

VETOED MEASURES

CHAPTER 588

SENATE BILL NO. 2031
(J. Schultz, Shablow)
(From Legislative Council Study)

COAL DEVELOPMENT REVIEW COMMITTEE

AN ACT to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected and to provide an impact program for impacted school districts, cities, counties, and other taxing districts; to provide for the creation of a coal development impact office in the office of the governor; to provide for a legislative council coal development review committee to approve or disapprove impact grants; to provide that certain sections of this Act shall be temporary; to provide a penalty; and to provide an appropriation.

VETO

April 10, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

Senate Bill 2031 is an act to provide for a 50 cents per ton severance tax upon all coal mined in the State of North Dakota and to provide for the allocation of moneys so collected.

The bill is the result of a partially successful attempt for the past two years to secure passage of a percentage severance tax in the range of 30-33 1/3 percent. The legislative history began two years ago with the passage, and my subsequent veto, of a 5 cents per ton coal severance tax to be effective July 1, 1975. The bill was vetoed because it was discriminatory, because it raised too little revenue in terms of a fair tax for our state, and because it would not go into effect until after the 1975 session had met.

The Legislative Council Committee on Finance and Taxation met during the interim to develop a taxation bill for consideration by the 44th Legislative Assembly. After studying the final drafts of the Committee bill, I, along with others concerned with securing an adequate sever-

ance tax, began work to draft alternative legislation. That legislation (HB 1585), the details of which were specifically outlined in my Message to the Legislative Assembly, contained two major provisions:

- a. Phased implementation of a 30% severance tax on the value of coal; and
- b. Repeal of the 4% sales tax on electrical energy for North Dakota consumers.

These proposals (less the concept of phased implementation) were re-emphasized in a special message to the Legislature on March 4, 1975.

House Bill 1585 was rejected early in the session, and the majority party continued to talk in terms of a flat cent-per-ton severance tax. Early proposals for a 25 cents per ton severance tax finally gave way to the 50 cents per ton rate after support for the administration proposal became evident.

A token gesture to those advocating a percentage severance tax is the provision for adjustments in the rate of tax based on the index of wholesale prices for all commodities which is prepared by the United States Department of Labor, Bureau of Labor Statistics. While this is at least a recognition of the concept of a percentage severance tax, it is a totally unrealistic factor to use in calculating the impact of inflation on the price of coal or the severance tax rate.

While not favoring the flat cent-per-ton severance tax as embodied in SB 2031, I am permitting it to become law without my signature since it is a beginning which, hopefully, will be realistically modified to an adequate percentage tax rate accompanied by the repeal of sales tax on electricity to North Dakota consumers.

However, I do consider Section 15 of Senate Bill 2031 to be an unnecessary expansion of government. This section would establish a Legislative Council Coal Development Review Committee to review and approve or disapprove, in whole or in part, the decisions on grants made by the Coal Development Impact Office. I consider this to be another intrusion of the legislative branch into the constitutional responsibilities of the executive branch.

Therefore, I will permit Senate Bill 2031 to become law without my signature, except for Section 15 which I veto. In doing so, it is my intent, pursuant to Subsection 4 of Section 14, that the Coal Development Impact Office will make grants to counties, cities, school districts and other taxing districts without approval of any Legislative Council Committee.

Sincerely yours,

ARTHUR A. LINK
Governor

NOTE: For the full text of Senate Bill No. 2031 containing section 15, see chapter 563.

Disapproved April 10, 1975

Filed April 11, 1975

CHAPTER 589

SENATE BILL NO. 2066
(Gronhovd)
(From Legislative Council Study)

TIRE TREAD DEPTH

AN ACT to create and enact a new subsection to section 39-21-40 of the North Dakota Century Code, relating to restrictions as to tire equipment.

VETO

April 6, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

Senate Bill 2066 prohibits the operation of a passenger car or pickup with unsafe tires, or with tires which have a tread depth of less than two-thirty-seconds of an inch.

This legislation is in response to statistics which indicate that a tire with only 2/32-inch tread depth can lose certain of its original stopping ability on wet pavement, and that worn tires are more susceptible to failure, particularly at highway speeds.

I support the concept of this measure as it relates to the operation of motor vehicles on paved highways at highway speeds. Continuing study should be given to development of such safety legislation. However, this legislation does not address itself to the concerns of the many uses of off-highway vehicles in North Dakota. While we do have up to 55-mile-per-hour speeds on our interstate and other paved highways, a significant number of passenger cars and pickups are utilized solely for off-paved-highway use or off-road use altogether. Such uses do not require tires of comparable quality and tread depth as is needed for the higher speeds of paved highways.

As passage of this bill, in its present form, would cause many operators of off-highway passenger cars and pickups to make sizeable investments for tires in order to legally operate such vehicles, I am vetoing Senate Bill 2066.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1.) A new subsection to section 39-21-40 of the
North Dakota Century Code is hereby created and enacted to read
as follows:

No person shall operate any passenger vehicle or
pickup truck when one or more of the tires in use on that vehicle
is in unsafe operating condition or has a tread depth less than
two thirty-seconds of an inch measured in any two adjacent tread
grooves at three equally spaced intervals around the circumference
of the tire, but such measurements shall not be made at the loca-
tion of any tread wear indicator, tie bar, hump, or fillet.

Disapproved April 6, 1975

Filed April 9, 1975

CHAPTER 590

SENATE BILL NO. 2175
(Melland)

LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

AN ACT creating and enacting three new sections to chapter 54-35
of the North Dakota Century Code, relating to the powers
and duties of the legislative council.

VETO

March 18, 1975

The Honorable Wayne G. Sanstead
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2175 would create a Legislative Council committee on
administrative rules whose purpose would be, among other things,
to study and review administrative rules and regulations to assure
that executive branch agencies are following legislative intent.

I consider this legislation objectionable for three primary reasons:

1. It is contrary to the separation of powers doctrine inherent
in the North Dakota Constitution. Section 25 of the Consti-

tution states that "legislative power of this state shall be vested in a legislature" while Section 75 states that the Governor "shall take care that the laws be faithfully executed". The relationship is clear: the legislature establishes policy and law, but the Governor supervises execution of the law. Here, however, Senate Bill 2175 would create a legislative oversight committee to supervise the details of executive branch operations.

