

## STATE LANDS

### CHAPTER 216

H. B. No. 142—(Panko)

#### AUTHORIZING EXCHANGE OF LANDS BETWEEN STATE, COUNTY AND GOVERNMENT UPON INDIAN RESERVATION

An act for an act authorizing the State and counties to exchange tracts of State and county lands within Indian reservations of this State, for tracts of lands owned by the United States Government, providing for appraisals, execution of conveyances, and repealing all acts or parts of acts in conflict therewith.

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

§ 1. The State of North Dakota, through its several departments and agencies, is hereby authorized and empowered to exchange tracts and sections of land on Indian reservations within the State, belonging to the State of North Dakota, and not a part of the original grant of land to the State provided in the Enabling Act, which lands shall be appraised as now provided by law in the case of sale of real property, for lands of like character and value belonging to the United States Government on Indian reservations within this State, subject to the approval of the appropriate department of the Federal Government and to execute and deliver proper conveyances thereof in the manner and form as provided by law, without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and to accept in return therefor a proper instrument of conveyance to the state of the lands for which such lands are exchanged.

§ 2. The various counties of the State of North Dakota, through their boards of county commissioners, are hereby authorized and empowered, to exchange tracts and sections of land belonging to the respective counties and on Indian reservations within said counties, which lands shall be appraised as now provided by law for the sale of real property acquired by the county for delinquent taxes, for lands of like character and value belonging to the United States Government on Indian reservations within the State, subject to the approval of the appropriate department of the Federal Government, and to execute and deliver proper conveyances thereof in the manner and form as now provided by law, but without the necessity of complying with any statute requiring notice of exchange or competitive bidding, and to accept in return therefor a proper instrument of conveyance to the county of the lands for which such lands are exchanged.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1939.

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## CHAPTER 217

H. B. No. 147—(Byrne)

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### CEDING CERTAIN LANDS—MILITARY RESERVATION

**An act ceding to the United States exclusive jurisdiction over certain lands in Burleigh County which are parts of the Fort Lincoln Military Reservation.**

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

§ 1. Exclusive jurisdiction is hereby ceded to the United States over the following tracts of land which were reserved from the public domain and set apart for military purposes as additions to the Fort Lincoln Military Reservation by Executive Orders of the President of the United States dated May 17, 1899, June 8, 1901, and January 17, 1907, to-wit: Lots 2, 3, and 4 Section 10, Township 137 north, Range 80 west, and Lots 11 and 13, Section 34, Township 138 north, Range 80, west of the fifth principal meridian, situated in Burleigh County, and all accretions thereto; *provided, however,* that jurisdiction over the above-described lands is ceded upon the express condition that all civil process issued from the courts of this State and such criminal process as may issue under the authority of this State against any person charged with crime committed within the jurisdiction of this State may be served and executed thereon in the same manner and by the same officers as if this act had not been passed.

Approved March 1, 1939.

## CHAPTER 218

## H. B. No. 126—(Agriculture)

**LEASING AND SALE OF SCHOOL AND OTHER PUBLIC LANDS**

An act to amend and re-enact Section 336, Compiled Laws of 1913, as amended by Chapter 177, Laws of 1925, relating to the leasing and sale of school and other public lands of the State, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 336, Compiled Laws of 1913, as amended by Chapter 177, Laws of 1925, be hereby amended and re-enacted to read as follows:

§ 336. LANDS SUBJECT TO LEASE.] All the common school lands and all other public lands of the State that are not of such value as will admit of appraisal at ten dollars or more per acre, at the time of any regular appraisal, may be leased; provided, that no leases can be granted for a period longer than ten years, and only for pasturage and meadow purposes, and at public auction after notice as hereinafter provided; provided, further, that all of such school and public lands now under cultivation may be leased at the discretion and under the control of the Board of University and School Lands for other than pasturage and meadow purposes until sold; provided, further, that in case of a sale of the lands so leased during the term of the lease, the lessee shall be given ninety days' notice; provided, further, that at the expiration of said lease or within ninety days of the date of receiving the aforesaid notice, the said lessee may remove from said lands so leased, all fences, sheds, water tanks, windmills, etc., used upon said lands by said lessee. All rents shall be paid annually in advance and in the event such land is leased or sold to any person, other than the lessee at the time of such sale or lease, the party purchasing or leasing such land shall, in addition to purchase price or rental of said land, pay to the prior lessee the fair and reasonable value of all permanent improvements placed on said land by such prior lessee with the written consent and permission of the Commissioner of University and School Lands, and in the event of the parties being unable to agree, the value of such improvements to be fixed and determined by a board composed of such commissioner, or some one designated by him, and a member appointed by each of said parties.

