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Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2133

Introduced by

Senators Vedaa, Erbele

Representatives D. Anderson, Brandenburg, Cory

A BILL for an Act to create and enact chapter 18-10.1 of the North Dakota Century Code, relating to a volunteer fire department private donation and contribution fund; and to amend and reenact section 18-10-09 of the North Dakota Century Code, relating to collection and auditing of rural fire district funds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-10-09 of the North Dakota Century Code is amended and reenacted as follows:

18-10-09. Funds collected to be deposited.

~~The~~1. Except as provided in section 18-10.1-02, the following must be deposited in a state or national bank to the credit of the district fund and may be drawn out only by warrant:

~~1.~~ a. All funds collected on behalf of the district through the levy of taxes.

~~2.~~ b. All donations, contributions, bequests, or annuities received by or on behalf of the district.

~~3.~~ c. All borrowed money received by or on behalf of the district.

~~Such~~2. A claim voucher must be authorized by the board of directors and must ~~bear the signature of~~be signed by the treasurer and ~~the countersignature of~~ the president of ~~such~~the district.

3. The secretary-treasurer of the district shall, at each annual public meeting of the district, present a financial report concerning the affairs of the district. ~~The~~

4. Except as provided in section 18-10.1-03, the books and accounts of the secretary-treasurer must be audited or annual reports must be filed as required by section 54-10-14.

SECTION 2. Chapter 18-10.1 of the North Dakota Century Code is created and enacted as follows:

18-10.1-01. Definitions.

For purposes of this chapter:

1. "Nonpaid or volunteer fire department" means a fire department that is a part of or is administered by any political subdivision of this state or a rural fire protection district in which less than fifty percent of the personnel of the department are full-time regularly salaried firefighters.
2. "Private donations and contributions" include money provided to a nonpaid or volunteer fire department from donations by private persons, private fundraising, and private grants. The term does not include money collected through the levy of taxes, borrowed by or on behalf of the nonpaid or volunteer fire department, or received from any public entity or corporation.

18-10.1-02. Volunteer fire department private donation and contribution fund.

The governing body of a nonpaid or volunteer fire department may create a private donation and contribution fund, consisting of private donations and contributions received by the nonpaid or volunteer fire department. The private donation and contribution fund may not contain any other funds received, collected, or borrowed by the nonpaid or volunteer fire department. Expenditures from the fund must be authorized by the governing body of the nonpaid or volunteer fire department.

18-10.1-03. Volunteer fire department private donation and contribution fund audits.

Notwithstanding any other provision of law, a private donation and contribution fund created under section 18-10.1-02 is exempt from the audit requirements of sections 54-10-14 and 54-10-15 and may be audited by the nonpaid or volunteer fire department or the political subdivision to which the nonpaid or volunteer fire department is accountable in accordance with generally accepted government auditing standards for audits of political subdivisions.