

VETOED MEASURES

CHAPTER 704

HOUSE BILL NO. 1367
(O. Hanson, B. Larson, Richard)

LEAFY SPURGE CONTROL

AN ACT making an appropriation for leafy spurge control.

VETO

April 11, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

The Legislative Assembly has not yet passed revenue bills sufficient to fund the executive or any other compromise budget for the 83-85 biennium. Without specific revenue support, bills such as House Bill 1367 which appropriate money in addition to the budget simply cannot be approved.

Enclosed is a schedule showing the various approaches to and sources of leafy spurge funding during this session. This schedule does not include an additional \$800,000 in the Highway Department budget available for leafy spurge control. Inclusion of the Highway Department funds brings the total funds available--excluding House Bill 1367--to approximately \$1.7 million.

I do appreciate, however, that funds are limited for matching individual landowner's leafy spurge control efforts and that House

Bill 1367 addresses this problem. While I will veto House Bill 1367 I have simultaneously directed the Highway Commissioner to allocate \$425,000 of the leafy spurge control funds in his budget to a cost sharing program. I expect him to work closely with the Commissioner of Agriculture and county agents and weed control officers in establishing and carrying out an appropriate cost sharing program.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to the commissioner of agriculture for leafy spurge control for the biennium beginning July 1, 1983, and ending June 30, 1985.

Disapproved April 11, 1983

Filed April 14, 1983

CHAPTER 705

HOUSE BILL NO. 1421
(Backes, Kretschmar, Mushik, Strinden)

NORTH DAKOTA CENTENNIAL COMMISSION

AN ACT to establish a North Dakota centennial commission, to set forth its powers and duties, to provide for payment of commissioners' expenses, and to provide for termination of the commission; to provide an appropriation; and to provide an effective date.

VETO

April 14, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

In 1981 the Legislative Assembly passed House Bill 1654 which created the North Dakota Centennial Commission. That bill provided that the Commission's expenses would be payable from the governor's budget, within the limitation of legislative appropriations.

Since the Centennial Commission created in 1981 terminates at the end of the 1981-83 biennium, the 1983 Legislative Assembly reestablished the Commission by passage of House Bill 1421. House Bill 1421 broadens the powers and duties of the Commission and provides for a termination date of June 30, 1991.

Section 10 of House Bill 1421 appropriates \$56,670 from the general fund to defray the expenses of the Centennial Commission. While I recognize the importance of the Commission, our Centennial does not occur until 1989 and, therefore, the general fund should not support this appropriation at this time. The governor's office budget (Senate Bill 2001) already contains \$10,000 for the purpose of financing the Commission. In addition, section 7 of House Bill 1421 authorizes the Commission to accept and expend any grant, devise, bequest, donation, gift, assignment of money or other property or income which accrues to the Commission. I encourage the Commission to seek funds under this section from the private sector.

House Bill 1421 is therefore signed as approved with the exception of section 10 which I veto.

Sincerely,

ALLEN I. OLSON
Governor

Disapproved April 14, 1983

Filed April 14, 1983

NOTE: For the full text of House Bill No. 1421 containing section 10, see chapter 583.

CHAPTER 706

HOUSE BILL NO. 1439
(G. Martin, Black)

HISTORY OF NORTH DAKOTA TEXTBOOK

AN ACT to defray the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in the state of North Dakota.

VETO

April 5, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

House Bill 1439 authorizes the Superintendent of Public Instruction to purchase a new "History of North Dakota" textbook for eighth-grade students in the State of North Dakota. The bill provides that the amount spent for this purpose shall not exceed \$100,000.

House Bill 1439 does not address the fiscal impact of purchasing these textbooks by appropriating the necessary funds. The bill merely provides that "the amount spent for this purpose shall be paid from monies appropriated in Senate Bill 2002 to the Department of Public Instruction."

If the Legislative Assembly fails to amend the Department of Public Instruction budget (Senate Bill 2002) this piece of legislation becomes a dead letter for lack of the requisite appropriation. Nevertheless, if the Legislative Assembly amends the Department of Public Instruction budget (Senate Bill 2002) to provide an appropriation to purchase these books as authorized by House Bill 1439, such appropriation would be over and above the appropriation recommended in the Executive Budget.

Therefore, I veto House Bill 1439.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. TEXTBOOKS. The superintendent of public instruction shall defray the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in the state of North Dakota. The amount spent for this purpose shall be paid from moneys appropriated in Senate Bill No. 2002 to the Department of Public Instruction by the forty-eighth Legislative Assembly. The amount spent for this purpose shall not exceed \$100,000.

