

JOURNAL OF THE SENATE**Fifty-seventh Legislative Assembly**

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Bismarck, January 11, 2001

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Maury Millican, Bismarck Community Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Phillip "Skip" Longie, Chairman of the Spirit Lake Nation to the rostrum to present the Tribal-State Relationship Address, which motion prevailed. The President appointed as such committee Sens. Traynor and Every.

Chairman Longie was escorted to the rostrum to present the Tribal-State Relationship Address.

STATE OF THE RELATIONSHIP ADDRESS**Phillip 'Skip' Longie, Chairman
Spirit Lake Nation, Ft. Totten**

I come from the Dakota nation, Spirit Lake. Dakota means ally or friend. We are very proud to be Dakota from the Great Plains and also to be North Dakotans like our non-Indian neighbors. Our Tribal nation changed its name a few years ago to reflect the Dakota meaning of the land where we live - Spirit Lake or Mni Wakan. In early times, the translation got misinterpreted and it became Devils Lake. Wakan means sacred or holy - spiritual. Mni is water. We refer to our home as 'sacred water' or 'spirit water' land. Spirit Lake Nation has more positive connotations and more accurately reflects the Dakota meaning of the water and land area where we live.

I begin my presentation about our name change because as leaders change is difficult to accomplish. Due to the recent publicity, I must mention the UND nickname issue. As a Dakota leader this controversy affects my Tribe. I sincerely hope we can use this situation as an opportunity to improve the public's understanding of the complexity in being an American Indian citizen and the true history of the relationship Indian people have with this country. As leaders we have a responsibility to facilitate change that is positive. We accomplish this by creating opportunities for mutual education that promotes better understanding.

As public leaders in North Dakota we have similar issues of concern in that we are responsible for our respective constituencies in providing services and programs, in using limited resources effectively, and in promoting sustainable development. As a Dakota leader I have additional responsibilities in that I must promote better understanding our culture and the challenges in being a citizen of my Tribe, my State, and my country. I would like to emphasize a number of interests, issues and concerns that we have in common - things that we need to work on together for the good of all North Dakota and all citizens.

In concert with Governor John Hoeven's campaign commitment, is the need to work together to further develop the State's economy and also the Tribal economies. Developing Tribal economies is challenging to say the least. There are many barriers that are not understood by the non-Indian community that preclude success. But the benefits far outweigh the risks in supporting tribal economic development. It is a 'win-win' proposition for the State and for the Tribes. Creating jobs puts people to work, takes them off welfare roles and provides income and capital. At the same time, taxpayer burdens are reduced and vendor outlays are increased. Supporting ourselves benefits our neighbors.

As you may have noted in the preliminary release of information from the 2000 Census figures, North Dakota's population increased slightly during the past ten years. In large part, that increase was sustained by the growth in the American Indian population - the birth rate for the Northern Plains Indians is 29.4 as compared to the U.S. All Races rate of 14.8. Our average age is 18 years old as compared to the North Dakota average age of 35, and 43 percent of Indian people are under the age of 20 years old. Sioux and Rolette Counties have the highest birth rate in the State - these are reservation Counties.

At the same time however, the percentage of Indian families receiving some form of welfare assistance from the State increased to more than 50 percent of the welfare caseload. **This should give you a good indication that we must focus economic development efforts on or near reservations in North Dakota where the largest number of people on welfare assistance reside.**

At the Tribal level, we have been contributing and working hard to do our part. All the Tribes in North Dakota have active economic development efforts - the Spirit Lake Sioux Manufacturing firm, the Uniband Company at Turtle Mountain, the new Twin Buttes Custom Homes at Three Affiliated Tribes, and the Standing Rock Farms enterprise. All of these businesses, like our casinos, employ non-Indian, North Dakota citizens, some who have been with those companies for a long time.

While we are realizing some success toward economic self-sufficiency in Indian country, the success is slow and only begins to touch on the huge unmet need toward that goal. The reservations in North Dakota average an unemployment rate of 55 as compared to the State's average rate of 3.4 percent during 1999. The need to create a variety of jobs to reduce the extremely high unemployment rates on the reservations is compounded by rural, geographic isolation, lack of infrastructure, lack of access to financial resources, and the lack of understanding within the non-Indian community about Tribal governments and Indians.

As North Dakota leaders and legislators, it is vitally important for you to ensure that State's Indian citizens are considered in every economic development bill that comes before you. Bills that relate to workforce development, employment training and other economic development efforts need to have an Indian component to them. As a Tribal leader I will support you and those efforts. Working together we can reduce the welfare dependency that has been taught to Indian people and we can break the cycles of despair. Together we can grow the State's economy and make it attractive for all our young people to want to stay home - home in North Dakota, on or off the reservation.

