

**OPINION
59-126**

July 13, 1959 (OPINION)

GOVERNMENTAL FINANCE

RE: Transfer of Certain State Funds - Commission on Alcoholism,
Funds

This is in reply to your letter of July 8, 1959, concerning chapter 214 of the 1959 Session Laws. You state that the Commission on Alcoholism has on deposit with the State Treasurer \$971.81 in the special fund. This money represents the remainder of a total of \$2,000.00 received from the United States Public Health Service, Division of Indian Health, in return for which the Commission on Alcoholism shares office space and provides secretarial services for one of their district sanitarians.

You wish to know whether or not it is the intent of sections 9 and 10 of chapter 214 of the 1959 Session Laws that all funds now on deposit must be transferred to the general fund of this state, in view of the fact that this is not money received as reimbursement from the patients or in connection with the care, custody, treatment and rehabilitation of any persons. You also wish to know how these moneys received from other sources are to be handled in the future.

Section 9 of chapter 214 of the 1959 Session Laws provides as follows:

All moneys in the special fund of the state commission on alcoholism are hereby transferred to the general fund of this state."

Section 10 of chapter 214 of the 1959 Session Laws amends and reenacts section 54-3809 of the 1957 Supplement to the N.D.R.C. of 1943 and provides in part as follows:

The commission may accept funds, property, or services from any source, and all revenue received by the commission from gifts, and grants in aid is hereby appropriated and shall be used in carrying out the provisions of this Act. All moneys received by the commission for reimbursement of expenses incurred by the commission in connection with the care, custody, treatment, and rehabilitation of any person, and from the sale of articles or services shall be deposited by the commission in the general fund of this state. Expenditures of any funds available to the commission shall be made upon vouchers signed by the chairman or the executive director of the commission." (Emphasis supplied)

It is our opinion that in view of section 9 of chapter 214 of the 1959 Session Laws quoted above, that all moneys in the special fund are to be transferred to the general fund as of the effective date of the Act. There are no exceptions made and since the provisions of

section 9 are explicit and mandatory, all the funds in the special fund must be transferred to the general fund.

In the second instance, section 10 provides that moneys received by the commission as reimbursement for care, custody, treatment, rehabilitation and from the sale of articles or service shall be deposited in the general fund. That section further provides that gifts and grants in aid shall be used by the commission in carrying out the provisions of the Act. It appears that it is the intention of the Legislature that all moneys except those received from gifts and grants in aid must be deposited in the general fund. The money received from the United States Public Health Service for office space and secretarial services provided to one of their district sanitarians would not be a grant in aid or a gift but would appear to be in the nature of money received for services. Therefore, it is out opinion that such money should, in the future, be deposited in the general fund and that only the revenue received from gifts and grants in aid may be used by the commission.

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