

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, January 6, 1989

The House convened at 1:00 p.m., with Acting Speaker R. Hausauer presiding.

The prayer was offered by Rev. Forrest Erickson, Grace Lutheran Brethren Church, Bismarck, North Dakota.

The roll was called and all Representatives were present, except Representatives Dorso, Gorman, Lindgren, Stenehjem, Vander Vorst, and Speaker Kretschmar.

A quorum was declared by Acting Speaker R. Hausauer.

## CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)

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

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

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1081 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1081 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1108 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 5, overstrike "nominates" and insert immediately thereafter "appoints"

Page 2, line 7, overstrike "nominates" and insert immediately thereafter "appoints"

Renumber accordingly

HB 1108 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HB 1110 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 9, after "bodies" insert "with emphasis on consumer participation"

Renumber accordingly

HB 1110 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1114 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1114 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HB 1115 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

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

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1138 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1138 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HB 1150 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1150 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3001 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

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

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred HCR 3002 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS:

HCR 3002 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Employment (Rep. Martinson, Chairman) submits the following names for the positions specified below:

1989 HOUSE EMPLOYEES

Roy Gilbreath .....	<u>Chief Clerk</u>	Bismarck
Barbara Middaugh .....	<u>Desk Reporter</u>	Bismarck
David Hillesland .....	<u>Sergeant-at-Arms</u>	Grand Forks
Skip Sjothun .....	<u>Assistant Chief Clerk</u>	Rutland
Jeane Marschke .....	<u>Bill Clerk</u>	Bismarck
Theola Stetson .....	<u>Chief Stenographer &amp; Payroll Clerk</u>	Taylor
Gloria Halvorson .....	<u>Chief Assistant Committee Clerk</u>	Regan
Cindy Nelson .....	<u>Appropriations Committee Clerk</u>	Bismarck
Carol Nitschke .....	<u>Assistant Appropriations Committee Clerks</u>	Bismarck
Yvonne Hurkes .....		Bismarck
Nancy Thompson .....		Bismarck
Helen Soma .....	<u>Committee Clerks</u>	Bismarck
Joan VonRueden .....		Bismarck
Judy Hoffman .....		Bismarck
Janice Stein .....		Mandan
Jonathan Thomson .....		Bismarck
Sandy Schafer .....		Underwood
Jan Mumma .....		Bismarck
Connie Johnsen .....		Bismarck
Marsha Smith .....		Bismarck
Marion Kolb .....		Minot
Elaine Anderson .....	<u>Assistant Committee Clerk</u>	Bismarck
Tove Mandigo .....	<u>Chief Page and Bill Book Clerk</u>	Bismarck
Richard Stenberg .....	<u>Assistant Chief Page &amp; Bill Book Clerk</u>	Watford City
Cindy Kephart .....	<u>Journal Page</u>	Flasher
Barbara Larson .....	<u>Desk Pages</u>	Bismarck
Karla Kramer .....		Dickinson
Brian Overton .....		Kenmare
Darlyne Clausnitzer .....	<u>Secretary to the Speaker</u>	Bismarck
Mazie Patchen .....	<u>Secretary to the Majority Leader</u>	Bismarck
Dave Koland .....	<u>Ass't. Secretary to the Majority Leader</u>	Minot
Ruth Elbert .....	<u>Secretary to the Minority Leader</u>	Fargo
Shannon Peterson .....	<u>Ass't. Secretary to the Minority Leader</u>	Fargo
Ron Carlisle .....	<u>Deputy Sergeant-at-Arms</u>	Bismarck
Phyllis Connolly .....	<u>Assistant Sergeants-at-Arms</u>	Dunn Center

