

CHAPTER 189

S. B. No. 283—(Delayed Bills Committee)

REPEAL FILING AND RECORDING FEES WILD LIFE CONSERVATION PROJECT

AN ACT

Repealing section 61-1505 of the North Dakota Revised Code of 1943, relating to fees charged or collected for the recording or filing of any document required by the United States or the State of North Dakota for any water or wildlife conservation project, and declaring an emergency.

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

§ 1. REPEAL.] That section 61-1505 of the North Dakota Revised Code of 1943 be and the same hereby is repealed.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 21, 1947.

GOVERNMENTAL FINANCE

CHAPTER 190

H. B. No. 209—(Fleck, Graham, Johnson of Cass and Saumur)

PURPOSES AND SPECIFIC LIMITATIONS CITY BOND ISSUES

AN ACT

To amend and reenact subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943 specifying the purposes and specific limitations of bond issues by any city.

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

§ 1. AMENDMENT.] .. That subsection 2 of section 21-0306 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0306. PURPOSES AND SPECIFIC LIMITATIONS OF BOND ISSUES.]

2. By any city:

- a. For the erection, purchase, construction, enlargement, or repair of municipal or public buildings for the following purposes: city halls, fire protection buildings, waterworks buildings, police stations, city markets, public baths, hospitals, libraries, museums, auditoriums, armories, gymnasiums, and music halls; and to purchase and acquire sites for such buildings, and for the equipment and furnishing thereof;
- b. For the purchase of fire engines and other equipment and materials for fire protection and for the purchase, construction, and installation of pumps, watermains, reservoirs, and other necessary facilities for fire protection;
- c. For the construction and extension of water plants or the purchase of existing plants; the construction and improvement of watermains, sewers, and drains; or for the joint construction and establishment of a water and sewer system; or for the erection, planning, construction, and establishment of a sewage disposal plant or system; or for the erection, construction, and enlargement of garbage disposal plants and to purchase sites and grounds, either within or without the limits of the city, for the disposal of sewage, garbage, and other refuse; or for the leasing or purchase of lands, either within or without the limits of the city, for the purpose of providing airports or landing fields or for the construction of buildings thereon or the procuring of equipment therefor, and other like municipal purposes;
- d. To construct, acquire, enlarge, extend, or maintain any plant or equipment, or any part of a plant or equipment, for the production, transmission, delivery, or furnishing of heat, light, or power, either directly or indirectly, to or for the public, or to enlarge and extend such plants or equipment or any part thereof. This subsection shall not be construed as an amendment to section 40-3301 to 40-3309, inclusive, nor to 40-3315;
- e. To purchase or acquire any public utility or street railway. This section shall not be construed as

- impairing, altering, or affecting the powers of the public service commission in any such proceeding;
- f. To provide for acquiring, laying out, and improving parks, parkways, park buildings, public drives, boulevards, and cemeteries, and to acquire land for these purposes;
 - g. To provide money for the payment of any deficiency in the fund of any special improvement district whenever the special assessments or taxes levied and collected for the specific improvements are then insufficient to pay the principal or interest of any special improvement warrants issued for such improvement and then due and unpaid, but only to the extent of such deficiency;
 - h. For the purchase of automobiles, trucks, tractors, flushers, sprinklers, street sweepers, graders, rollers, loaders, plows, conveyors and other machinery, equipment and materials for the cleaning, flushing and sweeping of any streets, highway, avenue, alley or public place within the city, the removal of snow and ice therefrom, and other like municipal purposes; and
 - i. For the purchase of trucks, garbage collectors, and other vehicles, equipment and materials for the collection, removal and disposal of garbage, rubbish, ashes, refuse and other wastes within the city.

Approved March 7, 1947.

CHAPTER 191

S. B. No. 1

(Senator Brant for Legislative Research Committee
at the request of Office of State Examiner)

CLAIMS AGAINST TOWNSHIP OR COUNTY;
ACCOUNTS STATED; HOW

AN ACT

To amend and reenact Section 21-0501 of the North Dakota Revised Code of 1943 relating to claims against township or county and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 21-0501 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0501. CLAIMS AGAINST TOWNSHIP OR COUNTY; ACCOUNTS STATED; HOW.] Any account, claim, or demand against any township or county of this state for any property or services for which such township or county shall be liable shall be audited or allowed by the board or officers authorized by law to audit and allow the same. The person in whose favor such account, claim, or demand shall be, or his agent, shall reduce the same to writing in items and shall verify the same to the effect that such account, claim, or demand is just and true, that the money therein charged actually was paid for the purposes therein stated, or that the property therein charged for actually was delivered or used for the purposes therein stated and was of the value therein charged, or that the services therein charged actually were rendered and of the value therein charged, or in case such services were official services for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid. Where charges are made for money expended in the performance of official duties in any claim, account, or demand against a North Dakota county, all items of one dollar or more, so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid. The sub-voucher or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-voucher or receipt shall be forwarded with the bill, claim account, or demand against the county. The provisions of this section, however, shall not apply to any claim or demand for an annual salary or per diem of jurors or witnesses fixed

by or in pursuance of any statute.