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

Approved March 4, 1939.

## CHAPTER 219

H. B. No. 149—(Skartvedt, Schwartz and Morland)

TRANSFER OF CERTAIN SCHOOL LANDS TO GAME AND  
FISH COMMISSION

An act providing for a transfer of certain school land situated in Slope County, North Dakota, to the Game and Fish Commission of the State of North Dakota in cooperation with an act of Congress to provide that the United States shall aid the State in wild-life restoration projects, and for other purposes to be used and maintained under the direction of the Game and Fish Commission to aid in wild-life restoration in the State of North Dakota, and providing for an appropriation to reimburse the Permanent School Fund of the State of North Dakota; and declaring an emergency.

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

§ 1. The Governor of the State of North Dakota and the Board of University and School Lands are hereby authorized and directed to transfer and convey all of Section 34, Township 133 North of Range 98, West of the Fifth Principal Meridian, situated in Slope County, North Dakota, containing 640 acres more or less according to the United States Government survey thereof, to the Game and Fish Commission of the State of North Dakota for wild-life restoration projects as defined in said act of Congress.

§ 2. That there be and is hereby appropriated to reimburse the Permanent School Fund of the State of North Dakota the sum of six thousand four hundred dollars, (\$6,400.00) payable out of any monies in the State Treasury not otherwise appropriated in the manner and in installments as follows; the sum of four hundred dollars (\$400.00) for the year 1939; one thousand dollars (\$1,000.00) for the year 1940; one thousand dollars (\$1,000.00) for the year 1941; one thousand dollars (\$1,000.00) for the year 1942; one thousand dollars (\$1,000.00) for the year year 1943; one thousand dollars (\$1,000.00) for the year year 1944; and one thousand dollars (\$1,000.00) for the year 1945.

§ 3. EMERGENCY.] It is hereby declared that an emergency exists; and this act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1939.

## CHAPTER 220

S. B. No. 228—(Holl and Fredrickson)

SCHOOL LANDS TRANSFER TO WILLIAMS AND BARNES  
COUNTIES

An act providing for transfer of certain school lands situated in Williams and Barnes counties, respectively State of North Dakota, to Williams and Barnes counties to be used and maintained as public parks, and authorizing the exchange of lands belonging to said counties therefor; and declaring an emergency.

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

§ I. EXCHANGE AUTHORIZED AND DIRECTED.] (a) The Board of University and School Lands is hereby authorized and directed to transfer and convey to Williams County for public park purposes the southeast quarter ( $SE\frac{1}{4}$ ) of section sixteen (16), township one hundred and fifty-five (155) north of range one hundred and one (101) west of the principal meridian, located in Williams County, State of North Dakota, containing one hundred and sixty (160) acres, more or less, according to the United States Government survey, in exchange for the east half of the southwest quarter ( $E\frac{1}{2}SW\frac{1}{4}$ ) and the west half of the southeast quarter ( $W\frac{1}{2}SE\frac{1}{4}$ ) of section eleven (11) of township one hundred and fifty-five (155), north of range one hundred and one (101) west of the fifth principal meridian located in Williams County, State of North Dakota, containing one hundred and sixty (160) acres, more or less, according to the United States Government survey, which said land the Board of county commissioners of Williams County is hereby authorized and directed to transfer and convey to the Board of University and School Lands.

(b) The Board of University and School Lands is hereby authorized and directed to transfer and convey to Barnes County, North Dakota, for public park purposes the south half of the southwest quarter ( $S\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of section thirty-six (36), township one hundred thirty-seven (137) north, range fifty-eight (58), west of the fifth principal meridian, located in Barnes County, North Dakota, containing eighty (80) acres, more or less, according to the United States Government survey thereof in exchange for the northwest quarter ( $NW\frac{1}{4}$ ) of section four (4), township one hundred forty-two (142), range sixty (60) west of the fifth principal meridian located in Barnes County, North Dakota, containing one hundred sixty (160) acres, more or less, according to the United States Government survey thereof which said land the board of county commissioners of Barnes County is hereby authorized and directed to transfer and convey to the Board of University and School Lands.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1939.