Cliff Nygard .....	Bismarck
Todd Gierke .....	Bismarck
LeRoy Miller .....	Bismarck
Dan Stuart .....	Bismarck
Kim Neumann .....	Cando
Mark Zimmerman .....	Elgin
<u>Information Desk Attendant</u>	
Peggy Puetz .....	Bismarck
<u>Bill Room Clerks</u>	
Eli Nemer .....	Bismarck
Dan O'Neil .....	Bismarck
Faye Caya .....	Mandan
MaryAnn Varriano .....	Mandan
Burnetta Barth .....	Solen
<u>Journal Room Clerks</u>	
Bernice Asbridge .....	Bismarck
Hella Keller .....	Bismarck
<u>Chief Telephone Attendant</u>	
Bonnie Elefson .....	Bismarck
<u>Telephone Attendants</u>	
Lois Borke .....	Bismarck
Donna Ismir .....	Bismarck
Irma Holmstrom .....	Bismarck
<u>Telephone Page</u>	
Jane Hammel .....	Dunn Center
<u>Parking Lot Attendant</u>	
John Schmidt .....	Bismarck
<u>Stenographers</u>	
Barb Klein .....	McKenzie
Phyllis Johnson .....	Bismarck
Sandy Eckert .....	Bismarck
Verna Dixon .....	Bismarck
Lori Domine .....	Oakes
<u>Typists</u>	
Kay Zing .....	McClusky
Sharon Jensen .....	Bismarck
<u>Page and Bill Book Clerks</u>	
JoAnn Doll .....	Bismarck
Lloyd Billey .....	Ellendale
Russell Hanson .....	Larimore
Carl Strum .....	Sentinel Butte
Cheri Thurn .....	Bismarck
Sandy McCollom .....	Bismarck
Mark Brannan .....	Bismarck
Lisa Dirks .....	Parshall
Jon Dockter .....	Bismarck
Jeff Carlson .....	Washburn
Daniel Gannon .....	Mandan
Anton Gross .....	Bismarck
Sandi Hohbein .....	New Salem
Marilyn Witteman .....	Mohall
Althea Yantzer .....	Mandan
Lisa Lang .....	Bismarck
<u>Janitors</u>	
Joe Emineth .....	Bismarck
Eugene Reynolds .....	Bismarck
Helen Just .....	Bismarck

Francis Scharosch ..... Bismarck

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Arrangements for House Committee Rooms (Rep. Wald, Chairman) has met, has examined potential meeting rooms and other space and makes the following recommendations:

#### HOUSE COMMITTEE ROOM ASSIGNMENTS 1989 Session

Committee	Meeting Days	Room
Appropriations .....	M,T,W,Th,F	Roughrider
Education and Environment Division		Roughrider
Government Operations Division		House Conference
Human Resources Division		Sakakawea
Finance and Taxation .....	M,T,W	Fort Totten
Judiciary .....	M,T,W	Prairie - 2nd floor
Industry, Business and Labor ....	M,T,W	Peace Garden
Education .....	M,T,W	Pioneer
State and Federal Government ....	M,T,W	Fort Union
Political Subdivisions .....	Th,F	Prairie - 2nd floor
Human Services and Veterans.....	Th,F	Peace Garden
Affairs		
Transportation .....	Th,F	Fort Totten
Agriculture .....	Th,F	Fort Union
Natural Resources .....	Th,F	Pioneer
Constitutional Revision .....	TBA	Senate Conference

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Payne and Sen. Nelson introduced:

HCR 3012: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of state representatives; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

#### SPECIAL ORDER OF BUSINESS

REP. R. ANDERSON MOVED that a committee of two be appointed to escort Betty Mills, Chairperson of the Legislative Compensation Commission to the rostrum, which motion prevailed.

ACTING SPEAKER R. HAUSAUER APPOINTED Reps. Hoffner and Lang to such committee and Betty Mills was escorted to the rostrum.

BETTY MILLS: As you can imagine, this is not the year when increasing legislative salaries appeared to be an idea whose time had come, and we were not inundated with suggestions from legislators to do so. But, commission members who come from a variety of backgrounds, met twice to review the history of compensation and its present levels.

