

CAPITOL BUILDING.

CHAPTER 29.

[S. B. No. 121.]

APPROPRIATION FOR COMPLETION.

AN ACT to Provide for the Erection and Construction of the South Wing of the Capitol, for the Issuance and Sale of Fifty Thousand Dollars of Bonds, and for the Appraisalment and Sale of the Lands Granted the State for the Purpose of Erecting Public Buildings at the Capital.

WHEREAS, The Congress of the United States by the "Enabling Act" granted to the State of North Dakota eighty-two thousand acres of land to be selected therein, in legal subdivisions of not less than 160 acres, for the purpose of erecting public buildings at the capital of the State for "legislative, executive and judicial purposes;" and,

WHEREAS, Of said grant for said purposes 32,000 acres have been selected in accordance with the provisions of said act, in the Fargo, Grand Forks and Devils Lake land districts; and,

WHEREAS, The balance thereof is in process of selection; and,

WHEREAS, Said lands are available for the purpose of the said grant, as soon as selected and patented, there being no restriction or limitation in the grant or in the Constitution of the State upon the power of disposal, for such price, at such time and on such terms as the Legislature may determine; and,

WHEREAS, The capitol erected in 1883 is only a portion of the building designated; and whose erection was contemplated, and which said building in its present incomplete and unfinished state is wholly inadequate to meet the present wants of the executive, legislative and administrative departments of the State government, and no provision has or can be made therein for the judicial department; and,

WHEREAS, A fund can be provided from the proceeds of the sale of a portion of said grant of land sufficient to complete said building and furnish suitable accommodations for all said departments; and,

WHEREAS, Said lands will enhance in value as the State increases in population and the adjacent lands are cultivated and improved, and it being inexpedient to place the same on the market for sale at this time; therefore,

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

§ 1. ISSUE OF BONDS—RATE OF INTEREST—DENOMINATIONS.]
The Governor, State Auditor and State Treasurer are hereby au-

thorized and empowered to prepare for issue negotiable bonds of the State of North Dakota to the amount of \$50,000 for purposes hereinafter stated. Such bonds shall be in denominations of \$1,000, each payable to purchaser or bearer, and payable in thirty years from date of issue, and shall bear interest at a rate not to exceed $4\frac{1}{2}$ per cent. per annum, interest payable semi-annually on the first day of January and July in each year, with coupons attached for each interest payment, said coupons to be payable anywhere in the United States; said bonds shall be executed under the Great Seal of the State by the Governor and Treasurer, and shall be attested by the Secretary of State, and shall be negotiated by the Treasurer.

§ 2. PUBLICATION OF NOTICE—SALE OF BONDS.] The State Treasurer shall receive sealed proposals for the purchase of said bonds and he shall give public notice for four successive weeks in two or more newspapers of general circulation, one of which shall be published in the city of New York, giving date of such sale, and said bonds shall be sold to the highest bidder for cash at not less than their par value.

§ 3. TAX TO PAY INTEREST.] The State Board of Equalization at the time other taxes are levied, shall levy a sufficient tax annually to pay the interest on said bonds, as the same shall become due, until such time as there shall be funds in the treasury to pay said coupons from the sale or lease of the lands hereinbefore specified; and it shall be the duty of the State Treasurer to reimburse the State for all moneys so advanced as soon as there shall be funds in the treasury derived from the sale or lease of the said lands.

§ 4. TREASURER TO PAY COUPONS AND BONDS WHEN DUE.] When the interest coupons become due and whenever the said bonds mature it shall be the duty of the State Treasurer to pay the same on presentation out of any funds in the treasury applicable thereto and to cancel the same when paid.

§ 5. PROCEEDS OF BONDS—CAPITOL BUILDING FUND.] Said bonds shall bear date July 1, 1893, and the proceeds of the sale thereof shall be placed to the credit of a fund to be designated "Capitol Building Fund," to be paid out only as hereinafter provided. Whenever from any cause there shall not be sufficient funds available to pay the interest accrued on said bonds, it shall be the duty of the Treasurer to pay the interest out of any other unappropriated funds belonging to the State, and there is hereby appropriated out of the State general fund a sum sufficient to pay such interest on said bonds as may become due before the funds and tax herein provided for can be made available, and it shall be the duty of the State Treasurer to pay such interest promptly at the time it falls due.

§ 6. APPROPRIATION.] The sum of fifty thousand dollars so realized and received into the State treasury from the sale of the bonds as hereinbefore provided, or so much thereof as may be

necessary, is hereby appropriated for the purpose of erecting, constructing and completing the south wing of the capitol building at Bismarck, and such funds shall be paid out by the State Treasurer only upon warrants drawn by the State Auditor upon such fund, and no such warrant shall be issued by the State Auditor except upon itemized and verified vouchers duly approved by the Board of Capitol Commissioners as herein provided for.

§ 7. BOARD OF CAPITOL COMMISSIONERS.] The Governor, State Auditor and Secretary of State are hereby constituted a Board of Capitol Commissioners.

