

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

* * * * *

Bismarck, January 11, 2001

The House convened at 12:30 p.m., with Speaker Bernstein presiding.

The prayer was offered by Pete Looking Horse, Tribal Elder, Cannonball.

The roll was called and all members were present except Representatives Boucher, Drovdal, Glassheim, Kelsh, S., and Wald.

A quorum was declared by the Speaker.

SPECIAL ORDER OF BUSINESS

REP. MONSON MOVED that a committee of two be appointed to escort Phillip "Skip" Longie, Chairman of the Spirit Lake Nation to the rostrum, which motion prevailed.

SPEAKER BERNSTEIN APPOINTED Rep. Dennis Johnson and Rep. Arlo Schmidt to such committee and Mr. Longie was escorted to the rostrum.

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

REP. LEMIEUX MOVED that the address of Chairman Longie be printed in the Journal, which motion prevailed.

MOTION

REP. RENNERFELDT MOVED that HB 1164 be returned to the House Floor from the Natural Resources Committee for the purpose of withdrawal, which motion prevailed.

REP. RENNERFELDT REQUESTED unanimous consent that HB 1164 be withdrawn, which motion prevailed.

SPEAKER BERNSTEIN acknowledged former Rep. Jerry Gerntholz.

MOTION

REP. BELTER MOVED to put HB 1159 to the top of the Calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

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.

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 90 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham

NAYS: Froelich; Kerzman

ABSENT AND NOT VOTING: Brekke; Byerly; Johnson, D.; Schmidt; Wald; Speaker Bernstein

HB 1159 passed and the title was agreed to.

REQUEST

REP. BYERLY REQUESTED that the record show that he voted "Nay" on HB 1159, which request was granted.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Wald

HB 1071 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Wald

HB 1072 passed and the title was agreed to.

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.

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 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.

FIRST READING OF HOUSE BILLS

Reps. Klemin, Berg, Carlson and Sen. Wardner introduced:

HB 1204: A BILL for an Act to amend and reenact subsection 15 of section 57-02-01 of the North Dakota Century Code, relating to the definition of true and full value for property tax assessment purposes relating to commercial rental property; and to provide an effective date.

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

Reps. Klemin, Mahoney and Sen. Trenbeath introduced:

HB 1205: A BILL for an Act to amend and reenact section 54-03-22 of the North Dakota Century Code, relating to the continuance of civil proceedings when a party, witness, or attorney is a member of the legislative assembly.

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

Rep. Klemin introduced:

HB 1206: A BILL for an Act to create and enact a new section to chapter 57-23 of the North Dakota Century Code, relating to explanation of valuation determinations by the board of the county commissioners in abatement proceedings.

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

Reps. DeKrey, Disrud, Kingsbury, Kretschmar, Maragos introduced:

HB 1207: A BILL for an Act to amend and reenact section 27-05.2-04 of the North Dakota Century Code, relating to receipt of fees and other moneys by clerks of district court and the creation of a special fund; to provide for a continuing appropriation; and to declare an emergency.

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

Reps. Klemin, Mahoney and Sen. Watne introduced:

HB 1208: A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to DNA testing.

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

Reps. Mueller, D. Johnson, Metcalf and Sens. Robinson, Urlacher, Wanzek introduced:

HB 1209: A BILL for an Act to amend and reenact subsection 4 of section 4-24-11.1 of the North Dakota Century Code, relating to the North Dakota agricultural hall of fame.

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

Reps. Froseth, Brandenburg, Ekstrom, S. Kelsh introduced:

HB 1210: A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota Century Code, relating to recognition of third-party building, electrical, fire, and plumbing inspections for modular and factory-built buildings.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Froseth, Dosch and Sens. Every, Lyson introduced:

HB 1211: A BILL for an Act to create and enact a new subsection to section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of revenues among political subdivisions through the state aid distribution fund; to provide an expiration date; and to declare an emergency.

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

Reps. DeKrey, Brusegaard, Porter, Weisz and Sens. Cook, Stenehjem introduced:

HB 1212: A BILL for an Act to create and enact a new subsection to section 10-15-33 of the North Dakota Century Code, relating to the deduction of membership dues from cooperative patronage dividends.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Clark, Herbel and Sen. Watne introduced:

HB 1213: A BILL for an Act to create and enact two new sections to chapter 26.1-26.6 of the North Dakota Century Code, relating to the bail bond forfeiture and exoneration; and to amend and reenact sections 26.1-26.6-08 and 26.1-26.6-09 of the North Dakota Century Code, relating to fees for bail bondsmen and bail bond forfeiture.

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

Rep. Clark and Sen. Flakoll introduced:

HB 1214: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to the usage of long-distance services.

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

Reps. DeKrey, N. Johnson, Metcalf, Nelson and Sens. Heitkamp, Lyson introduced:

HB 1215: A BILL for an Act providing an appropriation to the adjutant general's office for maintenance and repair of political subdivision-owned armories.

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

Reps. Wald, Grande and Sens. Krebsbach, Wardner introduced:

HB 1216: A BILL for an Act to amend and reenact subsections 1 and 2 of section 54-52.6-02 and section 54-52.6-03 of the North Dakota Century Code, relating to participation in the defined contribution retirement plan.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Wald, Grande and Sens. Krebsbach, Wardner introduced:

HB 1217: A BILL for an Act to amend and reenact subsection 3 of section 54-52-01 and sections 54-52.6-01, 54-52.6-02, and 54-52.6-03 of the North Dakota Century Code, relating to eligibility to participate in the defined contribution retirement plan.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Carlisle, R. Kelsch, Maragos and Sens. Lyson, Robinson, Stenehjem introduced:

HB 1218: A BILL for an Act to amend and reenact subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor or any other drug or substance; to provide an expiration date; and to declare an emergency.

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

Reps. Aarsvold, Drovdal, Nelson and Sens. Andrist, Heitkamp, Lyson introduced:

HB 1219: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to the recordation of instruments by the register of deeds.

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

REPORT OF STANDING COMMITTEE

HB 1073: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1147: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1082: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 3 and"

Page 1, line 5, replace "Subsection" with "Subsections 3 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 6, insert:

- "3. The commissioner may, ~~in the commissioner's discretion,~~ furnish information to the attorney general, other state agencies, any prosecuting officials requiring the information for use in pursuit of official duties, and legislative investigations under chapter 54-03.2. Information furnished by the commissioner to any third party which is confidential in the commissioner's possession remains confidential in the possession of the third party. Information received by the commissioner from any third party which is confidential in the third party's possession remains confidential in the commissioner's possession."

Page 1, line 7, overstrike ", in the commissioner's discretion,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3004: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3005: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Tenth order on the calendar.

MOTION

REP. MONSON MOVED that the absent member be excused, which motion prevailed.

MOTION

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

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

MARK L. JOHNSON, Chief Clerk

