

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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THIRD DAY

The House convened at 2:00 p.m., with Speaker R. Hausauer presiding. Bismarck, January 10, 1985

The prayer was offered by Pastor Larry Ediger, Washington Heights Community Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson and Kretschmar.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Second Day and finds the same to be correct.

REP. KENT, Chairman

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

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4015

LEO LEIDHOLM, Secretary

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Holmberg introduced:

SCR 4015: A concurrent resolution congratulating the Viking Elementary School Principal Wayne Peterson; the students, faculty, staff, and parents at Viking Elementary School; Grand Forks Public Schools Superintendent Dr. Mark Sanford; and the staff of the Center for Aerospace Sciences at the University of North Dakota for their outstanding performance and successful participation in the national Young Astronauts' Program.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that SCR 4015 not be referred to committee, but be read in its entirety, and

placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution congratulating the Viking Elementary School Principal Wayne Peterson; the students, faculty, staff, and parents at Viking Elementary School; Grand Forks Public Schools Superintendent Dr. Mark Sanford; and the staff of the Center for Aerospace Sciences at the University of North Dakota for their outstanding performance and successful participation in the national Young Astronauts' Program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4015 was declared adopted on a voice vote.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that SCR 4015 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4015

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Employment submits the following name for the position specified below:

House Stenographer

Bertha Palen ..... Bismarck

REP. MARTINSON, Chairman

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1060 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1073 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

HB 1073 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1074 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1074 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1105 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1105 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1106 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1106 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1115 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1115 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1119 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1119 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1120 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

HB 1120 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1140 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1140 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1176 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. TIMM, Chairman

HB 1176 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HCR 3001 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. CONMY, Chairman

HCR 3001 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. STRINDEN MOVED that HB 1042 and HB 1110 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1117: A BILL for an Act to amend and reenact sections 47-25-02 and 47-25-04 of the North Dakota Century Code, relating to trade names.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;

Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Kingsbury

ABSENT AND NOT VOTING: Gullickson; Kretschmar

HB 1117 passed and the title was agreed to.

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HB 1190: A BILL for an Act to amend sections 57-15-05, 57-15-07, and 57-15-11 of the North Dakota Century Code, relating to dates for levying taxes for county, city, and park district levy requests.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst;

Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar

HB 1190 passed and the title was agreed to.

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HB 1193: A BILL for an Act to create and enact two new sections to chapter 57-40.5 of the North Dakota Century Code, relating to aircraft excise tax refunds and a procedure for refunding; and to provide an appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.;  
Berg, R.; Brokaw; Cleveland; Conny; Dalrymple; DeMers;  
Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;  
Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;  
Hanson, L.; Hanson, O.; Haugland; Hausauer, A.;  
Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent;  
Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera;  
Lang; Larson; Laughlin; Lautenschlager; Linderman;  
Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby;  
Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja;  
Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;  
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;  
Pederson, R.; Peterson, J.; Retzer; Rice; Richard;  
Riehl; Riley; Rydell; Sauter; Schindler; Schmidt;  
Schneider; Shaw; Shide; Shockman; Skjerven; Smette;  
Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden;  
Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst;  
Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar

HB 1193 passed and the title was agreed to.

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HB 1042: A BILL for an Act to amend and reenact subdivision k of subsection l of section 28-32-03.2 of the North Dakota Century Code, relating to the distribution of the North Dakota Administrative Code.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Unhjem

HB 1042 passed and the title was agreed to.

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HB 1110: A BILL for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the requirements for fixed asset minimum reporting value for state departments, agencies, and institutions.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens;

Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas;  
 Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;  
 Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.;  
 Peterson, J.; Retzer; Rice; Richard; Riehl; Riley;  
 Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw;  
 Shide; Shockman; Skjerven; Smette; Solberg, O.;  
 Solberg, R.; Starke; Stofferahn; Strinden; Thompson;  
 Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Unhjem

HB 1110 passed and the title was agreed to.

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MESSAGES FROM THE SENATE  
 SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4016

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested on:

SCR 4015

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SCR 4015

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
 HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SCR 4015

ROY GILBREATH, Chief Clerk

SPECIAL ORDER OF BUSINESS  
MOTION

REP. STRINDEN MOVED that a committee of two be appointed to escort Mr. Russell Hawkins, Chairman of the United Tribes Board of Directors and Chairman of the Sisseton-Wahpeton Sioux Tribe to the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Stofferahn and R. Anderson to such committee and Mr. Hawkins was escorted to the rostrum.