§ 2. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 10, 1947.

CHAPTER 192

S. B. No. 241—(Foss, Feton and Bridston)

VOTE REQUIRED MUNICIPAL BOND ELECTION

AN ACT

To amend and reenact Section 21-0307 of the North Dakota Revised Code of 1943, relating to elections for municipal bond issues, to provide that in municipalities having a population of five thousand or more, a sixty percent vote shall be sufficient to authorize the issuance of bonds, and, declaring an emergency.

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

§ 1. AMENDMENT.] That Section 21-0307 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0307. ELECTION REQUIRED; EXCEPTION.] No municipality, and no governing board thereof, shall issue bonds without being first authorized to do so by a vote equal to sixty-six and two-thirds percent in the case of municipalities having a population of less than five thousand, or a vote of sixty percent in the case of municipalities having a population of five thousand or more, of all the qualified voters of such municipality voting upon the question of such issue, except as otherwise provided in Section 21-0304, and except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by Section 21-0306, Subsection 2, Subdivision g, including village bonds for such purpose, and Section 21-0306, Subsection 7, without an election. No municipality having a board of budget review shall issue any bond or hold any election to secure authority to issue any bond, until there has been compliance with the provisions of Section 40-4106 and 40-4107. All questions of population shall be governed by the last state or federal census.

§ 2. EMERGENCY.] This Act is declared an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

Approved March 21, 1947.

CHAPTER 193

H. B. No. 235—(Leet, Stormon, Skaar)

DIRECT, ANNUAL, IRREPEALABLE TAX TO PAY MUNICIPAL BONDS
AN ACT

Amending Section 21-0315 of the North Dakota Revised Code of 1943, relating to levy of a tax to pay the principal and interest due on bonds issued by municipalities.

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

§ 1. AMENDMENT.] That Section 21-0315 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

21-0315. DIRECT, ANNUAL, IRREPEALABLE TAX.] The governing body of every municipality issuing bonds under the authority of this chapter, after the sale of such bonds and before the delivery thereof, shall levy by recorded resolution or ordinance a direct, annual tax sufficient in amount to pay, and for the express purpose of paying, the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or to obstruct the collection of said tax until such payments have been made or provided for. A copy of such resolution or ordinance shall be certified to and filed with the county auditor, and after the issuance of such bonds, such tax from year to year shall be carried into the tax roll of the municipality and collected as other taxes are collected. No further annual levy for that purpose shall be necessary. When insufficient funds are available to pay the matured bonds, the county auditor shall notify the governing body of such municipality of such deficiency and the governing body thereupon may levy a direct tax to pay said deficiency and interest thereon. The manner of levy, certification, and collection of said tax shall be the same as provided by this section for the levy, certification and collection of taxes by this section. When such bonds are further sustained by revenue of a revenue producing utility, industry, or enterprise, said resolution or ordinance may provide that the tax to be levied and assessed may be reduced by such amount and under such conditions as shall be determined in said resolution or ordinance so long as adequate provision is always made for the payment of such bonds and interest thereon.

Approved March 11, 1947.

CHAPTER 194**H. B. No. 2**

(Langley and Legislative Research Committee
at the request of Bank of North Dakota)

PRIVATE SALE MUNICIPAL BONDS U. S. OR STATE AGENCIES**AN ACT**

Amending and reenacting Section 21-0330 of the North Dakota Revised Code of 1943 relating to private sale of municipal bonds to the United States and to agencies of the state of North Dakota, repealing all acts or parts of acts in conflict herewith and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 21-0330 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

21-0330. MUNICIPAL BONDS; PRIVATE SALE TO UNITED STATES OR STATE AGENCIES.] The procedure prescribed in this chapter relative to calling for bids upon the sale of municipal bonds shall not be required in case bonds are sold to the state board of university and school lands or to the Bank of North Dakota nor in case other trust funds administered by public officials are invested in them, or they are sold to the United States of America, or any agency or instrumentality thereof.

§ 2.] That all acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] That this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 11, 1947.

CHAPTER 195**S. B. No. 200—(Judiciary Committee)****MUNICIPAL BONDS, REPLACEMENT PUBLIC BUILDINGS
BUDGET BOARD REVIEW****AN ACT**

Amending and reenacting Section 21-0307 of the North Dakota Revised Code of 1943 relating to elections to be held for issuance of municipal bonds and the replacement of municipal and public buildings; and providing budget board review.

