

SCHOOL AND STATE LANDS

CHAPTER 213

(S. B. No. 151—Brostuen and Cain.)

ACQUISITION LANDS BY BOARD OF UNIVERSITY AND SCHOOL LANDS IN SLOPE, GOLDEN VALLEY, BILLINGS AND McKENZIE COUNTIES FOR NATIONAL PARK PUR- POSES AND CONVEYANCE TO U. S. APPROPRIATION

An act authorizing the board of university and school lands of the State of North Dakota to acquire by purchase or condemnation, certain lands within the counties of Slope, Golden Valley, Billings and McKenzie for national park purposes; providing for the conveyance thereof to the United States under certain conditions, and making an appropriation therefor.

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

§ 1. The Board of University and School Lands is hereby empowered and it shall be its duty, subject to the conditions herein prescribed, to acquire by purchase or condemnation on behalf of the State of North Dakota, any lands owned by any person, firm or corporation and located within the area of the proposed Roosevelt National Park in the counties of Slope, Golden Valley, Billings and McKenzie, for National Park purposes only; provided that this act shall only be operative and the powers herein granted, exercised at the time and in the event that the government of the United States takes appropriate action to establish a National Park within one or more of said counties; and provided, further, that said board shall only require as much of such lands as the government of the United States shall require for National Park purposes.

§ 2. All lands acquired by the state under Section 1 hereof, shall be conveyed by said Board to the government of the United States at such times and under such conditions as the government of the United States shall prescribe, and not otherwise.

§ 3. Before purchasing any lands pursuant to the provisions of this act, the Board shall cause the same to be appraised as to value, and it shall in no case pay as purchase price for such land a sum in excess of the appraised value thereof. In case any such lands cannot be purchased at a price within the appraised value thereof, the board shall proceed to acquire the same by condemnation.

§ 4. There is hereby appropriated from the general funds of the state, not otherwise appropriated, the sum of two hundred thou-

sand dollars (\$200,000.00), or so much thereof as may be necessary, to carry out the purposes of this act; provided that in the exercise of the powers granted hereunder the board shall not make any contract for or indebted the state for any sum in excess of the amount of this appropriation; provided further, that no levy shall be made for raising the money hereby appropriated, unless and until Congress takes appropriate action, and appropriates the funds necessary to establish a National Park as herein provided.

Approved March 12, 1929.

CHAPTER 214

(H. B. No. 52—Westford.)

FORECLOSURE MORTGAGES BOARD OF UNIVERSITY AND
SCHOOL LANDS

An Act to amend and re-enact Section 292, of the Supplement to the Compiled Laws of North Dakota of 1913, relating to the foreclosure of mortgages held by the Board of University and School Lands, rate of interest required to be paid in case of redemption, assignments of mortgages, sale of foreclosed lands at public and private sale, interest rate on deferred and interest payments, publication of notice of sale, method of cancellation of contract, taxation of lands sold, redemption, rights of tax certificate holder, and rules and regulations of Board of University and School Lands.

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

§ 1. AMENDMENT.] That Section 292 of the Supplement to the Compiled Laws of North Dakota of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 292. MORTGAGE LOANS, FORECLOSURE, RATE OF INTEREST REQUIRED TO BE PAID IN CASE OF REDEMPTION, ASSIGNMENTS, SALE AT PUBLIC AND PRIVATE SALE, INTEREST RATE ON DEFERRED AND INTEREST PAYMENTS, PUBLICATION OF NOTICE OF SALE, CANCELLATION OF CONTRACT, TAXATION OF LANDS SOLD, REDEMPTION, RIGHTS OF TAX CERTIFICATE HOLDER, AND RULES AND REGULATIONS OF BOARD OF UNIVERSITY AND SCHOOL LANDS.] Mortgage loans made under the provisions of this chapter may be foreclosed either by action or advertisement, in the same manner and upon the same notice as required in other real estate foreclosures. When foreclosure is made by action, said action shall be brought and prosecuted in the name of the state; provided, that the Board of University and School Lands may, and it is hereby authorized and empowered to assign any or all of said mortgages, whenever in the judgment of said board it shall be for the best interests of the state

