

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, January 10, 2013

The House convened at 1:00 p.m., with Speaker Devlin presiding.

The prayer was offered by Pastor Allen Finger, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Amerman, Boehning, Owens, and Weisz.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 61, after line 19, insert "Page 31, delete lines 23 through 25"

Page 61, line 21, after "insert" insert:

**"MOTION**

**REP. KLEMIN MOVED** that a committee of two be appointed to escort Chief Justice Gerald VandeWalle to the rostrum, which motion prevailed."

Page 61, line 29, replace "Tschosik" with "Baesler"

Page 61, line 37, replace "Ninth order" with "Fifth and Ninth orders"

Page 61, line 38, replace "that order" with "those orders"

Page 62, line 15, delete ",," after "VandeWalle"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**MOTION**

**REP. KRETSCHMAR MOVED** a rule change for 401.2 to increase bill and resolution sponsors from six members to twelve members, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand in recess until 1:15 p.m. at which time the House will meet in Joint Session with the Senate and that after the Joint Session with the Senate, the House stand adjourned until 12:50 p.m. on Friday, January 11, 2013, which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Devlin presiding.

**MOTION**

**REP. VIGESAA MOVED** that a committee of two be appointed to escort Lt. Governor Drew Wrigley to the rostrum, which motion prevailed.

Speaker Devlin appointed Reps. Porter and Trottier to the escort committee.

**SPEAKER DEVLIN PRESENTED** Lt. Governor Wrigley to the Assembly and turned the

gavel over to him.

**MOTION**

**REP. KLEIN MOVED** that a committee of two be appointed to escort the Honorable Jack Dalrymple, Governor of the Great State of North Dakota, to the rostrum, which motion prevailed.

Lt. Governor Wrigley appointed Rep. Carlson and Sen. Wardner to the escort committee.

**MOTION**

**REP. VIGESAA MOVED** that a committee of four be appointed to escort Richard McCloud, Tribal Chairman with the Turtle Mountain Band of Chippewa, to the podium, and Mrs. Julie McCloud to a special reserved seat in the assembly, which motion prevailed.

Lt. Governor Wrigley appointed Reps. Boe and Marvin Nelson and Sens. Marcellais and Warner to the escort committee.

**MOTION**

**REP. VIGESAA MOVED** that the address of Chairman McCloud be printed in the House Journal, which motion prevailed.

**State of the Tribal-State Relationship**

**January 10, 2013**

**Richard McCloud**

**Chairman, Turtle Mountain Band of Chippewa Indians**

Thank you for the honor of addressing the state of North Dakota's Tribes. I also want to thank everyone who's here today, all the leaders of this great State, all the Tribal leaders, all the people who live in North Dakota. I want to give special thanks to all the young people who made the trip out here. Thank you.

How is your imagination today? Good? Fantastic.

I am ecstatic. I am excited, because we are going to put that imagination to work, starting right now. I want you to see the future of North Dakota and the future of our Tribes. What does it look like? Does it look happy? Does it include the young people I have brought into this room today? Is it everything we want it to be?

No? Then let's change that. We can do it. And we can do it starting today. When we leave here each one of you will have the opportunity to change North Dakota and our Tribes for the better. I do not claim to be a diplomatic miracle worker, but I am a person who has big ideas, common sense, and a work ethic that does not tolerate failure. I am a leader with values, with dignity and respect for my people, for the people of my fellow Tribes and for all the people of North Dakota. But most of all, I want to work with each one of you to reach a common goal...and that goal is "Prosperity for our Tribe and for North Dakota; prosperity for every human being living in the boundary of this great State".

Also imagine this...economic development existing within our reservations, ripe with potential and a competitiveness that mirrors state and national averages. According to the US Bureau of Labor, North Dakota has the lowest unemployment in the nation. North Dakota also ranks as the state with the best economy. You have done a good job...North Dakota's population is booming, while California and New York are losing people. As you know, this state's prosperity has a lot to do with the economic development programs assisting your economic growth and job opportunity for all the residents...and perhaps just a little bit to do with all this new oil.

While other states are floundering in debts and deficits, North Dakota has a balanced budget. While Washington DC is trying to deal with a 16 TRILLION dollar debt, North Dakota has stashed away surplus funds for rainy days. This stable and flourishing economy, especially the conditions and strategies that made it possible, is what we need on our reservations.

