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Digest of Attorney General Opinions

North Dakota Law Review

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DIGEST OF ATTORNEY GENERAL OPINIONS

POLLING PLACES—RESPONSIBILITY OF RENTAL FEE

July 17, 1962

Who is legally obligated to pay for space rented to conduct general elections?

The opinion states: It is our opinion that any polling place approved by the (board of county) commissioners on which there is a rental charge, such rental fee should be paid by the county.

If the township or municipality takes it upon themselves to change the approved polling place to another site without approval from the commissioners, it would appear that the commissioners could refuse payment if there was a rental charge on the new voting place. However, if the designated voting place is unavailable for any reason, or if the commissioners fail to designate another place when the opportunity presents itself, the governing body of such municipality or township may designate an appropriate place and properly present such bill to the county for payment if adequate public facilities were not available for use.

STATE WHEAT COMMISSION—PER DIEM PAYMENTS TO COUNTY REPRESENTATIVES

August 3, 1962

May county representatives be paid a per diem or expenses for attending any meeting or meetings called by the Wheat Commission other than for the election of members to the Wheat Commission?

The opinion states, *inter alia*. We do not believe that the Act (Chapter 4-28) contemplates that the county representatives shall be employed as a means to publish and disseminate any information they receive to either the producers or consumers or processors. If the county representatives were authorized to be reimbursed for attending an informal meeting called by the commission, it would favor the county representatives over the other producers, particularly where they are under no legal obligation to attend or further disseminate

any information they received at such meeting.

It is our opinion that the Wheat Commission is not authorized to pay a per diem to or reimburse county representatives for expenses in attending an informal meeting called by the Commission.

ROAD GRADE CHANGES—RESPONSIBILITY AND AUTHORITY OF
TOWNSHIP BOARD OF SUPERVISORS

August 6, 1962

Two questions are presented: (1) Did the township have the right to grade the road and raise the grade without supplying an outlet for water which would be blocked?

In answer to this first query, the opinion declares: It is the opinion of this office that the township had the right to raise the grade of the road to any height needed to make the road suitable for travel in any kind of weather. It was the duty of the township, when it improved the road, to install therein culverts of sufficient capacity to cause surface water to flow through the road as it would have flowed in a state of nature subject to whatever hindrances to such flow as a road would naturally be.

(2) Does the township now have to obtain permission from the drain board before they can put in a culvert in reducing the grade to the level maintained prior to the raising of the road?

In response to this question, the opinion says: It is our opinion that it is the legal duty of a township to install a culvert or culverts in the road so as to permit surface water to flow as nearly, as may be, as it flowed before the road was built. Whether the township board should confer with the board of drain commissioners as to the proper location or placement of culverts is a matter resting within the discretion and judgment of the township board of supervisors.

Sixty-Second
Annual Meeting

State Bar Association
of North Dakota



Grand Pacific Hotel
BISMARCK, NORTH DAKOTA
June 28-29-30, 1962



LEWIS OEHLERT, PRESIDENT
J. F. X. CONMY, VICE-PRESIDENT
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TABLE OF CONTENTS

INVOCATION—Hon. Leslie Burgum	625
ADDRESS OF WELCOME—Mayor Evan Lips	625
RESPONSE—Vice President Conmy	626
PRESIDENT'S ADDRESS—President Oehlert	626

COMMITTEE REPORTS

LAW SCHOOL FOUNDATION—	
Mr. Frank Jestrab	635
DEAN THORMODSGARD BANQUET—	
Professor James White	636
STUDENT BAR ASSOCIATION—	
Mr. Gene Grindeland	637
BUDGET AND FINANCE—	
Vice President Conmy	638
ETHICS AND INTERNAL AFFAIRS—	
Mr. E. T. Conmy, Jr.	641
CLIENTS' SECURITY FUND—	
Mr. John Hjellum	643
UNAUTHORIZED PRACTICE OF LAW—	
Mr. John Hart	654
CONTINUING LEGAL EDUCATION—	
Mr. Harold Hager	655
LEGAL EDUCATION AND ADMISSION TO BAR—	
Dean Thormodsgard	657
UNIFORM STATE LAWS—	
Judge Eugene A. Burdick	659
LEGAL ECONOMICS—	
Mr. A. J. Greffenius	660
JUDICIAL SELECTION AND TENURE—	
Mr. Floyd B. Speary	665
ELECTIONS	681
PROCEDURAL AND ADJECTIVE LAW—	
Mr. William S. Murray	690
RESOLUTIONS—	
Mr. Lynn Grimson	693
AUDITING—	
Mr. John A. Zuger	697