Disapproved April 5, 1983

Filed April 14, 1983

CHAPTER 707

HOUSE BILL NO. 1478
(Representatives O. Hanson, E. Pomeroy, C. Martin)
(Senators Redlin, Vosper)

CORPORATE FARMING LAW APPLICATION TO NONPROFIT ORGANIZATIONS

AN ACT to create and enact section 10-06-04.1 of the North Dakota Century Code, relating to the application of the corporate farming law to certain nonprofit organizations and trusts.

VETO

April 8, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

The public policy of this state encourages private, individual ownership and control of agricultural land. At the same time it must be recognized that there are legitimate educational, religious, fraternal and private economic interests that are best served by nonprofit corporate entities.

It is important, I believe, that the general public have a maximum opportunity to be informed on the laws that would be passed to implement these compatible public and private goals.

After careful review of and consultation with those having various views concerning HB 1478, I conclude that it should be vetoed at this time. I am not satisfied that the general public has had an adequate opportunity to review its concept and purpose; nor am I satisfied that it is not too broad and all-encompassing.

This veto offers alternatives to the Legislature. Obviously, it can override this veto. If that occurs then the matter is resolved, at least until the next legislative session.

The other alternatives are to amend pending relevant legislation to temporarily address the situation and to schedule this matter for interim study with the explicit understanding from the Attorney General that prosecution under present law during this impending interim period will be discussed and reflect the concerns that HB 1478 was intended to address.

I would encourage the Legislature to follow the latter course of action to allow greater public involvement and further deliberation by legislators on this matter. Therefore, I veto House Bill 1478.

Sincerely,
ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Section 10-06-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

10-06-04.1. Certain nonprofit organizations or trusts may own or lease land - Certain nonprofit organizations may continue farming or ranching.

1. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] or a trust for the benefit of an individual or a class of individuals related within the degrees of kinship specified in subsection 2 of section 10-06-07 may own or lease farm or ranch land if that land is leased to a person who farms or ranches the land as a sole proprietorship, partnership, or a corporation allowed to engage in farming or ranching under section 10-06-07.
2. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and actively engaged in the business of farming or ranching in this state on January 1, 1983, may continue to engage in the business of farming or ranching without interruption after January 1, 1983.

Disapproved April 8, 1983

Filed April 14, 1983

CHAPTER 708

HOUSE BILL NO. 1482
(Hamerlik, Wentz)

SCHOOL BOARD COMPOSITION

AN ACT to amend and reenact section 15-20.1-09 of the North Dakota Century Code, relating to school board composition; to provide for a transition period; and to repeal section 15-28-02 of the North Dakota Century Code, relating to rural representation on school boards.

VETO

April 15, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

House Bill 1482 would repeal section 15-28-02 of the North Dakota Century Code, relating to rural resident membership on school boards. This section now provides that one or more school board members be "residents upon farms" within a given school district depending upon total district population, city population and assessed rural and city taxable valuation.

While there may be justification for removing as a basis for determining school board membership the assessed taxable valuation of urban and rural property within a district, I do not believe the

basic residency requirements contained in section 15-28-02 should be discarded.

The success of school district reorganization in this state during the past several decades was in large measure a result of rural cooperation and contribution effected by rural membership on school boards. Without the full participation of the rural population, reorganization would have failed and neither urban nor rural school systems would today be offering quality education. The fact is that consolidation of rural and urban school systems has resulted in modern facilities and comprehensive curricula which neither system could separately maintain.

In addition, primary and secondary schools are a central factor in the quality of North Dakota rural life. The importance of this fact should not be underestimated or disregarded.

Having reviewed the provisions of section 15-28-02 and recent United States Supreme Court decisions relating to voter equality, I believe existing law, for the most part, respects constitutional guarantees and does not discriminate against urban voters. Rather, rural membership has provided the necessary active participation by our rural population in school administration.

Because of my strong commitment to maintaining quality rural life and community for our citizens who choose it, I view House Bill 1482 as having a possible negative impact on the need to keep the basic framework which fosters cooperative school administration and voluntary reorganization.

