

## **N.D.A.G. Letter to Rustan (June 30, 1992)**

June 30, 1992

Mr. Jerril Rustan, Chair  
Agricultural Products Utilization  
Commission  
State Capitol  
Bismarck, ND 58505

Dear Mr. Rustan:

Thank you for your June 1, 1992, letter in which you ask my opinion concerning whether the North Dakota Agricultural Products Utilization Commission ("APUC") may legally accept funds from the North Dakota State Wheat Commission ("Wheat Commission") for the purpose of funding wheat-related economic development projects. This question is similar to the question I addressed in my April 1, 1992, letter to you, except that this question involves state funds rather than federal funds.

North Dakota Century Code (N.D.C.C.) § 4-14.1-03.1(1) allows the APUC to "apply for, accept, and expend any appropriation, gift, or service made available from public or private sources consistent with the purpose of this chapter." The purpose of N.D.C.C. ch. 4-14.1 is "to provide necessary assistance to the research and marketing needs of the state by developing new uses for agricultural products, by products, and by seeking more efficient systems for processing and marketing agricultural products and by-products, and to promote efforts to increase productivity and provide added value to agricultural products and stimulate and foster agricultural diversification and encourage process innovations." N.D.C.C. § 4-14.1-01.

N.D.C.C. § 4-28-06 gives the Wheat Commission the power and authority to foster and promote programs aimed at increasing the sale, utilization, and development of wheat, to search for new uses of wheat and wheat products, and to cooperate with other state agencies for carrying on programs for research, education, and publicity.

Therefore, it is my opinion that the Wheat Commission may provide funds to the APUC and that the APUC may accept funds from the Wheat Commission for the purpose of funding wheat related economic development projects consistent with the purpose of N.D.C.C. ch. 4-14.1.

However, as I noted in my April 1, 1992, letter, if the APUC should receive income in excess of its appropriation for the current biennium, the expenditure of those funds requires the approval of the Emergency Commission. 1991 N.D. Sess. Laws ch. 45.

I trust this answers your question.

Sincerely,

Nicholas J. Spaeth

lgw/vkk