N.D.A.G. Letter to Omdahl (May 31, 1991)

May 31, 1991

Honorable Lloyd B. Omdahl
Lt. Governor
State of North Dakota
State Capitol
Bismarck, ND 58505

Dear Lt. Gov. Omdahl:

Thank you for your May 2, 1991, letter requesting my opinion as to the effect of the amendments to N.D.C.C. § 54-36-01 by Senate Bills 2058 and 2205.

N.D.C.C. § 1-02-09.1 provides that when the same statute is amended by a session of the Legislature without reference to the other amendment to that statute by the same session, "the amendments are to be harmonized, if possible, so that effect may be given to each."

The 52nd Legislative Assembly amended N.D.C.C. § 54-36-01 two times. The amendment in Senate Bill 2205 changed the membership of the North Dakota Indian Affairs Commission. Senate Bill 2205 also removed the reference to the Economic Development Commission. This bill was enacted on April 10, 1991.

Senate Bill 2058 also amended N.D.C.C. § 54-36-01 by changing the name of the Economic Development Commission to the Department of Economic Development and Finance. This amendment is essentially a housekeeping amendment. This bill was enacted on April 12, 1991. It is my opinion that the amendments to N.D.C.C. § 54-36-01 may be reconciled so the statute would read:

> 54-36-01. Commission -- Members -- Officers -- Expenses of members. The North Dakota Indian affairs commission consists of the governor, four members appointed by the governor from the state at large, three of whom must be of Indian descent, must be enrolled members of a tribe, and must be current voting residents of the state of North Dakota, and the chairpersons of the Standing Rock, Fort Berthold, Fort Totten, and Turtle Mountain Indian Reservations or in the absence of the chairperson, the vice-chairperson. The governor is the chairperson of the commission. The commission shall meet quarterly or as otherwise agreed. Members of the commission or the vice chairperson are entitled to receive milage and expenses for attending each meeting as are allowed other state officers.

I trust this answers you question.

Sincerely,

Nicholas J. Spaeth

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