

GOVERNMENTAL FINANCE

CHAPTER 211

H. B. No. 842

(Stockman, Burk, Neukircher, Johnston)

THE 1959 BOND VALIDATING ACT

AN ACT

Validating, ratifying, approving and confirming bonds and other instruments or obligations, heretofore issued by public bodies of this state, and all proceedings heretofore taken by such public bodies, to authorize and issue such bonds, instruments and other obligations, however described, and to provide funds for their payment; providing that this Act may be cited as "The 1959 Bond Validating Act", and declaring an emergency.

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

§ 1. Citation.) This Act may be cited as "The 1959 Bond Validating Act".

§ 2. Definitions.) The following terms, wherever used or referred to in this Act, shall have the following meanings:

1. The term "public body" shall include any county, city, village, township, school district, irrigation district, drainage district, special improvement district, and any other political or governmental subdivision of the state of North Dakota, and any board, commission, agency or officer thereof.
2. The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all revenue bonds, special improvement warrants, refunding improvement bonds and warrants, and, without limitation by the enumeration of the foregoing, all other instruments and obligations, whether payable from a special fund or supported by a pledge of the full faith and credit of the public body issuing the same.

§ 3. Validation of Bonds and Incidental Proceedings.) All bonds heretofore issued by any public body for any purpose and in any manner consistent with the Constitution of the state, and all proceedings heretofore taken by any such body

for the authorization, issuance, sale, exchange, execution and delivery of its bonds, and for the performance of any conditions precedent thereto, and for the provision of taxes, special assessments and other funds to pay such bonds and interest thereon, are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power of such public body, or of the governing board, council, commission or officers thereof, to authorize, issue, sell, exchange, execute or deliver the same, and notwithstanding any defects, irregularities or omissions in such proceedings or in such authorization, issuance, sale, exchange, execution or delivery; and all bonds heretofore issued by such public bodies, and all bonds hereafter issued by them under the authority of proceedings heretofore taken, are and shall be binding, legal and enforceable obligations of such public bodies respectively.

§ 4. Matters Validated.) It is the intent hereof that, without limiting the generality of the foregoing:

1. This Act shall apply to all defects, irregularities and omissions, other than constitutional, in the calling, notice or conduct of any election, any public hearing, or any meeting of a governing board, council or commission held for the purpose of authorizing board, council or commission held for the purpose of authorizing bonds or any project financed by bonds; in the creation of an improvement district, the determination of the necessity and the making of contracts for the acquisition or construction of such project; in the levy of any tax or special assessment appropriated for the payment of bonds; in the establishment of rates and charges for the service of any project; in the pledge of net revenues derived therefrom to the payment of bonds, and in the making of covenants securing such payment.
2. This Act shall apply notwithstanding any lack of power, other than constitutional, to engage in a project or any portion thereof, or to finance the same by issuing bonds; to combine two or more projects or bond issues in the same proceedings; to conduct proceedings in the sequence actually followed; or to exercise jurisdiction over the site at which any project is located, within or without the corporate limits of the public body or of the county in which it is situated or of the state of North Dakota.

§ 5. Repeal.) All acts or parts of acts in conflict herewith are hereby repealed.

§ 6. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1959.

CHAPTER 212

H. B. No. 543

(Berntson, Hilleboe, Poling, Rolfsrud,)

(Schmalenberger, Vinje)

(From LRC Study)

TRANSFER OF CERTAIN FUNDS

AN ACT

To transfer certain funds now deposited in the Bank of North Dakota, and all future revenue collections, to the general fund of this state, and to amend and reenact section 6-0634 of the North Dakota Revised Code of 1943, and sections 2-0511, 2-0518, 43-2208, and 57-3910 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the transfer of certain moneys to the general fund of this state.

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

§ 1. Transfer of Administration of Bismarck Dental Demonstration Fund.) The state health department is hereby directed to relinquish all administrative control of the "Bismarck Dental Demonstration Fund", which is deposited in the Bank of North Dakota, and to return the administration of such fund back to the Bismarck Chamber of Commerce.

§ 2. Transfer of Stallion Registration Fund.) All moneys in the "Stallion Registration Fund" on deposit in the Bank of North Dakota, are hereby transferred to the general fund.

