

**LETTER OPINION
2004-L-07**

January 20, 2004

Ms. Lisa B. Gibbens
Towner County State's Attorney
PO Box 708
Cando, ND 58324-0708

Dear Ms. Gibbens:

Thank you for your letter raising several questions about N.D.C.C. §§ 11-15-29 and 11-15-30 regarding sheriffs' uniforms. You first asked about the prescribed standard uniform for sheriffs and full-time deputies. Section 11-15-30, N.D.C.C., requires the Attorney General, with the advice of interested parties, to prescribe a standard uniform for sheriffs and full-time deputies. The last official pronouncement from this office on the standard uniform was made in January of 1985.¹ I have enclosed a copy of N.D.A.G. Letter to DuBois (Oct. 15, 1986) which details the prescribed standard uniform.

You also ask whether it is permissible for a county to expend amounts on a uniform allowance greater than those set out in N.D.C.C. § 11-15-29. The statute provides as follows:

11-15-29. Uniform allowance for sheriffs and full-time deputy sheriffs. Sheriffs and full-time deputy sheriffs shall be allowed by the board of county commissioners in each county an amount not to exceed five hundred dollars per person during that person's first year of service, and three hundred fifty dollars per person each succeeding year.

(Emphasis added.)

The primary goal in construing the meaning of a statute is to discover the intent of the Legislature. Northern X-Ray Co., Inc. v. Hanson, 542 N.W.2d 733, 735 (N.D. 1996). In seeking to determine legislative intent, courts will look first to the language of the statute.

¹ Although I did send a letter in January of 2001 to the Sheriffs and Deputies Association to revisit this topic, no changes in the standard uniform are currently pending.

Id. “Unless words in a statute are defined in the code, they are to be given their plain, ordinary, and commonly understood meaning.” Kim-Go v. J.P. Furlong Enterprises, Inc., 460 N.W.2d 694, 696 (N.D. 1990). Because N.D.C.C. § 11-15-29 uses the term “not to exceed” in relation to the stated dollar amounts per year, it is my opinion a county is not authorized to expend amounts for a uniform beyond the dollar limits set out in the statute.

Finally, you ask if a sheriff’s office deems it necessary for deputies to have items of attire beyond the standard prescribed uniform, whether these expenditures may exceed the limitations in N.D.C.C. § 11-15-29. There certainly may be other items of attire a sheriff’s office might determine are necessary for use by deputies. For example, in a prior letter opinion,² it was noted that historically the standard uniform prescribed by the Attorney General did not include footwear or shoes;³ neither does the most current pronouncement on the standard uniform. Furthermore, there is no language in N.D.C.C. §11-15-29 indicating that the uniform allowance can only be used for the purchase of those items provided for in the Attorney General’s prescribed standard uniform. Thus, even though the allowance may be used for other items of attire not prescribed by the Attorney General, as I noted above, the dollar amounts in N.D.C.C. § 11-15-29 for the uniform allowance are maximum amounts and may not be exceeded by the county.

Sincerely,

Wayne Stenehjem
Attorney General

jjf/pg
Enclosure

² N.D.A.G. Letter to Manikowski (June 4, 1981).

³ See N.D.A.G. Letter to Manikowski (June 4, 1981).