

**LETTER OPINION  
2005-L-04**

January 25, 2005

Mr. Rudy Jenson  
Chairman  
Administrative Committee on Veterans Affairs  
408 6th Ave NE  
Valley City, ND 58072

Dear Mr. Jenson:

Thank you for asking about the county veterans' service officer's duty to assist veterans living at the Veterans' Home in Ransom County. It is my opinion that the county veterans' service officer has a duty to assist veterans at the Veterans' Home in Ransom County regardless of the veterans' legal residence.

**ANALYSIS**

County veterans' service officers are provided for and their duties prescribed by N.D.C.C. § 37-14-18:

The board of county commissioners of each county of the state of North Dakota may appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county veterans' service officer. Such appointment must be made with the prior advice of the commissioner of veterans' affairs, and in accordance with veterans' preference as provided in section 37-19.1-02. It is the duty of such county veterans' service officer to become acquainted with the laws, both state and federal, enacted for the benefit of returning servicemen and servicewomen to assist such returning members of the armed forces in the presentation, proof, and establishment of such claims, privileges, and rights as they have. It also is the duty of the county veterans' service officer, under the supervision of the state commissioner of veterans' affairs, to actively cooperate with and to coordinate the activities of the state and federal agencies within the county which the officer serves to facilitate their operation and ensure promptness in the solution of the problems concerned with the

reestablishment of returning servicemen and servicewomen in civilian pursuits.<sup>1</sup>

(Emphasis added.) This section does not specify that legal residence within the county is a criterion to obtain assistance by a county veterans' service officer for servicemen and servicewomen within a county.<sup>2</sup> In fact, an individual may not gain or lose legal residence by residing in the veterans' home. N.D.C.C. § 37-15-10(4).

The statute indicates the county veterans' service officer serves the county and consequently those veterans "within" the county. Because veterans living in the Veterans' Home in Ransom County are "within" the county, it is my opinion the county veterans' service officer has a duty to assist them.

Sincerely,

Wayne Stenehjem  
Attorney General

tam/vkk

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts. See State ex rel. Johnson v. Baker, 21 N.W.2d 355 (N.D. 1946).

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<sup>1</sup> A county veterans' service officer is generally supervised by the board of county commissioners and by the State Commissioner of Veterans' Affairs regarding coordination of efforts by state and federal agencies to address "problems concerned with the reestablishment of returning servicemen and servicewomen in civilian pursuits." Id. and N.D.C.C. § 11-11-11(2) (board of county commissioners "shall supervise the conduct of the respective county officers."). See also N.D.C.C. § 37-18-04 (making it a duty of the Commissioner of Veterans' Affairs to "assist, supervise, advise, and direct the work of county service officers.").

<sup>2</sup> Determining residence can be a complicated fact-finding legal endeavor which is beyond the province of an attorney general's opinion. See N.D.C.C. § 54-01-26; Dietz v. City of Medora, 333 N.W.2d 702 (N.D. 1983); N.D.A.G. 2004-L-16; N.D.A.G. 98-L-61. In this case residence is irrelevant.