I don't have to stand here and read the statistics. We all know where Indian Country stands in the area of economic development and employment. We need the state to share in its prosperity and help the North Dakota reservations help themselves. We are asking for a

helping hand, not a hand out. We ask the state with the best economy of all 50 states to fund comprehensive workforce and business specific training programs that enable, but don't limit our potential. We are asking for your help and cooperation to fund new training on the reservations. Occupational training that will help our people gain employment and be an asset to their employers. Management training so that local businesses will survive and prosper so those newly trained employees will have jobs to go to, jobs that are not government jobs, jobs that are long term.

Our Tribal leaders must play a role in this, too. We have to make policies that encourage investment on the reservations. We need to do what it takes to make an environment friendly to business. We've been looking at entering into a Memorandum of Understanding with the North Dakota Secretary of State regarding the Uniform Commercial Code. By working with the state in ways like this we can develop a friendlier business environment that attracts investments from outside the reservation.

I have pledged to bring more transparency to our Tribe's government. This is important not just so people have more faith in their Tribal government, but also so that outside businesses feel more comfortable investing in our reservation. I encourage the other Tribes in the state to do what they can in this way, as well.

I've said we are asking for a hand up, not a hand out. We want a partnership with the state, not charity. So what would North Dakota get out of this investment in Indian Country?

Imagine...Indian Country with an unemployment rate that matches the state, a prospering economy than not only has enough jobs for Tribal members, but jobs for its non-Tribal neighbors. As a return on its investment, this state will see the prosperity it shared decrease the dependency on welfare and other dependent social programs. Today one quarter of North Dakota's welfare payments come to my Turtle Mountain Reservation. Imagine a Turtle Mountain economy that doesn't require 25% of North Dakota's welfare funds...imagine this happening with all the reservations in the state. The new found prosperity that can be reached in Indian Country will benefit the businesses all over the state. Imagine...decreased crime rates and most of all, decreasing the "F" word...."financial deficit".

Now that I've stirred your imagination and not-so-subtly anticipated your generosity, let's continue with help to expand our medical facilities to fight diseases such as cancer, diabetes and hypertension; increase housing funding to renovate existing homes to make them warm and livable during these cold North Dakota winters as well as building new homes for the 16% of our families who are homeless. Imagine rebuilding our roads so when a person drives on them they don't have to get a bee-line every 300 miles; and funding to increase law enforcement to make our reservation a safe and happy place to live. Our elders are especially hard hit by these adversities; we value our elders by taking care of them. I ask you to help us to do that. Keep imagining, if you will, funds to buy back land... yes I said buy back land that was given away so we can expand our reservation and provide more opportunity for our people to become land owners, to increase farming and agriculture, and funds to restore, beautify and develop our natural resources to attract tourism.

Let's continue to use our imagination and your generosity where it has never taken us before..."INDIAN GAMING". We Tribal leaders need adhere to the principles of good government, including transparency and agency accountability. We need to work together with the state to promote fiscal responsibility, to operate with consistency and clarity to ensure fairness in the Gaming Compact. We need to respect the capabilities and responsibilities of each sovereign Tribal nation in order to fully promote Tribal economic development, self-sufficiency and strong Tribal governments and a fair Gaming Compact helps with that. I just recently signed a new Gaming Compact with Governor Dalrymple and I believe we both can see that Tribal gaming not only helps the Tribes, but also the economy of the state. We may get jobs from the casinos, but the dollars generated there gets spent all over North Dakota. Yet another partnership between the Tribes and State where everyone wins.

Now open your imagination and your wallets just a bit more and look at these young people. They are our future. Only 26% of our Native American students who graduate are college ready. Only 23% of our Native American students have job readiness skills when leaving high school. Over half of Native American students will not graduate from high school. These are scary statistics. It is our fundamental obligation as leaders to ensure the children in our communities have the best possible education, promoting life-long skills that are competitive

