

N.D.A.G. Letter to Carlisle (Nov. 30, 1992)

November 30, 1992

Honorable Ron Carlisle
State Representative
District 30
PO Box 222
Bismarck, ND 58502

Dear Representative Carlisle:

Thank you for your October 19, 1992, letter concerning which state employees are entitled to the \$40 per month salary increase provided by the 1991 Legislative Assembly.

The provision of law in question reads as follows:

SECTION 2. State employee salary increases - Effective date. The amounts appropriated in section 1 of this Act are only to be available to state agencies and institutions beginning on July 1, 1992, to be paid beginning on August 1, 1992, or later, for employee compensation increases of forty dollars per month for each permanent full-time employee.

1991 N.D. Sess. Laws ch. 53, § 2. (Emphasis added.)

Words in any statute are to be understood in their ordinary sense unless a contrary intention plainly appears. N.D.C.C. § 1-02-02. Words and phrases in statutes are also to 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. When the wording of a statute is clear and free of all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit. N.D.C.C. § 1-02-05.

The statutory section in question provides for salary increases of \$40 per month beginning on July 1, 1992, for each permanent full-time employee. The statute does not contain other criteria or qualifications. It is, therefore, my opinion that on July 1, 1992, every person in the employ of the state of North Dakota who worked full time in a permanent position became eligible to receive the \$40-per-month wage increase provided by 1991 N.D. Sess. Laws ch. 53, § 2, without further limitation, qualification, or restriction.

Sincerely,

Nicholas J. Spaeth

rel/jfl