

STATE OF NORTH Dakota

ATTORNEY GENERAL'S OPINION 81-2

Date Issued: January 30, 1981

Requested by: T. N. Tangedahl, Executive Director, Social Service Board of North Dakota

- QUESTION PRESENTED -

Whether it is permissible for a county social service board to establish a checking account for the deposit and dispersal of moneys in its custody.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that section 11-14-06 of the North Dakota Century Code prohibits a county social service board from establishing a checking account for the deposit and dispersal of moneys in its custody.

- ANALYSIS -

Section 11-14-06 of the North Dakota Century Code reads as follows:

11-14-06. COUNTY TREASURER TO RECEIVE AND PAY OUT COUNTY MONEY. The county treasurer shall receive all moneys belonging to the county, from whatever source they may be derived, and all other moneys which by law are directed to be paid to him. He shall pay out moneys belonging to the county only on a properly drawn county warrant or in any other manner provided by law. (Emphasis added).

A county social service board is an administrative entity of the county created pursuant to chapter 50-01 of the North Dakota Century Code. As a result, all payments received by a county social service board, from whatever source derived, and which include, but are not necessarily limited to, refunds of moneys received by recipients of public assistance, child support reimbursements, repayment of food stamp over-issuances, reimbursement of general assistance, and donations or contributions, are moneys which properly belong to the county. Therefore, pursuant to section 11-14-06, N.D.C.C., the county treasurer is the person accountable for and charged with the legal custody of these funds. In the absence of a specific statutory provision which authorizes the county social service boards to establish separate checking accounts for the deposit and dispersal of moneys received, section 11-14-06 of the North Dakota Century Code would control. Accordingly, it would not be permissible for a county social service board to establish a separate checking account for the deposit and dispersal of funds.

-EFFECT-

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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