The full report of the commission will be printed in the Journal, so I will not repeat the tables of statistics for you.

## REPORT OF LEGISLATIVE COMPENSATION COMMISSION

The Legislative Compensation Commission was established by the 1969 Legislative Assembly. Consisting of five members appointed by the Governor the primary duty of the commission was to determine appropriate rates of expense allowance and compensation to be paid members of the North Dakota Legislative Assembly. After 10 years of existence, the original Legislative Compensation Commission Law was repealed in 1979.

After the constitutional provision relating to legislative compensation was amended in 1982, the Legislative Compensation Commission was recreated by passage of 1983 Senate Bill No. 2360. The bill, codified as North Dakota Century Code Sections 54-03-19.1 and 54-03-19.2, directs the Legislative Compensation Commission to determine appropriate rates of expense allowance and compensation for members of the Legislative Assembly, including per diem paid for service on interim committees and during legislative sessions.

Commission members are Betty Mills, Chairman; Frank Wenstrom; Ellen Austin; Rosie Black; and Nicholas Schmit. The commission held meetings on May 10 and November 10, 1988.

## COMPENSATION, PER DIEM, AND EXPENSE REIMBURSEMENT RATES

As originally adopted in 1889, the Constitution of North Dakota provided that each member of the Legislative Assembly would receive compensation of \$5 per day during each legislative session and 10 cents per mile for expenses of traveling to and from the Capitol. Because of rising expenses of serving in the Legislative Assembly, expense reimbursements were gradually increased until 1981, when expense reimbursements were set at \$85 per calendar day during the session and \$180 per month for uncompensated expenses. From 1889 through 1981 legislative compensation remained at \$5 per day during sessions.

The following is a schedule of legislator compensation and expense reimbursements from 1969 through 1987:

Year	Compensation for each Calendar Day During a Session	Expense Reimbursement for each Calendar Day During a Session	Reimbursement/ Compensation for each Month for Interim Expenses
1969	\$ 5	\$35	\$ 35
1971	5	40	50
1973	5	50	50
1975	5	60	75
1977	5	60	150
1979	5	70	150
1981	5	85	180
1983	40 *	50 *	180
1985	90	**	180 ***
1987	90	**	180 ***

\* Bismarck legislators received \$90 per day as compensation and did not receive any amount for daily expense reimbursement.

\*\* Legislators not from the Bismarck area receive reimbursement for lodging at the rate of \$35 per night to a maximum of \$600 per month.

\*\*\* The 1985 Legislative Assembly changed the \$180 monthly reimbursement from uncompensated expense reimbursement to compensation.

At the primary election in 1982 the voters of the state approved a measure which repealed the 1889 constitutional provision and substituted a provision that compensation for elected members and officials of each branch of government would be set by law and payment for expenses could not exceed those allowed for other employees. The 1982 constitutional amendment also removed the \$5-per-day compensation limit and gave the Legislative Assembly authority to set compensation levels. The requirement that legislators' expenses not exceed those of other state employees prohibited continuation of unvouchered expense reimbursements at the level in effect at the time.

The 1983 Legislative Assembly provided that each legislator whose tax home was in Bismarck was to receive \$90 per day as compensation. A member of the Legislative Assembly whose tax home was not in Bismarck received \$40 compensation plus \$50 per day reimbursement for expenses. The 1983 Legislative Assembly also provided that legislators were entitled to reimbursement for travel for one round trip per week between their residences and the Capitol at the rate provided for state employees. The expense reimbursement remained at \$180 per month during the interim. Legislation passed by the 1983 Legislative Assembly expired June 30, 1985, and legislative compensation was to revert to 1981 levels absent action in the 1985 legislative session.

