

OPINION
45-237

February 28, 1945 (OPINION)

PHARMACY

RE: Board of - Funds - Deposited Where

I acknowledge your letter of February 22 with reference to the so-called jackpot amendment of the State Constitution, now being section 186 of the Constitution, as contained in the North Dakota Revised Code of 1943.

You inquire specifically whether the state board of pharmacy is under obligation to deposit its funds with the state treasurer, when the entire income of the state board of pharmacy is derived from fees charged for examinations and annual license certificates and does not involve any appropriation from the legislative assembly of the State of North Dakota.

In February of 1944, while practicing privately at Towner, I gave you an opinion upon this subject, which you, in a letter dated February fifteenth, submitted to the office of the attorney general. I enclose for your information, if you did not file the letter of Mr. Strutz, then attorney general, a copy of his reply to your letter. The law has not been changed in any way since that letter was written.

I have checked with both houses of the legislature to ascertain if any law is now pending, involving the pharmacy fees, and find that no law has been introduced in the legislature this session to attempt to force the board of pharmacy to deposit its fees with the state treasurer. As far as I can determine, there is no such law pending.

So it is the opinion of this office that under section 186 of the Constitution and, as was held by Attorney General Strutz on February 16, 1944, that amendment does not apply to moneys which you, as treasurer of the state board of pharmacy, receive from license fees and fees charged for examinations.

NELS G. JOHNSON

Attorney General