

**OPINION
58-45**

August 1, 1958 (OPINION)

COUNTIES

RE: County Budget - Availability of County Funds for Purchase
 of Ambulance

This is in reply to your request for an opinion of this office in regard to availability of county funds for the purchase of an ambulance to be used in your community.

You suggest three possibilities as follows:

1. As a regular county expenditure under normal operating proceeding, or
2. Under the county's contribution towards the purchase of an ambulance by the local fire department, or
3. The purchase of the ambulance or contribution of funds by the county under the provisions of the civil defense law."

You point out that your office has been of the opinion that there is no provision in the law for the regular expenditure of funds by the county for the purchase of the ambulance as a normal county operation. We are enclosing herewith copies of previous opinions of this office to the effect that counties cannot contribute to private ambulance services. We find no specific authority for the county to contribute towards the purchase of an ambulance by the local fire department other than, of course, the provisions for the tax prescribed by chapters 18-04 and 18-05 of the North Dakota Revised Code of 1943. We doubt that this would be sufficient to provide an ambulance, even if this were a proper purpose for the expenditure of such tax-raised funds by a fire department.

We are also enclosing a copy of an opinion of this office of date 27 February 1958 holding, in effect, that the emergency fund provided for by section 57-1528 of the North Dakota Revised Code of 1943 may be expended for civil defense purposes when so required by the state civil defense council. It is our understanding however, that the civil defense program in this state to the present date has not been extended to the point where ambulance service is furnished by local civil defense councils. We might suggest, however, that Mr. Tharalson, at Fraine Barracks, Bismarck, North Dakota, be consulted on this point. Further, while the act authorizes cooperation and agreements between defense councils on all levels, and with local governments, it appears doubtful that it authorizes local governments to purchase equipment of this type.

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Attorney General