

SCHOOLS

CHAPTER 273.

(S. B. No. 165—Kelsh.)

BONDS OF COMMON SCHOOL DISTRICTS.

An Act Amending and Re-enacting Section 1334 of the Compiled Laws of the State of North Dakota for the year 1913, as Amended by Chapter 105, Session Laws of 1921, Relating to the Limit of Issue of Bonds of Common School Districts.

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

Sec. 1. AMENDMENT.) That Section 1334 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 105, Session Laws of 1921, is hereby amended and re-enacted so as to read as follows:

Sec. 1334. BONDS, DENOMINATION OF, INTEREST. LIMIT OF ISSUE.) The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds, provided, that the amount of bonds including all other indebtedness shall not exceed five per cent of the assessed valuation of the school district and may be made payable in not less than ten or more than twenty years from their date; and provided, further, that in any school district which has, by a majority vote increased its limit of indebtedness an additional five per cent, on its assessed valuation, beyond said five per cent limit, in the manner provided by law, the amount of such bonds, including all other indebtedness, shall not exceed ten per cent of the assessed valuation of said school district, and may be made payable in not less than five nor more than twenty years from their date.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency, and shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 24th, 1923.

CHAPTER 274.

(S. B. No. 164—Kelsh.)

BONDS OF INDEPENDENT SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1303 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Limit of the Amount of Bonds of Independent School Districts.

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

Sec. 1. AMENDMENT.) That Section 1303 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

Sec. 1303. AUTHORITY TO ISSUE BONDS.) The Board of Education of such district is authorized and empowered, and it is its duty whenever the board deems it necessary for the efficient organization and establishment of schools, including the purchase of school sites and the construction and furnishing of school houses, in such district, and when the taxes authorized by this article shall not be sufficient or shall be deemed by the board to be burdensome upon the tax payers of the district, from time to time to issue bonds of the district in the denomination of fifty dollars or some multiple of fifty, payable at a time not to exceed twenty-five years after date and bearing interest at a rate not to exceed seven per cent per annum, payable semi-annually on the first day of January and July of each year; and to show upon their face that they are issued for the purpose of building or furnishing a school house or school houses, purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds; and the said board of education is authorized to cause the same to be sold at not less than par value, and the money realized therefrom deposited with the city treasurer to the credit of such board of education, and when any bonds shall be so negotiated it shall be the duty of the board to provide by tax for the payment of the principal and interest of such bonds; provided, that at no time shall the aggregate amount of such bonds, including all other indebtedness, exceed fifty mills on the dollar of valuation of the taxable property of such district, to be determined by the last city assessment; and provided, further, that in any independent school district which has, by a majority vote, increased its limit of indebtedness an additional five per cent on its assessed valuation, beyond said five per cent limit, in the manner provided by law, that at no time shall the aggregate amount of such bonds, including all other indebtedness, exceed ten per cent of the valuation of the taxable property of such district, to be determined by the last city assessment.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency and shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 1st, 1923.

CHAPTER 275.

(S. B. No. 167—Kelsh.)

BONDS OF SPECIAL SCHOOL DISTRICTS.

An Act Amending and Re-enacting Section 1275 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Limit of Issue of Bonds of Special School Districts.

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

Sec. 1. AMENDMENT.) That Section 1275 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 1275. BONDS TO SPECIFY WHAT. DEBT LIMIT.) The bonds, the issuance of which is provided for in the foregoing section, shall specify the rate of interest and the time when the principal and interest shall be paid; and no district shall issue bonds in pursuance of this article in a sum greater than five per cent of its assessed valuation, including other debts; provided, however, that in any special school district which has, by a majority vote increased its limit of indebtedness an additional five per cent on its assessed valuation, beyond said five per cent limit, in the manner provided by law, then and in that case such special school district may issue bonds in pursuance of this article in an amount not exceeding ten per cent. of its assessed valuation, including other debts.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency, and shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 24th, 1923.

CHAPTER 276.

(H. B. No. 306—Currie.)

BONDS OF SPECIAL SCHOOL DISTRICTS.

An Act to Amend Section 1273 of the Compiled Laws of 1913 relating to the issuance of bonds by special school districts and prescribing their denominations and rate of interest.

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

Sec. 1. AMENDMENT.) Section 1273 of the Compiled Laws

of North Dakota for the year 1913 is amended and re-enacted to read as follows:

Sec. 1273. DENOMINATION OF BONDS.) The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at not more than six per cent per annum, payable semi-annually on the first day of January and July in each year, shall show upon their face that they are issued for school purposes, and shall be sold at not less than par. Each bond shall have endorsed thereon the certificate of the clerk stating that such bond is issued pursuant to law and is within the debt limit prescribed by the constitution.

