

OPINION
64-177

February 14, 1964 (OPINION)

NORTH DAKOTA HERITAGE STUDY COMMITTEE

RE: Purpose

This is in reply to your letter of February 13, 1964, relative to Chapter 369 of the 1963 Session Laws. You note this Act establishes the North Dakota Heritage Study Committee. You ask if this organization can be considered as "organized and operated exclusively for the religious, charitable, scientific, literary or educational purposes including the encouragement of art, no part of the net earnings or which enures to the benefit of any private stockholder or individual and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation."

Section 1 of Chapter 369 of the 1963 Session Laws does, as you note, provide for the establishment of the North Dakota Heritage Study Committee. This section, codified as section 55-01-09 of the North Dakota Century Code, as amended, provides:

NORTH DAKOTA HERITAGE STUDY COMMITTEE - DISPLAY AREA. A North Dakota heritage study committee is hereby established to consist of the governor, superintendent of the state historical society, secretary and director of the state library commissioner, and two members to be selected at large by the governor, to plan for the preservation and display of material and mementos of North Dakota's heritage. The west wing of the ground floor of the capitol building is hereby designated as a heritage center and exhibition area for displaying mementos of North Dakota historic figures and personages and memorializing North Dakota natives who have achieved national recognition in their fields of endeavor."

The purposes of this committee as set forth or implied from the creating legislative act must certainly be considered in the field of literary or educational purposes including the encouragement of art, since this would be the primary purpose of preserving and displaying material and mementos of North Dakota's heritage. The committee as established by law is not a profit making group. It has no stockholders and no portion of any net earnings, should there be any, would enure to the benefit of any individual. Any earnings would only be incidental to the function and operation of the committee. It is a State organization. The committee has only such powers and authority as may be expressly granted by law or necessarily implied from the creating act. These powers and authority do not include carrying on propaganda or otherwise attempting to influence legislation.

It is therefore our opinion that the North Dakota Heritage Study Committee is a State organization created and operated exclusively

for religious, charitable, scientific, literary or educational purposes including the encouragement of art and no part of the net earnings of the committee, should there be any, will enure to the benefit of any private stockholder or individual and no substantial part of the activities of the committee can be devoted to carrying on propaganda or otherwise attempting to influence legislation.

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