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## CHAPTER 221

H. B. No. 151—(Solberg, Ireland, Erickson, Anderson of McKenzie and Rohde)

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### TRANSFER CERTAIN SCHOOL LANDS TO WILLISTON EXPERIMENT STATION

An act providing for the transfer of certain school lands situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to the State of North Dakota to be used in connection with the experiment station, established at Williston, North Dakota, pursuant to the provisions of Section 1629 of the Compiled Laws of 1913, for the purpose of establishing, maintaining and operating thereon an irrigation demonstration and experiment farm; providing for an appropriation to reimburse the Permanent School Fund of the State, providing for an exchange of such lands for other lands more suitably situated, and declaring an emergency.

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

WHEREAS, the State Water Conservation Commission has created and established, in cooperation with the North Dakota Rural Rehabilitation Corporation and the Farm Security Administration, in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, an irrigation project which, when completed, will supply water for the irrigation of approximately 5,000 acres of land, and

WHEREAS, a similar project has been established, and is now being constructed and completed near Cartwright in McKenzie County, North Dakota, and

WHEREAS, several other projects for the irrigation of lands in McKenzie County, Williams County, and adjoining counties, have been proposed and found practicable and economically feasible which, when completed, will do much to stabilize agriculture, particularly the livestock industry, in that section of the State; therefore

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

§ 1. The Governor and the Board of University and School Lands are hereby authorized and directed to transfer and convey to the State of North Dakota the north half (N $\frac{1}{2}$ ) of the southwest quarter (SW $\frac{1}{4}$ ) of section sixteen (Sec. 16) township one

hundred fifty-three (Twp. 153), north of range one hundred one (Rge. 101), west of the fifth principal meridian, McKenzie County, North Dakota, less that portion of said premises heretofore transferred and conveyed for highway right-of-way, said premises containing 79.32 acres, more or less, according to the United States Government survey thereof.

§ 2. That said lands, after their transfer to the State of North Dakota, shall be used, operated and maintained as an irrigation demonstration and experiment farm under the supervision, direction and control of the North Dakota Agricultural College at Fargo, and in connection with the experiment station established at Williston, North Dakota, pursuant to Section 1629 of the Compiled Laws of 1913, to demonstrate and show: (1) what crops can best be grown and profitably produced under irrigation; (2) how to irrigate growing crops; (3) when various crops can and should be irrigated to produce the best results, and (4), in general, to aid, assist and instruct farmers, by practical demonstration, in irrigating their lands.

If it shall be found that the lands described in Section 1 of this act may, without additional consideration, be exchanged for a tract of land of equal size and value within the Lewis and Clark Irrigation District of McKenzie County, which tract of land is more suitably and conveniently located for such irrigation demonstration and experiment farm, then and in that case the lands described in Section 1 of this act may be exchanged for such tract of land, and in order to effect such exchange the Governor is hereby authorized to execute and deliver for and on behalf of the State the necessary instrument or deed conveying title to the lands mentioned in Section 1 hereof.

§ 3. To reimburse the Permanent School Fund, there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of eight hundred (\$800.00) dollars payable to the Permanent School Fund as follows: the sum of one hundred and sixty (\$160.00) dollars for the year 1939 and the sum of one hundred and sixty (\$160.00) dollars for each of the years 1940, 1941, 1942, and 1943.

§ 4. EMERGENCY.] 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 16, 1939.

## CHAPTER 222

S. B. No. 261—(Committee on Delayed Bills)

### AUTHORIZING EXCHANGE STATE LANDS FOR MILITARY PURPOSES

An act authorizing the State Treasurer as Trustee for the State of North Dakota to transfer lands owned by him to owners of other lands of approximately equal value in exchange for transfers of such other lands, and declaring an emergency.