Therefore, I veto House Bill 1482.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-20.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20.1-09. Board membership - Powers and duties. The school board of a vocational school district shall consist of not to exceed seven members, elected from geographical districts which shall be as nearly equal in population as is practicable at the same time and for the same terms as are other county officials. The boundaries of the geographical districts shall be determined by the board of county commissioners or, in the case of several counties combining

to form a district, by the boards of county commissioners sitting jointly. The board or boards of county commissioners, as the case may be, shall also appoint the members of the original school board who shall serve until the next regular election of county officials. ~~The provisions of section 15-28-02 shall not apply to a school board elected or appointed in accordance with this section.~~ Such school board shall be governed by this title and shall possess all of the powers granted to a public school board by section 15-29-08 or any other provision of law, insofar as such powers are consistent with the provisions of sections 15-20.1-08 through 15-20.1-11.

SECTION 2. Incumbent members to serve terms. Incumbent members of school boards who were elected pursuant to the representation provisions of section 15-28-02 shall remain in office for the duration of their terms.

SECTION 3. REPEAL. Section 15-28-02 of the North Dakota Century Code is hereby repealed.

Disapproved April 15, 1983

Filed April 22, 1983

CHAPTER 709

HOUSE BILL NO. 1575
(Representatives D. Olsen, Swiontek)
(Senator Grotberg)

BOARDING CARE FOR HANDICAPPED STUDENTS

AN ACT to amend and reenact section 15-59-07.1 of the North Dakota Century Code, relating to boarding care for handicapped students.

VETO

April 6, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

House Bill 1575 requires the North Dakota Department of Human Services to pay both the in-state and out-of-state costs of boarding care for children in special education.

While House Bill 1575 expands the state's liability to pay boarding costs, it does not address the fiscal impact by appropriating the funds necessary to finance this liability. The fiscal note accompanying House Bill 1575 reflects a general fund impact for the 1983-85 biennium of \$1,004,475. My Executive Budget recommendation includes \$475,657 in general funds within the Department of Human Services budget (Senate Bill 2020) to defray the cost of out-of-state boarding care. For the past several years, the Department of Public Instruction has paid 60 percent of the in-state boarding care costs and the school districts have paid 40 percent. My Executive Budget recommendation includes \$317,291 in general funds within the Department of Public Instruction's budget (Senate

Bill 2002) to pay 60 percent of the in-state boarding care costs for children in special education.

Assuming the continued availability of the \$475,657 contained within Senate Bill 2020, there would exist a \$528,818 appropriation shortfall in the Department of Human Services budget for purposes of implementing House Bill 1575. If the Legislative Assembly transfers \$317,291 from the Department of Public Instruction's appropriation to the Department of Human Services appropriation, there would still exist a \$211,527 appropriation shortfall for purposes of implementing House Bill 1575. The additional \$211,527 from the general fund needed to adequately fund the intent of House Bill 1575 is outside the Executive Budget.

The mandate of House Bill 1575 creates an additional burden on the state's general fund. The state cannot afford this additional expenditure and I believe the funding recommended in the Executive Budget to be adequate to meet the basic needs of this program. Therefore, I veto House Bill 1575.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-59-07.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-59-07.1. Costs of out-of-state boarding care for handicapped students paid by the department of human services. Within the limits of legislative appropriation, the department of human services shall fund the provision cost of room and board provided on behalf of these handicapped children placed by school districts in out-of-state public or private facilities in accordance with section 15-59-07 for whom appropriate special educational services are not available within the school district of residence. The placement of handicapped children in public or private facilities will be made by school districts. Placement in congregate care will be in facilities designated by the department of human services. The department of human services, after consultation with the department of public instruction, may adopt rules necessary to carry out the purposes of this section.

Disapproved April 6, 1983

Filed April 14, 1983

CHAPTER 710

HOUSE BILL NO. 1725
(Lautenschlager)

TEACHER CENTERS GRANTS

AN ACT to provide for administration by the superintendent of public instruction of grants for the operation of teacher centers designed to develop curricula used in public schools in this state and to assist teachers from public and nonpublic schools; and to provide an appropriation.

VETO

April 5, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

House Bill 1725 authorizes the Superintendent of the Department of Public Instruction to fund grants for the operation of teacher centers in North Dakota. The bill would appropriate \$180,000 from the state general fund to the Superintendent for this purpose.

The substantive nature of House Bill 1725, the operation of teacher centers designed to develop curricula used in public schools and to improve teachers' skills, is worthwhile but the state general fund is unable to sustain such an appropriation at this time. Presently funded by private and federal sources, the state's ten teacher centers receive little financial support from local school districts although these entities benefit most from their operation. During times of fiscal uncertainty, programs of this type should stand on their own merit.

