

**OPINION**  
**74-108**

July 18, 1974           (OPINION)

Mr. Raymond R. Rund  
State's Attorney  
Steele County  
Finley, ND 58230

Dear Mr. Rund:

You state that as we know our nation will be having its bicentennial celebration in 1976. You state that you have a committee organized in Steele County, called "Steele County Bicentennial Committee" consisting of citizens who are planning ahead for this celebration.

You state that one of the members of the Board of County Commissioners has asked you to obtain an opinion from this office as to whether the county can disburse public funds to this committee to help pay for some of their expenses. You indicate that you understand that the expenses will be for postage, travel, etc. and the sum will probably be \$400.00 which he felt would have to be paid out of the county's general fund.

You indicate that while the above is a very worthwhile purpose, you are concerned that such expenditure, if made, would contravene section 185 of the State Constitution, quoting part of same.

We recognize a twofold problem in this regard, i.e., whether the county is authorized to expend public funds for this purpose, and of course the constitutional problem you mention.

As to the constitutional problem, while we recognize that the state and local units of government cannot give away public moneys under section 185, they can expend them for public governmental purposes. On the state level, the legislature has made the bicentennial a public governmental purpose (SEE chapter 440 of the 1973 Session Laws) however, we find no similar legislation applicable to counties. As to the other phase of the problem we find no general grant of power to counties, as such, to engage in bicentennial activities nor to expend county funds for such purpose. On such basis, we must conclude that counties of this state, as such, under the current state of the law have no general authority to undertake bicentennial activities or to expend funds for such purposes.

We have noted in this regard section 11-11-53 of the 1973 Supplement to the North Dakota Century Code authorizing the board of county commissioners to appropriate general fund moneys to be paid to the historical society of the county and used for the promotion of historical work within the county, including the collection, preservation and publication of historical material, to disseminate historical information of the county, and in general to defray the expense of carrying on historical work in such county.

If your county does have a county historical society appropriately designated, as such, under the provisions of said section 11-11-53,

county moneys could be expended by such county historical society within the limits specified in the preceding paragraph hereof, for bicentennial celebration purposes, to the extent they are within the purposes specified in said section 11-11-53. There are no other basis under the current statutes for expenditure of county funds for such purposes.

We hope the within and foregoing will be sufficient for your purposes.

Sincerely yours,

ALLEN I. OLSON

Attorney General