

LETTER OPINION
94-L-154

May 12, 1994

John E. Greenwood, States Attorney
Stutsman County State's Attorney's Office
Stutsman County Courthouse
511 2nd Avenue SE
Jamestown, ND 58401

Dear Mr. Greenwood:

Thank you for your letter regarding the residency requirement of members of a county library board of directors. Specifically you ask whether a resident of a city that is exempt from the county library tax pursuant to N.D.C.C. ? 40-38-02 is considered a county resident for the purpose of serving on a county library board under N.D.C.C. ? 40-38-03.

N.D.C.C. ? 40-38-03 provides in relevant part:

The governing body of a municipality which has established a public library and reading room, or the board of county commissioners for a county library, shall appoint a board of directors who must be residents of the municipality or county, as the case may be, to govern such library and reading room.

A general rule of statutory construction is that words used in any statute are to be understood in their ordinary sense, unless a contrary intention plainly appears. N.D.C.C. ? 1-02-02. The generally understood meaning of "county resident" is an individual who domiciles within a county, domicile and legal residence being synonymous. Burshiem v. Burshiem, 483 N.W.2d 175 (N.D. 1992). Pursuant to the commonly understood definition of "county resident" a resident of a city within the boundaries of a county is also a resident of the county. Thus, unless a contrary intention plainly appears in chapter 40-38, a resident of a city that is exempt from the county library tax is a county resident for purposes of serving on a county library board.

John E. Greenwood
May 12, 1994
Page 2

Although there may be valid policy reasons to prohibit a resident of a city that is exempt from the county library tax from serving on a county library board, a thorough reading of chapter 40-38 does not plainly show that the term "county resident" should be understood contrary to its ordinary meaning. For this reason, it is my opinion that a resident of a city that is exempt from the county library tax is a county resident eligible for appointment to the county library board.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

DAB/mh