MOTION

REP. MERTENS MOVED that the remarks of Mr. Russell Hawkins be printed in the Journal, which motion prevailed.

THE STATE OF THE RELATIONSHIP  
A TRIBAL PERSPECTIVE

By

Russell Hawkins, Chairman

I offer you greetings at the Forty-ninth Legislative Assembly of 1985. As indicated, my name is Russell Hawkins, Chairman of the Board of Directors of the United Tribes Educational Technical Center and the elected chairman of the Sisseton-Wahpeton Sioux Tribe.

I stand before you today, as the spokesperson of the five tribal chairmen of the tribes which are located in all or part of North Dakota. Those include Chairman Charles Murphy of the Standing Rock Sioux Tribe, Chairman Alyce Spotted Bear who is with us today from the Three Affiliated Tribes of Fort Berthold, Chairman Elmer White of the Devils Lake Sioux Tribe of Fort Totten, Richard LaFromboise, Chairman of the Turtle Mountain Band of Chippewa and of course myself.

It is, indeed, an honor to be invited here to present this, the first message from the North Dakota Tribes to a key and critical branch of government: the North Dakota State Legislature. I especially want to commend the leadership of both the House and the Senate, and in particular the North Dakota legislative procedures and arrangements committee for providing the support and opportunity for this time.

This first message, entitled "The State of the Relationship: A Tribal Perspective" is a significant step in history. Not only is this a first in the history of North Dakota, but is the first time that a state legislature of the Union has ever made such an invitation to Tribal Government. Most important is the opportunity for Tribes and the State to affirm a positive "government to government" relationship.

In order to reach that affirmation we must communicate, understand, cooperate and coordinate the efforts between Tribe and State.

We recognize the fact that the buffalo economy of the prairies and the earth lodges have vanished and passed to the ages. But like our forefathers - that is our tribal historians, our elders, and our leaders of the past - we continue to seek a healthy, productive, participatory and prosperous society for our Indian people.

We share with you the common goal of improving the quality of life for both the adults and children of our Tribes. We share with you the common goal of seeing that our children will become productive citizens of both the Tribe and the State and of the United States of America.

Unlike the average North Dakotan, however, our population and our governments on the reservation live with three constitutions to varying degrees. Those, of course, are the constitutions of the Tribe, State, and the Federal Government.

As a result of treaty, federal Indian law and action by the federal courts, tribal government has a special government to government relationship with the United States and the individual states themselves.

The areas of tribal concern and improvement include (1) land and resource development, (2) economic development, (3) education, (4) health, (5) social services, (6) transportation and (7) jurisdiction.

With an estimated population of more than 24,000 American Indians in the State of North Dakota, you will find that unemployment rates range from a low of forty-three percent of the working labor force at Turtle Mountain to fifty-one percent unemployed at Fort Berthold, another sixty-two percent are not working at Fort Totten, and some eighty percent unemployed at Sisseton-Wahpeton to a high of eighty-seven percent unemployed on the Standing Rock Sioux Reservation.

No matter how such statistics and data are interpreted or construed, the consequences are dire, creating a wake of other major problems for Indian society. If the general population of this country faced these conditions, a national disaster would have been declared. In terms of our allies, a Lend Lease program would have been enacted again and a Marshall Plan would have been swiftly implemented.

Land, water and other resources are among Tribal priorities in turning these negative situations around. For example, at Fort Berthold the Tribe has plans to develop their existing and potential resources including water, minerals and agricultural resources. In this respect the Tribe looks forward to such plans in the area of irrigation, stock dam development, recreational and tourism development.

Recently, the Three Affiliated Tribes reached a cooperative arrangement with the North Dakota Parks and Recreation Division to develop two recreational sites on the shores of Lake Sakakawea.

All of the five Tribes remain concerned about maintaining the existing land base of the Tribe and individual Indian allottees. At Standing Rock, the Devils Lake Sioux, and Sisseton-Wahpeton, these Tribes have been participating in the FMHA program to maintain or increase the land base on each reservation. In some instances Tribal resources are also being made available to acquire lands. The Devils Lake and Standing Rock Sioux presently have ongoing irrigation farms. Further cooperative steps will be necessary between the State, the Tribes and the Federal government in the use of water and the maintenance of rights. As we approach the end of the twentieth century, Tribal use of land, water and other natural resources will be on the increase - particularly on the larger land based reservations.

