

State Board of University and School Lands

CHAPTER 241.

[H. B. No. 458—McQuillan.]

INVESTMENT OF STATE SCHOOL FUNDS.

AN ACT to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Section 287 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 287. 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 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 be loaned, such value to be determined by the Board of Appraisal of School Lands; *provided*, at least one-half and not more than two-thirds 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 the 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 mortgage 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 land 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 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 said 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.

Approved, March 9, 1915.

CHAPTER 242.

[S. B. No. 117—Steele.]

SALE OF INSTITUTION LANDS.

AN ACT to Provide for the Disposition of School and Institutional Lands Required for Townsite Purposes, School House Sites, Church Sites, Cemetery Sites, Sites for Other Educational or Charitable Purposes, Public Parks, Fair Grounds, Public Highways, Railroad Right-of-Way and Other Railroad Uses and Purposes, Reservoirs for the Storage of Water for Irrigation, Drain Ditches and Irrigation Ditches, and Lands Required for Any of the Purposes Over Which the Right of Eminent Domain May be Exercised Under the Constitution and Laws of this State.

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

Whereas, Article IX, Section 158, of the Constitution of this state, was amended at the general election held in November, 1912, and such amendment is not self-executing, but requires legislative action to make the same effective.

§ 1. That any person, firm, public or private corporation, desiring to acquire any school or institutional lands belonging to the state, for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right-of-way or other railway uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, or for any of the purposes over which the right of eminent domain may be exercised under the Constitution and laws of the State of North Dakota, may make written application to the Board of University and School Lands therefor, and such application shall state briefly the purposes for which such land is required and shall describe the same as accurately as possible; such application shall be accompanied by a map showing the land desired to be taken and such petition shall be verified by the applicant or by some officer thereof, in case the applicant be a public or private corporation.

§ 2. If the land sought to be taken has been appraised within the period of two years prior to the filing of such application, the Board of University and School Lands shall cause notice to be given as hereinafter provided and thereupon proceed to consider and pass upon such application, and if, in their opinion, the land is required for the purposes stated in the application, the board shall thereupon fix a price at which the conveyance of the entire tract of said land shall be voluntarily made, which price shall not be less than the appraised value. In case such land has not been appraised within two years, the Board of University and School Lands shall take steps to have the same appraised in accordance with the provisions of law, when the proceeding for conveyance shall be the same as hereinbefore provided, and upon such agreement and the payment

of the full purchase price, the board shall cause to be executed to the applicant, a deed of conveyance of such tract of land.

§ 3. Where the land sought to be acquired is less than the entire tract, the board shall cause the same to be appraised and thereupon fix the price at which said partial tract will be conveyed, taking into consideration the value of the land taken together with all detriment caused to the remaining portions of the tract.

§ 4. HEARING TO BE HAD AND NOTICE TO BE PUBLISHED.] The Board of University and School Lands shall cause public notice to be given of the time and place when it will hear said application, therein describing the land and stating the purpose for which same is sought to be purchased, said notice shall be published in a newspaper of general circulation near to the land applied for, three times, once each week for three consecutive weeks, before the day set for hearing the application, and any citizen interested may appear and show cause why said land should not be sold or why the price fixed is insufficient.

§ 5. If in any case the applicant is unwilling to pay the price fixed by the board for a conveyance, he may proceed to the district court to condemn the land required in an action against the state under the same rules as govern other condemnation suits; *provided*, however, that the amount awarded by the court or jury as damages for the taking of an entire tract shall not be less than the appraised value thereof; and *provided*, further, that the board and the court or jury fixing the amount to be paid for either an entire tract or a part thereof shall take into consideration not only the appraised value of the land and its actual value for all ordinary purposes but any increased value it may have for any special and unusual purpose by reason of the existence of the fact that make the exercise of the power of eminent domain proper and necessary. For example, if such land is desired for a gravel pit, its value may be estimated with reference to the existence of the demand for gravel taking into consideration the necessities of the party seeking to acquire the land, or if for townsite purposes taking into consideration its value to the state, if used for that purpose by the state, taking into consideration further, the necessity for a townsite at that point warranting the exercise of the power of eminent domain for that purpose.

EMERGENCY.] Whereas, an emergency exists in this, to-wit: That there is no law at the present time regulating the sale and conveyance of lands needed for public purposes as set out in the foregoing Act, and it is necessary that such constitutional amendment should be made effective at once, therefore an emergency exists and this Act shall take effect upon its passage and approval.

Approved, February 27, 1915.

CHAPTER 243.

[S. B. No. 43—Martin.]

AUTHORITY GIVEN BOARD OF UNIVERSITY AND SCHOOL LANDS
TO DEED LANDS.

AN ACT Authorizing the Board of University and School Lands of the State of North Dakota to Deed to the United States Government Section 16, Township 138 North, of Range 81 West of the Fifth Principal Meridian.

Whereas, It is necessary for the successful carrying out of the work of the Northern Great Plains Field Station that they shall have additional lands for conducting experiments in grazing, in order to determine how best to utilize the rough lands of the Great Plains area; therefore,

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

§ 1. That the Board of University and School Lands of the State of North Dakota are hereby authorized to deed to the United States Government Section 16, Township 138, North, of Range 81 West of the Fifth Principal Meridian; *provided*, that the United States Government shall authorize and empower the Board of University and School Lands of the State of North Dakota to select from vacant public lands within the State of North Dakota lieu lands in exchange for said section; and *provided*, further, that as the vacant public lands remaining in North Dakota are rough lands and of much less value than the lands proposed to be deeded to the United States Government that therefore the United States Government shall in exchange for the section of land as proposed give to the State of North Dakota not less than two sections of land.

§ 2. EMERGENCY.] *Whereas*, it is necessary to have this section of land deeded to the United States Government as soon as possible, therefore, this Act shall take effect immediately upon its passage and approval.

Approved, February 5, 1915.