

OPINION
55-35

April 12, 1955 (OPINION)

COUNTIES

RE: Funds For Polio Vaccine Program

We have your letter of April 4, 1955, with reference to the county commissioners' power to appropriate money for, and the county health officer's power to spend county money for, administering polio vaccine.

You state your county has no money left in the county health fund and you ask if it has authority to transfer funds from other funds for such purpose, and if so, whether the county health officer has authority to spend county money for this purpose.

Section 11-2307 of the North Dakota Revised Code of 1943 authorizes the transfer of funds from certain funds to another fund when shortages occur so the county would have the power to authorize a transfer.

You will note under section 23-0307, subsections 1 and 11, North Dakota Revised Code of 1943, that the county superintendent of health is empowered to exercise the powers of the county board of health under the supervision of the board and the state health department. The superintendent of health is also authorized to enforce all laws, rules, and regulations relating to the preservation of the life and health of people of the county.

Then turning to section 23-0701 we find that the state board of health is authorized to designate what diseases are reportable and may classify such diseases as contagious or infectious, venereal and dangerous. The state health department has designated polio as a contagious disease and therefore reportable under chapter 23-07. Therefore, we do not believe that this chapter limits reportable diseases to tuberculosis and venereal diseases.

It is our opinion that your county board may transfer funds from any proper fund to the county health fund as provided in section 11-2307, and that your county health officer may expend the same for the county program to eradicate polio by vaccination or inoculation.

LESLIE R. BURGUM

Attorney General