
BOARD OF UNIVERSITY AND SCHOOL LANDS.

CHAPTER 25.

[H. F. 286.]

POWERS AND DUTIES—APPROPRIATION.

AN ACT Providing for the Organization, and Fixing and Defining the Powers and Duties of the Board of University and School Lands, and Making an Appropriation Therefor.

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

§ 1. BOARD, HOW CONSTITUTED.] The Superintendent of Public Instruction, Governor, Attorney General, Secretary of State and State Auditor shall constitute the Board of University and School Lands. Such board shall be organized as follows: The Governor shall be *ex-officio* president of such board, the Superintendent of Public Instruction shall be *ex-officio* secretary thereof, and the State Auditor shall be *ex-officio* recorder thereof. In the absence of the president or secretary, the Attorney General shall act as president or secretary as the case may require. Such board when acting as such must act personally. No member thereof can be represented in such board by any assistant or clerk in the office of which such member is the chief officer.

§ 2. AUTHORITY.] Subject to the provisions of this act, such board shall have full control of the selecting, leasing and sale of all the public lands of the State, and the investment of the permanent funds derived from the sale thereof, or from any other source; *Provided*, That all such lands granted to the State by Congress, shall be selected by the Governor, or his duly authorized agent, subject to such rules and regulations as may be prescribed by the Secretary of the Interior.

§ 3. SECRETARY.] The secretary of said board shall keep, in a suitable book, a full and correct record of all their proceedings at every session of the board, which record when approved shall be signed by the president and secretary.

§ 4. MEETINGS OF BOARD.] Said Board of University and School Lands shall meet regularly in the office of the Superintendent of Public Instruction on the last Saturday of each month, at 10 o'clock a. m. Special meetings of the board may be held at any time at the written call of the president or any two members.

§ 5. QUORUM.] Any three members of said board shall constitute a quorum. But said board shall not purchase any bond or bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified in time to be present at such meeting, and notified also that the question of purchasing said bonds or mortgages is to be considered thereat, designating the bonds and mortgages; nor unless a majority of all the members of said board vote in favor of the purchase thereof.

§ 6. AUDITOR TO BE EX-OFFICIO RECORDER, KEEP RECORDS AND MAKE REPORTS TO GOVERNOR.] It shall be the duty of the State Auditor as *ex-officio* recorder of said board to keep in a suitable book or books a full and complete record of the selection, leasing, sale and issuing of patents of all lands belonging to the State or in which the State has an interest, or which are held in trust by the State. He shall also keep in suitable books a record showing a detailed statement of the condition of all the permanent funds under the control of said board, the amount of each fund, how invested, when due, interest paid, and every other act in any manner connected with the management of said funds, and shall biennially report all such investments to the Governor to be laid before the Legislative Assembly.

§ 7. INVESTMENTS OF SCHOOL FUNDS, HOW MADE.] Said Board of University and School Lands shall have the power, and it is hereby made their duty, from time to time, to invest any monies belonging to any of the permanent funds of the common school, University, School of Mines, Reform School, Agricultural College, Deaf and Dumb Asylum, Normal School, and all other permanent funds derived from the sale of the public lands or from any other source, in bonds of school corporations within the State, bonds of the United States, bonds of the State of North Dakota, or in first mortgages on farm lands in the State, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisers of school lands.

§ 8. RECORDS.] Said board shall also keep such other books as may be necessary to properly register and describe all bonds and mortgages offered to them, and all bonds and mortgages bought or taken by them for the benefit of any of the permanent funds under their control. Such record books shall be ruled so as to enable the board to register the name and residence of the person offering to sell any such bond or bonds or mortgages, and name and residence or location of the owner or district for whom such offer is made, and a full and detailed description of every bond, whether United States, State, or school district, and the date, number, series, amount and rate of interest of each bond, and when the interest and principal, respectively are payable; and such record shall be made of every such bond and mortgage before the board shall act upon the question of purchasing the same.

§ 9. RECORDS ALWAYS OPEN FOR INSPECTION.] All the records

and record books of such board shall at all times be open for the inspection of every member of said board and other State officers, and any member or committee of the Legislative Assembly or either house thereof.

§ 10. TREASURER CUSTODIAN OF FUNDS.] All monies belonging to the permanent funds derived from the sale of any of the public lands, or from any other source, shall be paid to and held by the State Treasurer, and be subject to the order of the board of university and school lands. The State Treasurer shall also be the custodian of all bonds, notes, mortgages and evidences of debt arising out of the management of the permanent funds derived from the sale of any of the public lands of the State or from any other source.

§ 11. INVESTMENTS, HOW UNPAID MONIES TO BE COLLECTED.] It shall be the duty of said Board of University and School Lands, from time to time, and as soon as may be practicable, to collect all monies due and owing to any of the permanent funds under their control, and make investments of the same as hereinbefore required. If any such monies shall remain unpaid for thirty days after the same become due and payable, the board shall order the Attorney General to proceed to collect the same by civil action, to be brought and prosecuted in the name of the State.