2. Section 1 of the bill states that the committee shall "assure that administrative agencies are properly carrying out the intent of legislation enacted by the legislative assembly". Legislative intent should be readily discernable from statutes or from the expressions of the legislature at the time of passage (e.g., journals and committee minutes), rather than interpreted and reinterpreted by a legislative committee at a later date.
3. The bill contains no express legislative statement justifying the need for this kind of government expansion.

For the above reasons, I veto Senate Bill 2175.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1.) A new section to chapter 54-35 of the North Dakota Century Code is hereby created and enacted to read as follows:

LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES.) For the purpose of studying and reviewing administrative rules and regulations; to assure that administrative agencies are properly carrying out the intent of legislation enacted by the legislative assembly; and to provide the legislative assembly with information and recommendations regarding the regulations, policies, and practices of state agencies, the legislative council shall create a committee on administrative rules, which shall operate as herein provided and under such rules and procedure as the legislative council shall deem necessary and practical, and not inconsistent herewith.

SECTION 2.) A new section to chapter 54-35 of the North Dakota Century Code is hereby created and enacted to read as follows:

AGENCY RULES - COPIES TO BE FILED WITH LEGISLATIVE COUNCIL COMMITTEE ON ADMINISTRATIVE RULES.) Every administrative agency, as defined by subsection 1 of section 28-32-01, shall submit its rules and regulations, as that term is defined by subsection 2 of section 28-32-01, to the committee on administrative rules as provided herein.

1. Rules and regulations approved by the attorney general prior to July 1, 1975, shall be filed with the committee

within ninety days of the effective date of this Act.

2. Rules and regulations which are proposed for adoption by any agency upon or after July 1, 1975, shall be filed with the committee within ninety days of the date upon which such rules and regulations are filed in the office of the attorney general.

The failure of an administrative agency to file any rule or regulation with the committee as required by this section shall not affect the validity of such rule or regulation.

SECTION 3.) A new section to chapter 54-35 of the North Dakota Century Code is hereby created and enacted to read as follows:

REVIEW OF REGULATIONS BY COMMITTEE - RECOMMENDATIONS - VALIDITY OF MATERIAL REVIEWED.) The committee shall review and examine agency rules and regulations filed with it pursuant to this Act, and, in addition, may review published opinions of state and federal courts, to determine whether or not:

1. Administrative agencies are properly implementing legislative purpose and intent, or
2. There are court or agency expressions of dissatisfaction with state statutes or rules and regulations of administrative agencies promulgated pursuant thereto.

The committee may recommend to the legislative assembly that enabling legislation serving as authority for rules and regulations, or rules and regulations promulgated pursuant thereto, be repealed or amended in such manner as it deems necessary. The recommendations or opinions of the committee shall not in any way affect the legality of any rule, regulation, or statute, as determined by the attorney general.

Disapproved March 18, 1975

Filed March 24, 1975

CHAPTER 591

SENATE BILL NO. 2335
(Morgan)

PROPORTIONATE SCHOOL DISTRICT TAX RATE REPEAL

AN ACT to repeal sections 15-53.1-37 and 15-53.1-38 of the North Dakota Century Code, relating to proportionate tax rates in reorganized school districts and for the alteration of proportionate rates; and to provide that such repeal shall be effective on districts with proportionate tax rates.

VETO

April 10, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

Senate Bill 2335 repeals North Dakota Century Code Sections 15-53.1-17 and 15-53.1-38 which allow proportionate tax rates in reorganized school districts. The bill is to apply to present proportionate tax rates beginning with taxes levied for 1975.

The sections to be repealed provide the following process for reorganization:

1. Where any school district is in the process of being reorganized, the county committee for the reorganization of school districts shall include in its reorganization plan a recommendation for a proportionate rate of tax for school purposes to be levied on and between agricultural land and personal property having taxable status on agricultural land as one class of property within the proposed reorganized school district, and other taxable property as a second class of property in the same school district, where an unequal tax burden would result from a uniform rate of tax on all property in the district.
2. The proportionate rate between classes of property shall be approved, disapproved, or adjusted by the state committee for the reorganization of school districts.
3. After approval or adjustment by the state committee, the proportionate rate of tax between the two classes of property shall not be altered by the school board of the new district without approval by vote of a majority in each class of the respective taxpayers affected.

The two sections provide for an election within the school district to alter the proportionate rate of tax between the two classes of property.

In an opinion dated February 13, 1975, the Attorney General stated:

"The provisions of Sections 15-53.1-37 and 15-53.1-38, when implemented, do not form the basis of a legally-binding contract. There are similarities to a contract but, in our opinion, constitutional provisions relating to contracts would probably not be affected by SB 2335."

Perhaps the provisions of the two sections, when implemented, do not form the basis of a legally-binding contract; however, I consider it a relationship that was entered into in good faith and if changes are necessary, they should be effected at the local level.

Therefore, I veto Senate Bill 2335.

Sincerely yours,

ARTHUR A. LINK
Governor

Disapproved April 10, 1975

Filed April 11, 1975

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

SECTION 1. REPEAL.) Sections 15-53.1-37 and 15-53.1-38 of the North Dakota Century Code are hereby repealed.

SECTION 2. EFFECT OF REPEAL ON SCHOOL DISTRICTS WITH PROPORTIONATE TAX RATES.) The repeal of sections 15-53.1-37 and 15-53.1-38 shall be effective for all school districts which have proportionate tax rates established pursuant to the provisions of those sections, and such proportionate tax rates shall not be effective beginning with taxes levied for 1975.

CHAPTER 592

SENATE BILL NO. 2435
(Committee on Appropriations)

LIMITATIONS ON STATE EMPLOYMENT

AN ACT to control the size of state government and the number of persons employed by the state, and to file quarterly reports.

