

OPINION
47-61

May 10, 1947 (OPINION)

COUNTIES

RE: State's Attorney Not Required to Prepare Papers for Township Bond Issue

This will acknowledge the receipt of your letter of May 7, 1947, requesting the opinion as to whether a state's attorney is required to prepare the necessary papers, forms, etc., in connection with a township bond issue.

Mrs. Eklund, clerk of Dunbar Township, Sargent County, in a letter addressed to the attorney general is entitled to a fee for assisting a township board in drawing the necessary papers in connection with a bond election. Mr. Sathre, assistant attorney general, replied to her letter on February 27, 1947. In his letter he said:

While it is not the duty of the state's attorney to bring actions or defend actions free of charge, nevertheless, it is our opinion that under the statute it would be his duty to give such advice to a board of township supervisors as may be necessary in the matter of submitting a bond issue to the vote of the people of the township."

Mr. Sathre evidently overlooked specifically answering Mrs. Eklund's question as to whether or not it is the duty of the state's attorney to prepare the necessary papers in connection with a bond election.

As stated by Mr. Sathre, section 11-1601 of the 1943 Revised Code provides that the state's attorney shall "give, when required and without fee, his opinion in writing to the county, district, township, and school district officers on matters relating to their duties."

Giving an opinion or advice to the officers mentioned does not include, in my opinion, the preparation of the papers and forms required for a township bond election, and the issuance of bonds pursuant thereto. For such services the state's attorney is entitled to charge a fee.

NELS G. JOHNSON

Attorney General