§ 3. Transfer of Division of High School Correspondence Study Fund.) All moneys in the "Division of High School Correspondence Study Fund" on deposit in the Bank of North Dakota shall be deposited in the general fund, together with all future revenue collections by the division of high school correspondence study department.

§ 4. Transfer of State Water Conservation Commission Fund (Yellowstone Pumping Irrigation District.) All moneys in the "State Water Conservation Commission Fund" received from the collection of taxes from the Yellowstone Pumping Irrigation District, now on deposit in the Bank of North Dakota are hereby transferred to the general fund.

§ 5. Transfer of State Water Conservation Commission Fund.) All moneys in the "State Water Conservation Commission Fund" received from the various political subdivisions in payment of water surveys by the commission are hereby transferred to the general fund, together with all future revenue collections received by the State Water Conservation Commission from such water surveys.

§ 6. Transfer of North Dakota State Water Conservation Commission Fund (Climate and Weather.) All moneys in the "North Dakota State Water Conservation Commission Fund" received from the sale of a magazine entitled "Climate and Weather", on deposit in the Bank of North Dakota are hereby transferred to the general fund, together with all future revenue collections received by the State Water Conservation Commission from the sale of such magazine.

§ 7. Transfer of Securities Commissioner Oil and Gas Account Fund.) All moneys in the "Securities Commissioner Oil and Gas Account Fund" on deposit in the Bank of North Dakota are hereby transferred to the general fund.

§ 8. Amendment.) Section 43-2208 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

43-2208. Registration Fees.) The commissioner shall receive and the broker shall pay the following fees:

1. For initial registration as provided in this chapter the sum of fifty dollars;
2. For withdrawal of cash or securities deposited in lieu of bond the sum of fifteen dollars; and
3. For annual renewal of registration, the sum of ten dollars.

All fees received from the provisions of this section shall be deposited in the general fund.

§ 9. Transfer of Tax Commissioner Fund (Postage Account.) All moneys in the "Tax Commissioner Fund" received by the state tax commissioner from cigarette retailers for the payment of return postage for cigarette stamps, now on deposit in the Bank of North Dakota are hereby transferred to the general fund.

§ 10. Amendment.) Section 6-0634 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0634. Unclaimed Dividends of Credit Unions.) The state examiner shall deposit all unpaid dividends promptly in the general fund. The state examiner is authorized to issue a voucher for the payment of such dividends from the general fund to the persons respectively entitled thereto, for a period of one year after liquidation of the credit union and such funds are hereby appropriated from the general fund for this purpose.

§ 11. Transfer of Liquidated Credit Union Account Fund.) All moneys in the "State Examiner Trustee, Liquidated Credit Union Account Fund" on deposit in the Bank of North Dakota are hereby transferred to the general fund.

§ 12. Amendment.) Section 57-3910 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3910. Payment of Tax, Bond, Creation of Lien.)

1. The tax levied under the provisions of this chapter shall be due and payable in quarterly installments on or before the last day of the month next succeeding each quarterly period, the first of such periods being the period commencing with July 1, 1957;
2. Every retailer, at the time of making the return required hereunder, shall compute and pay to the commissioner the tax due for the preceding period;
3. The commissioner, when in his judgment it is necessary and advisable to do so in order to secure the collection of the tax levied under this chapter, may require any person subject to such tax to file with him a bond, issued by a surety company authorized to transact business in this state and approved by the insurance commissioner as to solvency and responsibility, in such amount as the commissioner may fix, to secure the payment of any tax and penalties due or which may become due from such person. In lieu of such bond, securities approved by the commissioner in such amounts as he may prescribe, may be deposited with him, which securities shall be kept in the custody of the commissioner and may be sold by him at public or private sale, without notice to the depositor thereof, if it becomes necessary so to do in order to recover any tax and penalties due. All moneys received by the state tax commissioner under the provisions of this section shall be deposited in the general fund. The state tax commissioner shall issue a voucher for the unused money received by him to the persons entitled thereto and such funds are hereby appropriated from the general fund for such purposes.

§ 13. Transfer of Sales Tax Division Fund Bond Account.) All moneys in the "Sales Tax Division Fund Bond Account" received by the state tax commissioner, under the provisions of section 57-3911 of the 1957 Supplement to the North Dakota Revised Code of 1943, on deposit in the Bank of North Dakota are hereby transferred to the general fund.

