

VETOED MEASURES

CHAPTER 629

HOUSE BILL NO. 1251

(Representatives Skarphol, Carlson, Froseth)
(Senator Andrist)

ADVERTISEMENTS IN WORKERS COMPENSATION BUREAU PUBLICATIONS

AN ACT to amend and reenact section 65-02-09 of the North Dakota Century Code, relating to the inclusion of advertisements in publications of the workers compensation bureau.

VETO

March 22, 1995

The Honorable Clarence Martin
Speaker of the House
State Chamber
State Capitol
Bismarck, ND 58505

RE: House Bill 1251

Dear Speaker Martin:

I am returning House Bill 1251, and hereby veto the same pursuant to Article V, Section 9 of the North Dakota Constitution.

The intent of the bill is to allow the North Dakota Workers Compensation Bureau to solicit persons to place advertisements in any publication. The bill allows the Bureau to apply any revenues generated from the advertising to the cost of publishing and distributing the information, and any excess revenue from this act shall be placed in the Bureau's fund.

The legislation, however well intentioned, raises some serious questions. Subsequently, I have these major objections:

1. Government should not be, and does not belong, in the advertising business.
2. There is great potential for conflict of interest. A business involved in negotiations over a pending claim with the Bureau might feel pressured to purchase advertising since the outcome of the case is in doubt.
3. This sets a dangerous precedent. Where will the search for advertising dollars stop? If we allow one state agency to solicit advertising, why then shouldn't another state agency, such as the Tax Department, be

allowed to solicit advertising to help defray the costs of printing and distributing the state income tax forms?

4. I believe this legislation sends the wrong message to the business and labor community. The mission of the Bureau is to service the needs of the employees and employers, not to solicit businesses for advertising dollars in an effort to reduce costs. Also, I feel strongly that reports from state agencies should contain facts that only pertain to the department. Allowing advertising compromises this policy.

For these reasons, I cannot concur with House Bill 1251, and regretfully veto the same and return the bill to your chamber.

Sincerely,

Edward T. Schafer
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-02-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-09. General information to public - Biennial report of bureau. The bureau, from time to time, may publish and distribute among employers and employees general information as to the business transacted by the bureau as in its judgment may be useful. The bureau may solicit persons to place advertisements with any published information. The bureau shall adopt rules governing advertisements placed with published information under this section. The bureau shall apply any revenues generated from the advertising to the cost of publishing and distributing the information. The bureau shall deposit any excess revenues in the fund. The director shall make a biennial report as prescribed by section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the report must include:

1. A statement of the number of awards made by it.
2. A general statement of the causes of accidents leading to the injuries for which the awards were made.
3. A detailed statement of the disbursements from the fund.
4. A statement of the conditions of the various funds carried by the bureau.
5. Any other matters which the bureau wishes to call to the attention of the governor, including any recommendation for legislation or otherwise which it may have to make.

Disapproved March 22, 1995
Filed April 6, 1995

CHAPTER 630**HOUSE BILL NO. 1180**

(Representatives Belter, Clark)

LOCAL GAMING PERMITS

AN ACT to amend and reenact subdivision c of subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to the issuance of local permits by a governing body to conduct raffles, sports pools, or bingo.

VETO

March 27, 1995

The Honorable Clarence Martin
Speaker of the House
House Chamber
State Capitol
Bismarck, ND 58505

RE: House Bill 1180

Dear Speaker Martin:

Attached please find House Bill 1180, which I am returning to the House, and hereby veto.

The bill seeks to allow Adult Amateur Athletic teams affiliated with public entities to apply for, and receive a permit to run a raffle. Incidentally, it would allow them also to run sports pools and bingo activity. I believe this to be an expansion of gaming by public entities.

I have, therefore, vetoed the bill and respectfully return the same to the House Chambers.

Sincerely,

Edward T. Schafer
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision c of subsection 1 of section 53-06.1-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. To obtain a local permit, the nonprofit organization shall apply directly to the governing body of the city in which the site is located where the raffle, sports pool, or bingo activity will be conducted or, if the raffle, sports pool, or bingo activity is conducted at a site located in a county but outside the limits of a city, the organization shall apply to the board of county commissioners. Application for a local permit must be made on forms provided by the attorney general. The governing body may by ordinance or resolution establish a local permit fee not to exceed twenty-five dollars for each local permit. A request for a local permit by an adult amateur athletic team may not be denied because of affiliation with a public or nonpublic entity.

