

N.D.A.G. Letter to Tornes (March 20, 1987)

March 20, 1987

Mr. Gary Tornes
Director
Central Personnel Division
Office of Management and Budget
State Capitol
Bismarck, ND 58505

Dear Mr. Tornes:

Thank you for your letter of January 16, 1987, in which you request an opinion of the Office of Attorney General whether the statutory appointing authority for an agency can dismiss appointees and whether the executive director is the appointing authority of the North Dakota Indian Affairs Commission.

The North Dakota Indian Affairs Commission was created by provision of N.D.C.C. § 54-36-01, which directed that the Commission consist of individuals representing state government and various tribal chairmen. The Commission is authorized to employ an executive director and such other personnel as deemed necessary and to prescribe the duties and fix the compensation of those employees. N.D.C.C. § 54-36-02 provides as follows:

54-36-02. EMPLOYEES -- DUTIES -- COMPENSATION. The Indian Affairs Commission may employ an executive director who shall not be a member of the commission and such other clerical, professional, and technical personnel, as it deems necessary, and shall prescribe their duties and fix their compensation.

Under this statute, the appointing authority is the North Dakota Indian Affairs Commission unless it has delegated that authority to the executive director.

Sincerely,

Nicholas J. Spaeth

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