VETO

March 25, 1975

The Honorable Wayne G. Sanstead
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

Senate Bill 2435 would preclude state government from providing maximum services to the citizens of North Dakota at minimal direct cost. It would prohibit state agencies, departments, or institutions of the executive branch (note that this does not include the legislative branch) from utilizing 100% federally-funded employees through such programs as the Public Employment Program (PEP) and the Public Service Employment component of the Comprehensive Employment and Training Act of 1973. During the fiscal year 1975 alone through these two programs,

some 450 persons have been employed in the legislative, executive, and judicial branches of government at a saving to North Dakota in excess of \$2 million. These dollars, instead, are provided through these programs because the state is willing to make available short-term training opportunities for citizens of the state who are disadvantaged or who are in need of work experience.

A report on public service employment in state government for six months ending December, 1974, indicates the following:

- a. "With \$379,000 available to state agencies to hire personnel under the Public Employment Program (PEP) since July 1, 1974, 26 state agencies have hired 84 full-time employees through the first six months of the nine-month program. These people are working for salaries between \$400 - \$1000 per month; the average full-time salary is \$570 a month. Student-veteran part-time positions, totalling 87, have also been filled. The average salary for these part-time positions is under \$250 per month. State agencies taking advantage of this 100% federally-funded program include State Radio, Highway Department, Employment Security Bureau, State Health Department, School for the Deaf, State Hospital, Vocational Rehabilitation, State Planning Department, Governor's Office, State Laboratory, State Historical Society, State School of Forestry, Heritage Commission, School for the Blind, North Dakota State University, North Dakota State School of Science, University of North Dakota, Dickinson State College, Veterans Affairs, UND-Williston, Minot State College, State Park Service, Vocational Education, Valley City State College, Motor Vehicle, and Department of Agriculture. Those hired are working as bookkeepers, accountants, computer programmer, clerical aides, research and administrative assistants, maintenance men, secretaries, psychiatric aides, cooks, teachers, equipment operators and in similar capacities."
- b. "Utilizing \$540,000 of federal funding available under Title II of the Comprehensive Employment and Training Act of 1973, 24 state agency requests for personnel have been approved. Some 67 people have been employed full-time as teachers, building supervisors, secretaries, administrative assistants, ward attendants at state institutions, correction officers and in similar positions. An additional 23 positions for part-time student veterans have also been filled. Full-time employees receive between \$350-\$825 a month. Full-time salaries average \$600 a month, while part-time position salaries average under \$250 a month. Agencies requesting and hiring public service employees under this 100% federally-financed program include Industrial School, State Highway, Legislative Council, State Penitentiary, State Health, State Hospital, Governor's Council, Indian Affairs, Social Services, Dickinson State College, Energy Management, State Laboratory, Bicentennial Commission, Office of the Governor, Water Commission, UND-Williston, State School of Forestry, Lt. Governor, Minot State College, Mayville State College, NDSU, School for the Blind, Grafton State School, and ND State School of Science."

The current law provides, among other things, that participants in various federal public employment programs may be allowed to work

for state government provided no obligation is incurred on the part of the state:

54-16-04.1. MAY AUTHORIZE ACCEPTANCE AND DISBURSEMENT OF CERTAIN MONEYS.) The emergency commission with the advice and counsel of the executive office of the budget may authorize the state treasurer to receive, between legislative sessions, any moneys for new programs not appropriated by the legislative assembly that are made available by the federal government, or any agency thereof, which the legislative assembly has not indicated an intent to reject. The emergency commission may authorize any state agency, department, board, or institution to expend such moneys from the date such moneys become available until July first following the next regular legislative session; provided such expenditures must be consistent with the state law and with the terms of the grant, and provided further that the program shall not commit the legislative assembly for matching funds for future bienniums unless the program has first been approved by the legislative assembly. No department, institution or agency shall expend funds received from the federal government which have not been specifically appropriated by the legislative assembly except as provided in this chapter.

This statute provides adequate safeguard against unchecked growth in the size of state government while permitting state agencies, departments, and institutions to take advantage of federal dollars which may be made available for public service employment programs.

With limited employers in the state, it is appropriate that state government be included among the employment opportunities for our citizens. The state should have the opportunity to train these individuals when federal funds are available so qualified, experienced personnel will be available to fill vacant and necessary new positions in public and private sectors.

Therefore, I veto Senate Bill 2435.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the size of state government expenditures be controlled through the anticipation and most expeditious use of federal and other special fund revenues by each state agency, department, and institution. It is the further intent of the legislature that each agency, department, and institution of the executive branch of government of the state shall not employ personnel which would require funds in excess of amounts approved in appropriation acts of the legislative assembly for such agency, department, or institution except in those instances where an emergency exists or where circumstances not anticipated by the legislature call for personnel to be employed to meet the needs of such emergency or circumstances.

SECTION 2. QUARTERLY REPORTS.) Each state agency, department, and institution of the executive branch of government

shall file a written report quarterly with the executive office of the budget outlining the number of employees, vacant positions, and the source of funds used to employ persons for vacant positions when such positions are filled. The executive office of the budget shall present quarterly to the legislative council committee on budget a report on the information relevant to this Act filed with such office.

Disapproved March 26, 1975

Filed April 15, 1975

CHAPTER 593

HOUSE BILL NO. 1101
(Atkinson)

VOTER REGISTRATION

AN ACT to provide that all electors must be registered prior to being authorized to vote in any statewide special, primary, or general election; supervision of the registration process by county auditors; and the method of registration; and to amend and reenact sections 16-04-25, 16-04-26, 16-10-14, 16-11-10, 16-11-13, 16-11-16, 16-12-14, 16-13-02, 16-13-07, and 16-13-09 of the North Dakota Century Code, relating to maintenance and distribution of pollbooks and challenging the right of any person to vote; and providing a penalty.

VETO

April 8, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

House Bill No. 1101 requires the registration of voters in North Dakota. Initial registration would be conducted at both the primary and general elections in 1976. Subsequently, registration would be open until five days prior to any statewide primary, general, or special election. The bill provides that the registration would be permanent, although names would be purged from the registration lists if a person did not vote in two consecutive general elections. Such registration lists would be available to the public, but only for political and not for commercial purposes.

This legislation offers no improvement in our election law. Rather, it appears to be a significant movement away from securing more active participation of the electorate. The low percentage of

eligible voters who actually vote clearly indicates we do not need complicated registration legislation which will tend to reduce even further the number of citizens who vote.

A need for voter registration could exist if there were irregularities or fraud in North Dakota elections. There has been no indication nor evidence of such election problems to justify this legislation.