The 1985 Legislative Assembly provided that each legislator receive \$90 for each calendar day during a session and that lodging reimbursement be at the rate of \$35 for each calendar day with a maximum of \$600 per calendar month. Legislators who do not receive reimbursement for lodging and who do not live in a legislative district completely or partially within the city of Bismarck are entitled to reimbursement for necessary travel for one round trip per day between their residences and the Capitol providing that the reimbursement does not exceed \$600 per month. The 1985 Legislative Assembly also increased legislative leadership compensation from \$5 to \$10 per calendar day during a session and increased from \$3 to \$5 the amount that chairmen of the standing committees receive for each calendar day during a session. The 1985 Legislative Assembly also changed the \$180 monthly payment that legislators receive from uncompensated expense reimbursement to compensation.

The only change that the 1987 Legislative Assembly made to the legislative compensation, expense reimbursement, or per diem rates was providing that the reimbursement rate for legislators traveling during a legislative session is the same rate provided for state employees traveling by motor vehicle, regardless of the method of travel.

The following schedule is the salary and reimbursement amounts that legislators receive under the provisions of current law:

During any regular, special, or organizational session:

Salary	\$ 90/calendar day
Additional compensation for:	
Speaker of the House	10/calendar day
House Majority Leader	10/calendar day
Senate Majority Leader	10/calendar day
House Minority Leader	10/calendar day
Senate Minority Leader	10/calendar day
Chairmen of substantive standing committees	5/calendar day

## Reimbursement for lodging expenses:

To a maximum of \$600/month for legislators who reside outside Bismarck-Mandan	\$35/calendar day
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Mileage: 20 cents per mile for one round trip by automobile each calendar week going to and from the meeting of the Legislative Assembly during a regular session and one trip going to and from the organizational session. Legislators who live in districts outside Bismarck and who do not receive lodging reimbursement are allowed daily round-trip reimbursement not exceeding \$600/month.

## Other:

Monthly compensation paid every six months	\$180/month
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## During the interim:

Compensation for attendance at meetings of the Legislative Council and its committees	\$62.50/day
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## Additional compensation for:

Council chairman	\$5/day
Committee chairmen	5/day

## Reimbursement for meals, lodging, and mileage at the following statutory rates:

Meals - Not to exceed \$17 per day in state

1st quarter - \$ 3.50
2nd quarter - 5.00
3rd quarter - 8.50

Not to exceed \$30 per day out of state

1st quarter - \$ 6.00
2nd quarter - 9.00
3rd quarter - 15.00

Lodging - Actual expenses not to exceed \$35 per day in state; actual expenses out of state

Mileage - 20 cents per mile by motor vehicle; 18 cents per mile by motor vehicle 150 miles beyond state border; 35 cents per mile by private airplane

Based on suggestions from legislators, during the 1987-88 interim the commission considered the following items regarding legislator compensation and expense reimbursement:

- Increase the per diem compensation amount for attendance at Legislative Council interim meetings (presently \$62.50)

- Increase the Legislative Council chairman and chairman of interim committees reimbursement amounts from \$5 to \$10
- Provide a legislator retirement plan

#### Recommendations

The commission recommends that the legislative compensation, expense reimbursement, and per diem rates for the 1989 Legislative Assembly and 1989-90 interim remain the same as the present levels. The commission recommended that no changes be made due to the poor economic condition of the state.

#### LEGISLATOR RETIREMENT PLAN

At the May 1988 Legislative Compensation Commission meeting, Representative Charles F. Mertens, Legislative Council Chairman, presented a proposal for legislators to participate in the Public Employees Retirement System. Representative Mertens proposed the legislator retirement plan as a form of compensation for legislators' dedication, sacrifices, time, and effort. Retirement benefits provided under the proposal would be determined the same way as for other state employees with the basis being years of service and salary. The proposal included the following three options under which legislators could participate in the Public Employees Retirement System:

1. Beginning with members of the 51st (1989) Legislative Assembly.
2. Beginning with members of the 50th (1987) Legislative Assembly.
3. All future, current, and prior members of the Legislative Assembly.

