



State of  
**North Dakota**  
*Office of the Governor*

**Jack Dalrymple**  
*Governor*

April 11, 2013

The Honorable Bill Devlin  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck ND 58505

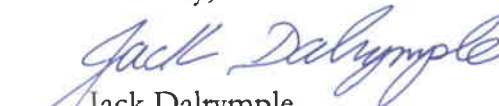
Dear Speaker Devlin:

Pursuant to Article V, Section 9, of the North Dakota Constitution, I have vetoed House Bill 1209 and returned it to the House.


I hereby veto House Bill 1209 because the enhanced salary reimbursement proposed in the measure is not currently funded in the budget for the Department of Human Services, and there is no indication that it will be funded by either the House or the Senate. The proposal itself, which would allow reimbursement for higher compensation for top management personnel of a basic care facility, is a reasonable proposal, considering the difficulty of retaining good managers in our current economy. However, it is essential that any spending proposal have an identified source of funds. There is still time during this legislative session to amend the necessary language and the required funding of \$435,481 in the budget bill for the Department of Human Services. That decision remains with the legislature.

Therefore, I am vetoing House Bill 1209.

Sincerely,

  
Jack Dalrymple  
Governor

37:74:58

Received by:  Date: 4/11/13 Time: 4:43pm

**Sixty-third Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 8, 2013**

HOUSE BILL NO. 1209  
(Representatives Kreidt, Heller, Rohr, Schmidt, Wieland)  
(Senators J. Lee, Unruh)

AN ACT to amend and reenact section 50-24.5-10 of the North Dakota Century Code, relating to compensation for top management personnel of basic care facilities.

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

**SECTION 1. AMENDMENT.** Section 50-24.5-10 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.5-10. Compensation for top management personnel - Department to adopt emergency rules.**

1. Notwithstanding the requirements of subsection 2 of section 28-32-03, the department of human services has the authority to ~~create~~adopt emergency rules related to the compensation for top management personnel of a basic care facility combined with a hospital.
2. Except for a person with at least five percent ownership, a person on the governing board, or any person related within the third degree of kinship to top management personnel, the department of human services may not limit compensation for top management personnel of a basic care facility.

Bill Dahl  
Speaker of the House

John M. Gjes  
President of the Senate

Bull J. Reih  
Chief Clerk of the House

William R. Horton  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1209.

House Vote:      Yeas 53              Nays 38              Absent 3

Senate Vote:    Yeas 46              Nays 0              Absent 1

Bull J. Reih  
Chief Clerk of the House

Received by the Governor at 7:55 A.M. on April 8, 2013.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Governor

Filed in this office this 22nd day of April, 2013,  
at 9:31 o'clock A. M.

David Jaeger  
Secretary of State

Date of Action: April 19, 2013

Honorable Alvin A. Jaeger  
Secretary of State  
Bismarck, North Dakota

I certify this Act, House Bill No. 1209, together with the objections of Governor Jack Dalrymple, was returned to the House, being the body in which it originated, on April 11, 2013, at 4:43 p.m.; that the objections of the Governor were read at length on April 12, 2013, and entered upon the Journal; that the Bill was taken up for reconsideration; that the motion for reconsideration prevailed on April 19, 2013; and the roll was called and the Bill failed to pass, with less than two-thirds of the members-elect voting in the affirmative.

Vote:	Yeas	61
	Nays	31
	Absent and not voting	2

  
\_\_\_\_\_  
Speaker of the House

  
\_\_\_\_\_  
Chief Clerk of the House