Disapproved March 27, 1995

Filed April 6, 1995

CHAPTER 631**SENATE BILL NO. 2067**

(Legislative Council)
(Interim Judiciary Committee)
(Senators W. Stenehjem, Traynor)
(Representatives Brown, Coats, Klein)

TRIBAL-STATE GAMING COMPACTS

AN ACT to provide for recognition of tribal-state gaming compacts, to create an open records exception for tribal gaming financial information submitted to a state agency, and to provide for approval of amendments to tribal-state gaming compacts.

VETO

April 20, 1995

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Senate Bill 2067

I am filing with your office, Senate Bill 2067, with my objections thereto, having vetoed the same for the following reasons:

1. This bill was a legitimate effort at resolving complex legal issues, involving the Governor's authority to enter into gaming compacts without legislative oversight, and whether the compacts which were required by federal law, can expressly abrogate state open records law.

These issues are not only complex, but are sensitive as well, involving the relationship of the executive and legislative branches of government, and state-tribal relationships. The bill addresses a number of issues, through the Legislature's recognition of the compacts, and by providing for legislative input for any amendment of the compacts. However, it raises serious questions for the tribes, regarding the state's ability to amend the compacts through future legislation, which the tribes consider to be an unauthorized and unilateral amendment to these agreements.

2. The legislature wisely endorsed SCR 4012, which calls for a study of negotiation, amendment, and renewal of the Indian gaming compacts and requires input from the tribal governments in that effort. That effort should provide us with substantial insight and support for any efforts to clarify these issues during the next legislative session.
3. The compacts themselves provide that either party may seek to amend them, by initiating discussions with the other. (The compacts do NOT allow for unilateral amendment.) If negotiations are initiated in the

future, I have assured the legislative leadership to seek legislative input regarding any of those discussions.

4. The bill if signed, would create a substantial risk of litigation over these sensitive and complex issues. I would prefer to resolve these issues by continuing the dialogue that was initiated months ago. I have spoken with each of the tribal chairs, who recognize the need to continue those discussions and have informed them of the state's interest in having all of these issues fully resolved in an open and timely manner. Senator Stenehjem has also agreed to participate in those discussions to seek a satisfactory resolution.
5. Most importantly perhaps, is the potential impact that the bill may have on long-term state and tribal relations. Currently, the state enjoys a sound and cooperative relationship with each of the tribes in North Dakota. That relationship is important for all North Dakotans. That relationship extends beyond gaming issues, and includes issues regarding game and fish, water development, social concerns, transportation and a host of other issues. Each tribe has made substantial investments in reliance upon the compacts signed years ago. Millions of dollars have been committed to the gaming infrastructure within each reservation based upon the express terms of the compacts themselves. If the State can amend those compacts by legislation today, then what would prevent the State from doing so in the future? Signing SB 2067 into law will drive a wedge deep into the relationship that we have successfully fostered and nurtured for years, and will cause serious harm to state-tribal relations.

The issues surrounding this controversy are legitimate. They need resolution. However, a deal is a deal. North Dakota will stand by its agreements, and we will find other solutions to these concerns.

For these reasons, I respectfully veto SB 2067, and forward the same to you, pursuant to Article V, section 9 of the North Dakota Constitution.

Sincerely,

Edward T. Schafer
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Devils Lake Sioux Tribe gaming compact. The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Devils Lake Sioux Tribe on October 7, 1992, and the parimutuel racing addendum to that compact entered into on April 8, 1993.

SECTION 2. Three Affiliated Tribes gaming compact. The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Three Affiliated Tribes on October 7, 1992, and the parimutuel racing addendum to that compact entered into on April 14, 1993.

SECTION 3. Standing Rock Sioux gaming compact. The legislative assembly recognizes the gaming compact entered into under the Indian Gaming

Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Standing Rock Sioux on August 31, 1992.

SECTION 4. Turtle Mountain Band of Chippewa gaming compact. The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Turtle Mountain Band of Chippewa on October 9, 1992, and the parimutuel racing addendum to that compact entered into on April 8, 1993.

SECTION 5. Sisseton-Wahpeton Sioux Tribe gaming compact. The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497; 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Sisseton-Wahpeton Sioux Tribe on December 9, 1992, and the parimutuel racing addendum to that compact entered into on May 5, 1994.

SECTION 6. Set-aside percentage of tribal gaming proceeds - Disclosure of audit reports. Any audit report submitted by a tribe to an agency of this state containing information on the use and compliance of the tribe's set-aside percentage of gaming revenue to economic development and social welfare purposes is open to the public, except for specific financial information contained in the audit report. With the consent of the tribe, an agency of this state may open to the public information contained in the audit report which sets forth specific amounts devoted by the tribe to social welfare and economic development purposes.

