

**OPINION
67-335**

September 25, 1967 (OPINION)

Mr. Lloyd F. Zander

Executive Secretary

Veterans' Aid Commission

RE: Veterans - Loan Fund - Appropriation

This is in reply to your letter of September 18, 1967, concerning section 9 of chapter 284 of the 1967 Session Laws. You state the following facts:

"The purpose of House Bill No. 816 was, amongst other things, to increase the money in the loan fund so that there would be sufficient money in the fund to grant loans to not only veterans of World War II, but also to veterans of the Korean Conflict and Vietnam veterans. As a matter of fact, if you will refer to the printed House Bill No. 816 as it was originally printed, you will note that the figure of \$150,000 was initially shown, however, this figure was later reduced to \$50,000. I was present at all of the committee hearings on this bill and can assure you that this \$50,000 was to be used for loans in our Veterans' Aid revolving loan fund and not for the purpose of administering the loan program as it reads on page 565 of the 1967 Session Laws. We do have sufficient funds for salaries and other administrative procedures to carry out the loan program and so the \$50,000 is needed not for administration purposes but instead for loans to needy veterans."

The question presented is whether the appropriation contained in section 9 of chapter 284 of the 1967 Session Laws is intended to be deposited in the permanent revolving fund of the Veterans' Aid Fund established under the provisions of section 37-14-03.3 of the North Dakota Century Code, as amended, or whether it is to be used only for "administration" of chapter 37-14 of the North Dakota Century Code, as amended.

Section 9 of chapter 284 of the 1967 Session Laws provides as follows:

"APPROPRIATION. There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of \$50,000.00 or so much thereof as may be necessary, to the veterans' aid commission for the purpose of administering the provisions of chapter 37-14 of the North Dakota Century Code, for the biennium beginning July 1, 1967, and ending June 30, 1969."

If the money is to be deposited in the revolving fund it may be used for making loans as specified by chapter 37-14 of the North Dakota Century Code, as amended. If the money is to be used for

"administration" as that term is sometimes used, it could not be expended for loans but rather would apply only to salaries, travel expenses, equipment, etc.

We would note in the first instance that the rules of statutory construction do not apply where the words of a statute are plain and unambiguous. Where the language of a statute is plain and unambiguous, we cannot indulge in speculation as to probable or possible qualifications which might have been in the mind of the legislature, but the statute must be given effect according to its plain and obvious meaning. However the entire law dealing with a specific matter must also be considered, and not only a part thereof.

Thus we note that an appropriation for wages and salaries, fees and services and supplies and materials for the Commissioner of Veterans' Affairs and 'Veterans' Aid Commission was made by chapter 39 of the 1967 Session Laws. If the appropriation contained in chapter 284 is also to be considered an appropriation for "administration", as that term is ordinarily used, there would be two appropriations for the same purpose, i.e., "administration" of the Veterans' Aid Commission. We believe it is obvious that the legislature did not intend these two appropriations for the same purpose, particularly when we consider that the provision contained in House Bill 816 (chapter 284) originally contained an appropriation of \$150,000.00 "for administration of the provisions of chapter 37-14." This was subsequently reduced to \$50,000.00 but it serves to illustrate that the intent of the bill was not to appropriate moneys for salaries, wages, etc., but rather to provide funds with which to make loans under the provisions of chapter 37-14 of the North Dakota Century Code. We also note that a special appropriation for the "administration" of chapter 37-14 has never been made prior to this legislative assembly but has always been provided for in the appropriation for the Department of Veterans' Affairs and Veterans' Aid Commission appropriation. This serves to illustrate that the appropriation contained in chapter 284 was of a special nature and for a special purpose not concerned with salaries, wages, etc.

It should also be noted that chapter 284, section 9 contains no line item for salaries, supplies, etc. If the appropriations in section 9 were intended for administration it would be a departure of the standard method of making appropriations and would raise the further question what amounts for each line item such as salaries, etc., could be used for each such purpose.

It appears therefore that the phrase "administering the provisions of chapter 37-14 of the North Dakota Century Code" refers to the implementation of the provisions thereof. These provisions include the making of loans as specified in chapter 37-14. The records of the House committees on Veterans' and Military Affairs and Appropriations of the 1967 Legislative Assembly seems to indicate that the purpose of the appropriation was to provide funds for loans under chapter 37-14, although such minutes are not conclusive.

Even though we conclude the appropriation is for the purpose of making loans to veterans as provided in chapter 37-14, we cannot conclude that such appropriation is to be transferred to the revolving fund of the Veterans' Aid Fund. The appropriation is

specific in that it is for the biennium beginning July 1, 1967, and ending June 30, 1969. The Veterans' Aid Revolving Fund does not revert to the general fund of the state but is a permanent revolving fund. See section 37-14-03.3. Therefore the appropriation in question cannot be deposited in such revolving fund, since, by its own terms, the unexpended appropriation must revert on June 30, 1969. While the minutes of the House committees in which House Bill 816 was considered indicate this money was intended for the revolving fund, they are not conclusive and cannot be used to contradict the clear wording of the statute.

It is therefore our opinion that the appropriation contained in section 9 of chapter 284 of the 1967 Session Laws may be used for making loans to veterans as provided in chapter 37-14 of the North Dakota Century Code, as amended, and was not intended for salaries, wages, etc. It is our further opinion that such appropriation may not be transferred to the Veterans' Aid Revolving Fund but must remain as a separate fund until the end of the biennium at which time any balance therein will revert to the general fund as provided by law.

We would note that the legislature will be convening in 1969, prior to the time this appropriation will revert to the general fund. If it was the intent of the legislature that the moneys be placed in the revolving fund, the 1969 Legislative Session can enact the necessary legislation. This matter should be presented to the 1969 Legislature in any event, since the question remains as to whether the repayment of the loans made from this appropriation will be deposited in the general fund of the state or will be deposited in the Veterans' Aid Fund as provided by section 37-14-07 of the North Dakota Century Code, as amended.

HELGI JOHANNESON

Attorney General