

**OPINION  
47-196**

August 27, 1947           (OPINION)

POSTAGE

RE:   Revolving Fund

Re:   Sec. 48-0606, North Dakota Revised Code of 1943, Postage Revolving  
Fund

Your letter of August 25 re the above has come to my desk for attention.

The Legislature, by Chapter 214, Laws of 1941 established a central mailing bureau and directed the Board of Administration to maintain and operate the same. Sec. 48-0601, North Dakota Revised Code of 1943.

By section 7 of the Act of 1941, now section 48-0606 of the North Dakota Revised Code of 1943, the Legislature created a revolving fund of \$10,000 "to provide funds for the advance payment of postage," and also provided that collections from the various "offices, departments, and agencies, for postage used by the same, shall be paid into said fund".

It is my opinion that the fund so established is a continuing revolving fund, constantly kept constant by such collections. Not further appropriations were necessary for this fund. The fact that the 1943 and the 1945 sessions of the Legislature each made an appropriation of \$10,000.00 to this fund indicates that the budget board believed that such appropriations were necessary (See Laws 1943, page 23, and Laws 1945, page 123). I understand from a conversation with Mr. Tunell, Deputy State Auditor, that the fund was increased on your books to \$30,000.00 by these provisions. The further fact that the Legislature of 1947 made no appropriation, to me, indicates that the budget board came to a realization that no such specific appropriation was required. It is my opinion that neither the Legislature in 1943, or 1945 intended by these specific appropriations to increase this revolving fund, but merely believed such appropriations were necessary to keep the fund at the figure set by the Legislature in 1941 by chapter 214, sec. 7, now section 48-0606, North Dakota Revised Code of 1943. In other words, there should be on your books and those of the state treasurer, a revolving fund of \$10,000 only for advance payment of postage, and that all over that amount should be transferred back to the General Fund of the State.

NELS G. JOHNSON

Attorney General