

OPINION
59-64

January 5, 1959 (OPINION)

COUNTIES

RE: Memorials - Scholarship Fund - Not Memorial Within Statute

I have your letter of December 31, 1958. In your letter you raise a question concerning the spending of moneys of a memorial fund - (See section 11-3201 of the 1957 Supplement to the North Dakota Revised Code of 1943). Your specific question is "Can the board of county commissioners under chapter 118 set up a scholarship fund, the interest which is to be used for scholarships, as a proper memorial under this chapter?" You add that it is your thought that the clause "or other suitable recognition" might justify the creation of such a fund.

Upon reading this section again, and I have read it many times, it seems clear that the legislature intended to authorize the erection of a memorial. That is to say, that it is something to be built that would be visible to the eyes of the public and would be a suitable memorial or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during World War I and World War II or during the Korean hostilities. The section reads: "Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and when erected shall be properly and permanently maintained." This sounds to me as if the legislature had in mind the erection of a building, or monument, or something of a structural character.

It is, therefore, the opinion of this office that the fund accumulated under section 11-3201 of the 1957 Supplement to the North Dakota Revised Code of 1943 may not be used for scholarships as a proper memorial under the provisions of chapter 11-32.

LESLIE R. BURGUM

Attorney General