

OPINION
55-60

December 6, 1955 (OPINION)

GAME AND FISH DEPARTMENT

RE: Authority to Accept Gifts

Your request for an opinion as to your authority to accept and use gift moneys in matching federal aid in the purchase of wetlands, is herewith acknowledged.

In an opinion dated June-24, 1954, we advised that section 1-0804 of the North Dakota Revised Code of 1943 authorized you to accept gifts of real estate in behalf of the State of North Dakota. Under the authorization in that same section, you may also accept gifts of personal property in behalf of the State of North Dakota, and you are required to treat such property as a trust under the terms and conditions established by the donor. Personal property is defined as including money, in section 1-0149(7) of the North Dakota Revised Code.

It is therefore the opinion of this office that you may accept gifts of money in behalf of the State of North Dakota, so long as the terms and conditions provided for by the donor, do not require an unlawful or impossible act.

Having accepted a conditional gift of money in behalf of the State of North Dakota, there arises the question of the necessity of an appropriation by the Legislature before such moneys can be paid out and disbursed, under the requirements of the Jackpot Amendment, section 186 of the North Dakota Constitution.

It is the opinion of this office that neither the gift money received nor the federal matching money available to you, are public moneys within the intent and purpose of the Jackpot Amendment and therefore no appropriation by the Legislature is necessary.

LESLIE R. BURGUM

Attorney General