

Office of the Attorney General
State of North Dakota

Opinion No. 81-84

Date Issued: August 13, 1981

Requested by: Earle R. Myers, Jr.
Richland County State's Attorney

--QUESTION PRESENTED--

Whether a board of county commissioners may expend monies raised pursuant to Section 50-03-01 of the North Dakota Century Code for the building and renovation of facilities to be used in whole or in part by a County Social Service Board for its offices.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that a board of county commissioners may not expend monies raised pursuant to Section 50-03-01, N.D.C.C., to provide office facilities for County Social Service Board.

--ANALYSIS--

Section 50-03-01, N.D.C.C., states as follows:

'The Board of County Commissioners, if it deems expedient, annually at its session at which the county tax is ordered to be levied and assessed, may levy and assess a tax for the support of the poor of its county.'

Section 50-03-03, N.D.C.C., reads as follows:

'All expenditures by the county for the relief of the poor shall be paid out the county poor relief fund. Such fund shall not be subject to any other charges and shall be exempt from the provisions of Section 21-03-08.'

Neither in Chapter 50-03, N.D.C.C., nor elsewhere in the Century Code, is there found a definition of 'poor relief'. Webster's Dictionary defines poor relief as 'material aid given to the needy, especially by local authority'.

Section 11-10-20, N.D.C.C., provides in part as follows:

'The Board of County Commissioners shall provide a courtroom and jail, and shall provide offices in the courthouse of the county for the sheriff, county treasurer, register of deeds, auditor, clerk of district court, state's

attorney, county judge, county superintendent of schools, and any other officer who has charge of public records. . . .'

The Social Service Board has control of certain public records and is, therefore, governed by Section 11-10-20, N.D.C.C.

Reading these sections together, and since the poor relief fund is not subject to any other charges, other than relief of the poor, and since the county is obligated to provide offices for any officer having charge of public records, it is my conclusion that the county poor relief fund shall not be used to provide these offices.

--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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Attorney General

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