in society. High quality learning environments are comprised of several elements such as, a strong curriculum, employing certified and skilled teachers and keeping our standards of education high in order to have the proper tools and fundamentals to teach our children properly. We need our college and universities to implement an array of academic and vocational programs that will fulfill our children's dreams to become doctors, lawyers, teachers, business owners, entrepreneurs, researchers and "yes", even senators, governors and tribal chairs. The Tribal colleges have done a fantastic job with this and we need that to continue and to expand. We ask you to keep this in mind in the coming days when the North Dakota Association of Tribal Colleges submits a bill to the State Legislature to fund a special two year initiative in workforce development. We've been blessed in Turtle Mountain in that we've been able to build a new high school in Belcourt and a new Ojibwa Indian School. Other reservations haven't been as fortunate. All our educational facilities must be kept updated, either through remodeling existing buildings, or building new schools as needed. Our classrooms need to be equipped with the latest technology. Our education system needs to equip our students to thrive in the global economy and most importantly; it needs to promote a safe and healthy environment for every student. How can we imagine our future being prosperous without investing in education?

When I hear the word "imagine", I hear the song "Imagine" by John Lennon.

"You may say I'm a dreamer, but I'm not the only one. I hope someday you'll join us and the world will be as one".

With this global economy and with other states and countries continuing to develop and improve, we cannot afford merely to occupy a seat. It could take years to catch up with the rest of the world. If our prosperous state cannot find it in its heart to invest in economic development, affordable quality housing, an effective health-care system, and in assistance in developing high quality educational systems on our reservation, then our imagination is not developed and we rob our children of theirs.

Imagine what we can do if we work together.

Migwitch, Thank you.

#### FIRST READING OF HOUSE BILLS

Reps. Skarphol, Drovdal, Hatlestad, Rust, Sukut and Sens. Andrist, Lyson introduced:

**HB 1140:** A BILL for an Act to provide for a loan from the Bank of North Dakota to the western area water supply authority.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Rep. Nathe and Sen. Miller introduced:

**HB 1141:** A BILL for an Act to amend and reenact section 20.1-13-10 of the North Dakota Century Code, relating to towing an individual on water skis or similar devices.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Delzer, Laning, Vigesaa, Weisz and Sen. Oehlke introduced:

**HB 1142:** A BILL for an Act to amend and reenact section 39-04.2-04 of the North Dakota Century Code, relating to distributions from the public transportation fund; and to provide a continuing appropriation.

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

Reps. Kempenich, Kreidt and Sens. Klein, Dotzenrod introduced:

**HB 1143:** A BILL for an Act to amend and reenact section 21-10-02.1, subsection 1 of section 21-10-06, and sections 21-10-11 and 54-27.2-01 of the North Dakota Century Code, relating to investment of the legacy and budget stabilization funds.

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

Reps. Kempenich, Drovdal, Steiner and Sens. Lyson, Miller introduced:

**HB 1144:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-44.1 of the North Dakota Century Code, relating to covering a load in a vehicle and fee for a violation.

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

Reps. D. Johnson, Steiner, Guggisberg and Sens. Oehlke, Wanzek, Robinson introduced:

**HB 1145:** A BILL for an Act to amend and reenact sections 18-04-04.1, 18-04-05, 23-46-05,

26.1-01-07.5, and 26.1-03-17 of the North Dakota Century Code, relating to use of insurance premium tax collections for firefighting; and to provide a continuing appropriation.

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

Reps. Rust, Sanford introduced:

**HB 1146:** A BILL for an Act to amend and reenact sections 15.1-01-01, 15.1-12-05, 15.1-12-09.1, 15.1-12-10, and 15.1-12-27 of the North Dakota Century Code, relating to the state board of public school education and school district annexation, reorganization, and dissolution proceedings.

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

Reps. Keiser, Porter and Sen. Lyson introduced:

**HB 1147:** A BILL for an Act to create and enact a new subsection to section 49-22-03 and a section to chapter 49-22 of the North Dakota Century Code, relating to definitions and route variances for gas and liquid transmission lines; to amend and reenact subsections 4 and 10 of section 49-22-03 and sections 49-22-07.1 and 49-22-13 of the North Dakota Century Code, relating to definitions and the procedure for siting a gas or liquid transmission line; and to declare an emergency.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Rep. Delzer introduced:

**HB 1148:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to authorize a transfer.

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

Reps. Anderson, Hofstad, Kreun and Sen. Laffen introduced:

**HB 1149:** A BILL for an Act to create and enact a new subsection to section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency response to hazardous materials incidents.

