

OPINION  
65-85

May 6, 1965 (OPINION)

The Honorable William L. Guy

Governor

RE: Economic Opportunity - Authority to Accept Federal Funds

This is in reply to your letter of May 4, 1965, relative to House Bill No. 840 enacted by the recent legislative assembly. You state the following facts and question:

"House Bill 840, which was enacted into law by the Thirty-ninth Legislative Assembly of North Dakota, created the Office of Economic Opportunity as a division under the Economic Development Commission of the State of North Dakota in order that the state may participate in the program provided for under Public Law 88-452, known as the Economic Opportunity Act of 1964.

"The Office of Economic Opportunity, Executive Office of the President, Washington, D.C., has advised that before any letters of credit may be issued to the state under this Act, an opinion from the attorney general of North Dakota is necessary. Their statement is as follows:

"'This grant is conditional upon receipt of an opinion of the state attorney general to the effect that the designated technical assistance agency is legally capable of receiving and spending funds for the purposes for which the grant is made.'"

"Your opinion is requested advising whether or not, under House Bill 840, the State of North Dakota, or more specifically the Economic Development Commission is authorized to participate in the receiving and spending of funds as indicated above."

House Bill No. 840 enacted by the Thirty-ninth Legislative Assembly carried an emergency clause and became effective on approval by the governor on March 18, 1965. The bill, as you have noted, created the Office of Economic Opportunity as a division of and under the supervision of the Economic Development Commission of the State of North Dakota in order that the state may participate in the program provided under Public Law 88-452. The bill specifically authorizes the Economic Development Commission to accept federal funds available for the operation of the program and for such state projects or programs under Public Law 88-452 as may be available to departments, institutions, and agencies of the state. The authorization to accept the federal funds necessarily implies authorization to expend such funds for the purposes for which the grant is made.

It is therefore our opinion that the Economic Development Commission is, by House Bill No. 840, legally authorized to participate in the receiving and spending of federal funds for the purposes for which

the grant is made under Public Law 88-452, the Economic Opportunity Act of 1964.

HELGI JOHANNESON

Attorney General