

N.D.A.G. Letter to Unhjem (Oct. 8, 1985)

October 8, 1985

Honorable Michael Unhjem
State Representative
District 48
P.O. Box 495
Jamestown, ND 58402

Dear Representative Unhjem:

Thank you for your letter of September 24, 1985, requesting an opinion concerning House Bill 1390. This particular legislation is now found in N.D.C.C. Ch. 11-11.1 and concerns the creation of a county job development authority.

N.D.C.C. §11-11.1-06 provides that counties who do not wish to establish a job development authority may levy a tax to be used to enter into a contract with an "industrial development organization" already in existence. Such an organization may then perform the functions of a job development authority as provided in this particular chapter. Your question concerns the scope of the term "industrial development organization" and whether this term is restricted to particular entities or whether it is an all-inclusive phrase.

First of all, it should be noted that the term is not defined by statute. Further, North Dakota law provides that words that are not defined by statute have a common and ordinary sense definition. N.D.C.C. §1-02-02. Obviously, the phrase "industrial development organization" would ordinarily refer to any organization concerned with the development of industry.

It would appear that the Legislature intended this phrase to have no specific limitation and to be applied to any organization concerned with the development of industry. Had the Legislature intended to limit this phrase to include specific organizations, it surely would have done so by the use of more specific and limiting words. A review of the legislative history surrounding this statute contains nothing suggesting a contrary conclusion.

Based upon the statutory requirement that words used in a statute which are not specifically defined must be given a common and ordinary sense definition and given the lack of any limiting words or phrases, it is my opinion that the phrase "industrial development association" as used in N.D.C.C. §11-11.1-06 refers to any organization which concerns or involves the development of industry. Whether a particular entity qualifies as such an organization may only be determined on a case-by-case basis by a review of the specific facts of the organization involved.

Sincerely,

Nicholas J. Spaeth

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