

**N.D.A.G. Letter to Slorby (Oct. 28, 1986)**

October 28, 1986

Mr. Tom P. Slorby  
Ward County State's Attorney  
Ward County Courthouse  
Minot, North Dakota 58701

Dear Mr. Slorby:

Thank you for your letter of October 10, 1986, inquiring whether a county must pay for the professional license fees of its full-time county employees when such license fees are required in order for them to perform their duties. Among the categories of persons who may have such professional license fees are attorneys, professional engineers, social workers, and nurses.

Our review of the North Dakota Century Code has discovered only two statutes whereby the Legislature has specifically required the board of county commissioners to provide certain items to county employees. N.D.C.C. §11-10-20 requires the county commissioners to provide offices in the courthouse or elsewhere in a suitable building at county expense. N.D.C.C. §11-10-21 requires the county commissioners to provide all necessary stationery, books, and other supplies which would be needed by county officials in their official capacity.

Otherwise, we are unable to find any statutes requiring the county commissioners to pay for articles or supplies needed by county officials. Thus, the only conclusion to be drawn is that professional license fees are not mandatorily required by statute to be paid by the board of county commissioners.

This is not to suggest that the payment of such fees is not warranted. Instead, we believe a strong argument can be made that the payment of these fees by the county would be within its authority, as such fees are needed to allow the county officials to maintain the practices and disciplines required to fulfill the obligations and duties of their positions. However, the payment of these fees is a discretionary matter for members of the board of county commissioners.

Sincerely,

Nicholas J. Spaeth

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