We need legislation to make the ballot more accessible to the citizen. We do not need additional roadblocks to keep voters from the polls. Therefore, I veto House Bill 1101.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. REGISTRATION OF ELECTORS REQUIRED.) Every person residing within the state who has the qualifications of an elector, or who will have such qualifications at the next ensuing statewide special, primary, or general election, shall be registered in the election precinct in which that person resides in order to be entitled to vote at any statewide special, primary, or general election. Subject to sections 7 and 8 of this Act, the registration of an elector shall be permanent.

SECTION 2. REGISTRATION FIRST REQUIRED FOR 1978 PRIMARY ELECTION - INITIAL REGISTRATION DURING 1976 PRIMARY AND GENERAL ELECTIONS.) The requirements of registration as an elector shall first apply to the 1978 statewide primary election. Initial registration of electors may be made at any time prior to the closing of registration prior to the 1976 general election; however, registration of electors shall be conducted at the polls during the 1976 statewide primary and general elections.

SECTION 3. COUNTY AUDITORS TO SUPERVISE ELECTOR REGISTRATION - POWERS AND DUTIES.) The county auditor of each county shall be responsible for and supervise the registration of electors and purgation of elector registers within their respective counties. For this purpose, the county auditor shall:

1. Maintain a complete elector register of all qualified registered electors within the county by precinct.
2. Delete the name of any elector who is deceased or who is no longer qualified to vote in the precinct where currently registered as may be provided by law and notify the elector of such action and the reason therefor within fifteen days following such action.

SECTION 4. COUNTY AUDITOR MAY APPOINT DEPUTY REGISTRARS.) The county auditor may appoint deputy registrars for the purpose of assisting with the registration of electors.

SECTION 5. FORMS FOR REGISTRATION TO BE PRESCRIBED BY SECRETARY OF STATE.) The secretary of state shall prescribe the forms to be used for registration of electors which shall include the elector's name, address, date of birth, and such other information as the secretary of state may deem necessary to assure accurate and reliable elector registration. No designation of political party affiliation shall be required to be noted or indicated on the registration form. Sufficient registration forms shall be made available in each precinct at the 1976 statewide primary and general elections so that each person who votes in those elections may register. The secretary of state shall also prescribe the forms to be used for purgation of elector registers and the form and type of elector registers to be maintained by the county auditors. Such elector registers may be solidly bound, or may be looseleaf, or may consist of file cards, data processing cards, addressograph plates, or such other form and type as may be authorized by the secretary of state.

SECTION 6. REGISTRATION.)

1. Any person may register as an elector during the period registration is open if the person has, or will have on the day of the next statewide special, primary, or general election, the qualifications of an elector.
2. Except for the initial statewide registration at the 1976 statewide primary and general elections as provided in section 2 of this Act, the county auditor shall close registration five days prior to any statewide special, primary, or general election. During the time when registration is closed preceding any election, a person may register and the county auditor shall keep the registration in a separate file until registration is open after that election. At that time, all registrations in the separate file shall be placed in their proper position in the elector registers.
3. Any person may register as an elector in person or by mail with the office of the county auditor at any time prior to the closing of registration. Application shall be made to the county auditor in writing on the form prescribed by the secretary of state. Upon receipt of the form, properly filled out and signed by the applicant, the county auditor shall register the person as an elector.

SECTION 7. TRANSFER OF REGISTRATION.)

1. When an elector changes residence from one precinct to another within the county, the county auditor shall, upon application of the elector in person or by mail, transfer the elector's registration record to the proper precinct.
2. When the boundaries of a precinct are changed so as to place a registered elector in a new or different precinct, the county auditor shall automatically transfer the elector's registration record

to the proper precinct and mail the elector a notice of the change.

3. Any elector whose name has been changed shall indicate the change at the precinct on election day by signing an oath, in duplicate, on forms supplied by the county auditor, indicating the change. The oaths shall be returned by the inspector of elections or one of the judges of election appointed by the inspector to the county auditor, who shall retain the original oath for the records of the auditor and give the duplicate to the elector.

SECTION 8. WHEN ELECTOR REGISTERS TO BE PURGED.) Unless an elector's name is removed from the elector register pursuant to subsection 2 of section 3 or at the written request of that elector, the county auditor shall only purge the names, from the elector register, of those electors who have failed to vote at two consecutive general elections. Any elector whose name has been purged in accordance with this section may again register to vote in accordance with the provisions of this Act.

SECTION 9. ACCESS TO REGISTRATION RECORDS.) The county auditor shall permit any person, at all reasonable hours, to inspect or make copies of any registration record without any fee. Upon request, the county auditor shall furnish to any person a copy of the registration records upon payment of the cost of providing the copy. Any person who uses elector registers or elector lists compiled therefrom for commercial purposes, or for any purpose other than election or partisan political purposes, shall be guilty of a class B misdemeanor. As used in this section, "commercial purpose" means with intent to produce a pecuniary gain through promotion or sale of a good or service.

SECTION 10. AMENDMENT.) Section 16-04-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-25. TALLY BOOKS OR SHEETS PROVIDED FOR ELECTION PRECINCTS - FORM AND CONTENTS.) Two tally books or two sets of tally sheets shall be provided for each voting precinct. Such books or sheets shall contain a column for each political party or principle having candidates to be voted for at such voting precinct. Two tally books or two sets of tally sheets for candidates on the no-party ballot shall be provided for each voting precinct. Such books or sheets shall be furnished by the county auditor at the same time and in the same manner as the elector registers and ballots are furnished. The names of the candidates shall be placed on the tally books or sheets in the order in which they appear on the official sample ballot, and in each case shall have the proper party or no-party designation at the head thereof, as the case may be.

SECTION 11. AMENDMENT.) Section 16-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-26. NOTATION OF ELECTORS WHO VOTE TO BE MADE BY CLERKS OF ELECTIONS.) The clerks of primary elections shall make a notation of the names of all persons voting at each primary

election in the elector registers in the manner prescribed by the secretary of state. The clerk shall return one elector register and one tally sheet, which shall be a part of the records and filed with other election returns. Each clerk shall be required to keep only one elector register whether or not a special election is held simultaneously with the primary election.

