

N.D.A.G. Letter to Vander Vorst (March 18, 1987)

Superseded by N.D.A.G. 94-F-16

March 18, 1987

Mr. Blake Vander Vorst
Executive Secretary
North Dakota State Soil
Conservation Committee
State Highway Building
Second Floor
State Capitol
Bismarck, ND 58505

Dear Mr. Vander Vorst:

Thank you for your letter of March 16, 1987, concerning the effect of Senate Bill 2056 and Senate Bill 2059 on the North Dakota Soil Conservation Districts. Specifically, you inquire whether those two bills, if passed, would apply to soil conservation districts.

Senate Bill 2056 amends N.D.C.C. § 9-10-07 relating to comparative negligence. The major portion of the amendment relates to the liability of a political subdivision pursuant to this section. The amendment does not relate to or mention the state or government subdivisions of the state.

Senate Bill 2059 amends N.D.C.C. § 32-12.1-02. It relates only to the definitions of N.D.C.C. Ch. 32-12.1. That chapter deals primarily with the liability of political subdivisions. The substance of the amendments relate to the definition of the word "employee" and to the definition of the words "political subdivision."

As I understand the intent of your letter, then, you and the Senate Judiciary want to know whether the soil conservation districts are political subdivisions and are affected by the amendments included in SB 2056 and SB 2059.

N.D.C.C. § 4-22-02 states, in part, as follows:

4-22-02. DEFINITIONS. In this chapter, unless the context or subject matter otherwise requires:

* * *

3. "District" or "soil conservation district" means a government subdivision of the state, and a public body, corporate in politic,

organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions hereinafter set forth.

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N.D.C.C. § 32-12.1-02 states, in part, as follows:

32-12.1-02. DEFINITION. As used in this chapter, unless the context or subject matter otherwise requires:

* * *

5. "Political subdivision":

* * *

- b. Shall not include nor be construed to mean either the state of North Dakota or any of the several agencies, boards, bureaus, commissions, councils, courts, departments, institutions, or offices of government which collectively constitute the government of the state of North Dakota.

Therefore, soil conservation districts are government bodies of the state and not local governmental political subdivisions. I see nothing in SB 2056 or SB 2059 that would change this. The provisions of N.D.C.C. Ch. 32-12.1 and other statutes applicable to political subdivisions do not apply to soil conservation districts.

Sincerely,

Nicholas J. Spaeth

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