With limited general fund resources, the state cannot carry the additional burden of funding teacher centers. Teacher training centers should be funded either by participating school districts or by funds sent through foundation aid payments. Therefore, I veto House Bill 1725.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. Purpose and legislative intent. The purpose of this Act is to provide for the administration by the superintendent of public instruction of grants for the operation of teacher centers designed to develop and produce curricula to meet the needs of students and teachers in communities or areas served, including the use of educational research findings or new or improved methods, practices, and techniques in the development of curricula. Teacher centers provided for in this Act are also intended to provide training to improve the skills of teachers to enable them to meet the special educational needs of persons they serve, and to familiarize teachers with developments in curriculum development and educational research, including the manner in which the research can be used to improve their teaching skills. The success of the teacher center program as it existed in this state while it was federally funded is recognized, and it is the intent of the legislative assembly that existing teacher centers continue to serve the communities or areas for which they have provided assistance, and that additional teacher centers be established in other areas or communities of this state.

SECTION 2. Teacher center grants administered by the superintendent of public instruction - Rules - Priority. The superintendent of public instruction may make grants to governing bodies of operating public school districts of this state to assist in planning, establishing, and operating teacher centers. For the purposes of this section, the term "teacher center" means any location or locations operated by one or more school district governing bodies which serve teachers, from public and nonpublic schools of this state, in which teachers, with the assistance of any consultants and experts as may be necessary, may:

1. Develop and produce curricula designed to meet the educational needs of the persons in the community or area being served, including the use of educational research findings or new or improved methods, practices, and techniques in the development of such curricula; and
2. Provide training to improve the skills of teachers to enable them to better the special educational needs of

persons they serve, and to familiarize teachers with developments in curriculum development and educational research, including the manner in which the research can be used to improve their teaching skills.

The superintendent of public instruction may establish rules to govern grant eligibility and operations of teacher centers provided for by this Act, but priority in grant allocation shall be given to applicant school district governing bodies within whose jurisdictions teacher centers have operated pursuant to section 532 of title V-B of the Higher Education Act of 1965, as enacted by section 153 of the Education Amendments of 1976 [Pub. L. 94-482; 20 U.S.C. 1119a].

SECTION 3. Teacher center policy board - Functions - Composition.

Each teacher center shall be operated under the supervision of a teacher center policy board, the majority of which is representative of elementary and secondary classroom teachers to be served by the center fairly reflecting the makeup of all schoolteachers, including special education and vocational education teachers. Teachers referred to in this section must be regular, full-time classroom teachers engaged in teaching elementary or secondary school students. The teacher center policy board shall also include in its membership individuals representative of, or designated by, the governing bodies of one or more school districts in the area served by the teacher center.

Teacher members of the policy board shall be selected by a vote in which all public and nonpublic school teachers in the area served by the teacher center have an opportunity to participate, either directly or through a general or school-by-school election.

SECTION 4. Application requirements for teacher center grants. Any governing body of one or more public school districts encompassing an area proposed to be served by a teacher center as provided for in this Act must make application for a teacher center grant to the superintendent of public instruction. The superintendent may establish by rule requirements for applicants for grants under this Act, but in all cases each application for a grant must include:

1. Designation of the specific area, including school districts and schools, both public and nonpublic, proposed to be served by the teacher center.
2. Documentation that a teacher policy board has been established, including information on the membership of the board and the method of its selection, and has participated fully in the preparation of the application and has approved it as submitted.
3. A statement of the means for assuring equitable participation by nonpublic school teachers on the teacher center policy board and in receiving the center's services, or documentation that there is no nonpublic

school in the area to be served by the teacher center, or that nonpublic schools in the area have chosen not to participate.

4. A one-page abstract of proposed projects and activities to be undertaken by the teacher center.
5. A proposed plan of operation which must include a statement of the special educational needs of the students to be served by teachers participating in the teacher center, and an explanation of how those needs were determined.

SECTION 5. Costs allowable for the operation of a teacher center. Allowable costs for the operation of a teacher center under a grant provided pursuant to this Act include:

1. Personnel costs related to the management of the centers.
2. Services provided by consultants and experts.
3. Released time or payment for substitutes to enable teachers to participate in activities of the teacher center policy board, but not including expenses of preparing an application for a grant made under the teacher center program provided for by this Act.
4. Service contracts, including service contracts with institutions of higher education.
5. Other direct and indirect costs incurred by the recipient of a grant under this Act in carrying out its approved plan of operation.

