

BONDS

CHAPTER 80

H. B. No. 287—(Opdahl.)

BONDS OF NORTH DAKOTA, BANK SERIES (B)

An Act providing for the issuing of Bonds for the State of North Dakota in such amount as will, with the Bonds of North Dakota, Bank Series (B), then outstanding, aggregate an amount not in excess of \$1,000,000 to be known as "Bank of North Dakota, Bank Series (B); Prescribing the terms and stating the purposes thereof; Providing a tax and making other provisions for the payment thereof; Making appropriation for the payment of said Bonds and to carry into effect the provisions of this Act; and declaring this Act to be an Emergency Measure.

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

§ 1. ISSUANCE.] Whereas the State of North Dakota doing business as The Bank of North Dakota has invested large sums of money in certificates of indebtedness issued by various taxing districts throughout the state, the Industrial Commission is hereby authorized and directed, if and when in their judgment it may be necessary, to adopt a resolution directed to the Governor and State Treasurer, authorizing the carrying into effect the provisions of this Act, and the Governor and State Treasurer are hereby authorized, empowered and directed thereupon to issue negotiable bonds of the State of North Dakota in such amount as will, with the Bonds of North Dakota, Bank Series (B), then outstanding, aggregate an amount not in excess of \$1,000,000, being the aggregate amount for which bonds of the State of North Dakota unsecured by mortgage may be issued, provided that the Industrial Commission shall exercise its best judgment as to the amount of bonds to be issued, the period to which such bonds shall run within the constitutional limit and the rate of interest; provided, however, such bonds shall not be below par. The bonds so issued shall be executed by the Governor and the State Treasurer under the Great Seal of the State and shall be attested to by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each bond a certificate showing that it is issued pursuant to law and is within the debt limit. The bonds shall be designated, "Bonds of North Dakota, Bank Series (B)."

§ 2. BONDS. PAYABLE TO WHOM. DENOMINATIONS. MATURITY. INTEREST DATE.] The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151 of the Compiled Laws of North Dakota for the year 1913 are hereby declared to apply to them. They shall be issued in denomination or denominations, as the Industrial Commission shall decide, but in no case less than one hundred dollar denominations, and shall

be payable in not less than ten nor more than thirty years from the date of the issue of such bonds; provided, however, that at the option of the Industrial Commission they may when issued be made payable at any time after five years from the date of their issue, upon notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of giving such notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and July in each year; and coupons shall be attached to each bond evidencing the amount of interest payable on each first day of January and July until maturity, unless and until the holder or purchaser shall have exercised the privilege granted by Section 151 of the Compiled Laws of North Dakota for the year 1913. The principal and interest shall be payable at the office of the State Treasurer in Bismarck; or at a bank or trust company in the City of New York. The terms of said bonds as to denominations, periods of maturity, and rates of interest shall be fixed by the Industrial Commission within the limitations above stated. Each such bond and coupon must be presented at the office where the same is payable within six years from the date of its maturity; and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment. All said bonds shall be exempt from state, county and municipal taxes of any and all kinds.

§ 3. PURPOSE OF ISSUE.] The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission as hereinafter provided, and as contemplated by Section 368a5 (g) of the 1925 Supplement to the Compiled Laws of North Dakota for 1913 and enacted as Section 5, Chapter 151 Session Laws of 1919, and for the purpose of enabling the Industrial Commission to negotiate and sell such bonds, pursuant to the provisions of this Act and of said Section 368a5, and to create a revolving fund in the Bank of North Dakota.

§ 4. NEGOTIATION, SALE AND DELIVERY.] In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such periods of maturity, as may be determined by the Governor, in his discretion, upon consideration of the resolution of the Industrial Commission as provided in Section 1 of this Act. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the State for the negotiation, sale and delivery of said bonds. It shall sell them for cash in such manner and at such terms as in its sound discretion it shall deem most advantageous to the interests of the State. The Commission is hereby

authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall constitute a fund in the Bank of North Dakota to be designated as "Revolving Fund," and shall be so employed by the Industrial Commission. Nothing in this Act, however, shall be construed to prevent the purchase of any of said bonds with any funds in the Bank of North Dakota.