SECTION 12. AMENDMENT.) Section 16-10-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-10-14. CLERK OF ELECTION TO MAINTAIN ELECTOR REGISTER - CONTENTS.) Each clerk of an election shall maintain an elector register by making a notation of the names of all persons voting at such election in the manner prescribed by the secretary of state.

SECTION 13. AMENDMENT.) Section 16-11-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-10. COUNTY AUDITOR TO PROVIDE AND DISTRIBUTE BALLOTS - OTHER ELECTION SUPPLIES DELIVERED AT SAME TIME.) For each election precinct in his county, the county auditor shall provide the number of ballots for each precinct as he may deem necessary. At least five days before any election, each county auditor shall:

1. Have the ballots printed and the same may be inspected by any person at the office of such auditor.
2. Shall deliver to the inspector in each precinct the number of ballots, blanks for election returns with the proper captions, forms of oaths and certificates, and tally sheets necessary to carry out the provisions of this title.

SECTION 14. AMENDMENT.) Section 16-11-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-13. ELECTOR REGISTERS - DELIVERED BY COUNTY AUDITOR - CONTENTS - INSPECTOR OF ELECTIONS TO DELIVER.) The county auditor of each county shall deliver or cause to be delivered, by mail or other reliable method, two copies of the elector register to the inspector of elections in each election precinct in the county. With each elector register there shall be a copy of:

1. The law prescribing the qualifications of electors;
2. The provisions of this title relating to the duties of inspectors, judges, and clerks of election; and
3. The penalties imposed for offenses against the election laws.

The inspector of elections shall deliver such elector registers, or cause them to be delivered, to the clerks of election in his precinct on the date of the election.

SECTION 15. AMENDMENT.) Section 16-11-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-11-16. CITY AUDITOR TO RECEIVE RETURNS, ELECTOR REGISTERS, AND OFFICIAL STAMP.) The inspector of elections, or one of the judges appointed by him, shall deliver to the city auditor one of the statements of the returns, one of the elector registers, and the official stamp inscribed "official ballot". such officer shall preserve such stamp in his office.

SECTION 16. AMENDMENT.) Section 16-12-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-12-14. CHALLENGING RIGHT OF PERSON TO VOTE - AFFIDAVIT REQUIRED - PENALTY FOR FALSE SWEARING - OPTIONAL POLL CHECKERS.)

1. One challenger appointed and designated from each of the political party organizations shall be entitled to be in attendance at each polling place. After the 1976 statewide primary and general elections, the fact that a person is a registered elector constitutes only prima facie evidence of the right to vote and if any person offering to vote shall be challenged by one of such challengers or by any member of the board of elections, such person, unless such challenge is withdrawn, shall stand aside and shall not vote unless he makes an affidavit, acknowledged before the inspector of elections or any notary public, that he is a legally qualified elector of the precinct. The state's attorney shall investigate every affidavit immediately after the election to determine if the challenged person was a legally qualified elector of the precinct. Any person who falsely swears in order to cast his vote shall be guilty of perjury and shall be punished as prescribed in section 12.1-11-01.
2. In addition to the challenger, not more than two poll checkers appointed by the district chairman of each political party may be in attendance at each polling place, provided such poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties.

SECTION 17. AMENDMENT.) Section 16-13-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-02. BOARD OF ELECTION TO CANVASS VOTES - LOCATION - PUBLIC MAY ATTEND.) After the polls are closed, the inspector of elections and the judges shall open the ballot boxes and count and compare the ballots with the clerks' notations in the elector registers. Except as unusual and compelling circumstances may require, the vote canvass shall occur at the polling place. Should good and substantial reasons exist for the removal of the ballots and election records to another location for canvass,

such other location shall be in the same precinct and such removal shall be approved by the election board, but in no case shall the ballots be removed to another location for tally after the ballot boxes have been opened. Upon approval of a change of location by the election board as provided in this section, the approximate time and location of the canvass shall be prominently posted on the main entrance to the polling place, the ballots and records shall be moved in the presence of the election board, and the canvass as provided in this chapter shall proceed immediately upon arrival at the alternate location. If any irregularity appears, they shall proceed as is provided in this chapter. If the ballots compare and are of equal number with the notations of names on the clerks' elector registers, they shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the canvass, the votes received at such polls, and shall continue without adjournment until the canvass is completed.

SECTION 18. AMENDMENT.) Section 16-13-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-07. REPORTS AND ELECTOR REGISTERS SENT TO COUNTY AUDITOR - COMPENSATION FOR MAKING RETURNS - COUNTY AUDITOR TO FORWARD ELECTOR REGISTER TO CLERK OF UNITED STATES DISTRICT COURT AND TO THE CLERK OF THE NORTH DAKOTA DISTRICT COURT OF SAID COUNTY.) By twelve o'clock noon, of the day following an election, except in cases of emergency or inclement weather, the inspector of elections, or one of the Judges appointed by him, shall personally deliver the duplicate reports provided for in section 16-13-04 to the county auditor. The reports, carefully sealed under cover, accompanied by both of the elector registers provided for in section 16-11-13, and with the oaths of the inspector and clerks affixed thereto, shall be directed properly to the county auditor. The person making such return shall receive compensation therefor in an amount determined by the board of county commissioners as provided in section 16-10-16 and shall also be paid mileage as allowed state officials. The compensation and mileage shall be paid out of the county treasury on a warrant of the county auditor, and shall be full compensation for returning all used or voided ballots and for delivering the ballot boxes to the proper official. Within thirty days after receipt thereof following each presidential election, each county auditor shall forward one of the elector registers to the clerk of the United States district court for the district encompassing that county for his official use. The county auditor, if his duties so require, may request return of the elector register thirty days after receipt thereof by the clerk of the United States district court. The county auditor shall provide the clerk of the North Dakota district court of said county with an elector register to be used by the clerk for jury selection.

