State of
North Dakota
Office of the Governor

Jack Dalrymple
Governor

May 12, 2015

The Honorable Drew Wrigley
President, ND Senate
State Capitol
Bismarck, ND 58505

RE: Senate Bill 2003

Dear President Wrigley:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Section 6 and Section 8 of Senate Bill 2003.

Section 6 requires a district court to pay the expenses incurred by an expert witness, including a witness from the state crime laboratory. The section also tends to encourage witnesses to testify via interactive video by exempting district courts from any costs associated with their testimony in this situation. Section 6 is vetoed because the district courts did not receive funding for this purpose from either the Executive Budget or through legislative appropriations. Additionally, the language was never presented to the appropriations committees in either the House or Senate when they considered the proposed budget for the judicial system.

Further, it is doubtful that witnesses would be able to take meaningful advantage of the cost-saving opportunity for interactive video testimony because North Dakota Supreme Court Administrative Rule 52(4)(B)(2) provides "A witness may not testify by reliable electronic means unless the defendant knowingly and voluntarily waives the right to have the witness testify in person."

It is also questionable whether it is appropriate for the district court to pay the costs of expert witnesses. In addition, section 6 contains an incorrect reference to North Dakota Century Code section 44-04-04, which pertains to "Aliens convicted of felony or adjudged mentally ill."

I have also vetoed Section 8 of this legislation. Managing the volume of work and available staff time required to respond to requests for Attorney General Opinions must

remain a management decision made at the discretion of the Attorney General. The proposed timeline for producing opinions increases the likelihood that an excessive volume of requests could make it impossible to effectively prioritize the use of staff and resources.

For these reasons, I have vetoed section 6 and 8 of Senate Bill 2003.

Sincerely,

Jack Dalrymple

Jack Dalrymple
Governor

Received by: _____ Date: 5/14/15 Time: 2:15pm.

Received by _____ 5/14/15 2:18 p.m.
Secretary of State