§ 14. Transfer of Aeronautics Commission Fund.) All moneys in the "Aeronautics Commission Fund" which are received from the provisions of sections 2-0511 and 2-0518 of the 1957 Supplement to the North Dakota Revised Code of 1943, on deposit in the Bank of North Dakota are hereby transferred to the general fund, together with all future revenue received by the commission from the provisions of these sections. The

county share of these moneys shall be issued to them from the general fund upon voucher of the commission and such funds are hereby appropriated from the general fund for this purpose.

§ 15. Amendment.) Section 2-0511 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2-0511. Aircraft Registration; Fees.) Every aircraft operating within this state for more than thirty (30) days shall be registered with the commission for each year in which the aircraft is operated within this state, subject to rules and regulations established by the commission. The commission shall charge for each such registration, and for each annual renewal thereof, the following fees:

Gross Weight in Pounds	License Fees
0 to 1,000	\$ 15.00
1,001 to 1,500	18.75
1,501 to 2,000	22.50
2,001 to 2,500	30.00
2,501 to 3,000	37.50
3,001 to 3,500	45.00
3,501 to 4,000	52.50
4,001 to 5,000	60.00
5,001 to 6,000	75.00
6,001 to 7,000	90.00
7,001 to 8,000	105.00
8,001 to 9,000	120.00
9,001 to 10,000	135.00
10,001 to 15,000	150.00
15,001 to 20,000	225.00
20,001 to 30,000	300.00
30,001 to 40,000	450.00
40,001 to 50,000	600.00
50,001 to 75,000	750.00
75,001 to 100,000	1,125.00
100,001 and over	1,500.00

The above fees to be reduced ten percent (10%) each year after the initial registration until the fee reaches a figure equal to fifty percent (50%) of the original registration fee, which shall be the fee each year thereafter. All weights shall be based upon the maximum permissible take-off weight. The above registration fee shall be in lieu of personal property taxes upon such aircraft. All fees received from the provisions of this section shall be deposited in the general fund of this state. Seventy-five percent (75%) of each registration fee so collected by the commission shall be returned upon voucher of the commission from the general fund and such funds are

hereby appropriated from the general fund, to the treasurer of the county of the registrant's residence or if the registrant is not a resident of North Dakota then to the treasurer of the county in which is located the airport at which the registrant's aircraft is based and the county treasurer shall pay such remittances over to the municipality operating an airport within said county; provided that if there is more than one publicly owned and operated airport within said county, that the said moneys shall be prorated between said public airports on the same ratio that the assessed value of each municipality operating an airport shall bear to the total assessed value of all municipalities operating airports within said county; and if there are no publicly owned or operated airports in said county, said remittances so paid to the county treasurer shall be held and retained by said treasurer in a separate fund to be used in the future for airport purposes.

§ 16. Amendment.) Section 2-0518 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

2-0518. License for Aerial Spraying: Regulations; Penalties.)

No person shall engage in aerial spraying without first obtaining a license for each aircraft used in such activities as provided in this section. Application shall be made for such license to the North Dakota aeronautics commission upon forms provided by the commission for such purpose. Upon the payment of a license fee of fifteen dollars for each aircraft to be licensed, and upon compliance with such reasonable rules and regulations as may be promulgated by the aeronautics commission for the safety and protection of persons and property, the commission shall issue a license for such aircraft to be used in aerial spraying. Persons engaged in private spraying shall be required to pay same fee for the use of aircraft for this purpose, and shall comply with all rules and regulations promulgated by the commission for aerial spraying. The license and fees provided in this section shall be in addition to any other license or registration required by law, and the proceeds shall be deposited in the general fund. One-half of the proceeds shall be transferred to the county treasurer from the general fund upon voucher of the commission, to be divided equally to approved publicly owned or operated airfields in said county, and such funds are hereby appropriated from the general fund for such purposes.

Any person violating any provision of this section or rules or regulations promulgated under the authority of this section shall be punished by a fine of not exceeding one hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Approved February 11, 1959.