SECTION 19. AMENDMENT.) Section 16-13-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-13-09. WRAPPING AND RETURNING OF BALLOTS TO COUNTY JUDGE.) After having prepared the reports and elector registers provided for in section 16-13-07 for delivery to the county auditor, the inspector of election and judges of election shall

cause the ballots of each kind cast at such election to be smoothly spread upon a wrapper of strong durable paper of the same width as such ballots and of sufficient strength to permit its being folded so as to form a complete wrapper therefore when folded. Such ballots and wrappers then shall be folded tightly together and the said wrapper shall be pasted or glued securely at the outer end so as completely to envelop and hold such roll together. Ballots which are void shall be wrapped in a separate wrapper and shall be marked "void" on said wrapper. In the folding and sealing of said ballots, the various classes of ballots shall be kept separate. The judges shall fold in two folds and lay in tiers all ballots counted by them except those which are void and shall fold the same securely in manila wrappers not exceeding two hundred ballots to each wrapper, on which wrappers shall be endorsed in writing or print the number of the precinct and the date on which the election was held. Such wrappers shall be sealed securely with sealing wax and the name of the county stamped on the wax with a metal stamp provided for that purpose, so that said wrappers cannot be opened without breaking the seal. Such ballots, together with those found void, shall be returned either in person, by mail, or by express to the county judge.

Disapproved April 8, 1975

Filed April 10, 1975

CHAPTER 594

HOUSE BILL NO. 1103
(Atkinson)

ABSENT VOTERS' BALLOTS

AN ACT to amend and reenact sections 16-18-14, 16-18-15, and 16-18-16 of the North Dakota Century Code, relating to canvassing of absent voters' ballots received late, care and custody of absent voters' ballots, and submitting absent voters' ballots to inspector of elections.

VETO

April 5, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

Section 16-18-14 of the North Dakota Century Code presently provides that absent voters' ballots may be postmarked up to midnight of

the day prior to the date of an election and still be counted. House Bill 1103, however, would amend Section 16-18-14 to provide that such absent voters' ballots must be received by the proper official before the closing of the polls on the day of the election to be valid.

The inevitable result would be that some absentee ballots, otherwise valid and legal, would be declared ineligible for counting. This bill, then, would in effect disenfranchise a significant number of absent voters and would negate the efforts of many good citizens participating in the electoral process.

Therefore, I veto House Bill 1103.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. AMENDMENT.) Section 16-18-14 of the 1973 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-14. CANVASSING OF MAILED ABSENT VOTERS' BALLOTS RECEIVED LATE.) Upon receipt of an envelope containing an absent voter's ballot, the proper officer shall legibly stamp the envelope with the date and hour when it was received. In the case of congressional, state, or county elections, if any envelope postmarked prior to the date of the election and containing an absent voter's ballot is received by the proper officer too late to be forwarded to the proper voting precinct in time to be canvassed, the same shall be retained by him and canvassed by the canvassing board of the county of such officer at any time prior to the meeting of the state canvassing board or any adjourned meeting of said board where the same has been received by such officer in time to canvass and transmit the results to the state canvassing board. In the case of city or school district elections, if an envelope postmarked prior to the date of election and containing an absent voter's ballot is received by the officer too late to be forwarded to the proper voting precinct in time to be tabulated, the same shall be canvassed by the governing body of the city, or the school board of the school district, as the case may be, at such time as the other ballots are canvassed. Upon receipt of an envelope containing an absent voter's ballot, the canvassing board shall determine that the envelope containing the absent voter's ballot was received by the proper official before the closing of the polls on the day of the election, that such elector is qualified to vote in that precinct, and that said elector did not previously vote in that precinct on the date of the election before allowing such ballot to be tallied.

SECTION 2. AMENDMENT.) Section 16-18-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-15. CARE AND CUSTODY OF BALLOT.) Upon receipt of the envelope containing the absent voter's ballot, the proper officer forthwith shall legibly stamp the envelope with the date and hour when it was received and shall enclose the same unopened, together with the written application of such absent voter, in a larger envelope which shall be sealed securely and shall be endorsed with the name of the proper voting precinct, the name and official title of such officer, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls while the same are open". Such officer shall keep the envelope safely in his office until it is delivered by him as provided in this chapter.

SECTION 3. AMENDMENT.) Section 16-18-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-18-16. SUBMITTING BALLOT TO INSPECTOR OF ELECTIONS.) If the envelope containing the absent voter's ballot is received by the county auditor, auditor or clerk of the city, or clerk of the school district, as the case may be, prior to his delivery of the sealed package containing the official ballots to the inspector of elections of the precinct in which such absent voter resides, such ballot, after having been stamped and enclosed with the application in an envelope as required by section 16-18-15, shall be enclosed in such package and delivered therewith to the inspector of such precinct. If the official ballots for such precinct shall have been delivered to such inspector of elections at the time of the receipt by the proper officer of such absent voter's ballot, then such officer forthwith shall mail the same postage prepaid to such inspector of elections, or he, or his deputy, shall personally deliver it to such inspector.

Disapproved April 5, 1975

Filed April 7, 1975

CHAPTER 595

HOUSE BILL NO. 1113
(Erickson)

PRIMARY ELECTION DATE

AN ACT to amend and reenact section 16-04-01 of the North Dakota Century Code, relating to the date of the primary election.

VETO

April 8, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

House Bill 1113 changes the primary election date from the first Tuesday in September to the fourth Tuesday in June.

The Legislative Assembly has provided no reasonable explanation why the primary election date should be changed to the fourth Tuesday in June. A June date forces extremely early political organization, early conventions, and markedly lengthens the political season for political parties, political volunteers, and candidates. Experience has shown that a campaign exceeding four months becomes a severe drain on the candidate's time and a party's financial resources.

The present September primary date has some drawbacks. The harvest is usually in full swing and the long Labor Day weekend interferes with the usual preparations for an election.

However school has started and families are back from vacation. The weather is moderate, and voters can take a brief time on good roads to reach their polling places.

A few days later in September would be preferable to the present date, perhaps, but all things considered, the present primary election date better fits North Dakota's seasonal cycle than a June date would.

The people of North Dakota would not benefit from the proposed primary election date change. Therefore, I veto House Bill 1113.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. AMENDMENT.) Section 16-04-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-04-01. PRIMARY ELECTION - WHEN HELD - NOMINATION OF CANDIDATES - NOMINATION FOR SPECIAL ELECTIONS.) On the fourth Tuesday in June of every year in which a general election occurs, there shall be held in the various voting precincts of this state, in lieu of party caucuses and conventions, a primary election for the nomination of candidates for the following offices to be voted

for at the ensuing general election: representative in Congress, state officers, county officers, district assessors, and the following officers on the years of their regular election: judges of the supreme court and district court, members of the legislative assembly, county commissioners, and United States senators. In special elections the nominations for the officers enumerated in this section shall be made as provided in this title.

