

N.D.A.G. Letter to Satrom (June 30, 1986)

June 30, 1986

Ms. Katherine Satrom
Chairman
Workmen's Compensation Bureau
4007 North State Street
Bismarck, North Dakota 58505

Dear Ms. Satrom:

Thank you for your letter of May 16, 1986, requesting an opinion as to whether the North Dakota Workmen's Compensation Bureau may pay for medical payment/statistical analysis services for which it has contracted from the Bureau's general premium fund without having had a specific legislative appropriation.

Art. X, §12 of the North Dakota Constitution requires the disbursement of public monies only pursuant to an appropriation first made by the Legislature. This particular constitutional section does provide for continuing appropriations for certain special funds including funds needed for the payment of compensation to injured employees or death claims payable from the Workmen's Compensation fund.

The appropriation contained within Art. X, §12 relates solely to the payment of compensation to injured employees or death claims. As the proposed expenditure does not involve such compensation payments, the appropriation contained within the constitution would not authorize the expenditures of funds for this particular purpose. Thus, a legislative appropriation for this particular expenditure of funds would have to be obtained. N.D.C.C. §65-02-06 does not suffice as an appropriation as it does not set aside a specific amount of money for a specific purpose. Menz v. Coyle, 117 N.W.2d 290 (N.D. 1962).

Sincerely,

Nicholas J. Spaeth

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