

N.D.A.G. Ltr to Robinson (Jan. 17, 1951)

OPINION

January 17, 1951

Hon. Dave N. Robinson
Hon. A.A. Bentz
Representatives, McLean County
Bismarck, North Dakota

Gentlemen:

I have yours of the 16th inst. requesting my opinion "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."

We call your attention to the opening paragraph of Section 54-0502, "Any person, corporation, or association that, in regard to any legislative affecting the pecuniary interests of such individual, association, or corporation as distinct from the interests of the whole people of the state, employs, for any valuable consideration, any person to: 1. Act as counsel or agent to promote or oppose, in any manner, the passage of such legislation by the legislative assembly;****"

We also call your attention to section 54-0510 which reads as follows:

"MUNICIPALITIES EXEMPT FROM PROVISIONS OF THIS CHAPTER. None of the provisions of this chapter, except section 54-0501, shall apply to municipalities or other public corporations."

From the above sections it would appear that a county is exempt from the provisions of Chapter 54-05 relating to legislative lobbying.

On question remains, is there any authority for the county commissioners to employ an agent or representative to come down here for the purpose of influencing legislation. We find no law granting such power to the commissioners and the counties have only those powers expressly granted by statute.

Therefore, it is my opinion that it would be illegal for the county to employ a person such as you mention in your letter even though the same was not classified as a lobbyist.

Very truly yours,

E.T. Christianson
Attorney General