

GOVERNMENTAL FINANCE

CHAPTER 216

SENATE BILL NO. 2270

(Erdman, Barth, Conlin, Stroup, Wright)

COUNTY BOND ISSUES FOR BUILDINGS

AN ACT to amend and reenact subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to bond issues by counties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 1 of section 21-03-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. By any county:

- a. To provide county buildings, but all outstanding unpaid bonds for this purpose shall not exceed in amount at any one time five percent of the value of taxable property in such county;
- b. To construct or aid in the construction of bridges within or without such county, but all outstanding unpaid bonds for such purpose shall not exceed in amount at any one time one percent of the value of taxable property in such county; and
- c. To provide funds for the original construction and for the improvement and maintenance of highways, but all outstanding unpaid bonds for these purposes shall not exceed in amount at any one time one percent of the value of taxable property in such county.

Approved March 13, 1975

CHAPTER 217

SENATE BILL NO. 2344

(Reiten)

CITY SHARE OF FEDERAL HIGHWAY PROJECTS

AN ACT to amend and reenact subsection 4 of section 21-03-07 of the North Dakota Century Code, relating to a municipality's share of a federal aid highway project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 21-03-07 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The governing body of any municipality having a population of five thousand or more may issue bonds of the municipality for the purpose of providing funds to meet its share of the cost of any federal aid highway project undertaken under an agreement entered into by authority of such governing body with the United States government, the commissioner of the state highway department, the board of county commissioners, or any of them, including, but without limitation, the cost of any construction, improvement, financing, planning, and acquisition of right-of-way of a federal aid highway routed through the municipality and of any bridges and controlled access facilities thereon and any necessary additional width or capacity of the roadway thereof greater than that required for federal or state highway purposes, and of any necessary relaying of utility mains and conduits, curbs and gutters, and the installation of utility service connections and street lights; provided that the portion of the total cost of such project to be paid by the municipality under such agreement, including all items of cost incurred directly by the municipality and all amounts to be paid by it for work done or contracted for by other parties to the agreement, shall not exceed a sum equal to thirty percent of the total cost, including engineering and other incidental costs, of all construction and reconstruction work to be done plus fifty percent of the total cost of all right-of-way to be acquired in connection therewith. Nothing herein shall be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues

any work incidental to any such project, in the manner and to the extent otherwise permitted by law, and the cost of any work so financed shall not be included in computing the portion of the project cost payable by the municipality, within the meaning of this subsection, unless such work is actually called for by the agreement between the municipality and the other governmental agencies involved.

Approved April 8, 1975

CHAPTER 218

SENATE BILL NO. 2376
(Reiten)

DEDICATION OF LEVIES FOR BUILDINGS

AN ACT to create and enact subsection 7 of section 21-03-07 of the North Dakota Century Code, providing for dedication of authorized mill levies by sections 57-15-42 and 57-15-44 towards the purchase, construction, reconstruction, or repair of public buildings or fire stations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Subsection 7 of section 21-03-07 of the North Dakota Century Code is hereby created and enacted to read as follows:

7. The governing body of any city may also by resolution adopted by a two-thirds vote dedicate the mill levies as authorized by sections 57-15-42 and 57-15-44 and may authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided that the initial resolution authorizing such mill levy dedication and general obligation bonds shall be published in the official paper, and any owner of taxable property within the city may within sixty days after such publication file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under such initial resolution shall be barred

Approved April 8, 1975

CHAPTER 219

HOUSE BILL NO. 1583
(Bye)

CITY PARTICIPATION IN HIGHWAYS

AN ACT to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the authority of the governing body of any city of more than twenty-five thousand people to provide funds for the purpose of participation by that city in the cost of any construction of highways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) A new subsection to section 21-03-07 of the 1973 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The governing body of any city having a population of 25,000 persons or more may use the provisions of subsection 4 of this section to provide funds to participate in the cost of any construction, improvement, financing, and planning of any bypass routes, interchanges, or other intersection improvements on a federal or state highway system which is situated in whole or in part outside of the corporate limits of the city; provided that the governing body thereof shall determine by resolution that the undertaking of such work is in the best interest of the city for the purpose of providing access and relieving congestion or improving traffic flow on municipal streets.

Approved April 8, 1975

CHAPTER 220

HOUSE BILL NO. 1358
(Martinson, Hilleboe)

NOTICES OF BOND SALES

AN ACT to amend and reenact section 21-03-26 and 21-03-31 of the North Dakota Century Code, relating to notices and advertisements required in conjunction with municipal bond sales.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 21-03-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

*21-03-26. BONDS - CALL FOR BIDS - HOW ADVERTISED - COPY TO TAX COMMISSIONER.) A notice calling for bids for each proposed issue of municipal bonds shall be published at least once in the official newspaper of the county in which the municipality is situated not less than ten days nor more than thirty days before the date specified therein for the receiving of such bids. Such notice may be in any form but shall specify the amount of bonds offered for sale and the date of the maturity thereof. A copy of such notice shall be mailed to the state tax commissioner at Bismarck not less than ten days before the date specified for the opening bids, and the tax commissioner shall keep such notice on file for public inspection. The county auditor, or the auditor or secretary of the municipality advertising such sale, at the same time shall file with the tax commissioner a statement giving the assessed valuation, the area, the population, and the indebtedness thereof. Failure to publish such notice or to send a copy thereof to the tax commissioner shall not impair the validity of such bonds but shall render unenforceable any executory contract entered into for the sale thereof. An auditor or secretary failing to publish or to send such notice shall be subject to a penalty of not more than five hundred dollars, at the discretion of the district court, to be recovered in an action brought by the state's attorney in the name of the state. The penalty, when collected, shall be paid into the general fund of the county. If such failure to publish or send such notice is willful, the auditor or secretary is guilty of a misdemeanor and shall be punished accordingly.

