

N.D.A.G. Letter to Person (July 1, 1985)

July 1, 1985

Mr. Alan Person
Executive Director
North Dakota Public Employees
Retirement System
316 North 5th Street
P.O. Box 1214
Bismarck, ND 58502

Dear Alan:

Thank you for your letter of June 4, 1984, concerning the request of Orville W. Hagen for retirement service credit for the two years that he served as Lieutenant Governor in 1961 and 1962.

The essence of your letter is whether the Lieutenant Governor for the State of North Dakota is considered a full-time position.

The North Dakota Constitution and applicable statutes are not clearly dispositive of the question whether the Lieutenant Governor's office is considered full-time or part-time. Thus, we must consider the specific duties provided to the Lieutenant Governor in attempting to resolve this question.

Article V of the North Dakota Constitution provides that the office of Lieutenant Governor is an elective office in the executive branch of government. The Lieutenant Governor is elected at the same time and for the same term as the Governor and succeeds the Governor and assumes various responsibilities upon the happening of certain events. The Lieutenant Governor also serves as President of the Senate and carries several legislative functions in that role.

It is clear that although the Lieutenant Governor may never be in the position of assuming the responsibility of Governor, that potential always exists during the duration of the officeholder's term of office. It should be remembered that one cannot predict the future and the happening of events which might cause a Lieutenant Governor to become the Governor. When viewed from this perspective, it is my opinion that the Lieutenant Governor is on call during his term of office and is always eligible to become Governor upon the happening of certain events listed within our Constitution. These conclusions hold true despite the non-occurrence of those events during one's term of office.

When viewed from this perspective, I have no hesitancy in stating that the Office of Lieutenant Governor is a full-time position and should be accorded the same rights and privileges as our other full-time executive officeholders.

Sincerely,

Nicholas J. Spaeth

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