Approved March 8th, 1923.

CHAPTER 277.

(S. B. No. 25—Kelsh.)

VALIDATING SCHOOL DISTRICT BONDS.

An Act Relating to the validation of bonds voted and issued, or to be issued, by any Common, Special or Independent School District, in cases where the School District issuing such bonds, or where by such vote bonds are authorized to be issued, has heretofore, by a majority vote, increased the limit of indebtedness Five per cent on the assessed valuation of the taxable property in such School District, beyond the five per cent limit of indebtedness established by the Constitution, as provided by Article 35 of the Amendments to the Constitution of the State of North Dakota, and where the indebtedness of such School District does not exceed ten per cent on the assessed valuation of the taxable property of such School District, and declaring such bonds legal and valid.

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

Sec. 1. That in all cases where, subsequent to the 1st day of July, 1920, and prior to the 1st day of January, 1923, in any Common, Special or Independent school district, an election has been held, in accordance with the laws then in force relating to elections in such district, on the question of increasing the limit of indebtedness of the school district five per cent on the assessed value of the taxable property in said school district, beyond the five per cent limit of indebtedness established by the Constitution of this State, and at such election the question of such increase of the limit of indebtedness has been carried by a majority vote, as provided by Article 35 of the Amendments to the Constitution of the State of North Dakota; and at such election or at an election thereafter held for that purpose bonds of such school district have been duly voted and issued, or by such vote authorized to be issued pursuant to such

election, resulting in an authorized indebtedness of such district in excess of five per cent. on the assessed valuation of its taxable property, then such indebtedness, including such bonds, issued or to be issued, pursuant to such election, not exceeding ten per cent. of the assessed valuation of the taxable property in such district, at the time of such election, is hereby declared to be legal and valid, notwithstanding the fact that no legislation has heretofore been enacted to give effect to, and make operative, the constitutional permission to effect such increase of limit of indebtedness, as provided in said Article 35 of the Amendments to the Constitution, provided; that nothing contained herein shall affect any act or proceeding now pending in any court in this State.

Sec. 2. EMERGENCY.) Whereas, a number of school districts have, under a misapprehension and misunderstanding of the law, voted to increase the limit of indebtedness of the school district, although the constitutional amendment permitting such increase had not been made effective and operative by a statute providing for the holding of such election and voting upon such question, and such school districts have thereafter voted to issue bonds which, with other indebtedness of the district, will be in excess of the five per cent. limit of indebtedness; and such districts have in many instances incurred indebtedness and have commenced building operations in reliance upon the validity of such bonds, therefore, this Act is hereby declared to be an emergency, and shall take effect and be in force from and after its passage and approval by the Governor.

Approved February 19th, 1923.

CHAPTER 278.

(S. B. No. 68—Kelsh.)

VALIDATING SCHOOL DISTRICT WARRANTS AND BONDS.

An Act to Amend and Re-enact Section 1421 of the Compiled Laws of North Dakota for 1913, as Amended and Re-enacted by Chapter 266 of the Session Laws for the Year 1915, Legalizing and Validating Certain Indebtedness of School Districts in the Form of School Warrants and Negotiable Bonds Issued to Fund the Same.

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

Sec. 1. AMENDMENT.) That Section 1421 of the Compiled Laws of North Dakota for 1913, as Amended and re-enacted by Chapter 266 of the Session Laws for the year 1915, be amended and re-enacted to read as follows:

Sec. 1421. ACTS LEGALIZED.) Where the officers of any common, special or independent school district of this state shall

have incurred indebtedness and issued warrants for the erection, purchase, repair or maintenance of any school building, or for the purchase of equipment for any school building, or any other legitimate corporate purchase, and said warrants are outstanding, in any or all such cases where said warrants are within the five per cent debt limit of the district, the same are hereby legalized and declared to be the valid indebtedness of such school district; and in all cases where an election has heretofore been held in any school district and the electors of such school district have at such election, by a majority vote, determined to increase the indebtedness of such district five per cent on the assessed value of the taxable property in such district, beyond said original five per cent limit, as provided in Article 35 of the Amendments to the Constitution of the State of North Dakota, in any or all such cases where said warrants are within the said additional five per cent limit so voted, as aforesaid, the same are hereby legalized and declared to be the valid indebtedness of such school district. That in every case where the school board or board of education of any school district shall have heretofore issued, or shall hereafter issue, its negotiable bonds for the sole purpose of funding such warrants, and shall have been or shall be authorized to issue such bonds by a majority vote of the qualified electors of such school district, voting thereon at any regular or special election legally called and held after public notice thereof as required by law, and if such bonds shall have been heretofore, or shall be hereafter, executed, sold and delivered for value, and the proceeds arising from such sale shall have been, or shall be, applied exclusively to the express purpose of funding such warrants, then in every such case such bonds, whether engraved, lithographed or printed on bond paper, shall, when executed, sold and delivered as provided by law, be deemed, and hereby are declared to be valid and subsisting indebtedness of the school district so issuing the same.