Disapproved April 8, 1975

Filed April 10, 1975

CHAPTER 596

HOUSE BILL NO. 1209
(Committee on Judiciary)
(At the request of the Attorney General)

JURISDICTION OF RELINQUISHED FEDERAL LANDS

AN ACT to create and enact section 54-01-27 of the North Dakota Century Code, relating to the acceptance of legislative jurisdiction by the state of North Dakota, over lands owned or controlled by the United States of America, where the United States of America relinquishes partially or entirely legislative jurisdiction over same.

VETO

March 25, 1975

The Honorable Robert F. Reimers
Speaker of the House
House Chambers
Bismarck, ND 58505

Dear Mr. Speaker:

It has come to my attention, since passage of House Bill 1209, that certain provisions of the bill, such as the term "non-Indian lands", may need further clarification to avoid misinterpretation and misunderstanding.

Since the bill was introduced at the request of the Veteran's Administration, and since they do not consider the matter urgent, I believe further study should be given to such legislation during the forthcoming interim period.

Therefore, with the concurrence of the Attorney General, I am

vetoing House Bill 1209.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. Section 54-01-27 of the North Dakota Century Code is hereby created and enacted to read as follows:

54-01-27. GOVERNOR AUTHORIZED TO ACCEPT LEGISLATIVE JURISDICTION WHERE SAME IS RELINQUISHED BY THE UNITED STATES OF AMERICA.) The governor of the state of North Dakota is hereby authorized, when he deems same desirable and in the public interest, to cooperate with any executive agency of the United States of America in the transfer of legislative jurisdiction from the United States of America to the state of North Dakota, on non-Indian lands, in the manner herein provided.

The United States of America must have first, in writing, requested state acceptance of a specified measure of either exclusive or concurrent legislative jurisdiction or some part thereof through an officer of the United States empowered by United States statute to cede jurisdiction, specifically describing the lands concerned. If, upon examination of such request, the governor shall deem acceptance of the specified measure of jurisdiction to be desirable and to the best interests of the state of North Dakota he shall so indicate in writing to the appropriate United States officer. The appropriate United States officer may thereupon file notice of relinquishment of jurisdiction specifying the measure of legislative jurisdiction relinquished and specifically describing the lands concerned. The governor shall thereupon execute the acceptance of such jurisdiction and shall forthwith file such notice of relinquishment and acceptance of jurisdiction in the office of the secretary of state of the state of North Dakota and the register of deeds of the county where the lands involved are located. Such relinquishment and acceptance of legislative jurisdiction shall become effective as of the date and hour of filing same with the office of secretary of state of this state and the register of deeds of the county where the lands involved are located.

Disapproved March 26, 1975

Filed March 26, 1975

CHAPTER 597

HOUSE BILL NO. 1430
(Tennefos)

POLITICAL CONTRIBUTIONS

AN ACT to amend and reenact sections 16-20-08 and 16-20-09 of the North Dakota Century Code, relating to prohibiting labor organizations, occupational and professional associations, farm organizations, and cooperative associations from using funds in political campaigns.

VETO

March 22, 1975

The Honorable Robert F. Reimers
Speaker of the House
House Chambers
Bismarck, North Dakota 58505

Dear Mr. Speaker:

House Bill 1430 would add "occupational or professional associations" and "farm organizations" to the law prohibiting political activities and contributions by corporations, "labor organizations", and cooperative associations and corporations. The addition of "occupational or professional associations" creates uncertainty of application of the prohibitions against political activity and contributions.

While laws against political contributions by corporations and labor unions have been held constitutional (Pipefitters Local Union No. 562 v. U.S., 407 U.S. 385), it has always been recognized that this is a difficult and delicate area, where only the narrowest of prohibitions could be allowed.

It is one thing to prohibit corporations and labor unions, as such, from political activity and political contributions. They are clearly defined legal entities. It is another thing to prohibit political activities by virtually all "associations" and "organizations", which are not clearly defined legal entities.

There is no precise legal definition of association. The dictionary definition of "association" is:

To join as a friend, companion, partner, or confederate; to join; combine; to unite in company; keep company; imply intimacy; unite in action; join for a common purpose.

It has no precise legal definition. The term, therefore, appears to be vague and overbroad.

In my opinion, it would be unconstitutional regulation, as clearly appears from the following statement by the United States Supreme Court in Cousins v. Wigoda, 43 L.W. 4152, (Jan. 15, 1975) at p. 4155:

The National Democratic Party and its adherents enjoy a constitutionally protected right of political association. 'There can no longer be any doubt that freedom to associate with others for the common advancement of political beliefs and ideas is a form of "orderly group activity" protected by the First and Fourteenth Amendments . . . The right to associate with the political party of one's choice is an integral part of this basic constitutional freedom.' Kusper v. Pontikes, 414 U.S. 51, 56-67 (1973). 'And of course this freedom protected against federal encroachment by the First Amendment is entitled under the Fourteenth Amendment to the same protection from infringement by the States.' William v. Rhodes, 393 U.S. 23, 31-31 (1968). Moreover, '(a)ny interference with the freedom of a party is simultaneously an interference with the freedom of its adherents.' Sweezy v. New Hampshire, 354 U.S. 234, 250 (1957); see NAACP v. Button, 371 U.S. 415, 431 (1963).

The use of the term "farm organizations" is equally vague and overbroad. The dictionary definition of "organization" is:

Any vitally or systematically organic whole; an association or society; the executive structure of a business; the personnel of management; the entire body of the officials and committees, national, state, or local, of a political party.

Even a farming partnership could be an "organization". Surely, a farming partnership should not be prohibited from political activity.