§ 5. BANK'S EARNINGS TO BE APPLIED TO PAYMENT OF PRINCIPAL AND INTEREST.] From time to time the Industrial Commission shall, out of the earnings derived from the operation of the Bank of North Dakota pay to the State Treasurer such moneys as the Commission shall deem available to devote to the purpose of paying said bonds and interest. In making such payment the Commission shall file a statement with the State Treasurer specifying the purpose of such payment. When moneys shall have been so paid to the State Treasurer, he shall apply the same to their specified purpose as hereinafter directed.

§ 6. TAX TO PAY INTEREST.] At the time of each annual meeting of the State Board of Equalization hereafter, the Industrial Commission shall deliver to said board an exact written statement of all bonds issued under the provisions of this Act outstanding at that time, including therein the dates of maturity, interest rates and all other information proper to enable the board intelligently to comply with the provisions of this Act in regard to tax levies. On the basis of such information the State Board of Equalization shall annually levy a tax at the time other taxes are levied, sufficient in amount to pay such interest on said bonds as will become due during the year beginning on the next ensuing first day of January, and said tax shall be collected in the same manner as other state taxes are collected. In determining, however, the amount of the tax sufficient for such purpose the Board of Equalization shall take into account whatever moneys, if any, shall then have been paid to the State Treasurer by the Industrial Commission as provided in Section 5 of this Act, for the specific purpose of paying such interest. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the amount of the interest on said bonds payable during said year beginning on the next ensuing first day of January, then no tax shall be levied by the Board of Equalization for that purpose; but if the amount of such moneys shall be less than the amount of the interest on said bonds payable during said year, then the Board

of Equalization shall deduct the amount of said moneys in the possession of the Treasurer from the amount of the interest so payable, and shall levy the tax hereinbefore in this Section provided for at least the difference between said amounts.

§ 7. TAX TO PAY PRINCIPAL.] Whenever it shall appear to the Board of Equalization from the information contained in any statement delivered to it by the Industrial Commission at any annual meeting of said Board, as provided in Section 6 above, that there will mature, within a period of five years from such annual meeting, any of the bonds provided for in this Act, the Board of Equalization shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax, the Board of Equalization shall take into account whatever moneys, if any shall have been paid to the State Treasurer by the Industrial Commission for the specific purpose of paying the principal of said bonds when due as provided in Section 5 of this Act. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys and as to the times when paid to him.

§ 8. FUND TO PAY BONDS. NAME OF.] To identify and distinguish the funds provided and available for the payment of the bonds issued pursuant to this Act there is hereby created and established, as a part of the moneys of the State received and kept by the State Treasurer, a fund to be designated the "Bank Bond Payment Fund (B)." All moneys received by the State Treasurer, whether from the proceeds of taxes, or from payments made by the Industrial Commission, or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds, or interest thereon, shall be by him kept in said fund distinct from all other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such moneys shall be delivered to him, and no other appropriation shall ever be made of the moneys in said fund until the said bonds shall be fully paid. But this Act shall not be construed as preventing the State Treasurer from depositing such funds in the Bank of North Dakota as provided by law with respect to all public funds.

§ 9. APPROPRIATION TO PAY INTEREST AND PRINCIPAL.] There is hereby appropriated all of the moneys obtained as proceeds of the taxes provided for in Sections 6 and 7 above, and all moneys paid to the State Treasurer by the Industrial Commission as specified in Section 5 above, and all moneys constituting the Bank Bond Payment Fund (B), or so much thereof as may be from time to time necessary to pay the interest and principal upon the said bonds as payments thereon shall become due; and whenever any of said bonds, or any coupons thereon, being due, shall be presented for payment, the State Treasurer shall pay the same out of the fund applicable thereto. If for any reason the said fund shall for the time being, be insuffi-

cient, the Treasurer shall supply the deficiency out of any other available moneys of the state in his custody; but in that case he shall as soon as possible, out of the Bank Bond Payment Fund (B), return the amount of such deficiency to the source whence taken.

