

N.D.A.G. Letter to Hausauer (Feb. 5, 1985)

February 5, 1985

Honorable Roy Hausauer
Speaker of the House
District 25
85 Dakota Avenue
Wahpeton, ND 58075

Dear Representative Hausauer:

Thank you for your letter of February 4, 1985 concerning which county officer is directed to distribute the daily statement of all receipts and disbursements pursuant to N.D.C.C. §11-14-12.

N.D.C.C. §11-14-12 states as follows:

11-14-12. STATEMENT TO TOWNSHIP CLERK OF AMOUNT PAID TO TOWNSHIP TREASURER.-- Whenever the county treasurer pays or remits any township funds to a township treasurer, he shall mail to the township clerk on the day of such remittance a statement of the amount so paid or remitted, separately stating the amount belonging to each fund.

According to your letter, there was some confusion as to the meaning of word "he" in N.D.C.C. §11-14-12. Words used in any statute are to be understood in their ordinary sense. N.D.C.C. §1-02-02. Additionally, words and phrases shall be construed according to the context and the rules of grammar and the approved usage of the language. N.D.C.C. §1-02-03.

In reviewing N.D.C.C. §11-14-12 it is clear that the word "he" refers to the county treasurer whose duty is set out in the previous sentence. The statute makes no mention of, nor gives any authority to, the county auditor or any other county officer to exercise this duty. Therefore, the word "he" in N.D.C.C. §11-14-12 refers to the county treasurer.

Sincerely,

Nicholas J. Spaeth

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