

N.D.A.G. Letter to Dexheimer (April 23, 1992)

April 23, 1992

Mr. Gordon A. Dexheimer
McHenry County State's Attorney
P.O. Box 546
Towner, ND 58788

Dear Mr. Dexheimer:

Thank you for your March 25, 1992, letter asking whether Martin Luther King Day should be recognized as a legal holiday.

The 1991 Legislative Session amended N.D.C.C. § 1-03-01(3) to provide in pertinent part:

Holidays are as follows:

...

3. The third Monday of January, which is Martin Luther King Day, in recognition of the life, legacy, and dream of Martin Luther King, Jr.

In addition to amending N.D.C.C. § 1-03-01, the 1991 Legislative Session also repealed N.D.C.C. § 1-03-09, which designated the third Monday of January of each year as Martin Luther King Day. 1991 N.D. Leg. Sess. ch. 55. Prior to its repeal, N.D.C.C. § 1-03-09 did not designate Martin Luther King Day as a holiday; it simply designated a day "in recognition of the life, legacy, and dream of Martin Luther King, Jr." By repealing N.D.C.C. § 1-03-09 and amending N.D.C.C. § 1-03-01, the Legislature changed the third Monday of January of each year from a day merely designated in recognition of Martin Luther King, Jr., to a legal holiday.

In conclusion, it is my opinion that Martin Luther King Day, the third Monday of January of each year, is a legal holiday.

I trust this responds to your question.

Sincerely,

Nicholas J. Spaeth

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