CHAPTER 213

H. B. No. 542

(Berntson, Hilleboe, Poling, Rolfsrud,)

(Schmalenberger, Vinje)

(From LRC Study)

TRANSFER OF CERTAIN FUNDS

AN ACT

To amend and reenact section 53-0607 of the North Dakota Revised Code of 1943, relating to the transfer and disposition of funds in the attorney general inspector license fund, and to transfer all moneys in the World War II adjusted compensation administration fund, to the general fund of this state.

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

§ 1. Amendment.) Section 53-0607 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

53-0607. License Fee: How Disposed of.) All license fees prescribed in this chapter shall be paid to the chief clerk under the direction and supervision of the attorney general and by him shall be paid promptly to the state treasurer, who shall deposit all such moneys in the general fund of this state.

§ 2.) All moneys in the World War II adjusted compensation administration fund in the state treasury, as provided for in section 37-2111 of the 1953 Supplement to the North Dakota Revised Code of 1943, are hereby transferred to the general fund of this state.

Approved February 6, 1959.

CHAPTER 214

H. B. No. 541

(Berntson, Hilleboe, Poling, Rolfsrud,)

(Schmalenberger, Vinje)

(From LRC Study)

TRANSFER OF CERTAIN STATE FUNDS

AN ACT

To transfer and dispose of certain special funds and nonreverting appropriations, and to amend and reenact sections 54-2714, and 54-2715 of the North Dakota Revised Code of 1943, and sections 6-0746, 6-0748, 6-0749, 39-1702, 54-3809, and 57-3204 of the 1957 Supplement to the North Dakota Revised Code of 1943, and to repeal section 6-0751 of the 1957 Supplement to the North Dakota Revised Code of 1943, relating to the transfer and disposition of moneys in certain special funds and nonreverting appropriations, and making an appropriation.

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

§ 1.) All moneys in the livestock dealers fund as provided for in section 36-0409 of the North Dakota Revised Code of 1943, as amended, in the state treasury are hereby transferred to the general fund of this state.

§ 2. **Transfer of Purchasing Department Fund; Standing Appropriation.)** All moneys in the purchasing department fund and any future collections of the purchasing department or its successor are hereby transferred to the general fund of this state. An amount not exceeding at any time the sum of seventy-five thousand dollars may be withdrawn upon voucher of the purchasing department or its successor from the general fund for the procurement and maintenance of an inventory of equipment and supplies for state departments and agencies and such amounts, not exceeding the sum of seventy-five thousand dollars at any time is hereby appropriated as a standing appropriation for this purpose.

§ 3. **Amendment.)** Section 6-0746 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0746. Disposition of Unclaimed Dividends Delivered to State Examiner.) Whenever any unclaimed dividend delivered to the state examiner by the receiver of an insolvent bank pursuant to the provisions of section 6-0738 of the North Dakota Revised Code of 1943, shall have remained in the possession of the state examiner for a period of fifteen years from the date of delivery to said examiner, it shall be paid

to the state treasurer who shall credit such payments to the general fund of this state. Any unclaimed dividends credited to such fund may thereafter be paid to the lawful owner thereof, his heirs, executors, administrators, or assigns when proven to the satisfaction of the state examiner that he is legally entitled thereto. Such payment shall be made by a warrant drawn by the state auditor and issued in payment of a claim voucher certified to by the claimant and approved by the state examiner.

§ 4. Amendment.) Section 6-0748 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0748. Fees and Charges That May Be Made by State Examiner.) The state examiner may make such charges and exact such fees as may be reasonable and equitable for the execution of deeds, satisfactions, assignments or other documents required for the purpose of transferring undistributed assets or for the purpose of correcting public records and quieting title to property in which the insolvent bank has or has had an apparent interest. Such charges and fees shall be paid to the state treasurer and by him be credited to the general fund of this state.

§ 5. Amendment.) Section 6-0749 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

6-0749. Investment of Moneys in the Hands of the State Examiner.) Moneys remaining in the hands of the state examiner may be invested by the state examiner in bonds of the United States government or bonds of the state of North Dakota or he may deposit such moneys in the Bank of North Dakota and the earnings from the interest on such investments or deposit shall be paid to the state treasurer and by him be credited to the general fund of this state.

