
COAL

CHAPTER 77.

[H. B. No. 441—Williams.]

DEFINITION OF WORD, "COAL."

AN ACT Defining What the Word "Coal" Means When Used in the Constitution and Laws and Resolutions of the Legislative Assembly of the State of North Dakota.

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

§ 1. That wherever the word "coal" appears in the constitution and the laws of this state or in the resolutions of the legislative assembly it shall be understood to mean and include all kinds of coal, and include what is known as lignite coal.

Approved, March 2, 1915.

CHAPTER 78.

[H. B. No. 304—Hendrickson.]

REQUIRING USE OF LIGNITE COAL.

AN ACT to Amend and Re-enact Section 1828 of the Compiled Laws of 1913, Relating to the Use of Lignite Coal in State and County Institutions and Schools; Providing a Penalty for the Violation of this Act.

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

§ 1. AMENDMENT.] Section 1828 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1828. PUBLIC INSTITUTIONS TO USE.] The various state institutions, county buildings and public school houses in this state shall use for fuel, native or lignite coal, or lignite coal products, and it shall be unlawful for any officer to purchase for use in such institutions, county buildings and public schools any coal other than that taken from the mines within the boundaries of this state. This Section shall not be construed, however, as prohibiting the use of other coal or wood at such institutions, county buildings and public schools, when the cost thereof does not exceed that of native coal, or the use of coal other than native lignite coal or lignite coal products at such public schools as are located six miles or more from any mine or railroad station within the boundaries of this state; *provided*, that the comparative cost of such fuel is not greater than that of lignite coal, or lignite coal products.

All purchases of lignite coal shall be based upon proposals published in some newspaper, published in and having a general cir-

culation in the State of North Dakota, and copies of said proposals shall be filed in the office of the Secretary of State at Bismarck, North Dakota, on or about the date thereof and said purchases of lignite coal shall be made from the lowest responsible bidder and shall be based on the following *Standard Contract Grade*.

Two thousand (2,000) pounds shall constitute one (1) ton *Standard Contract Grade* of lignite coal.

Standard Contract Grade of lignite coal shall contain as delivered thirty-three (33) per cent. of moisture as determined at one hundred and five (105) degrees *Centigrade* (c). For actual weight of moisture above thirty-five (35) per cent. deduct proportionately the price per ton.

Standard Contract Grade Lignite Coal, water-free basis, shall contain from ten (10) to fifteen (15) per cent. of ash. For each one (1) per cent. of ash above fifteen (15) per cent. deduct two and one-quarter ($2\frac{1}{4}$) per cent. of the bid price per ton. For each one (1) per cent. below the ten (10) per cent. add one and three-fifths ($1\frac{3}{5}$) per cent. of the bid price per ton.

Standard Contract Grade Lignite Coal shall contain, water-free basis, not over two (2) per cent. of sulphur. For each one (1) per cent. or major fraction thereof above two (2) per cent. deduct two (2) per cent. of the bid price per ton.

Standard Contract Grade Lignite Coal shall contain, water-free basis, nine thousand five hundred (9,500) British Thermal Units (B. T. U.) and the price per ton shall be based upon that number of heat units. When the British Thermal Units (B. T. U.) are in excess of that amount, such excess shall be paid for proportionately; and if the contents are less than nine thousand five hundred (9,500) British Thermal Units (B. T. U.) then a proportionate amount shall be deducted from the price.

The method of ascertaining the above facts shall be agreed upon between buyer and seller; *provided*, that any school or institution which does not use to exceed fifty (50) tons of coal in any one year shall not be required to publish for proposals as herein provided.

§ 2. PENALTY.] Any board having charge or control of such school or institution which shall purchase fuel in violation of the provisions of Section 1828, shall be personally liable for the purchase price thereof and such school or institution shall not be liable therefor. *Provided*, however, that this Act shall not apply to country schools or public buildings where no janitor is employed.

Approved, March 10, 1915.