

N.D.A.G. Letter to Larson (March 11, 1983)

March 11, 1983

Stuart A. Larson
Traill County State's Attorney
Box 188
Hillsboro, North Dakota 58045

Dear Stuart:

Thank you for your letter of February 28, 1983.

Although your letter does not so indicate, I am assuming that the question is whether the emergency fund provided for in Section 57-15-28 of the North Dakota Century Code may be utilized to pay for temporary manpower for the Sheriff's office.

Section 57-15-28, N.D.C.C., specifies that the emergency fund:

". . . shall be used only for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature or by the entry of a court of competent jurisdiction of a judgment for damages against the county."

Therefore, unless the need for temporary manpower is due to the occurrences specified in Section 57-15-28, N.D.C.C., the emergency fund may not be utilized for temporary manpower for the Sheriff's office. That is, unless the need for temporary manpower is related to the destruction or impairment of county property, emergencies caused by nature or a judgment for damages by a court of competent jurisdiction, the emergency fund may not be so utilized.

Sincerely,

Robert O. Wefald

mrg