§ 6. Amendment.) Section 39-1702 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

39-1702. Unsatisfied Judgment Fund Established: When Collection of Fee Suspended.) The fees paid pursuant to section 39-1701 shall be deposited with the state treasurer, who shall credit the same to the general fund of this state and maintain a separate accounting thereof. Judgments recovered under the provisions of chapter 39-17 of the 1957 Supplement to the North Dakota Revised Code of 1943 shall be paid from moneys deposited in the general fund under the provisions of this section and such moneys are hereby appropriated for such purpose. It is also provided that there shall

be a continuing appropriation out of the fund of all moneys required for administration purposes but not to exceed (\$35,000.00) thirty-five thousand dollars annually for administration of the unsatisfied judgment fund. If on the 1st day of June in any year the amount of money standing to the credit of the unsatisfied judgment fund in the general fund is \$100,000.00 or more, the requirement for the payment of such fee shall be suspended during the succeeding year and until such year in which, on the 1st day of June of the previous year, the amount of such fund is less than \$100,000.00 when such fee shall be reimposed and collected as provided herein.

§ 7. Amendment.) Section 54-2714 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

***54-2714. Cancellation of Outstanding Warrants.)** The state auditor, at the beginning of each fiscal year, shall certify to the state treasurer each warrant more than five years old which remains outstanding and unpaid, and shall show the number and amount thereof, and the fund on which it was drawn. Upon receipt of the certificate, the state treasurer shall issue his receipt for the amount of the outstanding warrants and shall credit such amount to the general fund of this state. Upon receipt of the said state treasurer's receipt, the state auditor shall charge the state treasurer with the amount of each warrant described in said certificate and shall cancel the same on his records.

§ 8. Amendment.) Section 54-2715 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

****54-2715. Procedure When Canceled Warrant Presented for Payment.)** If any canceled warrant subsequently should be presented for payment, the holder thereof shall execute a voucher for the amount, to which shall be attached the original warrant, or other satisfactory evidence of ownership of the warrant. The voucher when approved by the state auditor and the state auditing board shall be paid by the state auditor's warrant drawn on the general fund of this state.

§ 9. All moneys in the special fund of the state commission on alcoholism are hereby transferred to the general fund of this state.

§ 10. Amendment.) Section 54-3809 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

54-3809. Reimbursement for Treatment; Rates; Disposition of Revenue and Aid; Expenditures.) The commission, insofar

***Note:** Section 54-2714 was also amended by chapter 372, section 107.

****Note:** Section 54-2715 was also amended by chapter 372, section 108.

as may be possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient for any or all items of expense incurred by the commission in connection with the care, custody, treatment, and rehabilitation and may make such financial arrangements concerning necessary expenses as it deems best. No patient shall be charged at a rate greater than actual cost of the care, treatment or rehabilitation furnished such patient. The commission may accept funds, property, or services from any source, and all revenue received by the commission from gifts, and grants in aid is hereby appropriated and shall be used in carrying out the provisions of this Act. All moneys received by the commission for reimbursement of expenses incurred by the commission in connection with the care, custody, treatment, and rehabilitation of any person, and from the sale of articles or services shall be deposited by the commission in the general fund of this state. Expenditures of any funds available to the commission shall be made upon vouchers signed by the chairman or the executive director of the commission.

§ 11. Amendment.) Section 57-3204 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

57-3204. Allocation of Tax.) The taxes imposed by this chapter upon car line companies and express companies shall be levied for the purpose of providing revenue for the payment of interest due or to accrue upon outstanding North Dakota real estate series bonds, and the state treasurer shall collect such taxes and shall deposit the same monthly to the credit of "real estate bond interest payment fund" established by section 54-3014, and the state board of equalization shall consider the revenue derived from the administration of this chapter in determining the necessity and amount of any tax to be levied for the benefit of such fund. The taxes imposed by this chapter upon air transportation companies shall be deposited in the general fund of this state, but within ninety days after receipt thereof, these funds shall be remitted by the state treasurer to the cities or villages where such air transportation companies make regularly scheduled landings upon the basis of the number of regularly scheduled landings made in such municipalities to be used exclusively by such municipalities for airport purposes. It shall be the duty of the tax commissioner to certify to the state treasurer the names of such air transportation companies, the municipalities where such scheduled landings are made, and the number of such scheduled landings in such municipalities.

§ 12. Repeal.) Section 6-0751 of the 1957 Supplement to the North Dakota Revised Code of 1943 is hereby repealed.

Approved March 16, 1959.