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

§ 1.] That Section 21-0307 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

§ 21-0307. ELECTION REQUIRED; EXCEPTIONS.] No municipality, and no governing board thereof, shall issue bonds without first being authorized to do so by a vote equal to sixty-six and two-thirds percent of all the qualified voters of such municipality voting upon the question of such issue:

1. Except as otherwise provided in Section 21-0304; and
2. Except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by Section 21-0306, Subsection 2, Subdivision g, including village bonds for such purpose, and Section 21-0306, Subsection 7, without an election.
3. Any municipality, as defined and listed in Section 21-0306, may issue its bonds for the replacement of municipally owned public buildings within such municipality by a majority voting upon the question of such issue in the following cases:
 - a. When such public building has been destroyed by fire, wind, explosion, or other cause;
 - b. When the governing body of such municipality shall have passed a resolution setting forth that such public building located within and owned by such municipality shall have become unsafe, or inadequate, or hazardous for use and occupancy as such building, or that such public building has become unsafe, inadequate or hazardous for the safety of public records and/or property of such municipality housed therein. Such resolution shall be directed to the district court of the district within which such municipality is located, and

shall contain a petition requesting that the court call a hearing thereon for the purpose of ascertaining the facts alleged in such resolution. The resolution, or a certified copy thereof, shall be filed in the office of the clerk of the district court in the county wherein such municipality is located, or if the resolving municipality is the county, then with the clerk of court of said county, who in turn shall notify the district court of the filing thereof;

- b1. Upon notice of the filing of such resolution and petition, the district court shall give public notice of the time and place when such matter will be heard, which notice shall be by publication in two successive issues in any legal newspaper printed within such municipality, or in the official county paper if the resolving municipality is the county, or if no newspaper is printed within such municipality then by publication in the official newspaper of the county, and by posting of five such notices in the most public places of such municipality;
- b2. The court shall thereupon as soon as convenient proceed to hear and receive evidence and testimony of any taxpayer or elector within such municipality in support of or in opposition to the allegations of the resolution so filed, and after due hearing shall make its findings either sustaining or denying the petition and resolution of such governing body that such public building is unsafe, inadequate, or hazardous;
- b3. If the district court shall issue its findings and order to the effect that such buildings are unsafe, or inadequate or hazardous either for public use or habitation, or for the safety of public records and/or property of such municipality, the resolution and petition of the governing body of such municipality shall be deemed to be sustained and a bond issue for the replacement of such public building shall be declared carried upon a majority vote of the qualified voters of such municipality voting upon such issue;
- b4. If the district court shall issue its findings and order to the effect that such building is safe and adequate for both public use or habitation and for public records and property housed therein, then such resolution and petition of the governing body of such municipality shall be deemed to be

denied, and a bond issue for the replacement of such public building may only be declared carried upon a vote of sixty-six and two-thirds percent of the qualified voters of such municipality voting upon such issue.

No municipality having a board of budget review shall issue any bond or hold any election to secure authority to issue any bond, until there has been compliance with the provisions of Sections 40-4106 and 40-4107.

Approved February 25, 1947.

CHAPTER 196

H. B. No. 32

(Langley and Legislative Research Committee
at request of Governor's Safety Conference)

PURCHASE SCHOOL BUS EQUIPMENT

AN ACT

Relating to the purchase of school buses with money from the general fund; or from money secured from the sale of bonds according to the provisions of Chapter 21-03 of the North Dakota Revised Code of 1943; and for an amendment to Subsection 4 of Section 21-0306 of the North Dakota Revised Code of 1943.

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

§ 1. SCHOOL BOARDS AUTHORITY TO PURCHASE SCHOOL BUS EQUIPMENT.] School boards shall have the power to purchase a bus body, a chassis, or a complete motor bus. Such bus body, chassis, or complete motor bus shall meet the standards set up by the superintendent of public instruction and the highway commissioner. School boards shall be required to advertise for bids in accordance with the provisions of Section 15-4715, of the North Dakota Revised Code of 1943. School boards may use money in the general fund to purchase a bus body, a chassis, or a complete motor bus on the installment plan, provided that the payment of such plan shall not extend over a period greater than four years, and that the interest on the unpaid balances shall not exceed four per cent. Such interest shall be straight interest on unpaid balances.

§ 2. AMENDMENT.] That Subsection 4 of Section 21-0306 of the North Dakota Revised Code of 1943, is hereby amended and reenacted to read as follows:

21-0306. PURPOSES AND SPECIFIC LIMITATIONS OF BOARD [BOND] ISSUES.]

4. By any common school district, independent school district, special school district, or any other class of school district, by whatever name designated, to purchase, erect, enlarge, and improve school buildings and teacherages, to acquire sites therefor and for playgrounds, to furnish and equip the same with heat, light, and ventilation or other necessary apparatus, and also to purchase school bus equipment which shall meet the standards set up by the state superintendent of public instruction and the highway commissioner.

Approved February 11, 1947.

GUARANTY, INDEMNITY, SURETYSHIP

CHAPTER 197

S. B. No. 229—(Shure, Day and Morgan)

SURETY MAY EXERCISE JOINT CONTROL OVER MONEYS AND ASSETS OF FIDUCIARY

AN ACT

Making it lawful for a surety on a bond or undertaking of a fiduciary to exercise joint control over the moneys and assets for which the said fiduciary and surety are or may be held responsible.

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

§ 1.] It shall be lawful for any party of whom a bond, undertaking or other obligation is required, to agree with his surety or sureties for the deposit of any or all moneys and assets for which he and his surety or sureties are or may be held responsible, with a bank, savings bank, safe-deposit or trust company, authorized by law to do business as such, or with other depository approved by the court or a judge thereof, if such deposit is otherwise proper, for the safekeeping thereof, and in such manner as to prevent the withdrawal of such