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

§ 1. The State Treasurer, as Trustee for the State of North Dakota, and the Industrial Commission of the State of North Dakota, are hereby authorized in their discretion to transfer farm lands now owned by the State Treasurer as Trustee, or hereafter acquired by such trustee, to owners of other lands in exchange for transfers of such lands, provided however, that all lands exchanged shall be of approximately equal value, and further provided that the transfers hereby authorized shall be made only to facilitate the development of artillery range, maneuver grounds, or area for other military purposes for the use of the North Dakota National Guard; and further provided that the lands so acquired by exchange shall be held by the State Treasurer, subject to all the conditions of the trust under which the land so exchanged may now be held.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1939.

## CHAPTER 223

S. B. No. 130—(Blank, Guthrie and Brant)

### PROTECTION OF HISTORIC DEPOSITS FOUND ON STATE OWNED LANDS

An act providing for the protection of pre-historic deposits, relics, Indian mounds, graves, village sites and other archaeological material; providing for licensing persons engaged in exploring and excavating for ancient ruins and archaeological materials, restricting such exploration and excavation on State owned lands and requiring that one-half of such materials be delivered to the State Historical Society and providing a penalty for violation of this act.

WHEREAS, the public has an interest in the preservation of all archaeological material in the State for the study of the geological, climatic and habitational history of the State and their bearing on the future, and

WHEREAS, a large amount of archaeological material has been removed from the State and placed in museums in other States, and

WHEREAS, Indian mounds, graves and village sites have been carelessly dug into and excavated, thereby destroying much material of historical and archaeological significance, and

WHEREAS, the State Historical Society, and particularly the museum maintained by the State Historical Society, and the public have suffered great and irreparable loss because of careless excavation into Indian mounds, graves and village sites; therefore:

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

§ 1. Any person, firm, association, or corporation, before making any investigation, exploration or excavation on any pre-historic ruins, Indian mounds, graves and/or village sites for archaeological material, on any lands in North Dakota, shall first obtain a permit or annual license from the Superintendent of the State Historical Society of North Dakota. Such permit or license shall be issued when an application has been filed with him setting forth: (1) the location of the site where applicant proposes to explore or excavate for such archaeological material and (2) the qualifications and scientific fitness of the applicant to make such investigation, exploration or excavation. Each such application shall be accompanied by a filing fee of five dollars (\$5.00).

§ 2. Each permit or license shall accurately describe the location and site of the ruins, mounds, graves and/or deposits where the exploration or excavation is to be conducted and shall authorize or permit explorations or excavations only at the described location; provided, that a supplementary permit or license shall be granted for any other location upon the payment of a fee of \$2.50, provided, that no permit shall be granted for investigation, exploration or excavation on any land owned by the State until the superintendent shall be satisfied that the applicant has the scientific training and fitness to make such investigation, exploration or excavation and such permit shall not be granted until the applicant has agreed to deliver one-half of all articles, fossil remains and archaeological materials found and removed from such State land.

§ 3. All such permits or licenses shall terminate on the thirty-first day of December of the year in which issued but may be renewed thirty days after the expiration thereof upon payment of two dollars; provided, that any permit or license to explore or excavate on any land belonging to the State of North Dakota or any county or municipality, may be revoked by the said superintendent at any time that it appears that explorations or excavations authorized by the permit or license are being conducted negligently, carelessly

or improperly and without regard for the careful preservation and conservation of the archaeological material contained in such location, site or deposit.

§ 4. All fees collected by the Superintendent of the State Historical Society under the provisions of this act shall be deposited in the revolving fund of the State Historical Society and shall be used by the superintendent in making investigations of applicants for such permits or licenses and of the sites or locations sought to be explored by such applicants.

§ 5. Nothing contained in this act shall be construed to limit or prohibit any person owning land in North Dakota from exploring or excavating for archaeological material on his land.

§ 6. Where land is sold, conveyed, transferred or leased by the State of North Dakota, or by any department or agency thereof, or by any municipal sub-division thereof, the title to any and all archaeological materials, whether such materials are found upon the surface or below the surface of such land, shall be retained by the State or by the municipal sub-division thereof, as the case may be.

§ 7. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall forfeit to the State all archaeological articles and materials discovered by him and shall be fined not exceeding one hundred dollars (\$100.00), and in case of failure to pay such fine, shall be imprisoned in the county jail for a period not exceeding thirty days. The violation of this act shall be held to be committed in the county where the exploration or excavation for archaeological material was undertaken.