I would like to thank former Governor Schafer and North Dakota Legislative leaders who assisted us in reaching a milestone agreement last year extending the Tribal/State gaming compacts for as long as 15 years from 2002. Casino development has allowed us the flexibility to think about economic development in new ways such as creating a Tribal tourism industry. The establishment of casinos on the reservations has provided us the economic foundation to be real players toward self-determination. Our gaming enterprises have boosted not only reservation economies but also the local and state economies in addition to the creation of approximately 2,500 jobs. Non-Indian employees at the North Dakota Indian casinos make up about 18 percent of the workforce.

Tribes and Indian citizens are contributors to the State's economic base and vitality. Every Indian pays federal income tax if they are employed. Most shopping is done off reservation and so Indians do pay sales, gas and alcohol taxes. Indians who live and work off the reservations (41 percent) pay State income tax.

The Tribe's, through the North Dakota Indian Gaming Association, have also stepped forward with former Governor Schafer, the North Dakota Senate and House Leadership to conduct a new statewide gambling study. We are committed to reducing problems. The Standing Rock, Spirit Lake, Three Affiliated, Turtle Mountain, and Sisseton-Wahpeton nations have each contributed substantial funds under a cooperative agreement with the Mental Health Association in North Dakota to provide resources for the statewide HELP-Line, referral services, counseling and interdiction training for Tribal casino personnel.

While our gaming enterprise is opening doors for economic development on the reservations, it falls short in addressing the huge unmet need for Indian communities. We struggle for adequate and appropriate housing, schools, and health care facilities. Tribal governments operate with systems and infrastructures that are greatly fragmented. The federal government appropriates funding at only approximately 65 percent of need for the various services and programs such as health care and yet we - Indians in the Northern Plains - have some of the most negative health status statistics. There is much work yet to be done to improve the health, welfare and social status of the Indian citizens in North Dakota.

Other areas where we can and do work together in North Dakota include disaster management and access to emergency funds, law enforcement and jurisdictional issues, housing and access to financing, education and scholarship funds, tourism development, game and fish, and parks and recreation. These relationships can be improved and more doors could be opened to assure Tribal input, involvement and access. Tribal governments have limited program resources for management and operation of any/or all of these services that Indian citizens expect just like other citizens. Our systems tend to be fragmented, complicated, misunderstood and greatly under funded.

Another area of mutual concern as public leaders is the Dakota Water Resources Act that authorizes more than \$600 million in water projects for the State, including \$200 million for the four North Dakota Tribes. Our task now is to convince Congress to appropriate the funds needed for the projects. As North Dakotans we understand the critical need for our economic health and for the well being of all our citizens that this Act encompasses, and as Tribal/State partners we must ensure that Congress understands. We must discuss mutual strategies in our approach to Congress.

On another topic, I am proud of the efforts of our Tribal member, Cynthia Mala, as the Executive Director of the North Dakota Indian Affairs Commission. This Commission brings Tribal and State leaders together to address common problems. The efforts of the Commission are critically important as we struggle to understand each other. I urge all the Legislators to support the work of the Commission in its effort to facilitate working relationships between the State and Tribes.

As North Dakotans we are known for our work ethic and for getting things done. This holds true in Indian country. We are beginning a new era of breaking the patterns of dependency that have been taught to us. We are becoming educated, we are learning to reach out, and we are changing Tribal governments to become state-of-the-art management models that reflect the culture. Tribal leaders are leading change by advocating for partnership and collaboration without being forced to give up our cultural identity.

I believe all of the Tribal leaders in North Dakota recognize the need to work with the State on the many issues mentioned. We need the partnership of North Dakota. We need the cooperation of the Executive and Legislative branches of State government in addressing the needs of the Indian citizens. As a Tribal leader I am willing to listen, to discuss and to find the common ground in addressing issues that face Indian citizens. I am not afraid of hard work toward the common goal of creating a State and Tribal community that extends a wonderful quality of life to each and every citizen. Together we can achieve this. Together we can attain a level of understanding that will make us all glad to be known as North Dakotans, as Dakota ... friend and ally.

MOTION

SEN. CHRISTMANN MOVED that the address presented by Chairman Longie be printed in the Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact subsections 4 and 7 of section 12.1-31.2-01 and subsection 3 of section 14-07.1-03 of the North Dakota Century Code, relating to temporary protection and disorderly conduct restraining orders.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2079 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution urging Congress to provide a greater opportunity for farmers to participate in retirement investments by allowing withdrawals without penalty when necessary to support family farming operations.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4004 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution urging Congress to reduce or eliminate capital gains taxes on inflationary valuation increases of farm and ranch property.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4005 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution urging Congress to enact legislation to allow farm and ranch risk management (FARRM) accounts and to consider limiting the size of the accounts rather than the time funds may be held in the accounts.