SECTION 7. Tribal-state gaming compact - Amendments. A tribal-state gaming compact executed before the effective date of this Act may not be amended unless the proposed amendment is submitted to the legislative council for approval. If the legislative assembly is in session when the proposal is submitted, the proposal must be submitted to the legislative assembly for approval by concurrent resolution. The legislative council or the legislative assembly must act on the proposal within the time required in the relevant compact. Any proposed amendment to a compact not acted upon by the legislative council or legislative assembly within the time specified in the compact is deemed approved by the legislative council or legislative assembly.

Disapproved April 20, 1995
Filed April 21, 1995

CHAPTER 632**SENATE BILL NO. 2013****PUBLIC INSTRUCTION**

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to amend and reenact section 15-21-02 and subsection 2 of section 39-04.2-04 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and to the public transportation fund; to provide for application; to provide legislative intent; to require a performance audit; to provide for a transfer of funds from the abandoned motor vehicle fund and the public transportation fund; to provide an exemption; and to declare an emergency.

VETO

April 21, 1995

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: Senate Bill 2013

Dear Secretary Jaeger:

Pursuant to Article V, Sections 9 and 10 of the North Dakota Constitution, I am filing Senate Bill 2013 with your office having signed the same, and hereby veto the \$100,000 appropriation for multitype library authority in subdivision 2 of section one.

I asked for \$4,000 for multitype library authority in the executive budget recommendation. The bill appropriates \$100,000 for that purpose and requires the Legislative Council to study the state library, cooperative library ventures and research and information system during the interim. I cannot approve of this expenditure in view of the study, and the unsettled roll of regional libraries in relation to the state library system. I don't believe making large investments in a system that is currently under review is a wise use of taxpayer dollars. In vetoing the appropriation, I am mindful of the financial constraints of libraries in our State. However, I believe that it is more prudent to complete the study of the system, and then make appropriate investments to best serve all of North Dakota's people.

For these reasons, I respectfully veto this expenditure and file SB 2013 with your office.

Sincerely,

Edward T. Schafer
Governor

Disapproved April 21, 1995
Filed April 21, 1995

NOTE: For the full text of Senate Bill No. 2013, including the vetoed line item, see chapter 35.

CHAPTER 633**SENATE BILL NO. 2015****OFFICE OF MANAGEMENT AND BUDGET**

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to state employee compensation adjustments; to provide a statement of legislative intent relating to program-based performance budgeting; to authorize transfer of various special funds to the general fund; to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to state agency participation in the workers compensation bureau risk management program; to amend and reenact sections 54-16-04.2 and 54-27.2-02 of the North Dakota Century Code and section 4 of Senate Bill No. 2029, as approved by the fifty-fourth legislative assembly, relating to emergency commission approval of special funds, the budget stabilization fund, and the use of funds from the veterans' postwar trust fund; to provide directives relating to 911 telephone services; to provide for program reductions if federal programs are terminated or reduced; to require the director of the information services division to receive budget section approval for mainframe computer enhancements; to provide for a risk manager; to provide an expiration date; and to declare an emergency.

VETO

April 21, 1995

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard Avenue
Bismarck, ND 58505

RE: Senate Bill 2015

Dear Mr. Secretary:

Pursuant to Article V, Sections 9 and 10, of the North Dakota Constitution, I am filing with your office SB 2015 which I have signed, and am vetoing Section 5 of the bill. Section 5 essentially appropriates \$100,000 for legislative committee room renovations from the \$7,069,297 line item appropriation for Facility Management. In effect, section 5 is an appropriation within an appropriation. The \$100,000 is to be used for another legislative hearing room in the capital complex. In vetoing section 5, it is my intent to veto the appropriation of the \$100,000 as well. My reasons for doing so are set forth below.

At present, the capitol has two large rooms for committee hearings, the Brynhild Haugland room and the Pioneer room. Legislative history of section 5 indicates an intent to divide the Pioneer room into two smaller hearing rooms. That would leave only the Brynhild Haugland room for large meetings and hearings within the capitol

building. I am opposed to reducing to one the number of larger hearing rooms available to State government and the citizens of North Dakota. This is more evident, knowing that there are other rooms available to the Legislature in the complex that are not being used for committee work.

In vetoing section 5, I am cognizant of the law as determined by the North Dakota Supreme Court concerning the Governor's line item veto authority in State ex rel. Link v. Olson, 286 NW2d 262 (N.D. 1979). My intention is to fully comply with the law as provided by our State's highest court.

For these reasons, I respectfully veto section 5 of SB 2015, and file the same with your office.

Sincerely,

Edward T. Schafer
Governor

Disapproved April 21, 1995
Filed April 21, 1995

NOTE: For the full text of Senate Bill No. 2015, including section 5, see chapter 37.