§ 8. The sections of this act and each part of such sections are hereby declared to be independent sections and parts of sections, and the holding of a section, or part thereof, or the application to any person or circumstances, to be invalid, ineffective or unconstitutional shall not effect any other section, or part thereof, or the application of any section, or part thereof, to other persons or circumstances.

Approved March 13, 1939.

## CHAPTER 224

H. B. No. 186—(Committee on Tax and Tax Laws)

## RESALE OF STATE OWNED LANDS

An act providing for the resale of lands acquired by the State on foreclosure of mortgages given to secure loans of permanent school funds, or by deed given in lieu of foreclosure; giving a preference to mortgagors whose lands are resold or to their heirs; providing for the terms and conditions of resale; and declaring an emergency.  
Preamble:

WHEREAS, by reason of the adverse economic conditions prevailing in the State of North Dakota during the past decade, hundreds of farmers have been wholly unable to repay to the State, loans of moneys belonging to the Permanent School Funds of the State of North Dakota secured by mortgages upon their farms; and

WHEREAS, many thousands of acres of lands so mortgaged have been acquired by the State of North Dakota through foreclosure of such mortgages or by deeds given by the borrowers in lieu of foreclosure; and

WHEREAS, such lands so acquired by the State of North Dakota are withdrawn from taxation so long as they are held by the State, and all taxing districts are crippled by such withdrawals; and

WHEREAS, it is of the utmost importance that such lands be returned to private ownership as soon as possible; and

WHEREAS, it is evident that this purpose can only be accomplished by the sale of such lands upon easy terms to persons who will reside upon and farm such lands;

*Now, Therefore, Be it enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. This act is intended to provide for sales of lands acquired by the State of North Dakota upon foreclosure of mortgages given to secure loans of moneys belonging to the Permanent School Funds of the State of North Dakota or by deed given in lieu of foreclosure upon contract providing for payment from the income produced upon the lands sold, and the method of sale herein provided is declared to be in addition to the method or methods now provided by law for the sale of such lands, and this act shall not be construed to repeal or amend any other law now in force in this State.

§ 2. The Board of University and School Lands is hereby authorized and empowered to sell lands described and referred to in Section 1 of this act upon the terms and conditions herein provided as follows, to-wit:

(1) No lands shall be sold under the provisions hereof unless the proposed purchaser agrees to personally reside upon the land purchased or upon lands contiguous to or lying in the immediate vicinity thereof and has farming equipment adequate in the judgment of the Board of University and School Lands to enable him to farm the lands to be bought successfully; and unless said board determine that the proposed purchaser has had sufficient experience in farming to enable him to farm the lands to be purchased successfully.

(2) No more than three hundred twenty (320) acres, or such additional acreage as may be required to make an economic farm unit under the regulations of the Federal Farm Security Administration, shall be sold to any person under the provisions of this act; except in a case where a tract of land containing more than three hundred twenty (320) acres and less than four hundred eighty (480) acres has been acquired through any one mortgage, such entire tract may be sold to one purchaser; and if the greater portion of the tract to be purchased is principally fit only for grazing and stock raising not to exceed one section may be sold to an individual purchaser.

(3) Lands sold pursuant to the provisions of this act shall not be sold for less than the principal sum of the loan through which the State acquired title plus all actual expense incurred by the State in connection with said loan.

(4) Before any lands are sold pursuant to the provisions hereof, said lands shall be appraised by the Board of Appraisers charged with the duty of appraising school lands, and no lands shall be sold for less than the appraised value; provided that lands once appraised need not be re-appraised unless the same be not sold within two years of any such appraisal.

(5) The purchaser shall farm the lands in a good and husbandman-like manner according to the practice of farming in the vicinity in which the land lies and according to the manner of farming of lands of like character, and shall produce therefrom such income as such lands are reasonably capable of producing, having due regard to climatic conditions and to the prices of agricultural products such as said lands are reasonably adapted to raising, including live-stock, dairy products, vegetables, fruits, grain and forage crops.

