

OPINION
42-22

December 12, 1942 (OPINION)

APPROPRIATION

RE: For Firemen's Association - Not subject to Chapter 22,

Laws of 1941

We have your letter of December 5th in which you inquire whether or not the appropriation to the Firemen's Association provided for in chapter 39 of the Session Laws of 1941, must be paid out in the manner specified in chapter 22, Session Laws of 1941 which provides that appropriations for maintenance of any state institution, department, board, commission, or bureau can be used only in the following manner to wit: Seventy-five percent of the appropriation may be used in the first eighteen months of the biennium and twenty-five percent of the appropriation used in the remaining six months of the biennium. The law which provides for the making of appropriations to the Firemen's Association for the purpose of holding regional fire schools is chapter 137 Session Laws of 1935.

We do not believe that chapter 22 Session Laws of 1941 is applicable to the appropriation made by chapter 39 Session Laws of 1941 for the Firemen's Association pursuant to chapter 137 Session Laws of 1935. In the first place, the Firemen's Association is not an institution, department, commission, board, or bureau of the State of North Dakota. It is an independent association. Consequently for that reason chapter 22 Session Laws of 1941 would not apply. In the second place the appropriation is for a specific purpose which purpose is accomplished within a few days once a year at the time of the holding of the regional fire school. The appropriation is not for maintenance in the sense the word was used in chapter 22 referred to above. Any portion of the appropriation not used at the time the regional fire school was held would be of little value until the next year, except for such items as might probably be used for other purposes of the association pursuant to the appropriation. Clearly for these reasons, we are of the opinion that the provisions of chapter 22 Session Laws of 1941 have no application to the appropriation made by chapter 39 Session Laws of 1941, and that all the appropriation may be disbursed at any time without regard to the saving of twenty-five percent until the last six months of the biennium.

ALVIN C. STRUTZ
Attorney General