

COUNTY DEPOSITORIES.

CHAPTER 45.

[S. B. No. 65.]

REGULATING DEPOSIT OF COUNTY FUNDS.

AN ACT to Secure the Safe Keeping of all Funds Coming Into the Hands of County Treasurers, by Prescribing and Regulating the Deposit Thereof.

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

§ 1. COUNTY FUNDS—HOW DEPOSITED.] All funds of each and every county of this State shall be deposited by the county treasurer thereof, as soon as received by him, in the name of the county of which he is an officer, in such bank or banks as shall have been designated as county depositories, in accordance with this act, as hereinafter provided.

§ 2. DUTY OF BOARD OF COMMISSIONERS.] It shall be the duty of the board of county commissioners of each and every county in the State, at its first regular meeting in July, 1895, and at its first regular meeting in January of each second year thereafter, to designate one or more National or State banks in their respective counties as county depositories, in which all the funds of said county shall be deposited.

§ 3. AUDITOR SHALL ADVERTISE.] The county auditor of each county shall advertise in one or more newspapers published in the county, for at least two weeks immediately prior to said above mentioned meetings, for sealed proposals for the deposit of the funds of said county, in accordance with this act. Said advertisement shall state the date until which proposals will be received, which date shall be at the first day of the meeting at which the proposals are to be opened. Said proposals shall state in writing what rate of interest will be paid on the average daily balance on deposit during the month, interest to be paid monthly on condition that said funds, with accrued interest, shall be held subject to draft at all times on demand. Said proposals shall be inclosed in sealed envelopes, addressed to the county auditor and marked, "Proposals for Deposit of County Funds," and shall be by the county auditor filed in his office.

§ 4. PROPOSALS—WHEN OPENED—DEPOSITORY.] At the above mentioned meeting of said board of county commissioners said proposals shall be presented by the county auditor, and then, and not until then, opened by him in the presence of said board,

which shall proceed to consider them, accepting the proposal of the bank or banks offering the highest rate of interest not inconsistent with this act, subject to the filing of a satisfactory bond, as hereinafter provided, the amount of which bond shall then and there be fixed by said board. Before any bank shall be designated as such depository it shall submit to the board of county commissioners for their approval a bond payable to such county, conditional on the safe keeping and re-payment of any county funds deposited in said bank, which bond shall be signed by not less than five freeholders of the county in which said funds are deposited as sureties and shall be in such sums as the board shall have directed, but in no case to be less than double the probable amount of funds to be deposited in such bank. If at any time the amount of funds on deposit in any of said depositories shall exceed one-half the amount named in said bond, it shall be the duty of said board, at its next regular meeting thereafter to require from said depository an additional bond in a sum not less than twice the amount of said excess. Said bond or bonds shall be approved by said board and said approval be endorsed thereon in writing by the chairman of said board and by him deposited with the auditor of said county, and any bank whose bond shall have been approved shall be thereupon designated by said board as a county depository, and shall continue as such depository until such time as said board shall re-advertise and re-designate in pursuance with this act; *Provided*, That if the board of county commissioners fail or refuse to approve any such bond, the same proceedings may be had as provided in Section 8, Chapter 5, Political Code; *Provided, further*, That said sureties shall justify in the manner required by the Statute on arrest and bail in a sum in the aggregate twice the amount of such bond.

§ 5. BANKS MUST GIVE BONDS.] When two or more banks in the same county proposing to become depositories offer the same rate of interest, it shall be the duty of the board of county commissioners to select impartially as many of said banks as depositories as offer ample security for such deposits, requiring from each of said banks bonds of equal amounts. In estimating the value of the security offered by any proposed depository, the capital, surplus and general credit of the bank offering the same shall be taken into consideration, as well as the bond proposed to be given.

§ 6. IN CASES OF TWO OR MORE BANKS.] In cases where two or more banks are designated as depositories, the county treasurer shall as far as practicable, keep in each of the several depositories equal balances at all times; *Provided*, That in counties where two or more banks designated depositories; the amount deposited in any bank shall not exceed the assessed capital of said bank.

