

## **CHAPTER 1-07 VALIDATION OF MUNICIPAL SECURITIES**

### **1-07-01. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Bonds" include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates, and all instruments or obligations evidencing or representing indebtedness or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien, or encumbrance on specific revenues, income of property of a public body, and all instruments or obligations payable from a special fund.
2. "Public body" means the state of North Dakota, any county, city, township, and any school district of any class.

### **1-07-02. Validation of bonds issued in financing project under federal emergency administration of public works.**

All bonds issued prior to July 1, 1937, for the purpose of financing or aiding in the financing of any work, undertaking, or project by any public body to which any loan or grant heretofore has been made by the United States through the federal emergency administrator of public works for the purpose of financing or aiding in the financing of such work, undertaking, or project, including all proceedings for the authorization and issuance of such bonds, and the sale, execution, and delivery thereof, are validated, ratified, approved, and confirmed, notwithstanding:

1. Any lack of power, other than constitutional, of such public body or the governing body, commission, or officers thereof, to authorize and issue such bonds, or to sell, execute, or deliver the same;
2. Any defects or irregularities, other than constitutional, in such proceedings, or in such sale, execution, or delivery; and
3. That such governing body, commission, or officers may not have been elected, appointed, or qualified for the offices they purported to hold.

Such bonds are and shall be binding, legal, valid, and enforceable obligations of such public body.

### **1-07-03. Validation of proceedings in financing project under federal emergency administration of public works.**

All proceedings, taken prior to July 1, 1937, for the purpose of financing or aiding in the financing of any work, undertaking, or project by any public body or by any board of flood irrigation to which any loan or grant is under contract to be made by the United States through the federal emergency administrator of public works for the purpose of financing such work, undertaking, or project, including all proceedings for the authorization and issuance of bonds, and for the sale, execution, and delivery thereof, are validated, ratified, approved, and confirmed, notwithstanding:

1. Any lack of power, other than constitutional, of such public body, the governing body, or commission, or officers thereof, or of any board of flood irrigation to authorize and issue such bonds, or to sell, execute, or deliver the same;
2. Any defects or irregularities, other than constitutional, in such proceedings, including the fact that notices in connection with the creation of any flood irrigation district or hearings for the assessment of damages and benefits resulting from flood irrigation projects may not have been given in accordance with the statutes; and
3. That the members of such governing body may not have been elected, appointed, or qualified for the office they purported to hold.

### **1-07-04. Procedure on public securities of municipalities validated.**

Validations heretofore effected by legislative enactment of defective or irregular procedure in the creation, execution, or issuance of bonds or any other forms of public securities of any

municipality, and validations of debts, bonds, or other public securities of such municipalities theretofore contracted or issued without authority previously existing therefor, shall continue unaffected by the repeal or by the consolidation and revision of any validating act. Any debts, bonds, or other public securities may be funded or refunded under the provisions of title 21.

**1-07-05. Validation of elections on bond issues for municipal sewer and water systems.**

All elections held prior to February 1, 1939, for the purpose of voting on the issuance of bonds for the joint construction of a water and sewer system are declared legal and valid notwithstanding the combination of such purposes in the question submitted to the voters.

**1-07-06. Validating sales of lands for special assessments made prior to March 17, 1937.**

All sales of real property for delinquent special assessments, or installments thereof, made prior to March 17, 1937, by any county auditor under section 40-25-09 hereby are declared to be valid sales notwithstanding the fact that the real property subject to sale for delinquent general taxes and delinquent special assessments, or installments thereof, were not sold separately as required by said section and notwithstanding the fact that separate certificates were not issued for the delinquent general taxes and the delinquent special assessments or installments thereof.

**1-07-07. Validating proceedings by county funding and refunding indebtedness.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-08. Validation of acts of municipal officers.**

Where the officers of any incorporated city of this state, prior to July 1, 1929, have purchased, erected, operated, maintained, enlarged, improved, extended, or leased from any person, firm, or corporation, or sold or leased to any person, firm, or corporation, any electric plant, system, or line, or part thereof, such acts of such municipal officers are legalized and validated.

**1-07-09. Validation of bonds and warrants of municipality for electric plant.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-10. Validating county poor relief warrants and levies.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-11. Limitations on validation of poor relief warrants and levies.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-12. Validation of tax levies for payment of poor relief warrants.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-13. Validating refunding special assessment warrants.**

Repealed by S.L. 1981, ch. 277, § 2.

**1-07-14. Previous validating acts not repealed.**

Repealed by S.L. 1981, ch. 277, § 2.