

OPINION
66-451

March 24, 1966 (OPINION)

Mr. Lloyd F. Zander

Executive Secretary

Veterans' Aid Commission

RE: Veterans Aid Commission - Loan Requirements

This is in reply to your request for an opinion in regard to loans made by the Veterans' Aid Commission.

You call our attention to the citizenship and residency requirements set out in section 37-14-06 of the North Dakota Century Code. You also mention that in the past it has been the policy of the Veterans' Aid Commission to grant loans only to veterans who entered military service from the State of North Dakota and who received a bonus from this State, as in such cases North Dakota received credit for the service of these men.

As an example you cite an application from an honorably discharged World War II veteran who is in financial distress who has applied for a Veterans' Aid loan in the amount of \$500.00. His discharge certificate from the U.S. Navy shows that he was born in the State of North Dakota; however, his address at the time of entry into service is shown as Mondota, Illinois. He had apparently lived at that address for nine years prior to entering service. He was seventeen years old when he enlisted. His discharge lists his permanent address for mailing purposes as Los Angeles, California. He received a bonus from the State of Illinois. His sole surviving parent at the time of entry into the service was his father, a North Dakota resident.

You further inform us that: "The veteran has since returned to the State of North Dakota and is now a citizen and resident of this State."

Section 37-14-06 of the North Dakota Century Code provides:

COMMISSION MAY PROVIDE AID. If the veterans' aid commission is satisfied that such applicant has served as a member of the armed forces of the United States for an aggregate time of not less than thirty days while the United States was at war, that he is a citizen and resident of the state of North Dakota, that he has not been dishonorably discharged, the veterans' aid commission may loan to such applicant, or a guardian of such applicant, a sum from the veterans' aid fund not to exceed the sum of five hundred dollars."

We note that the language of the statute indicates that assuming the factors there mentioned are met, the commission "may" make the loan.

You do not indicate that the aforementioned "policy" was adopted as an administrative construction of the statute - from the use of the word "policy" we would assume that it was not such an administrative construction. We note also that the original language of this section as set out in the North Dakota Revised Code of 1943 referred to: "at the time of making such application he is a citizen and resident of the State of North Dakota,". It would thus appear that the statute from its inception did not require that the veteran be a resident of the State of North Dakota at the time of entering service.

Considering the current reading of the statute on this point, it is our opinion that its meaning is clear, explicit and unambiguous as applied to the example you cite. It is therefore our conclusion that if at the time the Veterans' Aid Commission makes its determination, it is satisfied that the veteran is a citizen and resident of the State of North Dakota as of the time of making such determination, and if other qualifications are met, it may make the loan, assuming, of course, that adequate funds are available.

ATTORNEY GENERAL

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