§ 12. MANNER OF INVESTING PERMANENT FUNDS.] In the investment of the permanent funds under their control, said board shall authorize the State Auditor to draw his warrant on the State Treasurer, payable out of the fund invested, for the purchase price of the bond or mortgages, and a warrant payable out of the annual fund for any accrued interest that may have accumulated on the bonds or mortgages purchased; which warrants, previous to their delivery, shall be registered by the State Treasurer in a book provided for that purpose.

§ 13. PATENTS.] The Governor shall sign, and cause to be issued under the seal of the State Auditor and attested by the Secretary of State, patents conveying the title of the State to the purchasers of any of the public lands belonging to the State when the terms of purchase have been fully complied with, and all rents and taxes due on said lands have been paid; and the Governor shall in like manner sign and cause to be issued patents of said lands, to any purchaser of the right, title and interest of the original purchaser, his heirs or assigns, at an execution or mortgage sale, upon presentment to him of the certificate of the Auditor that the whole amount of principal, interest, rents and taxes due thereon has been paid according to law, and that said purchaser at execution or mortgage sale is entitled to a patent to the land described in such certificate.

§ 14. FEE TO REMAIN IN STATE UNTIL PATENTS ISSUED—LANDS SUBJECT TO TAXATION FROM DATE OF CONTRACT—TRESPASSERS.] The fee of each parcel of said land shall be and remain in the State until patents are issued for the same respectively upon full

payment as aforesaid; *Provided*, That the lands directed to be sold by the State shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then and thereupon the contract of sale for such lands shall become null and void. And it is hereby made the duty of the respective county treasurers in this State to certify to the State Auditor a statement of all taxes remaining unpaid, on the first Monday in October in each year, upon any of the school or public lands held under contract of purchase from the State; which statement shall be made and forwarded to the State Auditor not later than November first in each year. In case of non-compliance by the purchaser, his heirs or assigns, with the terms of the contract of sale or with the provisions of law applicable thereto, any and all persons being or continuing in possession of any such lands after a failure to comply with the terms of the contract as aforesaid, or with such provisions of law as aforesaid, without a written permission of the Board of University and School Lands, shall be deemed and held to detain such land forcibly and without right, and to be trespassers thereon.

§ 15. PATENTS TO BE RECORDED.] The register of deeds of the several counties of this State are authorized to record all patents issued by the Governor pursuant to the provisions of this act; and the record thereof shall have the same effect as the record of other conveyances executed according to the laws of the State.

§ 16. INCIDENTAL EXPENSES.] The necessary incidental expenses of the Board of University and School Lands shall be paid out of the State Treasury, and, upon satisfactory vouchers therefor, the State Auditor shall issue his warrant for the same.

§ 17. APPROPRIATION FOR LAND OFFICE FEES, ETC.] There is hereby appropriated out of any funds in the Treasury not otherwise appropriated the sum of \$10,000, or so much thereof as shall be found necessary for the payment of the United States land office filing fees upon said public lands to be selected as provided in this act, and the further sum of \$5,000 or so much thereof as may be necessary for the payment of the salary and expenses of the agent selecting the same, clerk hire of the board, record books, blanks, and such other expenses as shall be necessarily incurred by said board in carrying out the provisions of this act.

§ 18. APPROPRIATION FOR INTEREST.] There is hereby annually appropriated such sums as shall be found necessary for expenses of purchase, and payment of accrued interest at time of purchase, of investment bonds or mortgages for the permanent funds under the control of said board payable from the respective fund for which said purchase is made.

§ 19. EMERGENCY.] Whereas, it is necessary that a law providing for the organization of the Board of University and School Lands and defining their powers and duties be in effect imme-

diately, this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1890.

BOARDS OF HEALTH.

CHAPTER 26.

[H. F. 212.]

COUNTY BOARDS OF HEALTH.

AN ACT to Amend Section 7 of Chapter 63 of Session Laws of 1885, Relating to Boards of Health, Being Section 198 of Compiled Laws of 1887.

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

§ 1. AMENDMENT.] That Section 7 of Chapter 63, of the Session Laws of 1885, being Section 198 of Compiled Laws, be amended to read as follows:

“Sec. 7. There is hereby established a county board of health, composed of president, vice-president and superintendent. The state’s attorney in each county shall be president of said county board. The board of county commissioners shall appoint some suitable person who is a resident of the county vice-president; and they shall also appoint said superintendent of public health, for the county, who shall be learned in medicine and hold a license to practice medicine and surgery within the State, and the several persons thus appointed shall hold their offices for two years and until their successors are elected and qualified.”

Approved March 31, 1890.