The bill applying to "labor organizations, as defined in Section 34-12-01 is also vague and overbroad. Section 34-12-01 defines "labor organization" as follows:

Any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

The loose language identifying "associations" and "organizations" prohibited from political activity and contributions, which was added to House Bill 1430 by amendments, makes no distinction between funds voluntarily or involuntarily accumulated for political purposes. Pipefitters Local Union No. 562 v. U.S. clearly recognized that funds voluntarily generated by any group or association for political purposes could not be constitutionally prohibited:

To be sure, there is some language in the congressional debates which emphasizes the freedom of union members, as well as that of employees and stockholders of corporations, to make uncoerced political contributions. No one contests this basic freedom.

By the amendemnts to this Act, the North Dakota Legislature makes no such distinction and obviously conflicts with the freedom of political association guaranteed by the Constitution and recognized by our United States Supreme Court.

This bill, which contains vague and overbroad language seeking to regulate political activity, must be rejected because of the uncertainty it would create in political activities and because it infringes upon basic constitutional freedoms of political association.

Therefore, I veto House Bill 1430.

Sincerely yours,

ARTHUR A. LINK
Governor

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

SECTION 1. AMENDMENT.) Section 16-20-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-08. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS, COOPERATIVE CORPORATIONS, COOPERATIVE ASSOCIATIONS, LABOR ORGANIZATIONS, OCCUPATIONAL AND PROFESSIONAL ASSOCIATIONS, OR FARM ORGANIZATIONS PROHIBITED.) No corporation, labor organization as defined in section 34-12-01, cooperative corporation doing business in this state, cooperative association, occupational or professional association, or farm organization, directly or indirectly, shall pay, use, offer, consent, or agree to pay or use, any money, property, or any thing of value:

1. To aid any political party, committee, or organization;
2. To aid any corporation or association organized or maintained for political purposes;
3. To aid any candidate for political office or for nomination for such office;
4. For any political purpose or the reimbursement indemnification of any person for money or property so used; or
5. For the influencing of legislation of any kind, except in accordance with chapter 54-05.

No person shall solicit or receive such payment or other thing of value from any corporation, labor organization, cooperative corporation, cooperative association, occupational or professional association, or farm organization.

SECTION 2. AMENDMENT.) Section 16-20-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

16-20-09. PENALTY WHEN BUSINESS, LABOR ORGANIZATION, OCCUPATIONAL OR PROFESSIONAL ASSOCIATION, FARM ORGANIZATION, COOPERATIVE CORPORATION, OR COOPERATIVE ASSOCIATION OFFICIAL MAKES POLITICAL CONTRIBUTION.)

- 1. It shall be a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation, labor organization, or association to violate any of the provisions of section 16-20-08, or to counsel or consent to any such violation. Any person who solicits or knowingly receives any money or property in violation of the provisions of section 16-20-08 shall be guilty of a class A misdemeanor.
- 2. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to, the making of a contribution in violation of section 16-20-08 shall be liable to the company, labor organization, corporation, cooperative, farm organization, or association for the amount so contributed.

Disapproved March 22, 1975

Filed March 26, 1975

CHAPTER 598

HOUSE BILL NO. 1468
(L. Hausauer, H. Johnson)

COMMITTEE ON BUILDING PRIORITIES

AN ACT to provide for a conditional transfer of funds to a state capital construction fund, and providing an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions.

VETO

April 10, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

House Bill 1468 provides an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions.

Section 2 of House Bill 1468 states: "The order in which the projects are listed in this section shall be the priority list for the construction or remodeling of such facilities."

However, Section 3 states:

"For the purpose of making recommendations to the legislative assembly regarding the order of priority and costs for the construction or addition, remodeling, and equipping of buildings, the legislative council shall appoint an interim committee to conduct an ongoing study of such costs and order of priority."

I believe the appointment of an interim committee for such a purpose to be unnecessary since the priority has already been established.

Therefore, I veto Section 3 of House Bill 1468.

Sincerely yours,

ARTHUR A. LINK
Governor

Disapproved April 9, 1975

Filed April 11, 1975

NOTE: For the full text of House Bill No. 1468 containing section 3, see chapter 23.

CHAPTER 599

HOUSE BILL NO. 1554
(Martinson)

SCHOOL DISTRICT BOUNDARY CHANGES

AN ACT to amend and reenact section 15-53.1-02 of the North Dakota Century Code, relating to boundary changes in school districts.

VETO

April 5, 1975

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

House Bill 1554 amends the current law regarding school district boundary changes to provide that when any territory is added to a city and that territory is not a part of a high school district, that territory shall become part of the city's school district.

House Bill 1554 would provide a mechanism for bypassing the statutory provisions permitting annexation of public school districts. The Century Code provides that territory contiguous to a public school district may be attached to such school district by county committee upon written application signed by two-thirds of the electors in the contiguous territory after a hearing and subject to the provisions of Section 15-53.1-29. I believe this is the appropriate method of altering school district boundaries rather than permitting automatic boundary changes when territory is annexed to a city.

The inevitable result of House Bill 1554 will be that elementary school districts relying upon a tax base will lose such tax base to a city upon annexation, thus severely hindering the ability of the elementary school district to finance its operations.

Therefore, I veto House Bill 1554.

Sincerely,

ARTHUR A. LINK
Governor

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

SECTION 1. AMENDMENT.) Section 15-53.1-02 of the 1973 Supplement to the North Dakota Century Code is hereby amended and re-enacted to read as follows:

15-53.1-02. REORGANIZATION NOT TO INCLUDE ANNEXATION OR DISSOLUTION - BOUNDARY CHANGES.) Article III, reorganization of school districts, shall not apply to article II, annexation of public school districts, or article IV, involuntary dissolution of public school districts, except where specifically referenced in articles II and IV. It is the intent of the legislative assembly that articles II and IV of this chapter shall remain separate and additional methods for the changing of school district bounda-

ries. When any territory is contained in or added to a city, if a portion or all of such addition is not contained within a high school district, that portion shall become a part of the school district comprising or embracing the city. If upon the addition of territory to a city, all of such addition is contained within a high school district, the boundaries of such school district shall be changed or altered only by annexation, reorganization, or involuntary dissolution as provided for in this chapter. Articles I, II, and IV of this chapter apply to all school districts in the state, including the board of education of the city of Fargo and the district under its jurisdiction for school purposes.

Disapproved April 5, 1975

Filed April 7, 1975