27.0301.01000

Seventieth
Legislative Assembly
of North Dakota

BILL NO.

Introduced by

Senator Bekkedahl

A BILL for an Act to amend and reenact sections 11-11-33 and 40-40-18 of the North Dakota Century Code, relating to use of certain city or county special funds designated for infrastructure projects after a city or county declaration of emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-11-33 of the North Dakota Century Code is amended and reenacted as follows:

11-11-33. Special funds may be transferred - Emergency use of certain special funds.

~~Whenever~~

1. Except as provided in subsection 2, if there remains in the treasury of a county an unexpended balance of a special fund and all claims against the fund have been paid, and the purpose for which ~~it~~the fund was created has been subserved fully, and there remains no further use for the balance for the purpose for which the fund was created, the board of county commissioners may transfer the balance to any other fund of the county or to the subdivision to which the balance belongs.
2. If a disaster or emergency is declared in a county as provided in section 37-17.1-10, the board of county commissioners, by resolution, may authorize the use of an amount necessary to meet the emergency from a special fund designated for an infrastructure project if the revenue in the fund is not otherwise restricted:
   a. To pay bonds, evidences of indebtedness, or obligations of the county, including any irrepealable tax to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota; or
   b. By any other state or federal law.

SECTION 2. AMENDMENT. Section 40-40-18 of the North Dakota Century Code is amended and reenacted as follows:

40-40-18. Amounts taken from various funds and borrowings to meet emergency - Vote required - Contents of resolution - Emergency use of certain special funds.

~~Upon the happening of any~~

1. Except as provided in subsection 2, if an emergency caused by the destruction or impairment of ~~any~~ municipal property necessary for the conduct of the affairs of the municipality, ~~or by~~an epidemic or threatened epidemic, or ~~by~~ the entry by a court of competent jurisdiction of a judgment for damages against the municipality, the governing body may meet ~~any such~~the emergency in the manner provided in this ~~section~~subsection. If there is a sufficient unexpended balance in any fund or funds except funds established for debt retirement to provide for the emergency, the governing body, by a resolution adopted by the vote of two-thirds of the members present at ~~any~~a meeting, or, if the governing body consists of less than three members, by a unanimous vote of all the members ~~thereof~~of the governing body, may take the amount necessary to meet the emergency from ~~any such~~the fund or funds. If the municipality has not reached its debt limit, the governing body, by the vote required to take moneys from a designated fund, may order its executive officer and financial committee to borrow an amount sufficient to meet the emergency. ~~Any~~The amount ~~so~~ borrowed must be for a time not to extend beyond the close of the fiscal year, and ~~such~~the amount and the interest thereon must be a part of the next budget. The resolution authorizing ~~any~~an emergency expenditure must recite the facts showing the existence of an emergency of the kind specified in this ~~section~~subsection.
2. If a disaster or emergency is declared in a city as provided in section 37-17.1-10, the governing body, by resolution, may authorize the use of an amount necessary to meet the emergency from a special fund designated for an infrastructure project if the revenue in the fund is not otherwise restricted:
   a. To pay bonds, evidences of indebtedness, or obligations of the city, including any irrepealable tax to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota; or
   b. By any other state or federal law.