

**OPINION
48-70**

April 13, 1948 (OPINION)

COUNTIES

RE: Not Authorized to Join with Private Groups in Building Memorial
Hospital

This will acknowledge your letter of April 10, 1948, in which you seek our interpretation of chapter 125 of the 1947 Session Laws, now chapter 11-21 of the 1947 Supplement to the North Dakota Revised Code of 1943, as it relates to the right of the county to make a levy for the purpose of assisting in the financing of the building of a hospital by a private association or group.

I am entirely in accord with your interpretation of this statute. It limits the participation of the county to joining with a city, a school district, or other governmental agency, or any or all of same in the erection of a memorial or memorials. The county may as provided by section 11-3201 of the 1947 Supplement, which was section 1 of chapter 125 of the 1947 Session Laws, erect a memorial or memorials as therein provided, or as is provided by section 3 of this chapter, now section 11-3203 of the 1947 Supplement, join therein. In the words of the statute:

"The board of county commissioners, in carrying out the provisions of sections 1 and 2 hereof, may join with a city, school district, or other governmental agency, or any or all of same, in the erection and operation of said memorial, or memorials, or other suitable recognition, in any proportion deemed advisable by said board. Said board in conjunction with the other cooperating body or bodies may provide for the operation and administration of said memorial, memorials, or other suitable recognition."

This language evidences conclusively that it was the intent of the legislature that the county commissioners may make a levy for the purpose of erecting a memorial, or memorials by the county, or join in the erection of a memorial or memorials or other suitable recognition with other municipalities or governmental agencies.

It is the opinion of this office that the commissioners may not make a levy for the purpose of assisting a private association or group in building a memorial hospital.

NELS G. JOHNSON

Attorney General