

**OPINION
63-178**

December 19, 1963 (OPINION)

NURSES' SCHOLARSHIP REVOLVING FUND

RE: Repayments

This is in response to your letter in which you call attention to Chapter 56 of the 1963 Session Laws, which provides as follows:

Section 1. APPROPRIATION.) There is hereby appropriated to the nurses' scholarship revolving fund out of any moneys in the state general fund in the state treasury, not otherwise appropriated, the sum of \$53,000.00, or so much thereof as may be necessary for the purpose of paying nursing preparation scholarships, as provided for in chapter 43-12 of the North Dakota Century Code, in an amount not to exceed \$50,000.00 and for the administration of this Act not to exceed \$3,000.00, for the biennium beginning July 1, 1963, and ending June 30, 1965.

Section 2. NURSES' SCHOLARSHIP REVOLVING FUND.) All moneys appropriated for the purpose of granting scholarships under the provisions of chapter 43-12, together with principal and interest payments collected from recipients of scholarships shall be credited by the state treasurer to a fund to be known as the nurses' scholarship revolving fund, and the moneys in such fund are hereby appropriated for the purpose of granting such scholarships."

You then ask are payments from recipients who received the scholarship assistance from appropriations made in previous bienniums to be credited to the scholarship revolving fund or to the state general fund; or should only what might be repaid from scholarships granted from the present appropriations be credited to the scholarship revolving fund?

From the language of Chapter 56, it appears that the Legislature set up a revolving fund into which all repayments either principal or interest be paid. The appropriation is to the Nurses' Scholarship Revolving Fund, (Section 1 of Chapter 56). Section 2 creates the revolving fund.

In reviewing the provisions of Chapter 43-12 of the North Dakota Century Code, as amended by Chapter 308 of the 1963 Session Laws, it becomes clear that the Legislature intended to create a revolving fund and that all repayments of loans are to be credited to the revolving fund. This would include all repayments of loans whether made prior to the creation of the revolving fund or made after the creation of said fund.

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