Approved February 19th, 1923.

CHAPTER 279.

(S. B. No. 163—Kelsh.)

DEBT LIMIT OF SCHOOL DISTRICTS.

An Act Permitting to Increase of the Limitation of Indebtedness of Common, Special, and Independent School Districts by an Additional Five Per Centum on the Assessed Value of the Taxable Property therein, beyond the Present Constitutional Limit of Five Per Centum, Providing a Method for Effecting such Increase, and for Submitting the Question of such Increase to the Electors of the School Districts at Annual or Special Elections, and Providing for Preserving a Record of such Increase of the Limit of Indebtedness.

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

Sec. 1. Whenever, in any Common, Special, or Independent

school district there shall be presented to, and filed with, the school board or the board of education, as the case may be, a petition, signed by at least one-third of the electors of such school district, requesting that the school board or board of education submit to the electors of the district the question of increasing the limit of indebtedness of such school district five per cent. on the assessed value of the taxable property of said district, beyond the five per cent. limit of indebtedness now fixed by the Constitution, the board must submit said question to the electors at the next annual school election, or at a special election called in said district for that purpose.

Sec. 2. The notice of election, whether for the annual school election or a special election held under this Act, shall clearly state the question to be voted upon. Unless such question is submitted at the annual school election, a special election shall be called, and notice of such special election shall be given in the following manner: At least fourteen days' notice of such election shall be given by publishing a notice thereof once in one or more newspapers published within said school district, if any newspaper or newspapers are published within said school district, and by posting copies of such notice in at least three of the most public and conspicuous places within the district; provided, that in special elections held under this Act in Independent school districts, notice by publication shall be given as prescribed above, and, in addition thereto, at least five copies of such notice shall be posted in each ward or voting precinct.

Sec. 3. Printed or typewritten ballots shall be used in submitting this question at any election, and the question to be voted upon shall be set forth on such ballot in clear and concise language. On such ballots there shall be printed or typewritten, below the question to be voted upon, the following words and characters:

- “For Increasing the Limit of Indebtedness.
- “Against Increasing the Limit of Indebtedness

Such election shall be conducted, and the votes canvassed, in the same manner as at other school elections within the school district; provided, that the polls at special elections shall be opened at one o'clock in the afternoon, and shall remain open continuously thereafter until five o'clock in the afternoon, and no longer.

Sec. 4. If a majority of the votes cast upon this question are in favor of so increasing the limit of indebtedness of the school district, the limit of indebtedness of said school shall thereafter never exceed ten per cent, of the assessed valuation of the taxable property in said school district.

Sec. 5. Where a majority of the votes cast upon this question at such election have been in favor of so increasing the limit of indebtedness of said school district, a record of such fact, setting forth the proceedings connected with the submitting of said question, the result of the election, the number of votes cast for and against the proposition, respectively, shall be made and preserved in the records of the school district; and a certificate, signed by the president of the school board and attested by the clerk thereof, reciting the result of such election and the fact that the limit of indebtedness of said school district has been increased to ten per cent. of the assessed valuation of the taxable property of said district and stating the number of votes cast for and against said proposition, respectively, shall be filed with the county auditor of the county in which said school district is situated, where the said certificates shall be preserved and kept on file.

Sec. 6. EMERGENCY.) This Act is hereby declared to be an emergency, and shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 6th, 1923.

CHAPTER 280.

(S. B. No. 37—Kelsh.)

PROCEEDINGS OF THE STATE EDUCATION ASSOCIATION.

An Act to Repeal Section 1119 of the Compiled Laws of 1913 Relating to the Publication of the Proceedings of the State Education Association.

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

Sec. 1. REPEAL.) That Section 1119 of the Compiled Laws of 1913, Requiring the State Superintendent of Public Instruction to Publish the Proceedings of the State Education Association, is hereby repealed.

Approved February 9th, 1923.

CHAPTER 281.

(H. B. No. 161—Morton.)

FREE TEXT BOOKS.

An Act to Amend Section 1398 of the Compiled Laws of the State of North Dakota for the year 1913 relating to free text books in public schools.

