

**OPINION
64-324**

December 30, 1964 (OPINION)

Mr. James R. Kittle, Director

Division of State Parks

State Historical Society of North Dakota

RE: State Parks - Use of funds for state recreation plan

This is in reply to your letter of December 23, 1964, in regard to expense of planning service in regard to the North Dakota Parks Committee.

You inform us that the Division of North Dakota State Parks has been designated by the governor to prepare the state parks and historic sites segment of the North Dakota State-wide Outdoor Recreational Plan by April 1, 1965.

You further inform us that under the circumstances it will be necessary to employ the services of a professional planning agency, and that it has been estimated that the cost of such service will be approximately \$6,000.00.

You specifically request the opinion of this office in regard to legality of using funds from current appropriation line items as follows:

1. Maintenance and Operation of North Dakota State Parks
2. Development and Maintenance Historic Sites and Signs
3. Camping Area Metigoshe State Park
4. Maintenance and Operation of Turtle River State Park
5. Other line items, such as Whitestone Hill State Park, Pembina State Park, International Peace Garden, Fort Totten and so forth based on their importance and planning that will be necessary to include these parks and historic sites in the State-wide Outdoor Recreation Plan."

We see no legal objection to use of so much of each of the named park funds (item 5) as is proportionate to the particular park's share of services received. We also believe that same is permissible as to items 2, 3 and 4 above. We do not believe that planning programs are necessarily related to maintenance of parks, but it is our opinion that forethought is an essential part of operation of North Dakota State Parks and would conclude that on such basis a part of the cost of such a planning program could be taken from item 1 above.

HELGI JOHANNESON

Attorney General