

**OPINION
49-197**

April 30, 1949 (OPINION)

VETERANS

RE: Grave Registration

Your letter of April 29, 1949, addressed to the attorney general, has been received and contents of same have been noted.

You ask for a construction of Chapter 250 of the 1947 Session Laws relative to registration of graves of North Dakota veterans.

Said Chapter 250 reads as follows:

It shall be the duty of the adjutant general of the state of North Dakota, to register and compile records of the graves of deceased soldiers, sailors, and marines, including Wacs, Waves, Spars, and members of nurses corps of all arms and services, who served in World War II in accordance with sections 37-1601 to 37-1606, inclusive, of the North Dakota Revised Code of 1943. For the purpose of carrying out the provisions of this Act the adjutant general is hereby authorized to expend such sum as may be necessary out of any balance of ????? funds appropriated and existing under the provisions of chapter 60, subdivision 23, Session Laws of 1945, for the maintenance of the North Dakota State Guard."

You will note that Chapter 250 of the 1947 Session Laws provides that the adjutant general is authorized to expend such sum as may be necessary out of any balance of unexpended funds appropriated and existing under the provisions of subdivision 23 of Chapter 60 of the 1945 Session Laws for the maintenance of the North Dakota State Guard.

Chapter 60 of the 1945 Session Laws is the general appropriation bill making appropriations for the state departments for the biennium beginning July 1, 1945 and ending June 30, 1947. Subdivision 23 of said Chapter 60 appropriates \$20,000 for current maintenance of the state guard, and an emergency fund - available on governor's approval - of \$15,000.

Chapter 250 of the 1947 Session Laws sets aside any balance remaining out of the moneys appropriated for the state guard; that is, any balance remaining out of the sum of \$20,000 for current maintenance of the state guard, together with any balance remaining in the emergency fund of \$15,000, and any such balances, therefore, do not revert to the general fund, but is a fund set aside to be used for the payment of any expenses in connection with the registration and compilation of records of the graves of deceased soldiers, sailors, and marines, including Wacs, Waves, Spars, and members of nurses corps of all arms and services, who served in World War II in accordance with sections 37-1601 to 37-1606, inclusive, of the North Dakota Revised Code of 1943.

The language of Chapter 250 of the 1947 Session Laws is clear and unambiguous, and it is our opinion that any balances remaining in the appropriation under subdivision 23 of Chapter 60 of the 1945 Session Laws constitute a permanent fund to used solely for the purposes designated in said Chapter 250 of the 1947 Session Laws.

WALLACE E. WARNER

Attorney General