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Digest of Attorney General Opinions

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DIGEST OF ATTORNEY GENERAL OPINIONS

February 13, 1962

SCHOOL DISTRICTS—BOUNDARY CHANGES—PROCEDURE

Is it necessary that a county superintendent first recommend changes in boundaries of a reorganized school district before any other steps may be taken by individuals, school boards, and/or county committees to develop plans of reorganization?

The opinion states: This question is governed by N. D. Cent. Code § 15-53-23, which provides: "Except as provided in section 15-27-01, the boundaries of a reorganized school district shall not be altered within five years after reorganization without the recommendation of the county superintendent and approval by the county and state committees during the life of said committee." This statute does not provide the sequence in which such proposal for altering boundaries shall be accomplished. Therefore, it is our opinion that no given sequence need be followed.

February 23, 1962

COUNTY COMMISSIONERS—AUTHORITY TO SELL REAL ESTATE TO SCHOOL DISTRICT

Does the Board of County Commissioners have the authority to sell real estate belonging to the county to a school district?

The opinion states: N. D. Cent. Code § 11-27-01 authorizes the board of county commissioners to sell property which was acquired by any other means than a tax sale proceeding. If the sale was made in conformity with N. D. Cent. Code §§ 11-27-01 & 11-27-02, the property may legally be sold. The school board may purchase the property pursuant to N. D. Cent. Code § 15-29-08(5).

February 23, 1962

PHYSICIAN-PATIENT RELATIONSHIP DISCLOSURE OF RESULT OF BLOOD ALCOHOL TEST RESULTS

Are the physicians who perform the blood alcohol test pur-

suant to N. D. Cent. Code § 39-20-02, violating the confidential physician-patient relationship when they disclose the results to the law enforcement officer, thus subjecting themselves to civil liability?

The opinion states: The last sentence of this section reads as follows: "Upon the request of the person who is tested, full information concerning the test or test taken at the direction of the law enforcement officer shall be made available to him." It is our opinion that the word "him" refers to the persons tested. The person tested is entitled to know the result of the test, even though the person tested has been unable or unwilling to obtain the tests provided for in the chapter. It would be contrary to the whole purpose of the chapter if law enforcement officers were not able to procure the results of the tests.