

**OPINION
62-44**

June 12, 1962 (OPINION)

CIVIL DEFENSE

RE: Counties - Emergency Fund

This office is in receipt of your letter of June 8, 1962, in which you requested an opinion on the procedure applicable to providing operational and salary funds for your newly appointed county civil defense director.

You state that the county commissioners have indicated that they would prefer sufficient funds from the emergency fund as needed, rather than to make provision for such expenses in the general budget, in effect, out of the general fund of the county. You relate that you and the county auditor believe that the office should be maintained out of the general fund, due to the fact that other emergencies could arise and rapidly deplete the emergency fund.

It would appear that the soundest way to handle this situation would be to include it in the general budget of the county, followed up by an appropriation out of the general fund of the county.

We note that section 37-17-12 of the 1961 Pocket Supplement to the North Dakota Century Code provides for appropriations for civil defense and reads as follows:

APPROPRIATIONS AND AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS, AND LOANS. Each political subdivision shall have the power to make appropriation in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for civil defense."

Whenever the federal government or any agency or officer thereof or any person, firm or corporation shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant or loan, for purposes of civil defense, the state, acting through the governor or civil defense director, or such political subdivision, acting through its executive officer or governing body, may accept such offer and may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer."

This section would seem to indicate that the expenses attendant to the creation and operation of the county civil defense director should be made by an appropriation in the manner provided by law, thus implying that the normal regular procedure of making

appropriations be followed.

In checking with Burleigh County officials, we found that they follow this procedure, and we are in agreement with it. Further, we recommend you contact Mrs. Bernice Asbridge, Burleigh County Auditor, for a detailed breakdown on civil defense expenses in this county.

Enclosed you will find a copy of an opinion written to Col. R. W. Carlson, dated May 22, 1962, which further sets forth our position on this matter.

LESLIE R. BURGUM

Attorney General