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

Sec. 1. AMENDMENT.) That Section 1398 of the Compiled

Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 1398. FREE TEXT BOOKS PROVIDED. WHEN). 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 better school privileges, or whenever petitioned so to do by two-thirds of the voters of the district, the board shall provide free text books and supplies for all schools under its charge, in such manner as hereinbefore provided. All books purchased in accordance with the provisions of this article shall be paid for out of the school funds of the respective districts, and it shall be the duty of school boards and boards of education to see that sufficient funds are raised and set aside for the purpose of this article. The clerk of each district shall also keep a record of all books furnished the schools in the district and any school board in this state that has adopted the free text book system as hereinbefore provided, must dispense with the free text book system if petitioned so to do by two-thirds of the voters of such district, provided, however, that after the free text book system is adopted, no petition to dispense with the said text book system shall be acted upon by the board of education within a period of four years after the free text book system has been adopted under the provisions of this section; and after the free text book system has been dispensed with, the free text book system cannot be installed until the expiration of four years.

Approved February 27th, 1923.

CHAPTER 282.

(H. B. No. 163—Trubshaw.)

SCHOOL HOLIDAYS.

An Act to Amend and Re-enact Section 1382, of the Laws of the State of North Dakota for the year 1913 Defining School Year and School Week. Holidays.

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

Sec. 1. AMENDMENT.) That Section 1382 of the laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 1382. 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. Pro-

vided, that on February twelfth (Lincoln's Birthday), February 22nd (Washington's Birthday), the first Monday in September (Labor Day), the twelfth day of October (Discovery Day), the eleventh day of November (Armistice Day), excepting in those communities where community celebrations are held on that day, every day on which an election is held throughout the state, excepting in such districts where the school houses are used for polling places, the schools shall be in session as usual and at least one hour of the day shall be devoted to patriotic exercises, consistent with the day, unless such day shall fall upon Saturday or Sunday. Provided, further, that any teacher who cannot use an absent voters' ballot shall, if it is necessary, be excused from school work on any day on which an election is held throughout the state, without loss of pay in order to go to the home precinct to vote. No school shall be taught on any of the other legal holidays and if they fall upon a day which would otherwise be a school day, they shall be counted and the teacher paid therefor.

A legal holiday in term time falling upon a day which would other wise be a school day, shall be counted, and the teacher paid therefor.

Approved February 27th, 1923.

CHAPTER 283.

(H. B. No. 49—Frandsen.)

SCHOOLS, ORGANIZATION BY PETITION.

An Act to Amend and Re-enact Section 1188 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the organization of schools by petition.

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

Sec. 1. AMENDMENT.) Section 1188 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

Sec. 1188. SCHOOLS TO BE ORGANIZED ON PETITION) If a petition signed by the persons charged with the support and having the custody and care of nine or more children of the compulsory school age, determined by Section 1342 of the Compiled Laws of the State of North Dakota for the year 1913 and acts amendatory thereto, all of whom reside not less than two and one-half mile from the nearest school, is presented to the board, asking for the organization of a school for such children, the board shall organize such school and employ a teacher therefor, if a suitable room for such school can be leased or rented at some proper location not more than two and one half miles distant from the residence of anyone of such children, and if no suitable room for such school can be

leased or rented, the board shall call a meeting of the voters of the district for the selection and purchase or erection of a school house, as provided for in section 1185. If at such meeting no such site is selected or if it is not voted to erect or purchase a school house for such school, the board shall select and purchase a school site and erect, purchase or move thereon a school house at a cost of not more than Twelve Hundred Dollars for such school house and furniture therefor; provided, that the provisions of this Section shall not apply in any instances where schools have been consolidated in accordance with the provisions of section 1190.

Sec. 2. REPEAL.) All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19th, 1923.

SESSION LAWS OF 1919

CHAPTER 284.

(S. B. No. 207—Gardiner.)

(Joint Resolution.)

SESSION LAWS OF 1919.

AN ACT.

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

WHEREAS, Both the Popular and the Authenticated editions of the 1919 Session Laws, have been exhausted; and

WHEREAS, There is a great demand for this publication of session laws, by the people of our own state, as well as people of neighboring states, because of their peculiar importance.

THEREFORE, Be It Resolved, by the Senate and House of Representatives of the Eighteenth Legislative Assembly, that the Secretary of State, be authorized to re-publish the 1919 Session Laws in Popular Edition form, to the number of five hundred copies, 250 copies which shall be of the popular edition and 250 copies of the permanent edition, and that these books shall be sold to the public at as near the cost of production, as will recompense the State for the publication cost, and be it further resolved, that the cost of re-publishing these laws, shall be paid out of the Legislative Expense fund.

Approved March 1st, 1923.