

**OPINION
65-180**

September 3, 1965 (OPINION)

Mr. Weldon Haugen

Motor Vehicle Registrar

RE: Motor Vehicle Department - Appropriations

This is in reply to your letter requesting an opinion of this office in regard to payment of the sum of \$552.26 which you denominate a "membership fee" from funds of your department to the "Vehicle Equipment Safety Commission", as set up by chapter 39-23 of the 1965 Supplement to the North Dakota Century Code.

We note that the current appropriation for your department, chapter 12 of the 1965 Session Laws, basically provides an appropriation of \$1,292,300.00 or so much thereof as may be necessary for the purpose of defraying the expenses of the maintenance and operation of the department of the registrar of motor vehicles further subdivided as follows: (No opinion is intended to be expressed herein as to the proper interpretation to be accorded to the item for fees and services in view of the apparent typographical error in the enrollment thereof).

"Salaries and Wages.....	\$ 401,200.
(Including salary of registrar, not to exceed \$18,000.00 for the biennium)	
Fees and Services.....	345,500.
Supplies and Materials.....	75,600.
Equipment.....	20,000.
License Plates.....	450,000.
TOTAL.....	\$1,292,300.

We note specifically that the motor vehicle registrar is designated as the commissioner of this state on the vehicle equipment safety commission by said chapter 39-23 of the 1965 Supplement to the North Dakota Century Code. We note further the provisions made with regard to dues being assessed on the basis of number of vehicle registrations in proportion to the number of motor vehicles registered in each state, and the provisions with regard to cooperation of the departments, agencies, and officers of the government of this state. While it might be preferable under the precise terms of subsection 2 of article VI of the Act to have a direct appropriation to the commission we note no such appropriation in the 1965 Session Laws and the responsibility of the motor vehicle

registrar of this state in regard thereto as hereinbefore specified. On such basis it is our opinion that the appropriation quoted above is broad enough to authorize the motor vehicle registrar in his discretion to authorize payment of the specified fee from the appropriation made to the office of the motor vehicle registrar.

HELGI JOHANNESON

Attorney General