

**OPINION**  
**51-116**

September 18, 1951        (OPINION)

OASIS

RE: Election to Adopt Where All Not Eligible

Your letter of September 17, 1951, has been received. In your letter you desire an opinion from this office relative to Section 52-0920, subsection m of the North Dakota Old Age and Survivor Insurance Law.

The part in which you are interested pertains to counties and other governmental instrumentalities that may come under the law if "as a whole elect to adopt this system."

We suppose that his question is asked by reason that the county superintendent of each count is governed by the teachers retirement fund and for that reason she would not be eligible to participate in the OASIS.

We believe that the intent of the law is that if all persons eligible in a county or political subdivision as a whole elect to adopt the OASIS that they are then eligible and the fact that one county officer is not eligible does not prevent the county or political subdivision from adopting the system.

Therefore, our opinion is that the election to adopt the system need not include the county superintendent.

ELMO T. CHRISTIANSON

Attorney General