

OPINION
77-56

September 28, 1977 (OPINION)

Mr. Robert G. Gregg
Project Manager/Secretary
Lower Yellowstone Irrigation
District #2
Sidney, MT 59270

Dear Mr. Gregg:

This is in response to your letter of September 16 wherein you state:

We have received copies of a memorandum and applications to the State of North Dakota whereby we might file for "Application for Eligibility Federal Surplus Personal Property Program."

As we feel we are unique in some respects, we would respectfully ask for your opinion as to whether we could possibly be eligible.

The Federal Property and Administrative Services Act of 1949 (63 Stat. 385) was enacted to aid in the disposition of federal surplus personal property to tax supported and other nonprofit educational institutions. This Act was amended in 1976 broadening eligibility to include other state and local political subdivisions and organizations. These amendments (Public law 94-519) take effect on October 17, 1977; eligibility was broadened to include:

. . . any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety. . . .

The federal program is administered in North Dakota by Mr. Martin Aarthun, Director of Surplus Property, Department of Public Instruction, State Capitol, Bismarck. Mr. Aarthun has been informed that the above quoted language does include irrigation districts. I find no basis to disagree with his view. Therefore, it would be the opinion of this office that irrigation districts are eligible to participate in this program.

I hope this sufficiently answers your inquiry.

Sincerely,

ALLEN I. OLSON

Attorney General