so to do; provided, however, that said board shall not accept as a consideration for said assignment any amount less than the principal and interest due upon said mortgage or mortgages. Such assignments when made shall be executed by the Governor and attested by the Secretary of State with the Great Seal of the State of North Dakota attached. Provided, further, that whenever a mortgage loan made under the provisions of this chapter has been foreclosed, the debtor or redemptioner may redeem the property from the purchaser within one year after the sale on paying the purchaser the amount of his purchase with five per cent interest thereon together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest at the same rate on such amount; and if the purchaser is also a creditor having a prior lien to that of the redemptioner other than the mortgage under which such purchase was made, the amount of such lien with interest. Provided, further, that whenever a mortgage loan made under the provisions of this chapter has been foreclosed and a sheriff's deed to the mortgaged premises issued to the State, the Board of University and School Lands, may sell and convey the said land at private sale to any person; provided, however, that such sale be subject to any then existing lease of such land and premises, and such land must be so sold for cash and for not less than the amount for which the land was sold to the State on mortgage foreclosure sale, with interest on such sums at five per cent per annum, and the amount of all taxes and recording fees paid by the State, with interest at five per cent thereon to the date of conveyance. The Board of University and School Lands shall issue to the purchaser a quit claim deed conveying the right of the State in and to such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignments of mortgages.

The Board of University and School Lands may sell and dispose of said land at public sale to the highest bidder according to the terms fixed by said board, but in no case shall said board be authorized to accept less than one-fifth of the price in cash, nor shall the time of payments extend beyond the period of twenty years. All deferred payments and all past due interest shall draw interest at the rate of six per cent per annum. Such sale shall be subject to any then existing lease of such land and premises and such land must be sold for not less than the appraised value as determined by the county board of appraisal of the county in which said land is located. Provided, that in the case of public sale, the Board of University and School Lands shall cause to be published once each week for a period of two weeks prior to the day of sale, in a legal newspaper published within the county in which said land is situated, a notice of such sale, properly describing said land, together with the appraised value thereof, and the terms and conditions of sale. The

Land Commissioner shall execute and deliver a contract of sale to the purchaser, said contract to be in the form prescribed by the board. When final payment has been made to the State, the Board of University and School Lands shall issue to the purchaser, his heirs or assigns, a quit claim deed conveying such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignment of mortgages. In case the purchaser fails to pay either the principal, interest or taxes in accordance with the provisions of said contract, the Board of University and School Lands may in its discretion by resolution declare such contract null and void and cancelled and of no further force or effect; and in case of such declaration, shall notify the holder thereof of such declaration, by written notice mailed to his post office address. A certified copy of said resolution shall be forwarded to the county auditor and the register of deeds of the county in which such land is situated. The register of deeds shall record such certified copy of said resolution in the proper records of his office, and said resolution, when so recorded, shall operate as a complete and final cancellation of said contract, without any order or decree of the court. When such contract has been cancelled, such land shall not thereafter be listed for taxation.

The Land Commissioner shall, as soon as possible after a sale of such land, transmit to the auditor of the county in which such land is located, a detailed description of the land so sold, and the name of the purchaser, and the auditor shall extend the same upon his tax records for the purpose of taxation. Land contracted to be sold by the state shall be subject to taxation from the date of such contract and the taxes assessed thereon shall be collected and enforced in like manner as against other land. Such land may be sold for delinquent taxes as other lands are sold, and the purchaser shall only acquire, by virtue of such purchase, the right to be substituted in the place of such holder and owner of such contract of sale, as the assignee thereof; and upon the production to the Land Commissioner of the tax certificate given upon such tax sale, in case such land has not been redeemed, such tax purchaser shall have the right to have his name substituted in place of the original holder and owner of such contract, provided, however, that no substitution shall take place unless such tax purchaser makes payment of principal or interest then in default upon such contract of sale as the assignee thereof, and provided, further, that no substitution shall take place until three years after the date of such tax certificate. No tax deed shall be issued upon any tax certificate procured, while the legal title of said land remains in the State of North Dakota.

In all cases where the rights of a purchaser, his heirs or assigns, become forfeited, by failing to pay the amounts required, such

purchaser, his heirs and assigns, may, before the resale at public auction of the land described in such contract, redeem the land and premises by paying all past due deferred and interest payments, and all costs which have been incurred in addition thereto, together with interest on such sums at the rate of six per cent per annum, provided, however, that no redemption shall be made where the name of the tax purchaser has been substituted in place of the contract holder. In the event of a redemption of said land and premises, the Land Commissioner shall execute and deliver a new contract of sale to the purchaser, his heirs or assigns, said contract to be in the form prescribed by the board.