Along with our Tribal concern and respect for the land, water and other natural resources, we believe that economic and business development are a key to constructive Indian society and Tribal government. There is a need to increase the numbers of individually owned Indian businesses and Tribal enterprises within the State. At present, there are some one hundred eighty individually Indian owned retail, manufacturing, construction and specialized service businesses in the State. Two tribally owned enterprises, the Turtle Mountain Manufacturing Company at Belcourt and the Devils Lake Sioux Manufacturing Company at Fort Totten, are prime examples of success and a cooperative effort between the tribe, the private sector and the federal government. The result is to provide vitally needed jobs to Indian individuals and the beginning signs of economy in highly depressed areas.

Another area of interest by tribes is that of the gaming industry. Research of the gaming industry continues by tribal officials. Bingo operations are already authorized within the confines of tribal jurisdiction.

With the past and anticipated losses of federal dollars for education, health, social services and other basic services, gaming revenues hold the potential to at least partially offset federal cuts in services. As planned by the Reagan Administration, there will be increasingly, greater federal dollar cuts in domestic programs which are available to American Indians and other populations. There is a national trend to shift the financial burden of responsibility from the Bureau of Indian Affairs and other federal agencies to tribal government. Similarly, there will be an increasingly greater responsibility cast upon the state itself. Thus, it is critical and to the advantage of North Dakota that it seeks to assist, and support the development by tribes - in every manner - the reservations

economies and the tribal governments in assuming these responsibilities.

Without question there are numerous barriers to economic self-sufficiency for tribes and Indian individuals. Some of these include geographic isolation, transportation and most important a lack of access to capital. A review of the banking practices and guidelines ought to be seriously considered as it regards access by Indians and tribes to private lending agencies. Creative methods need to be developed to assure fair treatment to Indians and tribes for guaranteed loans from state banks.

To be sure, each of the North Dakota Tribes are committed to attracting and enticing more business and industry on the reservations. The tribal councils and their respective committees, the tribal employment rights offices and a number of development corporations exist on each reservation to facilitate such development. In addition, there is a cooperative arrangement between the United Tribes and the North Dakota State Highway Department, which has existed for nearly ten years to assist Indian and other minority businesses in competing for and obtaining contracts in the highway construction industry. The Special Programs Department at United Tribes provides a variety of technical assistance to new and existing Indian businesses. A new office is being established to attract and procure defense industry contracts to "Indian Country" in the Upper Midwest.

The North Dakota State Economic Development Commission, the Bank of North Dakota and other agencies need to actively assist and support tribes in their effort to attract new business ventures.

With such an approach, the state and its political subdivisions stand to benefit, along with the tribes and the people of North Dakota.

As a footnote about present economic impact by Tribes and their populations, the major share of dollars immediately leave the reservation with little or no recovery. Therefore, few or no jobs are created by such incoming dollars. There is no major economic multiplier effect to further generate a local economic base. Nevertheless, the North Dakota economy directly benefits from major Tribal and government expenditures.

Another facet is a long difficult history of Indian education. The accepted American concept of "Local Control" by the immediate community was foreign and not available to Indian systems. Religious and federal schools initially dominated the education of our population. Tribally controlled or contract schools have only developed during the past fifteen years. Public schools provide a large part of that education, as well. Impact aid and other federal funds are generally available to public schools. Today, some thirty schools, which represent these different systems, provide education to more than fourteen thousand Indian children at elementary and secondary levels. This student

population figure also includes children being served on the South Dakota portion of Standing Rock and Sisseton-Wahpeton Indian Reservations.

The history of tribally controlled postsecondary education is recent - since 1969. At this time the Tribes of North Dakota established United Tribes Educational Technical Center. The center was designed to provide technical and vocational training to Indian individuals and their families. Today, it is an accredited institution serving an average of two hundred twenty full-time adult students and some one hundred fifty children on a campus, immediately located south of Bismarck.

On another front, the Tribes in North and South Dakota took the leadership throughout the nation by establishing their own community colleges, beginning in 1972 in North Dakota. Today all five tribes have locally operated tribal community colleges on their reservations. Each are at varying degrees of accreditation. Standing Rock and Turtle Mountain Community Colleges are fully recognized. Little Hoop at Fort Totten and Fort Berthold and Sisseton-Wahpeton Community Colleges are at the candidate stage of development. The demand for these institutions was a result of the cultural, academic and geographic isolation of the populations from mainstay universities and colleges. The Indian student who attends a two-year program of study at a tribally controlled community college is more likely to graduate with a four year degree from one of the state colleges or universities. More than one thousand students, both Indian and non-Indian, attend these colleges on the five different reservations. All six of these postsecondary education institutions represent a means to break the cycle of poverty, hopelessness and dependency.