§ 8. BOARD TO COMPLETE SOUTH WING OF CAPITOL.] As soon as the money arising from the sale of said bonds shall be paid into the Treasury, the Board of Capitol Commissioners shall proceed to erect, construct and complete the said south wing to said Capitol building according to the original plans and specifications as near as may be, and they are hereby authorized to employ an architect if deemed necessary. The said board shall contract for and purchase necessary material and shall employ a sufficient number of skilled workmen, and shall, so far as the same can reasonably and profitably be done, utilize the labor of the convicts in the State Penitentiary, and it is hereby made the duty of the Warden of the said Penitentiary, whenever requested by the said board, to place any or all convicts of proper character and condition that he may have in his charge, with proper guards and attendants therefor, at the disposal of said board to be used in performing the labor required in erecting said structure or in the manufacture of material to be used therein.

§ 9. BOARD OF UNIVERSITY AND SCHOOL LANDS TO FURNISH LIST OF SCHOOL LANDS APPRAISED.] The State Board of University and School Lands shall, at any time upon the request of the Board of Capitol Commissioners, cause any lands granted by the United States to the State of North Dakota for the purpose of erecting public buildings at the capital of the State for legislative, executive and judicial purposes, and which have been duly selected, as is, or may be provided by law, and to which the State has acquired title, to be appraised in the same manner and by the same parties the school lands are or by law may be appraised, and when the appraisal of such lands has been returned to the Board of University and School Lands it shall be the duty of the secretary of such board to furnish the Board of Capitol Commissioners a true copy thereof.

§ 10. SAID BOARD TO SELL SUCH LANDS—MANNER OF SALE.] The Board of University and School Lands shall at any time upon the written request of the Board of Capitol Commissioners sell any of the lands so appraised as aforesaid. Such sale shall be a public sale and upon the same notice that now is or hereafter may be required by law for the sale of school lands. In no case shall the lands so offered be sold for less than the appraised value. The terms of sale shall be one-third cash and balance in two equal in-

stallments, to run not more than ten years from date of purchase. All unpaid installments of purchase money shall bear interest at the rate of 6 per centum per annum, payable annually in advance; *Provided, however,* That in no instance shall the time of maturity of the deferred payments be fixed beyond the date of the maturity of said bonds. Upon the sale of such lands the State shall give to the purchaser an assignable certificate of purchase, but in no instance shall the State issue a patent to such purchaser or his assigns until the full purchase price has been paid. The land so contracted to be sold shall be taxable from and after the issuance of the certificate of sale, and in case the taxes assessed against any land so contracted to be sold for any one year shall remain due and unpaid until the date fixed by law for the sale of such land for such delinquent taxes, such default shall work a forfeiture of all rights and interests of the purchaser or his assigns in and to such lands, and any sale of such land for such taxes shall in no manner or form affect the rights of the State in such lands.

§ 11. PROCEEDS OF LANDS—HOW APPLIED.] All moneys received from the sale of said lands shall be paid into the State treasury and placed to the credit of the Capitol Building Fund, and the money so received or so much thereof as may be required shall be used to pay the interest on the bonds hereinbefore provided for as the same become due and the principal of said bonds when the same shall mature and to reimburse the State for any money advanced to pay interest on such bonds.

§ 12. SUFFICIENT LANDS TO BE SOLD TO PAY INTEREST ON BONDS.] It shall be the duty of the said Board of Capitol Commissioners to request and direct the sale of a sufficient amount of said lands to realize the amount of money necessary to pay the interest on said bonds as soon as the said lands can be sold for not less than the appraised value, and it shall also be the duty of the said board at such time as it shall judge best for the interests of the State, but not later than twenty years from the date of the approval of this act, to request and direct the sale of sufficient of said land to realize the amount of money needed to pay the principal of said bonds at the date of the maturity thereof.

§ 13. LANDS TO BE AGAIN APPRAISED—WHEN.] When any of the lands hereinbefore mentioned have been twice offered for sale and no bid therefor equal to the appraised value shall have been received, it shall be the duty of the State Board of School and University Lands to cause such land to be again appraised.

§ 14. FUNDS IN EXCESS OF NEEDS TO BE INVESTED.] Whenever there shall be in the State treasury funds arising from the sale of lands as herein provided, in excess of five thousand dollars which will not, in the judgment of the State Treasurer, be needed to pay interest or principal of said bonds for the term of five years or more, it shall be the duty of the State Board of University and School Lands to invest such money as by law provided

for the investment of money belonging to the permanent school fund, but in such manner that the same shall be available to liquidate the interest or principal upon said bonds when required.

§ 15. BOARD TO REPORT TO NEXT LEGISLATIVE ASSEMBLY.] Said Commissioners shall make a full and complete report to the next Legislative Assembly of all their doings under the provisions of this act.

Approved, February 24, 1893.

CHAPTER 30.

[S. B. No. 88.]

FIRE PROTECTION FOR CAPITOL BUILDING.

AN ACT to Provide Protection from Fire Within the Capitol Building.

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

§ 1. DUTY OF TRUSTEES.] That the Board of Trustees who have control and charge of the Capitol are authorized, and it is hereby made their duty, to provide the Capitol building with safe and efficient protection from fire within said building.

§ 2. APPROPRIATION.] That the sum of four hundred dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the general fund to carry out this act.

§ 3. EMERGENCY.] There being no adequate protection against fire within the Capitol at the present time, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1893.

CITIES.

CHAPTER 31.

[S. B. No. 167.]

BOARD OF AUDIT FOR CITIES.

AN ACT Constituting Boards of Audit for Cities and to Provide for the Presentation and Auditing of Claims.

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

§ 1. BOARD OF AUDIT.] The mayor and common council of all cities organized under and pursuant to an act entitled "An Act to Provide for the Incorporation of Cities," approved March 11,