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

Reps. Monson, Rust, Vigesaa and Sens. Klein, Unruh, Dotzenrod introduced:

**HB 1150:** A BILL for an Act to amend and reenact sections 26.1-13-12 and 26.1-13-15 of the North Dakota Century Code, relating to county mutual insurance companies.

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

Reps. Frantsvog, Kreun, Maragos and Sens. Burckhard, Krebsbach introduced:

**HB 1151:** A BILL for an Act to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to nonresident military personnel lottery permits; and to declare an emergency.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. N. Johnson, Gruchalla, Vigesaa and Sens. Flakoll, Miller introduced:

**HB 1152:** A BILL for an Act to amend and reenact subsection 1 of section 39-22-15 of the North Dakota Century Code, relating to motor vehicle dealer records.

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

Reps. Keiser, Kasper, Vigesaa and Sens. Grindberg, Klein, Laffen introduced:

**HB 1153:** A BILL for an Act to amend and reenact section 26.1-17-33.1 of the North Dakota Century Code, relating to restructuring of nonprofit mutual insurance companies.

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

Reps. Schmidt, Brabandt, Brandenburg, Rohr and Sens. Larsen, Schaible introduced:

**HB 1154:** A BILL for an Act to amend and reenact section 43-36-10 of the North Dakota Century Code, relating to application requirements for registration as a professional soil classifier; and to provide for a legislative management study.

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

Reps. Delmore, Hogan, K. Koppelman, Maragos and Sens. Lyson, Nelson introduced:

**HB 1155:** A BILL for an Act to amend and reenact subsection 4 of section 54-23.4-06 of the North Dakota Century Code, relating to compensation for criminally injurious conduct reporting requirement.

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

Reps. Klemin, Frantsvog, Schmidt and Sens. Andrist, Carlisle, Dotzenrod introduced:

**HB 1156:** A BILL for an Act to amend and reenact sections 11-09.1-03 and 11-09.1-04 and subsection 6 of section 11-09.1-04.1 of the North Dakota Century Code, relating to county home rule; and to declare an emergency.

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

Reps. Vigesaa, Mooney, Silbernagel and Sens. Erbele, Oehlke introduced:

**HB 1157:** A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to county road machinery.

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

Rep. Klemin and Sen. Hogue introduced:

**HB 1158:** A BILL for an Act to create and enact a new section to chapter 45-13 of the North Dakota Century Code, relating to treatment of a partnership's omitted assets.

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

Rep. Streyle introduced:

**HB 1159:** A BILL for an Act to provide an appropriation to the state auditor for additional vulnerability testing of state computer networks.

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

Reps. Klemin, Karls, Klein, Porter and Sens. Carlisle, Hogue, Lyson introduced:

**HB 1160:** A BILL for an Act to create and enact a new subsection to section 62.1-04-03 of the North Dakota Century Code, relating to renewals of concealed weapons licenses.

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

Reps. Porter, Froseth, Hunskor and Sens. Armstrong, Lyson, Schneider introduced:

**HB 1161:** A BILL for an Act to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to game and fish department licenses; and to provide an effective date.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Rep. Streyle and Sen. J. Lee introduced:

**HB 1162:** A BILL for an Act to amend and reenact section 47-30.1-01 of the North Dakota Century Code, relating to definitions for unclaimed property purposes.

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

Rep. Keiser and Sen. Klein introduced:

**HB 1163:** A BILL for an Act to amend and reenact paragraph 7 of subdivision b of subsection 10 of section 65-01-02 of the North Dakota Century Code, relating to workers' compensation definitions of compensable injury; and to provide for application.

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

Rep. N. Johnson and Sen. Campbell introduced:

**HB 1164:** A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to a standard of conduct for directors of financial institutions.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Delzer, Monson, Streyle and Sens. Lyson, Schaible introduced:

**HCR 3003:** A concurrent resolution to create and enact two new sections to article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund and the public employees retirement stabilization fund; and to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund.

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

Reps. Klemin, Kretschmar and Sen. Hogue introduced:

**HCR 3004:** A concurrent resolution directing the Legislative Management to study the Uniform Certificate of Title for Vessels Act.

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

The House stood adjourned pursuant to Representative Vigesaa's motion.

**Buell J. Reich, Chief Clerk**