North Dakota has been a leader in Indian education. Nevertheless, there is much more to accomplish. For example, there is a need to further develop Indian curriculum and to update materials that are available in school systems throughout the state. The State Department of Public Instructions Office of Indian Education will need more substantial support in carrying out this mission.

On another front, there is an increasing demand for the North Dakota State Indian Scholarship. This is because of the increasing number of Indian students competing for the scholarship, as well as the diminishing number of dollars available through the Bureau of Indian Affairs and other financial aids. One option might be to consider increasing appropriations, and another might be to review a tuition waiver or reduction plan for such students.

Another sign of progress throughout the past six years has been the increasing communication in the area of vocational education concerns. The United Tribes and four of the community colleges have worked cooperatively in standards and certification of

vocational education programs through the North Dakota State Board of Vocational Education. Moreover, with recent funding shortfalls at each of these North Dakota schools, the state board was instrumental in providing some federal passthrough dollars to assist in maintaining ongoing courses. Recently an American Indian was appointed to that board.

The roster of concerns for Indian health care and social services is lengthy. That Indian adult and infant mortality rates are significantly higher than the North Dakota general population is noted in our report to the legislature.

Heart disease, diabetes, alcoholism, cancer and circulatory health problems tend to be higher among the Indian populations.

Services are provided by the Indian Health Services at each of the five tribal reservations. But with cutbacks, contract care services for surgery are taken care of only in an emergency or a life threatening situation.

One example of North Dakota assistance is the Maternal and Child Health Program with a focus toward decreasing infant mortality rates. This program has been operating since 1978.

For the most part, social services are provided to Indian citizens through the Bureau of Indian Affairs. In those states and localities where the Indian living on tax-exempt land would not receive the general assistance and social services needed, the Bureau of Indian Affairs provides the necessary funds and services. Although Indian trust lands are exempt, Indians do pay sales, excise, and gasoline taxes. Studies have shown these taxes comprise a significant contribution to state and county revenue.

In North Dakota, aside from general expected problems, the General Assistance Program of the Bureau and the State Social Services program has been working reasonably well through its county delivery systems.

Finally, there are the mutual concerns involving jurisdiction between the Tribes and the State of North Dakota. These include hunting and fishing, taxation, court jurisdiction, civil rights and general jurisdictional issues between the individual Tribes and the State. These represent problems which could conceivably be negotiated rather than litigated.

In such instances, the Tribes have a sovereign governmental and legal responsibility to their members and for their resources.

As an example, Tribal court judgments are not given the full face and credit due to them by North Dakota courts. In addition, the State levies certain taxes on tribal members, property and lands, including some Tribal lands owned in fee. In light of United States Supreme Court decisions, these levies are clearly invalid.

The North Dakota Legislature needs to more closely examine this and other situations. A dialogue on such matters between the State and Tribes should begin, immediately.

There are obviously methods to resolve issues. One of those is the State-Tribal Agreements Act, enabled by the last state legislature. This authorizes state and local governmental entities to enter into negotiated and written agreements with Tribal governments.

One case in point includes agreements between Tribal courts and the State Human Services Department. This is in regard to the Indian Child Welfare Act. There are instances of cross-deputization between state and reservation law enforcement agencies. We have mentioned these and other examples today.

We do not say that litigation is out of the question, but we believe dialogue enhances steps toward positive resolution between the Tribes and the State.

Once again we commend the Senate and the House of Representatives of the Forty-ninth Legislative Assembly for this opportunity today. It is an important benchmark in the history between Tribes and States.

We invite you to visit us at our respective council chambers. Together we can grow and prosper in this Great State of North Dakota if we properly communicate, understand and cooperate.

As one First American and medicine man said from Standing Rock:

"I HAVE ADVISED MY PEOPLE THIS WAY ... WHEN YOU FIND ANYTHING GOOD IN THE WHITE MAN'S ROAD, PICK IT UP. WHEN YOU FIND ANYTHING BAD, DROP IT AND LEAVE IT ALONE."

