



1963

## Digest of Attorney General Opinions

North Dakota Law Review

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## DIGEST OF ATTORNEY GENERAL OPINIONS

MAINTENANCE OF COUNTY JAIL AND SHERIFF'S  
RESIDENCE—OBLIGATION OF COUNTY

*December 14, 1962*

Is the maintenance of a county jail and sheriff's residence a mandatory obligation of the county?

The opinion states: Section 12-44-01 of the Code provides that there shall be established and kept in every county a jail for safe-keeping of prisoners. This statute is mandatory on the county commissioners, except transporting prisoners to other counties is allowed if the cost would be less. Because of the peculiar nature of a sheriff's duties, it is our opinion that a sheriff's residence, if it is incorporated into the same building, would become a part of the jail. Whether or not the sheriff should have a residence in the jail building is a discretionary matter resting with the commissioners. Funds from the county Emergency Fund may be used because of the mandatory nature of the county function.

PERSONAL PROPERTY TAXES—OUT OF STATE COLLECTION  
WHEN DELINQUENT

*February 11, 1963*

May a county contract with a private collection agency or concern to collect out-of-state delinquent personal property taxes which are over one year old?

The opinion states: Collection contracts may be entered into with a person who is an elector of the county wherein the contract is made, but that the collection agent is limited to receiving a maximum of *ten per cent* of the amount collected.

## SCHOOL DISCIPLINE—SALUTING FLAG—TEACHERS AUTHORITY

March 16, 1963

May a school teacher punish a child for failure to salute the flag and to join in singing of patriotic songs because of the child's religious beliefs?

The opinion states, *inter alia*,: The rule as laid down in *West Virginia State Board of Education v. Barnette*, 87 L.Ed. 1629 (1943) is that a student may not be required to salute the flag if such an activity is contrary to his religious beliefs. We believe this rule is one in which we can in good conscience embrace as well as follow. It should be understood that such refusal would not be allowed if the refusal presented a clear and present danger to the community.



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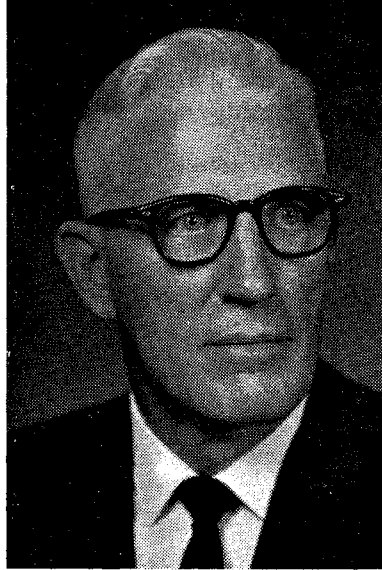




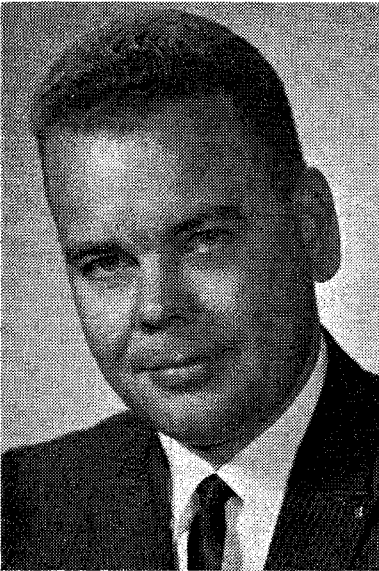
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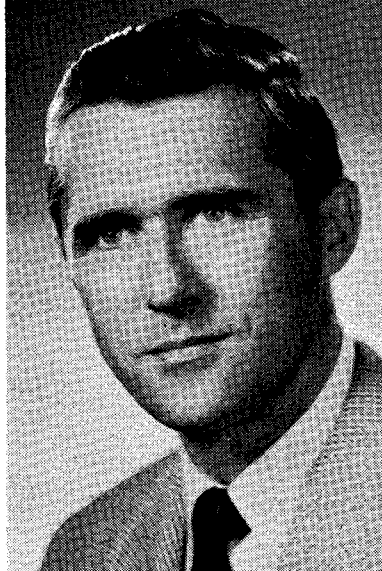
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