

**N.D.A.G. Letter to Rustan (April 1, 1992)**

April 1, 1992

Jerril Rustan, Chair  
North Dakota Agricultural Products  
Utilization Commission  
State Capitol, 6th Floor  
600 E. Boulevard Ave.  
Bismarck, ND 58505-0020

Dear Mr. Rustan:

Thank you for your March 18, 1992, letter in which you ask my opinion concerning whether the Agricultural Products Utilization Commission may legally accept federal funds.

N.D.C.C. § 4-14.1-03.1(1) provides:

The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter.

Federal funding is a public source. Therefore, the North Dakota Agricultural Products Utilization Commission may apply for, accept, and expend federal funds when they are received through appropriation, grant, or gift. The Commission also has the discretion to accept federal services. The Commission does not have the discretion to accept federal funds in other forms, for example, a federal loan.

However, if the Commission should receive income in excess of its appropriation for the current biennium, the expenditure of such funds requires the approval of the Emergency Commission. 1991 N.D. Sess. Laws ch. 45.

I trust that this answers your question.

Sincerely,

Nicholas J. Spaeth

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