§ 7. RESPONSIBILITY OF BANKS.] To further secure the safety of the county funds deposited under the provisions of this act, it

is hereby made the duty of county commissioners of any depositing county to satisfy themselves of the responsibility of the several banks proposing to act as depositories, and no bank offering more than 3 per cent. per annum, subject to check, shall be designated a depository under the provisions of this act.

§ 8. ITEMIZED STATEMENT.] Each depository designated under the provision of this act shall furnish to the county auditor an itemized statement of the county's account with such depository on the first day of each month, duly verified by said bank, which statement shall be filed and carefully preserved in the office of said auditor. All sums of interest accruing on the funds deposited in any depository under the provisions of this act, shall be credited to such deposit account on the first day of each month for the month previous thereto, and a statement of such interest shall be rendered by such depository to the county auditor on the first day of each month, and the auditor shall charge the treasurer with the amount thereof, and credit the same to the general fund of the county.

§ 9. PENALTY.] No county treasurer shall deposit any of the funds of the county excepting in accordance with the provisions of this act, under a penalty of \$500 for each deposit not in accordance herewith.

§ 10. CHECKS—HOW DRAWN.] All checks drawn upon the county depositories shall be signed by the county treasurer in the name of the county by himself as treasurer.

§ 11. DEPOSITING OUTSIDE OF COUNTY.] It is hereby made the duty of the officers mention in this act and also of the board of county commissioners of the several counties of the State, to comply with all the provisions of this act; *Provided*, That in counties where only one bank is located the board of county commissioners shall designate such bank a depository without advertising for bids, if such bank agrees to pay interest at the rate of at least 3 per cent. per annum and fulfills all the requirements of Sections 4, 7 and 8, of this act. In counties where there is no bank located, or where no bank offers to comply with the requirements of this act, the board of county commissioners may, if in their judgment it is to the best interest to the county, designate some bank or banks outside of such counties as depositories, but such bank or banks must furnish bonds according to the provisions of this act.

§ 12. TREASURER—WHEN EXEMPT FROM LIABILITY.] Whenever any portion of the funds of any county shall be deposited by any county treasurer in the manner as provided in this act such treasurer and his sureties shall be exempt from all liability thereon by reason of loss of any such deposited funds from the failure, bankruptcy or any other acts of any such bank or banks to the extent and amount only of such funds in the hands of such bank or banks at the time of such failure or bankruptcy.

§ 13. MALFEASANCE.] Any officer violating any of the provisions of this act shall be deemed guilty of malfeasance in office.

§ 14. CONFLICTING ACTS REPEALED.] All acts and parts of acts in conflict with the provisions of this act, and especially Chapter 49, of the laws of the State of North Dakota for the year 1893, are hereby repealed. But in those counties in which depositories of the county funds have been designated as prescribed in said act, and in substantial conformity to the provisions of this act, such designation shall be and remain valid and have effect, subject to all the provisions of this act, except that no further designation shall be necessary in such county until January 1897.

§ 15. EMERGENCY.] *Whereas*, an emergency exists in this, that there is now no adequate provisions made by law for the safe keeping of county funds, *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1895.

COUNTY SUPERINTENDENT.

CHAPTER 46.

[S. B. No. 71.]

DUTIES OF SUPERINTENDENT.

AN ACT Relating to the Duties of County Superintendent of Schools.

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

§ 1. SHALL NOT ENGAGE IN TEACHING.] No county superintendent of schools, except as hereinafter provided, shall engage in teaching during the term for which he was elected, nor shall any person under contract to teach be qualified to hold the office of county superintendent of schools.

§ 2. SHALL NOT ABSENT HIMSELF FROM COUNTY.] No county superintendent of schools shall engage in any profession or occupation, nor shall he absent himself from the county or district for which he is elected, to engage in any occupation, profession or pursuit during the term for which he is elected, for such time and in such manner as to interfere with the proper discharge of his duties as county superintendent of schools.

§ 3. SUBJECT TO REMOVAL.] Any county superintendent of schools who neglects or violates any of the provisions of sections one and two of this act shall be subject to removal from office.