

Date Issued: January 29, 1982 (AGO 82-4)

Requested by: Representative Patrick A. Conmy

- QUESTION PRESENTED -

Whether a municipality may issue bonds under the provisions of section 21-03-06(7)(a) of the North Dakota Century Code to pay a final judgment in a condemnation action brought by the municipality to acquire property for library purposes.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a municipality may issue bonds under the provisions of section 21-03-06(7)(a), N.D.C.C., to pay a final judgment in a condemnation action brought by the municipality to acquire property for library purposes.

- ANALYSIS -

Section 21-03-06(7)(a), N.D.C.C., authorizes a municipality to issue bonds, subject to certain statutory limitations as to amount, for the following purpose:

For the purpose of paying any final judgment obtained against the municipality within the state of North Dakota in case the governing body does not deem it advisable to pay such judgment out of current revenues . . .
. (Emphasis added).

The language of section 21-03-06(7)(a), N.D.C.C., is clear and unambiguous. There is no statutory restriction on the type of judgment which is eligible to be paid under this section by the issuance of bonds. The fact that voter approval is not required for the issuance of bonds under this section is immaterial.

This opinion supersedes an earlier opinion issued by this office to Burleigh County State's Attorney John Olson on February 21, 1979.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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