

LETTER OPINION
94-L-71

March 22, 1994

Honorable Craig Hagen
Commissioner of Labor
600 East Boulevard Avenue
Bismarck, ND 58505-0340

Dear Commissioner Hagen:

Thank you for your March 10, 1994, letter concerning the terms of elected members to the State Employees Compensation Commission (hereafter, "SECC"). You ask whether the terms for the first members elected to the SECC begin on July 1, 1994, since the election will not be complete and the results known until March 18, 1994.

N.D.C.C. ? 54-06-25 was passed by the 1993 North Dakota Legislature, and became effective on August 1, 1993. See 1993 N.D. Sess. Laws ch. 513; N.D. Const. art. IV, ? 13. N.D.C.C. ? 54-06-25(2) provides for the election of four state employee members, and provides that "state employee members' terms begin on July first of the year they are elected."

At the time you commenced the initial election process in the latter part of 1993, it was presumed that the results of that election would be known in 1993. However, because of intervening events and circumstances as disclosed in my prior opinions on this subject (letter from Attorney General Heidi Heitkamp to State Tax Commissioner Bob Hanson (October 21, 1993) and letter from Attorney General Heidi Heitkamp to Commissioner of Labor Craig Hagen (December 17, 1993)), the election process was begun anew. This second election process was commenced with nomination forms distributed with state employee paychecks on February 1, 1994, and ballots distributed with state employee paychecks on March 1, 1994, with

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ballots due on March 18, 1994.

Had the state employee members been elected before January 1, 1994, the members' terms would have been deemed to have begun on July 1, 1993. Because the election will be completed in 1994, it is my opinion that the terms of the state employee members elected to membership on the State Employees Compensation Commission will begin on July 1, 1994. N.D.C.C. ? 1-02-05.

Sincerely,

Heidi Heitkamp
ATTORNEY GENERAL

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