

# CONSTITUTIONAL AMENDMENTS

## Approved

### ARTICLE 58 SALE OF SCHOOL AND PUBLIC LANDS

§ 1. AMENDMENT.] That Section 158 of Article 9 of the Constitution of the State of North Dakota, as amended by Article 13 of the Amendments thereof, as further amended by Article 50 of the amendments thereof, is hereby amended and re-enacted to read as follows:

§ 158. No original grant school or institutional land shall be sold for less than the fair market value thereof, and in no case for less than ten dollars (\$10.00) per acre, provided that when lands have been sold on contract and the contract has been cancelled, such lands may be resold without reappraisal by the board of appraisal. The purchaser shall pay twenty (20) per cent of the purchase price at the time the contract is executed; thereafter annual payments shall be made of not less than six (6) per cent of the original purchase price. An amount equal to not less than three (3) per cent per annum of the unpaid principal shall be credited to interest and the balance shall be applied as payment on principal as credit on purchase price. The purchaser may pay all or any installment or installments not yet due to any interest paying date. If the purchaser so desires, he may pay the entire balance due on his contract with interest to date of payment at any time and he will then be entitled to proper conveyance.

All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, and notice of such sale shall be published once each week for a period of three weeks prior to the day of sale in a legal newspaper published nearest the land and in the newspaper designated for the publication of the official proceedings and legal notices within the county in which said land is situated.

No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the State shall be subject to taxation from the date of the contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, the contract of sale for such land shall, if the Board of University and School Lands so determine, by it, be declared null and void. No contract of sale heretofore made under the provisions of said Section 158 of the Constitution as then providing shall be affected by

this amendment, except prepayment of principal may be made as herein provided.

Any of said lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, air plane landing fields, fair grounds, public highways, railroad right-of-way, or other railroad uses and purposes, reservoirs for the storage of water for irrigation, irrigation canals, and ditches, drainage ditches, or for any of the purposes for which private lands may be taken under the right of eminent domain under the Constitution and Laws of this state, may be sold under the provisions of this Article, and shall be paid for in full at the time of sale, or at any time thereafter as herein provided. Any of said lands and any other lands controlled by the Board of University and School Lands, may, with the approval of said Board, be exchanged for lands of the United States, the State of North Dakota or any county or municipality thereof as the Legislature may provide, and the lands so acquired shall be subject to the trust to which the lands exchanged therefor were subject, and the State shall reserve all mineral and water power rights in lands so transferred.

When any of said lands have been heretofore or may be hereafter sold on contract, and the purchaser or his heirs or assigns is unable to pay in full for the land purchased within twenty years after the date of purchase and such contract is in default and subject to being declared null and void as by law provided, the Board of University and School Lands may, after declaring such contract null and void, resell the land described in such contract to such purchaser, his heirs or assigns, for the amount of the unpaid principal, together with interest thereon reckoned to the date of such resale at the rate of not less than three (3%) per cent, but in no case shall the resale price be more than the original sale price; such contract of resale shall be upon the terms herein provided, provided this section shall be deemed self-executing insofar as the provisions for resale herein made are concerned.

Approved June 27, 1944.

56,033 to 48,641