SECTION 2. AMENDMENT.) Section 21-03-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-03-31. NOTICE TO STATE OR STATE DEPARTMENTS.) At least ten days before any county, township, school district, city, park district, or other municipal corporation within the state of North Dakota, which may be authorized by law to issue and sell bonds for any purpose whatever, shall sell and deliver such bonds, the governing board shall notify the Bank of North Dakota, by registered or certified mail, that such bonds will be offered at public vendue, giving in said notice complete and detailed information relating to said bond issue and the time and place at which bonds will be offered for sale.

Approved March 17, 1975

*NOTE: Section 21-03-26 was also amended by section 214 of Senate Bill No. 2039, chapter 106.

CHAPTER 221

HOUSE BILL NO. 1428
(E. Metzger)

BOND VALIDATION

AN ACT to amend and reenact sections 21-09-01 and 21-09-05 of the North Dakota Century Code, changing the title of "The 1971 Bond Validating Act" to "The 1975 Bond Validating Act", and relating to the application of chapter 21-09 of the North Dakota Century Code to bonds issued and proceedings taken prior to July 1, 1975.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 21-09-01 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-09-01. CITATION.) This chapter may be cited as "The 1975 Bond Validating Act".

SECTION 2. AMENDMENT.) Section 21-09-05 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-09-05. APPLICATION OF CHAPTER.) The provisions of chapter 21-09 relating to validation shall be applicable to all bonds issued and proceedings taken by any public body prior to July 1, 1975.

Approved March 17, 1975

CHAPTER 222

HOUSE BILL NO. 1173

(Committee on State and Federal Government)
(At the request of the State Investment Board)

INVESTMENT DIRECTOR OR ADVISORY SERVICE

AN ACT to amend and reenact sections 21-10-02, 21-10-03, 21-10-04, 21-10-09, and 21-10-10 of the North Dakota Century Code, relating to the powers of the state investment board and the appointment of the investment director or advisory service and agents; providing for the president of the Bank of North Dakota as secretary of the board; coordination of activities with the Bank of North Dakota; the penalty for a violation of the chapter; and the cost of operations of the board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 21-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-02. BOARD - POWERS AND DUTIES.) The board shall be charged with the investment of the funds enumerated in section 21-10-06. It shall approve general types of securities for investment by these funds and set policies and procedures regulating securities transactions on behalf of the various funds. Representatives of the funds enumerated in section 21-10-06 may make recommendations to the board in regard to investments. The board or its designated agents shall be custodian of securities purchased on behalf of funds under the management of the board. The board may appoint an investment director or advisory service who shall be experienced in the field of investments and shall hold considerable knowledge of the investment of securities enumerated in section 21-10-07. The investment director or advisory service shall serve at the pleasure of the board. The investment director or advisory service may be an individual, corporation, partnership, or any legal entity which meets the qualifications established herein. The board may appoint, in addition to an investment director or advisory service, such personnel as it deems necessary to properly fulfill their responsibility. Existing department facilities for making traditional investments within the state shall continue to function subject however to supervision and management of the board.

SECTION 2. AMENDMENT.) Section 21-10-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-03. COOPERATION WITH BANK OF NORTH DAKOTA.)

Activities of the board, its agents, and its employees shall be coordinated with the Bank of North Dakota to the maximum extent practicable. The president of the Bank of North Dakota shall serve as secretary of the state investment board.

SECTION 3. AMENDMENT.) Section 21-10-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-04. BOARD - MEETINGS - QUORUM.) The state investment board shall select one of its members to serve as chairman, and shall meet at the call of the director or upon written notice signed by two members of the board. Such meetings shall be held not less than four times per year. Three members of the board shall constitute a quorum for the transaction of business.

SECTION 4. AMENDMENT.) Section 21-10-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-09. PERSONAL PROFIT PROHIBITED - PENALTY.) No member, officer, agent, or employee of the state investment board shall accept any gift, commission, or compensation, other than that authorized by this chapter, for services performed under the provisions of this chapter, nor profit in any manner from transactions on behalf of the funds. Any person violating any of the provisions of this section shall be guilty of a class A misdemeanor.

SECTION 5. AMENDMENT.) Section 21-10-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-10. COST OF OPERATION OF BOARD.) The biennial costs of operation of the board and its agents in carrying out the provisions of this chapter, shall be estimated by the board and prorated among the various funds enumerated under section 21-10-06 in proportion to the services rendered for such funds. Such estimates shall be submitted to the state budget board and appropriations for the operations of the investment board shall be made from the respective funds in accordance with such proration estimates. The proportion allocated for services rendered to funds under the control of the board of university and school lands shall be paid from its legislative appropriation.

Approved March 9, 1975