The question being on the final adoption of the bill, which has been read, and has committee recommendation of DO PASS.

SCR 4006 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to amend and reenact section 29-32.1-14 of the North Dakota Century Code, relating to appeals to the supreme court in postconviction relief proceedings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2077 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

SEN. NETHING REQUESTED that his remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR NETHING

There are certain events which occur only once in a person's lifetime. Such an event happened on January 1, 2001 when the Jamestown High School Band proudly performed in the 112th Tournament of Roses Parade in Pasadena, California. Under the direction of Director Dave Torbert, the band was seventh in the parade lineup, right behind the float honoring the legendary Bob Hope. One of the reasons for this choice location was the strong support given to the band by the Jamestown community.

While the parade featured 105 fabulous floats, only 17 bands from across the United States were invited to perform during the five mile march. All of the State of North Dakota can be proud of this outstanding Jamestown High School Band, and of the group of professional educators, chaperons, and parents who went with them to Pasadena. As a grandparent of one of the members, my pride is obvious, as I report to this Senate this singular memorable event for the 197 members of this marvelous band and its director, Dave Torbert.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2077, SB 2079.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4004, SCR 4005, SCR 4006.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1071, HB 1072, HB 1159.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 12, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2089: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2128: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2128 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over "and"

Page 2, line 2, remove the overstrike over the period and remove the underscored semicolon

Page 2, remove lines 3 through 5

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Freborg, G. Nelson, Wanzek and Reps. DeKrey, R. Kelsch introduced:

SB 2183: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of teacher signing bonuses by school boards.

Was read the first time and referred to the **Education Committee**.

Sens. Schobinger, Espgaard, Mutch and Rep. Nicholas introduced:

SB 2184: A BILL for an Act to amend and reenact section 52-04-08 of the North Dakota Century Code, relating to transfer of unemployment compensation experience record, reserve balance, and benefit experience.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Tomac, Stenehjem, Wardner and Reps. Drovdal, Nelson, Schmidt introduced:

SB 2185: A BILL for an Act to amend and reenact section 10-06.1-10 of the North Dakota Century Code, relating to payments in lieu of taxes on farmland or ranchland acquired by nonprofit organizations for conservation purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Wardner, Heitkamp and Rep. Severson introduced:

SB 2186: A BILL for an Act to create and enact a new subsection to section 43-19.1-08 of the North Dakota Century Code, relating to authority of the board of registration for professional engineers and land surveyors to adopt continuing education requirements for professional engineers or land surveyors.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. T. Mathern, Fischer, Thane and Reps. Kretschmar, Hawken, Mahoney introduced:

SB 2187: A BILL for an Act to create and enact a new chapter to title 59 of the North Dakota Century Code, relating to trusts for individuals with disabilities.

Was read the first time and referred to the **Human Services Committee**.

Sens. G. Nelson, Cook and Reps. Froseth, Pietsch introduced:

SB 2188: A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to a governmental purchase preference to residents.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Krebsbach, Espegard, Robinson and Reps. Berg, Mahoney, Price introduced:

SB 2189: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to a corporate income tax deduction for dividends paid to shareholders by a regulated investment company or a fund of a regulated investment company.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Krebsbach, Watne and Rep. Keiser introduced:

SB 2190: A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 4 and 6 of section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check or draft without sufficient funds or account and notice of dishonor.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Krebsbach, Traynor introduced:

SB 2191: A BILL for an Act to create and enact a new subsection to section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of financial information by financial institutions.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

FIRST READING OF HOUSE BILLS

HB 1071: A BILL for an Act to amend and reenact sections 27-11-01, 27-11-03.1, 27-11-06, 27-11-07, 27-11-08, 27-11-09, 27-11-10, 27-11-11, 27-11-12, 27-11-13, 27-11-14, 27-11-15, 27-11-17, 27-11-19, 27-11-22, 27-11-23, 27-11-24, 27-12-02, 27-12-04, and 27-12-06 and subsections 2 and 3 of section 54-57-01 of the North Dakota Century Code, relating to changing the name of the state bar board to the board of law examiners.

Was read the first time and referred to the **Judiciary Committee**.

HB 1072: A BILL for an Act to amend and reenact subsection 1 of section 57-38-60 of the North Dakota Century Code, relating to the requirements to file annual income tax withholding returns by employers; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1159: A BILL for an Act to amend and reenact section 43-31-16 of the North Dakota Century Code, relating to detection of deception examiner fees.

Was read the first time and referred to the **Judiciary Committee**.

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary