

MAINE STATE LEGISLATURE

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JB / SCW JB
v. 11

December 20, 1968

Joseph W. Walsh, Chairman

Garth K. Chandler, Assistant

Source of Award Funds

State Employees' Suggestion
Awards Board
Attorney General

SYLLABUS:

Board created to administer State Employees' Suggestion Award program, given power to "authorize" payment from savings in department or activities benefiting from the suggestion, has power to authorize payment be made without approval of head of department or activity benefiting.

FACTS:

The Legislature has established a State Employees' Suggestion Awards Board. P. L. 1967, c. 445. The Act states, in part:

"The Board shall authorize the payment on a noncompetitive basis of cash awards for those suggestions the adoption of which will or would result, directly or indirectly, in a saving to the State or an improvement in the activities of the State." Ibid.

Such awards are to be paid, " . . . from the funds or appropriations available to the activity primarily benefiting or the various activities benefiting." Ibid.

QUESTIONS:

1. Can the Board authorize an award or payment from funds available to an activity without approval of the department head who administers the activity?

2. Can funds available from whatever source to General Fund, Highway Fund and other Special Revenue Fund activities properly be paid out as cash awards under the provisions of this chapter?

ANSWERS:

1. Yes.

2. Yes.

REASONS:QUESTION 1:

The words ". . . shall authorize. . ." appearing in the language first quoted above collectively mean that the Board is clothed with the authority to approve certain reported suggestions; and no one else has approval authority. The word "authorize" means to clothe with legal power, Arkansas & Memphis Ry. Bridge & Terminal Co. v. State, 174 Ark. 420, 295 S.W. 378, 380; and has a mandatory effect or meaning, implying a direction to act, Quality Building & Securities Co. v. Beldsoe, 125 Cal. App. 493, 14 P.2d 128, 132; or the power to commission, Authorize: Webster's New Collegiate Dictionary. Notwithstanding the above answer we trust that approval of the respective department heads will be sought.

QUESTION 2:

With regard to the source of funds from which to make payment of awards, the statute contemplates that payments come from the savings likely to be realized by the suggestion. It can reasonably be expected that the Board will only approve awards when an analysis clearly indicates a resulting saving. The award would come from funds or appropriation available to that activity so benefited by the suggestion. For example, the Highway Fund is expended pursuant to a specific legislative directive, 23 N.R.S.A. § 1651. Nevertheless, the Legislature may, as here, direct that additional expenditures be made when realizing the more efficient use of that activity's funds.

GARTH K. CHANDLER
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GKC/eh