

**OPINION
45-304**

September 25, 1945(OPINION)

VETERANS ADVISORY COMMITTEE

RE: Compensation

This will acknowledge your letter of September 19, with reference to the question of whether or not members of the Veterans' Advisory Committee, set up under the terms of subsection 3 of chapter 237 of the 1945 Session Laws, who serve without compensation, may be reimbursed for their actual expenses while in the performance of their duties attending meetings of the committee.

Chapter 237 of the 1945 Session Laws, setting up the Department of Veterans' Affairs, provides for no appropriation, except insofar as it states in section 10 thereof:

All unexpended funds appropriated or made available to the office of the Veterans' Service Commissioner for the purpose of any of its functions, powers, or duties, which are transferred by this act to the Department of Veterans' Affairs, are hereby transferred to the latter."

It is also provided under this chapter that the department of veterans' affairs constitutes a continuance of the former office of veterans' service commissioner, and not a new authority, and any duty, power, or obligation assigned or delegated to the veterans' service commissioner shall be deemed to be transferred to and assigned by the commissioner of veterans' affairs, who is by the law subrogated to all of the rights and duties of the veterans' service commissioner.

It seems to me that the intent of the Legislature is clear, that the functions of the former veterans' service commissioner were transferred to the department of veterans' affairs, and, since the former veterans' service commissioner under the present law is now known as commissioner of veterans' affairs, and since he is also the head of the veterans' aid commission, in effect, it was the intention of the Legislature that all of the duties, formerly performed by the veterans' service commissioner, be centered in the department of veterans' affairs and the veterans' aid commission, headed by the commissioner of veterans' affairs, who serves as executive secretary of the veterans' aid commission, as well as being the head of the whole department of veterans' affairs.

Under chapter 62 of the 1945 Session Laws, the Legislature provided an appropriation for the commissioner of veterans' affairs. Three items appear in said appropriation, listed as:

Miscellaneous \$1,000,

Travel expense 5,000,
Emergency 1,500,

These three items, it seems to me, can be used by the commissioner of veterans' affairs in paying the actual expenses of the veterans' advisory committee. While it is true that no mention is made of the fact that the members of this committee may receive their actual expenses, and since the law specifically enjoins that they shall serve without pay, at the pleasure of the governor, it would involve a hardship upon them if they were required to spend their time for the benefit of the state without being reimbursed for their actual expenses.

Therefore, it is the opinion of this office that the three items mentioned as being a part of the appropriation set up under chapter 62 of the 1945 Session Laws for the use of the commissioner of veterans' affairs, may be used in paying the actual expenses of the advisory committee set up under chapter 237 of the 1945 Session Laws. It is, further, the opinion of this office that, since funds are available for the payment of these actual expenses, and since it might be inferred from the statement in the law that the members of the committee shall serve without compensation, that their actual expenses may be paid them, it is the opinion of this office that they should be paid their actual expenses. And it is further the opinion of this office that although chapter 237 of the 1945 Session Laws does not set up any specific appropriation, but makes available any unexpended funds appropriated to the office of the veterans' service commissioner by the department of veterans' affairs, and since the commissioner of veterans' affairs is the head of the department of veterans' affairs, that the appropriation for the use of the commissioner of veterans' affairs may be utilized for the payment of the actual expenses of the advisory committee set up under the terms of chapter 237 of the 1945 Session Laws.

It would seem, also that payment of the actual expenses of the advisory committee should be made on the ground that if that was not done, only those who are so situated financially as to be able to afford the payment of their own expenses could become members of the committee. That would be against public policy, as, under a representative democratic form of government, it is the intent that all citizens should be on an equal basis, as far as holding office is concerned, whether they are possessed of wealth or not. There are many who would be qualified to serve on this particular committee, who could hardly afford to pay their own actual expenses, if that were required.

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Attorney General