

**OPINION
46-108**

September 10, 1946 (OPINION)

EDUCATION

RE: Department of Public Instruction - Printing - Publication - North
Dakota Teacher

This is in reply to your letter of September 5 addressed to the
Attorney General.

You state that a request has been made to the Department for payment
at the regular publishing rate of \$45.00 per page, less 10%, for a
monthly news bulletin in The North Dakota Teacher, the official
magazine for the North Dakota Education Association.

Undoubtedly it will be of interest to the teachers and others
interested to have news items and pertinent information from your
department printed in The North Dakota Teacher. However, the item of
expense connected with such printing was hardly contemplated by the
Legislature in making the appropriation for the Department of Public
Instruction, nor can it be said that the cost of printing such
information is a legitimate expense of your department.

In your appropriation for the biennial is an item of \$16,000 for
postage, supplies, printing, furniture and fixtures. The printing
referred to therein, of course, is such printing as necessarily is
required in the proper maintenance of your department, but it would
not include the expense incurred in printing news items in the North
Dakota Teacher. If we should hold that this would be a legitimate
expense of your department, by the same token we would have to hold
that it would be equally legitimate to publish these items, for
instance, in the Bismarck Tribune or the Fargo Forum and to pay the
cost of same.

It is the opinion of this office, therefore, that payment of cost of
printing news items is not a legitimate expense of your department
and may not be charged against any item in your appropriation.

NELS G. JOHNSON

Attorney General