

OPINION
77-27

January 24, 1977 (OPINION)

The Honorable Oscar Solberg, Speaker
House of Representatives
Forty-fifth Legislative Assembly
State of North Dakota

Dear Mr. Speaker:

This is in response to the request for an opinion which was initiated by Representative Robert O'Shea and relayed to this office by you on January 20, 1977.

In that letter you inquired ". . . whether or not a member of a Board of County Commissioners could expend tax money for the purpose of hiring a lobbyist."

This office issued an opinion on January 17, 1951, addressed to the Honorable Dave M. Robinson and the Honorable A. A. Bentz, Representatives, McLean County, in response to a similar request, i.e., ". . . as to whether it is legal for a county to hire a lobbyist to be registered for a legislative session and to use taxpayers money for the same".

That 1951 opinion noted that there was no statute which granted the county commissioners such powers and went on to emphasize that the counties have only those powers expressly granted by statute. Therefore this office took the position that ". . . it would be illegal for the county to employ a person such as you mentioned in your letter even though the same was not classified as a lobbyist".

This office has not reversed nor modified this position with respect to the power of county commissioners to hire lobbyists since the issuance of the 1951 opinion noted above. Also, most significantly, the North Dakota Legislative Assembly has taken no action during the ensuing twenty-five year period to amend North Dakota Century Code 11-11-14 to grant the county commissioners such express power nor have there been any Supreme Court cases interpreting the code to allow such expenditures.

It is therefore the continuing position and opinion of the Attorney General's Office that such activities would not be an allowable expenditure of tax dollars under present law.

Sincerely,

ALLEN I. OLSON

Attorney General