The Board of University and School Lands is hereby authorized to make such rules and regulations, as shall be by it deemed necessary for the manner, place and time of payment of principal, deferred and interest payments, and for such other conduct of the business of selling and disposing of foreclosed land not in conflict with the provisions of law.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and therefore this act shall take effect and be in force immediately upon its passage and approval.

Approved February 15, 1929.

CHAPTER 215

(H. B. No. 69—Westford.)

INVESTMENT UNIVERSITY AND SCHOOL LAND FUNDS—PAYMENT AND COLLECTION PRINCIPAL AND INTEREST

An Act to amend and re-enact Section 287, of the Supplement to the Compiled Laws of North Dakota for 1913, relating to the investment of university and school land funds; payment and collection of principal and interest.

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

§ 1. AMENDMENT.] That Section 287 of the Supplement to the Compiled Laws of North Dakota for 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 287. BOARD INVESTS FUNDS, COMPENSATION OF BOARD, CONDITIONS OF LOANS, PRINCIPAL AND INTEREST PAYMENTS, REPORTS AND PAYMENTS BY LAND COMMISSIONER TO STATE TREASURER.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, training school,

agricultural college and the school for the deaf and dumb, normal schools, and other permanent funds derived from the sale of public lands or from any other source in bonds of school corporations or of counties or of townships, or of municipalities within the state, bonds issued for construction of drains under the authority of law within the state, bonds of the United States, bonds of the state of North Dakota, or in first mortgages on farm lands in this state, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands; provided, that at least one-third of the whole amount of the several permanent funds aforesaid as computed by the commissioner of university and school lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; provided further, that for said services as such board of appraisal the county auditor and county superintendent of schools shall receive only the necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum. Principal and interest shall be payable to the state land commissioner at Bismarck, North Dakota, interest being payable annually. The state land commissioner shall daily report and pay into the state treasury all collections of principal and interest payments. The borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be converted into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated land within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums of not more than five thousand dollars to any person or firm.

3. Any or all of said mortgages may be satisfied at any interest paying date on payment of the whole amount due thereon. All proceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session

thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

4. PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.] The borrower shall submit to the state land commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the land commissioner, together with an appraisal of the land signed by at least two members of the county board of appraisal and other information which may be required by the land commissioner to be furnished by said board. Such application and appraisal shall be presented to the board of university and school lands at their next meeting for consideration. Immediately after a loan is authorized the land commissioner shall notify the applicant in writing, stating the amount, that will be loaned. If the amount is satisfactory to the applicant he shall present to the attorney general of the state an abstract continued to date.

The attorney general shall carefully examine the same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the attorney general a mortgage and note executed by the owner of said premises, by wife or husband or both as the case may be, with the state of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to date subsequent. The attorney general shall then certify in duplicate to the land commissioner and state auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the state auditor. If the attorney general finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificates and abstract before the state auditor, who shall draw his warrant in favor of the county treasurer of the county in which the loan is made for the amount of the loan. The county treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The county treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file statement of such fees with the state land commissioner. The county treasurer shall then draw checks disbursing the proceeds of the loan in the following manner :

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof.

Second: The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the state land commissioner, the abstract and all other instruments in connection with the loan.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1929.

CHAPTER 216

(H. B. No. 168—Wilson and Sax.)

RE-CONVEYANCE LANDS TO U. S. FOR NATIONAL PARK
PURPOSES

An Act authorizing the Board of University and School Lands to re-convey certain state lands to the United States for national park purposes and prescribing the conditions of such conveyance.

