school house, and such school house so removed cannot again be removed within three years from the date of such meeting; provided, further, that whenever a school house is to be purchased, erected or constructed in a common school district, the school board shall consult with the county superintendent of schools and the county superintendent of health with regard to plans providing for the proper construction, lighting, heating and ventilation; provided, further, that it shall be the duty of the state superintendent of public instruction to furnish plans for school houses of one and two rooms as will be in accord with the best ideas pertaining to heating, lighting, ventilating and other sanitary requirements.

2. The county superintendent of health, the chairman of the board of county commissioners and the county superintendent of schools of each county are hereby constituted a board for the purpose of inspecting school houses and out-buildings with reference to their sanitary condition, and whenever the county superintendent of schools shall report to said board of inspection that a school house or out-building is in an unsanitary or unsafe condition, said board shall inspect the same and shall direct the district school board to make such changes or repairs as are necessary to make such building or buildings sanitary, safe and fit for school purposes.

§ 3. AMENDMENT.] Section 882 of the 1905 revised codes of the state of North Dakota is amended so as to read as follows:

§ 882. SCHOOL YEAR AND SCHOOL WEEK DEFINED. HOLIDAYS.] The school year shall begin on the first day of July and close on the thirtieth day of June of each year. A school week shall consist of five days and a school month of twenty days. No school shall be taught on a legal holiday nor on any Saturday; provided, however, that on February the twelfth, Lincoln's birthday, February the twenty-second, Washington's birthday, and May the thirtieth, memorial day, all schools in session shall assemble for a portion of the day and devote the same to patriotic exercises consistent with that day, unless such holidays shall fall upon Saturday or Sunday, when such services shall be on the Friday preceding. A legal holiday in term time falling upon a day which otherwise would be a school day shall be counted and the teacher shall be paid therefor, but no teacher shall be paid for Saturday nor be permitted to teach on Saturday, to make up for the loss of a day in the term.

§ 4. AMENDMENT.] Section 883 of the revised codes of 1905 for the state of North Dakota, as amended by the legislature of 1907, is amended to read as follows:

§ 883. BRANCHES TO BE TAUGHT IN ALL SCHOOLS.] Each teacher in the common schools shall teach pupils as they are sufficiently advanced to pursue the same, the following branches: Orthography,

reading, spelling, writing, arithmetic, language lessons, English grammar, geography, United States history, civil government, physiology and hygiene, giving special instruction concerning the nature of alcoholic drinks and other narcotics and their effect upon the human system. Physiology and hygiene, including the nature of alcoholic drinks and other narcotics and their effect upon the human system, shall be taught as thoroughly as any branch is taught. There shall also be taught in every school in connection with physiology and hygiene simple lessons on the nature, treatment and prevention of tuberculosis. All pupils in the above mentioned schools below the high school and above the third year of school work computing from the beginning of the lowest primary year, shall receive instruction in this subject every year from text books adapted to grade in the hands of pupils for not less than four lessons per week for ten weeks of each school year. In all schools above mentioned, all pupils in the lowest three primary school years shall each year be instructed orally in this subject for not less than three lessons per week for ten weeks of each school year by teachers using text books adapted to grade for such instruction as a guide or standard. Each teacher in the schools in special districts and in the cities organized for school purposes under special law shall conform to and be governed by the provisions of this section.

Approved March 15, 1909.

CHAPTER 205.

[S. B. No. 338—Purcell]

BONDS FOR BRIGHTWOOD SCHOOL DISTRICT.

AN ACT to Amend Section 18 of an Act Entitled "A Bill for an Act Creating Certain Territory Now Within the School Township of Brightwood, Richland County, D. T., as an Independent School District, to be Known as Brightwood Independent School District Number One, Richland County, North Dakota," Passed February 16th, 1885.

