

N.D.A.G. Letter to Odegard (July 12, 1990)

July 12, 1990

Mr. James T. Odegard
Grand Forks County State's Attorney
P.O. Box 607
Grand Forks, ND 58206-0607

Dear Mr. Odegard:

Thank you for your June 14, 1990, letter concerning whether the Grand Forks County Historical Society is bound by the Veterans' Preference Law as set out in N.D.C.C. ch. 37-19.1.

Under North Dakota law, governmental agencies must grant employment preference to veterans who are state residents. N.D.C.C. § 37-19.1-02. A "governmental agency" is defined, in relevant part, as "all political subdivisions." N.D.C.C. § 37-19.1-01(1). Correspondingly, a "political subdivision" is defined as "counties, cities, townships, and any other governmental entity created by state law which employs persons either temporarily or permanently." N.D.C.C. § 37-19.1-01(4). Thus, in order for the Grand Forks County Historical Society to be bound by the requirements of N.D.C.C. § 37-19.1-02, it must be a "governmental entity created by state law."

The Grand Forks County Historical Society fails this test. Mere economic support by the county is not sufficient by itself to transform what is essentially a private non-profit corporation into a governmental entity created by state law. See generally Maryland-National Capital Park and Planning Comm'n v. Montgomery Cty., 296 A.2d 692 (Md. 1972).

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

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