

**OPINION  
59-54**

June 25, 1959           (OPINION)

COUNTIES

RE:   General Provisions - Salaries of County Officers - Additional  
      Compensation for Additional Duties

This in reply to your letter in which you state that the county auditor has been appointed zoning director by the county commissioners of the county. You then ask "Is she entitled to receive additional compensation for her services as Zoning Director?"

In searching for the answer to this question we note the following sections: Section 11-3305 of the 1957 Supplement to the North Dakota Revised Code of 1943 states in part as follows:

Members of the commission (county planning commission) shall serve without compensation. The county auditor shall serve as secretary to the commission and shall keep all of the records and accounts of the commission."

Section 11-2803 of the 1957 Supplement to the North Dakota Revised Code of 1943 provides as follows:

The county auditor shall serve as secretary of the board of county park commissioners, . . . ."

It also in substance provides that the county auditor shall not receive any additional compensation for acting in this capacity.

Subsection 6 of section 11-1302 of the North Dakota Revised Code of 1943 provides:

The county auditor shall: . . . . 6. Perform and transact all county business without extra compensation;"

Section 11-1010 of the 1957 Supplement to the North Dakota Revised Code of 1943 provides in part in the unnumbered paragraph following subsection g thereof the following:

The salaries provided in this subsection shall be the only salaries paid to such officers by the county . . . ."

This last section seems to overshadow all the other sections. This section, however, was amended by House Bill 632 in the 1959 Legislature by Chapter 121 and the language "The salaries provided in this subsection shall be the only salaries paid to such officers by the county" was deleted and repealed. This bill was amended in the Legislature and was in and out of several conference committees before final passage. The journal does not disclose why the language was deleted. We, however, assume that the Legislature no longer wished to impose such limitation. We surmise the Legislature

specifically removed the limitation in view of the various additional service functions and duties imposed on and required of the auditor.

In view of the foregoing, it is our opinion that from and after July 1, 1959, the effective date of Chapter 121, the county auditor may receive additional compensation for services rendered as zoning director.

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Attorney General