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

WHEREAS, there is now pending in the Congress of the United States, a bill providing for the creation of a National Park in the counties of Slope, Golden Valley, Billings and McKenzie, North Dakota, to be known as the Roosevelt National Park; and,

WHEREAS, the tract of land in such proposed National Park consists of the famous Petrified Forest and the "Bad Lands" of the Little Missouri River, where Theodore Roosevelt operated his historic cattle ranches and hunted wild game in the early history of the Dakota Territory, which tract is admirably fitted by nature for scenic purposes, and preserves in its natural state the mountainous character and wild unchanged condition of fifty years ago, and which tract is practicable and appropriate to preserve and set aside as a National Park as a memorial in honor of Theodore Roosevelt; and,

WHEREAS, there is included within the said proposed Park area approximately 42,000 acres, more or less, of unsold public lands, heretofore granted to the State of North Dakota by the United States under the terms of the Enabling Act of February 22, 1889; and,

WHEREAS, the people of the State of North Dakota heartily endorse such National Park project and desire to co-operate with

and aid the Government of the United States in the establishment thereof; therefore;

§ 1. The Board of University and School Lands of the State of North Dakota is hereby empowered and it shall be its duty, subject to the conditions herein prescribed, to re-convey to the government of the United States, free of cost, all unsold public lands heretofore granted to the State of North Dakota by the United States by the terms of the Enabling Act of February 22, 1889, and located within the following counties: Slope, Golden Valley, Billings and McKenzie, and described as follows: to-wit;

“All of Township 134, Range 106; Township 134, Range 105; Township 135, Range 105; the West one-half of Township 135, Range 104; Township 136, Range 102; Township 136, Range 103; Township 136, Range 104; Sections 33, 34, 35, and 36 in Township 136, Range 105; the West one-half of Township 137, Range 101; Township 137, Range 102; Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 in Township 137, Range 103; Sections 25, 26, 27, 34, 35, and 36 in Township 137, Range 104; the West one-half of Township 138, Range 101; Township 138, Range 102; the West one-half of Township 139, Range 101, excepting therefrom the right of way of the Northern Pacific Railway Company; Township 139, Range 102; the West one-half of Township 140, Range 101, excepting therefrom the right of way of the Northern Pacific Railway Company; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, and Sections 24, 25 and 36 in Township 140, Range 102, excepting therefrom the right of way of the Northern Pacific Railway Company; Township 141, Range 101; Township 141, Range 102; Township 142, Range 101; Township 142, Range 102; Township 143, Range 101; Township 143, Range 102; Township 144, Range 101; Township 144, Range 102; the West one-half of Township 145, Range 100; Township 145, Range 101; the East one-half of Township 145, Range 102; Township 146, Range 100; Township 146, Range 101; the East one-half of Township 146, Range 102; Township 147, Range 98; Township 147, Range 99; Township 147, Range 100; the South one-half of Township 147, Range 101; Sections 24, 25, 26, 27, 34, 35, and 36 in Township 147, Range 102; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 98; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 99; Sections 31, 32, 33, 34, 35, and 36 in Township 148, Range 100; all West of the fifth principal meridian.”

For National Park purposes only; provided that such conveyance shall only be made with the consent and approval of the government of the United States, and subject to such conditions as it may require in the premises; and provided further, that this Act shall only be operative when the government of the United States

takes appropriate action to establish a National Park within the area above described, and the power to make such re-conveyance shall only apply to the unsold state lands located within the area of any National Park so created.

Approved March 11, 1929.

CHAPTER 217

(H. B. No. 213—Committee on Delayed Bills.)

APPLICATION SALE OF SCHOOL OR INSTITUTIONAL LANDS

An Act to amend and re-enact Section 335a1 of the Supplement to the Compiled Laws of 1913, relating to sale of school or institutional lands and application for acquisition of land.

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

§ 1. AMENDMENT.] That Section 335a1 of the Supplement to the Compiled Laws of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 335a1. APPLICATION FOR ACQUISITION OF LAND.] Any person, firm, public or private corporation, or the State of North Dakota, desiring to acquire any school or institutional lands belonging to the State, for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, fish hatcheries, airports, railroad right-of-way or other railway uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, or for any of the purposes over which the right of eminent domain may be exercised under the constitution and laws of the State of North Dakota, may make written application to the board of university and school lands therefor, and such application shall state briefly the purposes for which such land is required and shall describe the same as accurately as possible; such application shall be accompanied by a map showing the land desired to be taken and such petition shall be verified by the applicant, or by some officer thereof, in case the applicant be a public or private corporation. Provided, however, that in case the applicant is the State of North Dakota, the petition shall be verified by an officer of the commission, board or department desiring to acquire school or institutional lands.

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

Approved March 8, 1929.