§ 10. APPROPRIATION TO CARRY OUT PROVISIONS OF ACT.] There is hereby appropriated out of any available funds of the Bank of North Dakota, not otherwise appropriated, ten thousand dollars or as much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act.

§ 11. REPEATING POWERS.] The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed under the terms of this Act from time to time as the occasion may arise; should any of the bonds issued under the provisions of this Act be paid and retired, the Industrial Commission may issue bonds in lieu thereof under the terms hereof; provided, that at no time shall the amount of bonds of the State of North Dakota issued pursuant to Section 1 of Chapter 148 of the Session Laws of 1919 (Section 2290a1 of the 1925 Supplement to the Compiled Laws of 1913) and pursuant to this Act, unsecured by mortgages, be issued and outstanding in an aggregate amount in excess of \$1,000,000.

§ 12. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval; and the provisions of Sections 6, 7, 8 and 9 hereof shall remain in full force and effect until the maturity of any bond issued hereunder and for six years thereafter.

Approved March 7, 1933.

CHAPTER 81

S. B. No. 156—(Cain.)

CONTRACTORS BONDS PUBLIC IMPROVEMENTS

An Act to amend and re-enact Chapter 100 of the Session Laws of the State of North Dakota for the year 1931 relating to the bonds required of contractors on public improvements.

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

§ 1. AMENDMENT.] That Section 6832 of the 1925 Supplement to the Compiled Laws of 1913, as amended and re-enacted by Chapter 100 of the Session Laws of 1931 be and the same is hereby amended and re-enacted to read as follows:

§ 6832. BONDS FROM CONTRACTORS ON PUBLIC IMPROVEMENTS.] It shall be the duty of every public officer or board authorized to enter into a contract for the erection, repair, alteration or

betterment of any public building, or any other public improvements, except municipal improvements, before entering into such contract, to take from the contractor a good and sufficient bond for an amount at least equal to the price stated in the contract conditioned to be void if the contractor and all sub-contractors shall pay all bills and claims on account of labor or materials, or repairs or supplies used for machinery and motor power equipment performed, furnished and used in and about the performance of said contract, including all demands of sub-contractors, said bond to stand as security for all such bills, claims and demands until the same are fully paid. The obligee in said bond shall be the State of North Dakota; but any person having any lawful claim against the contractor, or any sub-contractor, on account of labor, or materials, or repairs, or supplies, as aforesaid, performed, furnished or used in and about the performance of said contract, may institute an action to recover the same in his own name upon said bond in the manner and with like effect as though said bond were payable to him. No contract for public improvements, as hereinbefore described, shall be valid unless the contractor shall furnish a bond as required herein, conditioned upon the payment by the contractor, and all sub-contractors, of all bills, claims and demands on account of all items hereinbefore set forth.

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

Approved March 3, 1933.

CHIROPRACTIC

CHAPTER 82

H. B. No. 117—(Schauss, by request.)

EXAMINATIONS PRACTICE OF CHIROPRACTIC

An Act to amend and re-enact Section 523a3, and 523a4 of the Supplement to the Compiled Laws of North Dakota for 1913, and relating to examinations for and defining of the practice of Chiropractic, and raising the qualifications of practitioners.

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

§ 1. AMENDMENT.] That Section 523a3 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 523a3. EXAMINATIONS, HOW CONDUCTED. LICENSES, HOW GRANTED AND REVOKED.] All persons before commencing the practice of chiropractic in this state, shall apply to the State Board of Chiropractic examiners for a license, and shall submit to an examination in the following subjects: Anatomy, physiology, symptomatolo-