



— State of —
North Dakota

Office of the Governor

Doug Burgum
Governor

April 9, 2019

The Honorable Brent Sanford
President of the Senate
Senate Chamber
State Capitol
Bismarck, ND 58505

Dear President Sanford:

This is to inform you that on April 9, 2019, I have vetoed SB 2055.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Burgum".

Doug Burgum

Received by: _____ Date: _____ Time: _____



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The Honorable Brent Sanford
President of the Senate
North Dakota Senate
State Capitol
Bismarck, ND 58505

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,

A handwritten signature in blue ink that reads "Doug Burgum".

Doug Burgum
Governor