

**OPINION
68-164**

September 20, 1968 (OPINION)

Mr. Robert Q. Price

State's Attorney

Cavalier County

RE: Elections - Restrictions on Number - County Hospital Levy

This is in response to your letter in which you state the following:

"At the last primary election on September 3rd of this year the Cavalier County Memorial Hospital Association caused to be submitted to the electors of Cavalier County the question of authorizing a tax in aid of the Hospital under the provisions of Chapter 23-18, N.D.C.C. The electors defeated the proposal by a rather narrow margin."

You then ask for an opinion as to whether or not this same question can be again submitted to the electors of Cavalier County at the General Election in November of 1968.

We presume that the ballot was substantially in the form as provided for and set out in Section 23-18-02 of the North Dakota Century Code. The question as authorized which was submitted to the electorate under the provisions of Chapter 23-18 must be classified as a mill levy question even though it specified the purpose for which the proceeds of such levy were to be used. For that matter the North Dakota Constitution requires that the purpose be stated.

Section 16-01-15, as created by Section 158 of the 1967 Session Laws, provides as follows:

"16-01-15. CERTAIN QUESTIONS NOT TO BE VOTED UPON FOR SIX MONTHS. Whenever at any election a bond issue, mill levy question, or question of reorganizing a school district, has failed to receive the required number of votes for approval by the electors, the matter shall not again be submitted to a vote until a period of at least six months shall have expired."

The term "mill levy question" as it appears in the above quoted section is a general term and includes all mill levies. It is not limited to existing levies nor does it apply only to certain mill levies. It applies to all mill levies. We find nothing in Chapter 23-18 which would remove the mill levy thereunder from the provisions of Section 16-01-15.

It is therefore our opinion that the question submitted to the electorate on September 3, 1968, is a mill levy question which comes within the provisions of Section 16-01-15 and as such may not again be submitted to the electorate for a period of at least six months.

HELGI JOHANNESON

Attorney General