(6) The purchase price shall be paid by the payment to the State Land Commissioner at the time of the execution of the contract of not less than twenty-five (25) cents per acre and in no case less than the then regular land department's leasing price for lands of like character; and the balance of the purchase price to be paid by the payment of the one-fifth part of the gross income produced by said lands as provided in Sub-section 5 hereof, payments from the various sources of income to be made quarterly on the 1st

days of January, April, July and October each year. All income so paid shall be credited as of the date of actual payment as follows:

First: In payment of interest upon the purchase price of said lands at the rate of three percent (3%), per annum.

Second: The remainder of income paid after deducting interest as aforesaid shall be credited upon the purchase price agreed to be paid for said lands. Provided that the balance of the purchase price shall be due twenty (20) years after the date of the contract.

(7) The Board of University and School Lands shall at the time of execution of the contract and annually thereafter on or before the 1st day of January, furnish the purchaser with a pamphlet so arranged as to enable the purchaser to keep an accurate account and record of the income from the land for the then current year; and such pamphlet, duly verified by the purchaser shall be delivered to the Land Commissioner on or before the 31st day of December of the year the income of which was accounted for therein.

(8) Any and all moneys received by the purchaser for compliance with any law or laws heretofore or hereafter enacted by the Congress including crop insurance shall be deemed and considered to be income received from said lands and shall be disposed of as other income as provided by Sub-section 6 hereof.

(9) It is hereby expressly provided that the purchaser may use not to exceed two acres of said lands for home garden purposes and that no part of the produce thereof shall be considered income and no part of the proceeds thereof need be accounted for as income of said lands so purchased; and provided further that said purchaser shall have the right to use milk, cream, butter and any other dairy products he may make from milk produced on the lands purchased necessary for himself and his family and dairy products so used shall not be considered income from said lands and need not be accounted for as such.

(10) It is further provided that the purchaser may raise a reasonable amount of barnyard poultry and use feed produced upon the lands purchased for such purpose and need not account for any part of the income from such poultry to the State of North Dakota, except if the purchaser shall raise turkeys for market he shall account for the proceeds of all in excess of ten (10) turkeys as income as aforesaid.

(11) Forage and other feed crops raised and fed to livestock on said lands shall be accounted for only as income from the sale of such livestock.

(12) Lands acquired as aforesaid shall be advertised for sale annually in the same manner as lands are now, or may hereafter be advertised by the State Land Department for rental and shall be sold at public auction at the time other lands are leased to the highest responsible bidder whose bid may be approved by the Board

of University and School Lands, but no land shall be sold for less than the minimum as hereinbefore provided.

It is further provided that if any mortgagor or his heirs desire to repurchase his original land lost by him or her through foreclosure or by deed given in lieu of foreclosure, he or they may do so at anytime before such lands are offered at public sales to the highest bidder, that they shall be notified by registered mail by the State Land Commissioner to the effect that they are given the privilege to make such repurchase at the price of the principal sum or remaining balance of such principal sum of the original loan plus all costs, and expenses of foreclosure as provided in Section 2 hereof. Should the former mortgagor or his heirs fail to make such repurchase within ninety (90) days from date of notice by the State Land Commissioner, such lands shall be offered for sale to the highest bidder.

(13) The successful bidder for each tract shall be required to pay the regular appraisal fee of \$12.50 with the application before entering into a contract for the purchase of such lands, the State acting through the State Land Commissioner within thirty (30) days after the date upon which his bid was received, and if the successful bidder shall not make such contract within such time, or if his bid shall not be approved by the Board of University and School Lands, the tract so bid for and all tracts for which there were no bidders, may be sold by the Board of University and School Lands at private sale for not less than the minimum price as hereinbefore provided upon the terms and conditions herein provided.

(14) The State of North Dakota shall have a first lien and hold title to all the produce of said lands, a portion of which is payable on the purchase of lands purchased as herein provided, provided that in case the purchaser is financed to enable him to operate the lands purchased by any Federal agency, the lien of the State may be waived as to personal property only in favor of such Federal agency by agreement in writing, and the Board of University and School Lands is hereby authorized to make such agreement if it so elects.

(15) Upon the making of any contract for the sale of lands as herein provided, the State Land Commissioner shall notify the county auditor of the county wherein the land lies, in writing, of the date of the contract, the name of the purchaser, and the description of the land purchased. The county auditor shall put said lands upon the tax list of his county for taxation provided that said land shall not be subject to taxation until January 1st of the year following the date of such contract.

