

**OPINION**  
**63-66**

September 17, 1963 (OPINION)

CLAIM AGAINST STATE

RE: Procedure

This is in reply to your request for an official opinion of this office in regard to employer contribution for hospitalization and medical care insurance, pursuant to Chapter 340 of the 1963 Session Laws.

Our specific question is stated as follows:

May the Agency making the contribution for their employees add this contribution to the payroll voucher of an agency without the Insurance Company submitting a signed voucher for the amount of the contribution?"

Section 52-12-04 of the North Dakota Century Code as adopted in Chapter 340 of the 1963 Session Laws provides:

SECTION 4. AGENCY CONTRIBUTION.) Each agency is authorized to pay towards such hospitalization and medical care and group life insurance coverage from its funds appropriated for payroll and salary a sum equal to five dollars per month for each participating employee."

Section 54-14-04 of the North Dakota Century Code provides:

CLAIM AGAINST STATE FILED WITH STATE AUDITING BOARD - VERIFICATION OF CLAIM - RECEIPT FOR EXPENDITURES. No bill, claim, account, or demand against the state shall be audited, allowed, or paid until a full itemized statement in writing has been filed with the state auditing board, unless such bill, claim, account, or demand is:

1. For a salary fixed by law;
2. Against a state owned utility, enterprise, or business project; or
3. Specifically exempt by law.

Where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for, shall be covered by a sub-voucher or receipt, which shall be signed by the person to whom the money was paid; provided, however, that no sub-voucher or receipt shall be required for meals, and further provided that where charges are made for money expended outside the state of North Dakota in the performance of official duties in any amount, such sub-voucher or receipt shall not be required. The sub-voucher

or receipt shall show at what place, on what date, and for what, the money expended was paid. The sub-vouchers or receipts shall be forwarded with the bill, claim, account, or demand against the state. The bill, claim, account, or demand shall be verified further by the certificate of the party presenting it in substantially the following form:

CERTIFICATE

I do hereby certify that the within bill, claim, account, or demand, is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and are of the value therein charged; that no part of such bill, claim, account, or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here: \_\_\_\_\_

\_\_\_\_\_  
If signed for a firm or co  
show authority on this lin

We also note section 54-14-04.1 of the 1963 Supplement to the North Dakota Century Code which provides:

DEPARTMENTAL PAYROLLS. The director of accounts and purchases is authorized to issue regulations governing methods whereby the regular payrolls for each department, agency or institution of this state may be prepared and certified by the agency concerned without individually executed or signed certificates of claim by the employees as provided in section 54-14-04. In all such cases, the warrants issued to cover such payroll items shall have the required certificate printed on the back of the warrant in such manner that the endorsement of the warrant will constitute an execution of the certificate provided in section 54-14-04."

From a reading of this exception to the general statute, we believe it obvious that the exception was intended only to apply to certification or execution by employees of the agency concerned, not by other claimants, which also might be concerned with the payroll.

It is our conclusion from the above that the statutes of this state do not authorize payment of claims for "agency contribution" to group insurance plans pursuant to section 52-12-04 of the North Dakota Century Code without filing of a claim pursuant to section 54-14-04 of the North Dakota Century Code on behalf of the insurer.

HELGI JOHANNESON

Attorney General