

N.D.A.G. Letter to Farland (Sep. 21, 1989)

September 21, 1989

Mr. Darrell Farland
Executive Director
Governor's Council on
Human Resources
State Capitol Annex, 3rd Floor
Bismarck, ND 58505

Dear Mr. Farland:

Thank you for your letter of September 7, 1989, concerning the ability of the North Dakota Commission on the Status of Women to publish materials gathered from profiles concerning individual women.

On May 10, 1989, I wrote you concerning this issue. In that letter, I noted that the Commission on the Status of Women was not provided for by statute. Instead, the Commission appeared to be a creation of the Governor's Council on Human Resources. Therefore, the Commission on the Status of Women was subject to the coordination and clearinghouse responsibilities of the Governor's Council on Human Resources and to the supervision authority of the executive committee of the Governor's Council on Human Resources. N.D.C.C. §§ 50-26-02, 50-26-04.

Since my May 10, 1989, letter, N.D.C.C. § 50-26-01 has been amended to specifically provide for a Commission on the Status of Women. 1989 N.D. Sess. Laws ch. 333, § 14. However, the Legislature has left the responsibility for coordinating the activities of the Governor's committees, including the Commission on the Status of Women to the Governor's Council on Human Resources. N.D.C.C. § 50-26-02. Additionally, the executive committee of the Governor's Council on Human Resources retains supervisory authority over the functions of the Governor's committees including the Commission on the Status of Women. N.D.C.C. § 50-26-04.

The phrase "this form and material remains the property of the NDCSW" appears on the Commission's Centennial profile form. This phrase suggests the Commission on the Status of Women reserves the ability to keep and publish the Centennial profiles it receives. I can find no statute prohibiting the Commission from taking that action. Whether they may in fact do so is a policy determination to be made by the Governor's Council on Human Resources and the executive committee of the Governor's Council on Human Resources.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

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