

OPINION
51-28

July 30, 1951 (OPINION)

COUNTIES

RE: Compensation of Physician on Insanity Board

In yours of the twenty-seventh instant, you ask our opinion as to the amount of compensation of the examining physician as a member of the insanity board under section 25-0315 as amended by chapter 183 Laws of 1951.

Section 25-0301 provides that "a reputable practicing physician" shall be a member of the board. Section 25-0315 N.D.R.C. 1943 provides: "Each member of the insanity board * * * shall be allowed five dollars per day for the time actually employed in the duties of his office * **." And this section further provided that "the examining physician shall be entitled to five dollars for each case examined by him."

This last provision especially providing the compensation of the examining physician was entirely unnecessary, for, as a member of the board, he was entitled to five dollars a day, under the provision in said section providing that "each member should receive five dollars a day as his compensation." Such special mention of the examining physician was necessary in the form in which the original provision for compensation of the board (Sec. 1530 R.C. 1895) provided compensation of only two dollars per day for each "Commissioner," and as the examining physician was a "commissioner," two dollars per day would have been his compensation had not a special provision been made for a higher compensation.

It is evident that in drafting the amendment of 1951, it was considered that the special mention of the examining physician's compensation was no longer necessary, for as a member of the board his compensation was raised from five to ten dollars per day.

It is, therefore, our opinion that under chapter 183 Laws of 1951, the compensation of the examining physician is now ten dollars per day, payable as the other members' compensation is paid by the county.

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Attorney General