

## **N.D.A.G. Letter to Sinner (June 2, 1989)**

June 2, 1989

Honorable George A. Sinner  
Governor  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Dear Governor Sinner:

Thank you for your May 19, 1989, letter concerning the scope of House Bill No. 1226. This bill designates July 3, 1989, as a holiday in recognition of the centennial of the state of North Dakota.

House Bill No. 1226 does not indicate the scope of the holiday declared on July 3, 1989. There is no indication within the statute concerning its application to state employees, employees of political subdivisions, or to other persons. Because of this ambiguity, we must resort to legislative history to construe the statute and to give effect to the legislative intent. N.D.C.C. § 1-02-39(3); Fargo Ed. Assn. v. Fargo Public School Dist. No. 1, 291 N.W.2d 267 (N.D. 1980).

A review of the legislative history surrounding the enactment of House Bill No. 1226 leaves no doubt but that the holiday applies only with the respect to state employees and is not intended to apply to other employees or businesses. The primary sponsor of House Bill No. 1226, Representative Martinson, noted the scope of the holiday created by this bill in his testimony before the House and Senate State and Federal Government Committees:

HB 1226 is a very simple [bill] which would give July 3, 1989, a one-time holiday to state employees.

He said that this bill would give state employees a one-time holiday in recognition of the state's centennial.

Hearing on H. 1226 Before the House State and Federal Government Committee, 51st Leg. (Jan. 11, 1989) (Statement of Representative Martinson); see also Hearing on H. 1226 Before the Senate State and Federal Government Committee, 51st Leg. (March 6, 1989) (Statement of Representative Martinson).

Additional legislative history indicates that the fiscal note prepared for House Bill No. 1226 concerned only state employees. Furthermore, the bill resulted from centennial activities planned for the Capitol Grounds during the 4th of July weekend, activities which would be seriously disrupted by the attempt of state employees to carry on normal business

activities at the State Capitol.

Based upon the legislative history surrounding the enactment of House Bill No. 1226, it is my opinion that the holiday declared for Monday, July 3, 1989, applies only to state employees.

Sincerely,

Nicholas J. Spaeth

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