These words were spoken by Sitting Bull. May I say we continue to follow that advice.

Thank you and we wish you great success!

#### MOTION

REP. STRINDEN MOVED that a committee of two be appointed to escort Mr. Russell Hawkins, from the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Stofferahn and R. Anderson to such committee and Mr. Hawkins was escorted from the rostrum.

#### MOTIONS

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

REP. STRINDEN MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House

stand adjourned until 12:30 p.m., Friday, January 11, 1985, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

Rep. Unhjem introduced:

HB 1220: A BILL for an Act to amend and reenact section 15-59-02.1 of the North Dakota Century Code, relating to the legislative intent regarding state special education programs.

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

Rep. Unhjem introduced:

HB 1221: A BILL for an Act to permit that an adoption petitioner may be required to show proof of health insurance covering the person to be adopted; and to create and enact a new section to chapter 50-12 of the North Dakota Century Code, relating to license requirements for out-of-state child-placing agencies.

Was read the first time and referred to the **Committee on Social Services and Veterans Affairs.**

Rep. Unhjem introduced:

HB 1222: A BILL for an Act to amend and reenact subsection 25 of section 57-15-06.7 of the North Dakota Century Code, relating to the mill levy limitation for county tax levies for programs and activities for senior citizens.

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

Rep. Unhjem introduced:

HB 1223: A BILL for an Act to amend and reenact sections 4-18.1-07 and 4-18.1-10 of the North Dakota Century Code, relating to price requirements for milk sales by retailers.

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

Rep. Unhjem introduced:

HB 1224: A BILL for an Act to amend and reenact sections 57-15-06, 57-15-08, and 57-15-14 of the North Dakota Century Code, relating to county, city, and school district tax levy limitations.

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

Rep. Unhjem introduced:

HB 1225: A BILL for an Act to create and enact chapter 35-08.1 of the North Dakota Century Code, relating to crop liens for unpaid earned crop hail insurance premiums or all risk crop insurance premiums; and to amend and reenact sections 11-18-14, 35-08-04, 35-09-03, 35-10-01, and 35-21-01 of the North Dakota Century Code, relating to liens against crops and release of liens.

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

Rep. Unhjem introduced:

HB 1226: A BILL for an Act to amend and reenact section 51-05.1-02 of the North Dakota Century Code, relating to license standards for auctioneers.

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

Rep. Opedahl and Sen. Wenstrom introduced:

HB 1227: A BILL for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the vehicles that may be driven by a driver with a class 3 operator's license.

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

Reps. Unhjem and Retzer introduced:

HB 1228: A BILL for an Act to amend and reenact subsection 9 of section 57-39.2-04 of the North Dakota Century Code, to provide a sales tax exemption for purchases or leases of oxygen concentrators.

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

Rep. Conmy introduced:

HB 1229: A BILL for an Act to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to workmen's compensation premiums.

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

Rep. Conmy introduced:

HB 1230: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to the venue of proceedings in small claims court.

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

Reps. Melby, Vander Vorst introduced:

HB 1231: A BILL for an Act to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to the term of office of the county veterans' service officer.

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

Reps. DeMers, L. Hanson, Winkelman and Sens. Parker, Mushik introduced:

HB 1232: A BILL for an Act to establish a nongame wildlife fund and provide for uses of the fund; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution to the nongame wildlife fund to be included on North Dakota income tax returns; and to provide an effective date.

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

Reps. Murphy, Whalen, O. Hanson, Thompson introduced:

HB 1233: A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to value of county contracts for use of road machinery for which competitive bidding is required.

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

Reps. Schmidt, R. Solberg introduced:

HB 1234: A BILL for an Act to amend and reenact section 57-02-04 of the North Dakota Century Code, relating to the definition of real property for purposes of ad valorem property assessment; and to provide an effective date.

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

Reps. L. Hanson, Melby, W. Williams and Sen. Wogsland introduced:

HB 1235: A BILL for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to the appointment of an alternate water resource board member upon disqualification of a water resource board member due to a conflict of interest or illness.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. O. Hanson, Nicholas and Sens. Thane, Vosper, Tweten introduced:

HCR 3016: A concurrent resolution urging Congress to enact, and urging the United States Department of Agriculture, the Farm Credit Association, and the Farmers Home Administration to enforce, legislation to alleviate the crisis in the farm industry in this country.

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

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

ROY GILBREATH, Chief Clerk