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

§ 1. AMENDMENT.] Section eighteen of a bill for an act to create certain territory now within the school township of Brightwood, Richland county., D. T., as an independent school district, to be known as Brightwood Independent District Number One, Richland county, North Dakota, passed February 16, 1885, be and the same is hereby amended to read as follows:

§ 18. [MAY ISSUE BONDS.] The board of education of said district are authorized and empowered, and it shall be their duty, whenever the said board shall deem it necessary in order to an efficient organization and establishment of schools in said district, and

when the taxes authorized by this act shall not be sufficient, or shall be deemed by the said board burdensome upon the taxpayers of said district, from time to time to issue bonds of said district, in the denominations of not less than one hundred dollars, payable in not less than ten years after date, and bearing interest at the rate of not to exceed eight per cent per annum, payable annually on the first day of July, and upon their face to show they are issued for school purposes, and cause the same to be sold and negotiated, at not less than par value, and the money realized therefrom deposited with the district treasurer to the credit of the said board of education; and when any bonds shall be so negotiated, it shall be the duty of the said board of education of said district to provide by tax for the payment of the principal and interest of said bonds; provided, however, that at no time shall the aggregate amount of bonds issued under the provisions of this act exceed fifty mills on the dollar of the assessed valuation of the property of said district.

§ 2. EMERGENCY.] Whereas, an emergency exists, therefore this act shall be in force and effect from and after its passage and approval.

Approved March 16, 1909.

CHAPTER 206.

[S. B. No. 342—Simpson]

LEGALIZING ORGANIZATION OF SCHOOL DISTRICTS.

AN ACT to Amend and Re-enact Section 796 of the Revised Codes of the State of North Dakota for the Year 1905, Providing for the Legalizing of the Irregularities in the Organization of School Districts.

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

§ 1. AMENDMENT.] Section 796 of the revised codes of the state of North Dakota for 1905 is amended and re-enacted to read:

§ 796. LEGALIZING IRREGULARITIES.] All school districts, whether duly and legally organized under the provisions of statute or not, which for six months or more last past have had a de facto organization, are hereby declared to be legally organized and are authorized to exercise all the functions of school districts which have been duly and legally organized as provided by statute, with the boundaries which they may have at the time of the going into effect of this article, and all contracts and obligations of said districts and the acts of the officials thereof are hereby ratified and confirmed so far as to give them the same validity which they would have had if such districts had been legally organized.

§ 2. EMERGENCY.] Whereas, in some of the newly organized counties in the western portion of the state, new school districts

have been organized without petition as required by law and a de facto organization of such districts have voted for the issue of certain bonds which can not be sold unless the organization of said district is legalized; and whereas, there is an urgent need to dispose of said bonds to enable said districts to make the necessary improvements, therefore this act shall take effect on and after its passage and approval.

Approved March 16, 1909.

SCHOOL LANDS

CHAPTER 207.

[S. B. No. 155—Crane]

SCHOOL LAND COLLECTIONS.

AN ACT to Amend Section 192 of the Revised Codes of the State of North Dakota of 1905, Relating to the Collection by County Treasurers of Moneys Due on School Lands Held Under Contract or Lease From the State, and Providing the Manner of Reporting Such Collections to the State Auditor and the Commissioner of University and School Lands, and Prescribing the Duties of the County Treasurers, State Auditor and Land Commissioner in Connection Therewith.

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

§ 1. AMENDMENT.] Section 192 of the revised codes of the state of North Dakota of 1905, is amended and re-enacted to read as follows:

§ 192. COLLECTIONS, HOW MADE. DUTIES OF COUNTY TREASURER.] The purchasers of any land mentioned in this article and the lessees of any such lands, or their executors, administrators or assigns, shall pay to the county treasurer of the county in which such land lies, any and all amounts that may become due from time to time upon such contracts or leases for principal, interest, penalties or rent, and for the amounts so paid the county treasurer shall give to such person a duplicate receipt specifying the amount paid, date of payment, the number of the contract or lease and the description of the land for which the payment is made, name of the person making such payment, nature of the payment, whether for interest, principal, penalty or rent and for what year, and a separate receipt shall be given for each contract or lease, and a separate receipt for each year's interest, and principal and interest shall not be included in the same receipt. All moneys received by each county treasurer under the provisions of this article shall at all times be held by him subject to the order and direction of the state treasurer and the board of university and school lands, and on the first day of each month or within fifteen days thereafter, the county treasurer of each county shall make report to the commissioner of university and school lands of all moneys so collected by him during