

MEASURES APPROVED OVER GOVERNOR'S VETO

CHAPTER 531

SENATE BILL NO. 2055

(Senator Wardner
(Representative Pollert)

AN ACT to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the establishment of the budget section; to amend and reenact sections 15-03-04, 15-10-12.1, 20.1-02-05.1, 20.1-02-16.1, 25-04-02.2, 37-17.1-27, 40-23-22.1, 47-30.1-24.1, 48-01.2-25, subsection 16 of section 50-06-05.1, subsection 18 of section 50-06-05.1, and sections 54-06-37, 54-27-22, 54-27-23, 54-44.1-13.1, 54-59-05, and 65-08.1-02 of the North Dakota Century Code, relating to agency requests for budget section approval; and to repeal section 1 of chapter 67 of the 2013 Session Laws, relating to the authority of the state board of agricultural research and education to sell certain real property.

VETO

April 9, 2018

The Honorable Brent Sanford
President of the Senate
North Dakota Senate
State Capitol
Bismarck, ND

Dear President Sanford:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2055 and return it to the Senate unsigned.

Last year, the North Dakota Supreme Court reaffirmed the separation of powers and resolved a dispute between the legislative and executive branches in North Dakota Legislative Assembly v. Burgum, 916 N.W.2d 83. The Court held the legislative assembly "may not delegate to another body the power to make law - to legislate." The Constitution grants the legislative body the authority to create law and appropriate funds. These duties cannot be delegated to a subset of legislators, such as the budget section, which consists of 42 of the legislature's 141 members.

Senate Bill 2055 is fundamentally flawed because it disregards the Supreme Court's ruling and enshrines the budget section's unconstitutional practice of acting as a mini-legislature.

The purpose, powers and duties of the budget section, as proposed in Section 15 of Senate Bill 2055, ignore the Supreme Court's guidance and further undermine the constitutional duty of the executive branch to carry out laws passed by the full legislature.

Instead of addressing the issue raised in *Assembly v. Burgum* and properly balancing authority between the branches of government, Senate Bill 2055 makes the problem worse. For the reasons explained herein, I return Senate Bill 2055 to the Senate, unsigned.

Regards,

Doug Burgum
Governor

Disapproved April 9, 2019

Filed April 16, 2019

NOTE: The Governor's veto of Senate Bill No. 2055 was not sustained. For the text of Senate Bill No. 2055 as approved, see chapter 438.