

OPINION
56-93

December 5, 1956 (OPINION)

EDUCATION

RE: Scholarships - State - Eligibility and Collection

We are in receipt of your letter of December 3, 1956, in which you ask the following questions concerning the recently enacted "Scholarship Law":

1. Who is responsible for collecting the loans made to the students?
2. Does the Scholarship Board provided for by the measure include the president of Jamestown College, the dean of Bismarck Junior College and the director of the Devils Lake Junior College?
3. Are students at the above-mentioned institutions eligible for loans?

In answer to the first question it is our opinion that the State Scholarship Board, as created by the Act, is responsible for collecting the loans made to the students since Section 1 of the Act provides that it shall be the purpose of the board "* * * to provide for, facilitate, supervise, and administer state funds."

Section 3 of the Act provides that "the State Scholarship Board shall be composed of the president or chief administrative officer of the University, State Agricultural College, each state normal school or teacher's college, each state trade school and junior college, and other institutions of higher education domiciled within the State of North Dakota, and the State Superintendent of Public Instruction." (Emphasis supplied) It would seem quite clear that junior colleges are to be included in the phrase "institutions of higher education" since the Act itself specifically mentions junior colleges and other institutions of higher education. It also appears that Section 3 of the Act is not limited to state institutions but any institution of higher learning; the only limitation being that the institution is domiciled within the State of North Dakota. We believe, therefore, that the president or chief administrative officer of private institutions of higher education, including junior colleges, are to be included in the board membership. Question No. 2 should be answered in the affirmative.

The Act provides that students at specified state institutions "* * * or other institutions of higher learning in the State of North Dakota * * *" are eligible to receive the funds. We again construe this phrase to include junior colleges and other private institutions so long as they are located within the State of North Dakota. Question No. 3 should therefore be answered in the affirmative.

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