SECTION 6. Technical assistance to be provided by the superintendent of public instruction. The superintendent of public instruction shall provide technical assistance in the development and operation of teacher center programs provided for under this Act and shall regularly review the progress and activities of teacher centers.

SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$180,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of funding grants for the establishment and operation of teacher centers as provided in this Act, for the biennium beginning July 1, 1983, and ending June 30, 1985.

Disapproved April 5, 1983

Filed April 14, 1983

CHAPTER 711

SENATE BILL NO. 2178
(Committee on Education)

(At the request of the Superintendent of Public Instruction)

STATE SCHOOL AID

AN ACT to amend and reenact section 15-40.1-02 of the North Dakota Century Code, relating to state school aid appropriation.

VETO

March 18, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

While I favor and would approve under other circumstances the concept embodied in Senate Bill 2178, its approval at this time would in effect alter my present recommendations to the Legislative Assembly regarding foundation aid support for elementary and secondary education.

Senate Bill 2178 would separate the state tuition fund payments made pursuant to the Constitution from the statutory foundation aid. My recommendation presently before the Assembly calls for aid on the basis of \$1,400 per pupil. If Senate Bill 2178 were approved by me, my recommended foundation aid would be increased indirectly by the amount to which elementary and secondary schools are entitled from the "tuition" payments. Such an effect at this time would be contrary to my intent and recommendations until such time as

over-all agreement has been reached on these specific funding issues.

Therefore, I veto Senate Bill 2178.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-02. State school aid - Appropriation. All payments authorized by this chapter shall be made by the state treasurer out of the general fund of the state within the limits of legislative appropriation. Funds distributed to each school district pursuant to section 2 of article IX of the Constitution of North Dakota are hereby appropriated and shall constitute state aid to meet the educational cost per pupil in elementary and secondary schools.

Disapproved March 18, 1983

Filed April 14, 1983

CHAPTER 712

SENATE BILL NO. 2339
(Senators Redlin, Lips)
(Representatives Knudson, Sinner)

CENTENNIAL HERITAGE SERIES

AN ACT to require the director of the institute for regional studies of North Dakota state university to compile, publish, and distribute four general volumes of history in the series "The Centennial Heritage Series"; an agricultural history, a social history, a literary history, and a history of North Dakota native Americans; and to provide an appropriation.

VETO

March 29, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2339 provides for an appropriation of \$12,500 from the general fund to defray the expense of the second volume of "The Centennial Heritage Series" to be published and distributed by the Institute for Regional Studies at North Dakota State University. "The Centennial Heritage Series" is a project instituted by the North Dakota Humanities Council to publish a series of books concerning the state's history and culture for the purpose of celebrating North Dakota's Centennial in 1989. The first volume of "The Centennial Heritage Series" entitled "The North Dakota

Political Tradition" was funded by grants from the North Dakota Humanities Council.

The Humanities Council has received \$300,000 for fiscal year 1983 from the National Endowment for the Humanities for the purpose of awarding grants for humanities programs. This amount is \$30,000 over and above what the Council expected, providing it with the most money ever for a comparable period. It is the function of the North Dakota Humanities Council to fund grants for the promotion of the humanities and it has adequate funding for this purpose. Therefore, if the Council is still committed to the integrity of this project, it should provide appropriate funding. In light of available funding from the Humanities Council, Senate Bill 2339 is an unnecessary expenditure from the general fund.

Therefore, I veto Senate Bill 2339.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. FOUR VOLUMES IN THE CENTENNIAL HERITAGE SERIES.

The director of the institute for regional studies of North Dakota state university shall compile, publish, and distribute general histories of North Dakota society, culture, agriculture, and North Dakota native American culture. The four histories shall be published and distributed in accordance with rules adopted by the director of the institute for regional studies pursuant to chapter 28-32.

SECTION 2. APPROPRIATION. There is hereby appropriated out of the general fund the sum of \$12,500, or so much thereof as may be necessary, to the North Dakota state university of agriculture and applied science for use by the institute for regional studies for the purpose of compiling, publishing, and distributing general histories of North Dakota society, literature, agriculture, and North Dakota native American culture in the centennial heritage series for the biennium beginning July 1, 1983, and ending June 30, 1985.

The director of the institute for regional studies shall be authorized to seek matching funds from the national endowment for the humanities in carrying on this project. Any such matching funds that may be received are hereby appropriated for such project in accordance with this Act.

The appropriations provided in this Act shall not be subject to the provisions of section 54-44.1-11.

