

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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POSTSESSION CORRECTION AND REVISION OF THE JOURNAL

Page 1714, line 32, replace "Goetz" with "G. Nelson"

ACTION ON BILLS BY THE GOVERNOR

Postsession Governor's action on Senate Bills delivered after adjournment:

	DATE SIGNED:
Senate Bill No. 2006	April 11, 1995
2016	April 11, 1995
2029	April 11, 1995
2074	April 11, 1995
2088	April 11, 1995
2133	April 11, 1995
2142	April 11, 1995
2195	April 11, 1995
2207	April 11, 1995
2288	April 11, 1995
2313	April 11, 1995
2338	April 11, 1995
2343	April 11, 1995
2430	April 11, 1995
2453	April 11, 1995
2475	April 11, 1995
2635	April 12, 1995
2644	April 12, 1995
2687	April 12, 1995
2103	April 12, 1995
2159	April 12, 1995
2198	April 12, 1995
2209	April 12, 1995
2247	April 12, 1995
2305	April 12, 1995
2332	April 12, 1995
2349	April 12, 1995
2391	April 12, 1995
2425	April 12, 1995
2428	April 12, 1995
2439	April 12, 1995
2463	April 12, 1995
2480	April 12, 1995
2505	April 12, 1995
2520	April 12, 1995
2608	April 13, 1995
2609	April 13, 1995
2612	April 13, 1995
2663	April 13, 1995
2685	April 13, 1995
2115	April 13, 1995
2136	April 13, 1995
2149	April 13, 1995
2181	April 13, 1995
2211	April 13, 1995
2355	April 13, 1995
2403	April 13, 1995
2524	April 13, 1995

2003	April 17, 1995
2059	April 17, 1995
2231	April 17, 1995
2442	April 17, 1995
2466	April 17, 1995
2080	April 18, 1995
2081	April 18, 1995
2264	April 18, 1995
2455	April 18, 1995
2519	April 18, 1995

VETO MESSAGE

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

VETO MESSAGE

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 2103 with your office.

Sincerely,

Edward T. Schafer
Governor

VETO MESSAGE

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 2105, and file the same with your office.

Sincerely,

Edward T. Schafer
Governor

VETO MESSAGE

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

VETO MESSAGE

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

LIST OF CORRECTIONS AND REVISIONS OF THE SENATE JOURNAL

- Page 136, line 39, after the comma insert "Krauter," and after "Wanzek" insert "and Reps. Boucher, Price, Stenehjem"
- Page 235, line 50, replace "Sen." with "Sens." and after "Krebsbach" insert ", Traynor and Reps. Klein, Kretschmar, Poolman"
- Page 253, line 13, replace "Goetz's" with "G. Nelson's"
- Page 289, line 43, after "2027" insert "be reconsidered and"
- Page 297, line 18, remove "HB 1482"
- Page 313, remove lines 2 through 4
- Page 365, line 28, remove "NOT"
- Page 406, line 40, replace "18" with "19"
- Page 415, line 13, insert:

"MOTION

SEN. KELSH MOVED that SB 2361 be returned to the Senate floor from the **Transportation Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. KELSH REQUESTED the unanimous consent of the Senate to

withdraw SB 2361. There being no objection, it was so ordered by the President."

Page 680, remove lines 25 through 45

Page 681, after line 8, insert:

"MOTION

SEN. TENNEFOS MOVED that the Senate reconsider its action whereby the amendments to Engrossed SB 2428 lost, which motion prevailed on a verification vote.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the motion to adopt the amendments to Engrossed SB 2428, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2428, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor

NAYS: Andrist; Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

So the motion to adopt the amendments to Engrossed SB 2428 failed to pass."

Page 702, line 53, replace "Human Services Committee" with "Sen. Thane"

Page 703, line 17, remove "(Approved by the Delayed Bills Committee)"

Page 782, line 13, remove "SCR 4004"

Page 793, after line 22, insert:

"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2120."

Page 810, line 15, after "1216" insert ", as engrossed"

Page 810, line 17, after the period insert "Engrossed"

Page 828, line 42, after "1092" insert ", as engrossed"

Page 828, line 43, after the period insert "Engrossed"

Page 829, line 49, after "temporary" insert "respiratory"

Page 883, line 29, remove "G."

Page 913, after line 8, insert:

"COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 13, 1995, I signed the following: SB 2291, SB 2292, and SB 2314."

Page 935, after line 8, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:22 a.m., March 14, 1995: SB 2034, SB 2079, SB 2095, SB 2121, SB 2137, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2229, SB 2234, SB 2248, SB 2289, SB 2316, SB 2341, SB 2347, SB 2357, SB 2373, SB 2379, SB 2381, SB 2397, SB 2411, SB 2415, SB 2444, SB 2450."

Page 941, line 15, replace "has" with "as", remove "that", and after "you" insert "well"

Page 945, line 26, remove ", HCR 3018"

Page 948, after line 5, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:05 a.m., March 15, 1995: SCR 4032, SCR 4039, SCR 4048.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:32 a.m., March 15, 1995: SCR 4017, SCR 4024, SCR 4051."

Page 1115, line 45, replace "reengrossed" with "engrossed"

Page 1115, line 48, replace "Reengrossed" with "Engrossed"

Page 1159, line 8, replace "engrossed" with "reengrossed"

Page 1159, line 10, replace "Engrossed" with "Reengrossed"

Page 1320, line 47, replace "W. Stenehjelm, C. Nelson" with "Watne, LaFountain"

Page 1359, line 46, replace "16-08.1-02" with "16.1-08.1-02"

Page 1406, remove lines 28 through 34

Page 1422, after line 10, insert:

"OBJECTION

SEN. G. NELSON OBJECTED to the request.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the request.

REQUEST

SEN. TENNEFOS REQUESTED a Rule which explained voting on objections.

WITHDRAWAL OF REQUEST

SEN. G. NELSON WITHDREW his objection."

Page 1424, line 42, replace "disagreement" with "this agreement"

Page 1427, line 48, after "which" insert "is"

Page 1428, line 13, replace "would" with "with"

Page 1439, remove lines 23 through 27

Page 1449, remove lines 32 through 35

Page 1464, line 23, remove "HB 1489,"

Page 1514, line 46, remove "SB 2343,"

Page 1515, line 14, replace "Lloyd" with "Wardner" and replace "Dobrinski" with "Sitz"

Page 1714, line 32, replace "Goetz" with "G. Nelson"