

OPINION
66-241

November 29, 1966 (OPINION)

Mr. E. F. Welch

Inspector

Plumbing Board

RE: State - Plumbing Board - Sale of Advertising

This is in reply to your request for an opinion of this office with regard to the legality of the North Dakota State Plumbing Board selling advertisements to various plumbing wholesale firms and placing these advertisements in the State Plumbing Code Book.

You inform us that the money derived from these advertisements would be used to print the code book and to supply a better type binder. Advertisements would be placed both on the cover and throughout the code book.

The basic statutory authority of the State Board of Plumbing in this regard is stated by section 43-18-09 of the North Dakota Century Code as follows:

BOARD TO ADOPT PLUMBING CODE - PROVISIONS HAVE FORCE OF LAW.
The board shall formulate, prepare, and circulate among all plumbers within this state, a state plumbing code, which shall contain the minimum basic standards for plumbing, drainage, and ventilation of plumbing in buildings of all classes. Such code shall be approved by the state department of health. The provisions of said code shall have the force and effect of law, and any violation thereof shall constitute a violation of this chapter."

There is no express statutory authorization for such advertisement or cooperation between the North Dakota State Board of Plumbing and such advertisers in publishing such code book. Considering the primary purposes of the North Dakota State Board of Plumbing, we do not believe the authorization extended to the Board by the above quoted statutory provision can be extended by implication to cover the placing of advertisements in the State Plumbing Code and/or dissemination or circulation of same.

HELGI JOHANNESON

Attorney General