(16) Taxes levied upon lands purchased on contract pursuant to the terms hereof as authorized by Subsection 15 hereof may be collected by sale of the premises taxed as other taxes are collected, provided that the purchaser at such tax sale, in case no redemption

is made, shall have only such right as he might have acquired by the assignment of such contract to him; and no tax deed shall issue upon any such tax sale so long as the State is the holder of the legal title to said lands and any portion of the purchase price remains unpaid.

(17) Contracts made pursuant to the terms of this act may be assigned by the purchaser only upon the written consent of the State Land Commissioner, and no assignment shall be recognized by the Board of University and School Lands or the State Land Commissioner unless such consent be given.

(18) In case the purchaser shall fail and neglect to fully and fairly account for and pay over to the State Land Commissioner the one-fifth part of the income of said lands as hereinbefore provided, or in case the purchaser fails to pay any taxes levied and assessed upon lands purchased by him pursuant to the provisions hereof before the same is sold for such taxes, the contract shall be voidable, and the Board of University and School Lands may in their discretion declare such contract of sale void, and in case of such declaration, the State Land Commissioner shall notify the holder of such contract of such declaration by written notice mailed to his post-office address, if known to the State Land Commissioner, and, if not known, such notice may be mailed to the post-office nearest the lands described in such contract, and the State Land Commissioner shall send a duplicate copy thereof by mail to the auditor of the county in which such land is situated. Such county auditor shall thereupon strike said lands from the tax lists of his county. Upon such declaration and after the mailing of notices as aforesaid, the State Land Commissioner shall take possession of said land.

(19) The purchase[r], or the heirs, executors, administrators, or assigns of the purchaser may redeem the premises from the effects of such declaration of avoidance made as aforesaid by the payment to the State Land Commissioner of all sums delinquent, and the average of the income for the three years preceding such declaration of avoidance, for each year from such declaration to date of payment in addition to all taxes due and delinquent and the further sum of fifty dollars (\$50.00) which shall be credited upon the principal unpaid, at any time before the resale of said premises. Upon the making of the payments aforesaid, said contract shall be deemed to be reinstated and shall be in full force and effect the same as if no such declaration of avoidance had been made.

(20) When the purchase price and interest has been fully paid, the State shall convey the premises purchased to the purchaser by quit claim deed executed in the name of and in behalf of the State of North Dakota, by the State Land Commissioner and Secretary of the Board of University and School Lands, and attested by the Secretary of State with the Great Seal of the State of North Dakota attached.

§ 3. 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 14, 1939.

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## TAXATION

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### CHAPTER 225

S. B. No. 41—(Thorson, Nelson of Grand Forks, Wog, Morrison and Drew.)

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#### ABATEMENT EXCESSIVE ASSESSMENTS

An act declaring all tax charges based on original final values of property assessed by local assessors, in excess of amount that would have been charged had said original final value been limited to the full and true value in money, null and void providing remedy to the taxpayer; and repealing all laws or parts of laws in conflict therewith.

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

§ 1. TAXES BASED ON VALUATIONS IN EXCESS OF FULL AND TRUE VALUE VOID.] Any and all taxes levied and assessed against taxable property valued by local assessors, to the extent that said tax charges exceed the amount that said tax charge would have been had the original final determination of value been limited to the full and true value thereof in money, shall be null and void.

§ 2. WHO MAY OBJECT. CONSIDERATION OF APPLICATION.] Each individual property owner, and each person having an interest in taxable property valued by local assessors, either individually, or jointly, or collectively, including taxing districts as such, may within one year after any assessment becomes final, bring such proceedings as are herein provided for, or as may be provided for by law, to determine and limit the tax obligations of such property as provided for in Section one hereof, and each such proceedings shall be by the board, commission, commissioners, or any person having jurisdiction thereof, and the courts, decided, determined, and the valid tax determined as to the application thereof to the specific property or properties involved in said proceeding or proceedings and without reference to county necessities, or other municipal requirements, and without reference to the valuation applied or tax obligations charged against other properties.

§ 3. APPLICATION FOR RELIEF FROM EXCESSIVE VALUATION.]