

OPINION
57-57

October 2, 1957 (OPINION)

COUNTIES

RE: Ambulance Service - Costs

This is a reply to your recent request for an opinion regarding ambulance service contracted for by the County of Cass.

Your request arose out of the opinion issued by this office on August 13, 1957, to Harold L. Anderson, State's attorney of Burleigh County, in which it was maintained that under Section 185 of the Constitution of North Dakota a county could not donate tax moneys for the operation of a privately operated ambulance service. As we understand it, the County of Cass contracts with a privately owned and operated ambulance service. The question asked is whether this would also be a violation of Section 185 of the Constitution of North Dakota. Section 185 of the Constitution of North Dakota states in part: "But neither the state nor any political subdivision thereof shall otherwise loan or give its credit or make donations to or in aid of any individual, association or corporation, * * *."

There appear to be neither statutes nor case precedent which are in point with this question. We find no authority which states that the county is either obligated or permitted to provide ambulance service to the general public. Generally, counties and the boards of county commissioners have only those powers which are given by statute or can reasonably be implied from the statutes. We find no cases nor statutes by which the county has implied powers to maintain or contribute to an ambulance service.

Even though the County of Cass Contracts for ambulance service it appears that it is contributing to the support of that service and is violating Section 185 of the Constitution of North Dakota.

As we understand it, the County of Cass has a hospital. It is also the opinion of this office that the county may contract for an ambulance service in conjunction with the county hospital.

LESLIE R. BURGUM

Attorney General