Disapproved March 29, 1983

Filed April 14, 1983

CHAPTER 713

SENATE BILL NO. 2355
(Senators Erickson, Tallackson)
(Representative Horgan)

MULTIDISTRICT VOCATIONAL CENTERS

AN ACT to provide an appropriation to the state board for vocational education for the purpose of making payments to school districts participating in a multidistrict vocational center.

VETO

April 8, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2355 provides for an appropriation of \$250,000 from the general fund to the North Dakota State Board for Vocational Education for the purpose of making payments to school districts participating in a multidistrict vocational center.

The State Board for Vocational Education budget (House Bill 1006) provides for a general fund appropriation of \$14,101,726 to the Board for Vocational Education. In addition to this amount, House Bill 1006 acknowledges \$7,510,003 in federal funding for a total State Board for Vocational Education budget of \$21,611,729. In light of limited state revenues and what I consider to be adequate funding to the Board, through House Bill 1006, Senate Bill 2355 is an expenditure not supportable by the general fund at this time.

Therefore, I veto Senate Bill 2355.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the state board for vocational education for the purpose of making payments to school districts participating in multidistrict vocational centers, for the biennium beginning July 1, 1983, and ending June 30, 1985.

Disapproved April 8, 1983

Filed April 14, 1983

CHAPTER 714

SENATE BILL NO. 2436
(Erickson)

ARBITRATION OF GRAIN WAREHOUSE LEASE RENEWAL

AN ACT to create and enact a new section to chapter 60-06 of the North Dakota Century Code, relating to arbitration by the public service commission of proceedings for renewing grain warehouse leases on railroad rights of way; and to amend and reenact section 32-29-01 of the North Dakota Century Code, relating to authorization of arbitration; and to provide an appropriation.

VETO

March 18, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2436 is an attempt to provide a mechanism whereby grain elevators and railroads can settle pricing disputes without litigation and great expense. Senate Bill 2436 amends section 32-29-01 of the North Dakota Century Code by authorizing parties to "submit to arbitration the question of the claiming of an easement to erect or maintain a public warehouse on a railroad right of way." The mechanics of such arbitration are provided in a new section to chapter 60-06 of the North Dakota Century Code. This section states that the Public Service Commission shall serve as an arbitrator in accordance with chapter 32-29.

Section 3 of Senate Bill 2436 provides for an appropriation of \$2,500 from the general fund to the public utility valuation revolving fund. This appropriation has no relation to the substantive sections of House Bill 2436 and is unnecessary. Under this arbitration process, parties requesting an arbitration proceeding would pay all expenses of the proceeding. All costs and expenses collected by the Commission would be deposited in the public utility valuation revolving fund for payment of such costs. In addition, the public utility valuation revolving fund has a present balance of approximately \$33,000.

Senate Bill 2436 is therefore signed as approved with the exception of section 3 which I veto.

Sincerely,

ALLEN I. OLSON
Governor

Disapproved March 18, 1983

Filed March 18, 1983

NOTE: For the full text of Senate Bill No. 2436 containing section 3, see chapter 675.

CHAPTER 715

SENATE BILL NO. 2476
(D. Meyer, Kusler)

RESIDENCY REQUIREMENT FOR FISHING LICENSE

AN ACT to amend and reenact subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to the residency requirements for obtaining fishing licenses.

VETO

March 18, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2476 would change the residency requirement for obtaining a resident fishing license from six months to 30 days. Hunting license residency requirements would remain at six months.

The North Dakota Game and Fish Department issues either a resident or nonresident fishing, hunting and fur bearer certificate. Fishing and hunting stamps are purchased and attached to the license certificate. At present, the uniform six-month residency requirement for all Game and Fish Department licenses provides for uniform administration and enforcement change provided by Senate Bill 2476 will complicate administration of the license system and enforcement of hunting and fishing residency laws. This proposed bifurcated system of fishing and hunting residency requirements is unnecessary because the Game and Fish Commissioner has the authority

to waive such requirements for persons who establish their intention to become a permanent resident.

If changes are made in fishing and hunting license residency requirements, such changes should provide for identical requirements to ensure uniform administration and enforcement of license requirements. Therefore, I veto Senate Bill 2476.

Sincerely,

ALLEN I. OLSON
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 20.1-03-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. That the applicant has been a bona fide state resident for at least six months, or, for an application for a resident fishing license, that the applicant has been a bona fide state resident for at least thirty days.

Disapproved March 18, 1983

Filed April 14, 1983