CHAPTER 634**SENATE BILL NO. 2017**
(Appropriations Committee)**ADJUTANT GENERAL AND VETERANS'
CEMETERY**

AN ACT to provide an appropriation for defraying the expenses of the adjutant general and for operation of the North Dakota veterans' cemetery; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; and to provide an effective date.

VETO

April 21, 1995

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: Senate Bill 2017

Dear Secretary Jaeger:

Pursuant to Article V, Sections 9 and 10, I am filing Senate Bill 2017 with your office, having signed the same, and having vetoed Section 6 as authorized by the North Dakota Constitution.

Section 6 appropriates \$2,250,000 from the veterans post war trust fund, for use as permanent endowments for operations of the veterans home and cemetery. The appropriation is contingent upon the next executive budget and becomes operative if the 1997-1999 budget recommendation identifies and requests any appropriation from the veterans post-war trust fund. My objections to Section 6 of the bill follow.

I do not approve of making appropriations based upon a future contingency, which is tied to the next executive budget recommendation. I do not plan to make any appropriation request from the veterans post war trust fund in the next budget. However, if I were to do so, a request for any amount would make the \$2,250,000 operative. This contingency then impedes the authority of the executive branch to design its budget for legislative examination. Even though the next executive budget recommendation would not be the final budget, it would operate as the mechanism that would release funds appropriated in Section 6.

Secondly, the veterans post war trust fund was established by law. The income derived from it was to be used "only for programs of benefit and service to veterans." Section 6 is not supported by North Dakotas

veterans. I believe they deserve the State's consideration as we consider the expenditure and commitment of funds in the postwar trust fund that was dedicated to their use and benefit.

For these reasons, I must respectfully veto Section 6 and enclose SB 2017.

Sincerely,

Edward T. Schafer
Governor

Disapproved April 21, 1995
Filed April 21, 1995

NOTE: For the full text of Senate Bill No. 2017, including section 6, see chapter 39.

CHAPTER 635**SENATE BILL NO. 2066**
(Legislative Council)
(Interim International Trade Committee)
(Senators G. Nelson, Mushik, Langley)
(Representative Dorso)**INTERNATIONAL TRADE COORDINATING COUNCIL**

AN ACT to establish the international trade coordinating council; and to provide an appropriation.

VETO

April 21, 1995

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: Senate Bill 2066

Dear Secretary Jaeger:

Pursuant to Article V, Section 9, I am filing with your office, Senate Bill 2066, with my objections thereto, having vetoed the same.

The bill would start a new International Trade Council through which the legislature would monitor trade issues.

First, I have sought to streamline North Dakota's government. One of the ways that I have done this is through the merging and elimination of boards and commissions where possible. Creating a new council goes against this trend. International trade includes marketing of North Dakota products, which is already being done by ED&F. In that regard, this council would duplicate those efforts.

Secondly, I agree with the principal of the bill, that the International Trade is a complex area of the law. Currently, however, the State is responding appropriately to those issues. North Dakota receives information and guidance from a variety of sources including: WGA, NGA, NCSL, and NAAG. Agencies, including Legislative Council, within the state are also coordinating their efforts, and sharing information to properly respond to issues and demands relative to international trade and its impact upon North Dakota law and policy.

For these reasons, I respectfully veto SB 2066, and return it to you.

Sincerely,

Edward T. Schafer
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. International trade coordinating council - Membership. The international trade coordinating council consists of the lieutenant governor, the attorney general or a designee of the attorney general, the commissioner of agriculture or a designee of the commissioner, the director of the department of economic development and finance or a designee of the director, three members of the senate and three members of the house of representatives appointed by the chairman of the legislative council, and the person appointed by the governor to be the United States trade representative point of contact. The lieutenant governor is chairman.

SECTION 2. International trade coordinating council - Support services. The department of economic development and finance may provide support services required to achieve the objectives of the council.

SECTION 3. International trade coordinating council - Functions. The international trade coordinating council shall oversee and coordinate policies and activities relating to international affairs of the state. The council shall coordinate efforts to meet requirements and deadlines under international trade treaties. The council shall coordinate the dissemination of information regarding international trade treaties and state requirements, responsibilities, and opportunities under the treaties. The council may make recommendations to the legislative assembly regarding proposed legislation and appropriations. The council may provide information concerning trade promotion to public and private entities.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$46,000, or so much of the sum as may be necessary, for expenses that are incurred by the members of the legislative assembly while carrying out the duties and responsibilities of the international trade coordinating council for the biennium beginning July 1, 1995, and ending June 30, 1997.

Disapproved April 21, 1995
Filed April 21, 1995