Representative Mertens suggested that the Public Employees Retirement Fund's actuarial margin could be used to fund a legislator retirement plan.

The Legislative Compensation Commission met jointly with the Retirement Committee on November 10, 1988, to receive actuarial information on the legislator retirement plan options. The Legislative Compensation Commission and Retirement Committee received actuarial information that the cost of the legislative retirement plan providing benefits for prior, current, and future legislators would be 16.12 percent of legislators' salaries and the cost of a legislative retirement plan providing for present and future legislators would be 7.83 percent of legislators' salaries.

The commission's review of a legislator retirement plan included hearing the following reasons for and against establishing the plan:

#### Reasons for:

- The present reimbursement amounts that legislators receive may be inadequate and preclude some persons from serving in the Legislative Assembly. A legislator retirement plan would be an additional form of reimbursement making legislative office more attractive in order to continue to have the Legislative Assembly include persons representing a cross section of society.
- A legislator retirement plan would improve the levels of legislator compensation giving greater recognition to the value of legislative service.

- A legislator retirement plan would provide needed financial security for some people who have served many years in the Legislative Assembly.

Reasons against:

- Since the Legislative Assembly is not intended to be full-time employment, it is not necessary for the state to provide a legislator retirement plan.
- If the legislative compensation levels are inadequate, added compensation should be provided through increased compensation amounts - not a retirement plan.
- The most important reason to increase legislative compensation levels may not be to encourage many years of legislative service. A legislator retirement plan would encourage many years of service.
- North Dakota's Legislative Assembly consists of citizens who serve the public for reasons that a retirement plan would not affect.

Recommendation

The Legislative Compensation Commission favors the Legislative Assembly's consideration of the establishment of a legislator retirement plan. The Legislative Compensation Commission supports a resolution directing the Legislative Council to study issues, options, and the desirability of establishing a retirement plan for members of the Legislative Assembly.

**MOTIONS**

REP. R. ANDERSON MOVED that the remarks of Betty Mills, Chairperson of the Legislative Compensation Commission, be printed in the Journal, which motion prevailed.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort Betty Mills, Chairperson of the Legislative Compensation Commission from the rostrum, which motion prevailed.

ACTING SPEAKER R. HAUSAUER APPOINTED Reps. Hoffner and Lang to such committee and Betty Mills was escorted from the rostrum.

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

REP. KLOUBEC MOVED that the House stand adjourned until 1:00 p.m., Monday, January 9, 1989, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess awaiting the arrival of Mr. Ed Lone Fight, Tribal Chairman, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Acting Speaker R. Hausauer presiding.

## SPECIAL ORDER OF BUSINESS

REP. R. ANDERSON MOVED that a committee of two be appointed to escort Mr. Ed Lone Fight, Tribal Chairman, Three Affiliated Tribes, Fort Berthold Reservation, to the rostrum, which motion prevailed.

ACTING SPEAKER R. HAUSAUER APPOINTED Reps. O'Shea and Kouba to such committee and Mr. Lone Fight was escorted to the rostrum.

THE STATE OF THE RELATIONSHIP  
A TRIBAL PERSPECTIVE

Edward Lone Fight, Chairman

My name is Edward Lone Fight, Chairman of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation. I am honored to represent the original inhabitants of this state on behalf of Carl McKay, Chairman of the Fort Totten Sioux Tribe; Twila Martin-Kekahbah, Chairperson of the Turtle Mountain Chippewa Tribe; Charles Murphy, Chairman of the Standing Rock Sioux Tribe; and, the Mandan, Hidatsa, and Arikara Tribes of the Fort Berthold Indian Reservation. I thank the North Dakota state legislature and my colleagues for the opportunity to present the following testimony.

The Indian tribes in North Dakota face many of the same kinds of problems and challenges that confront the North Dakota state legislature. For example, both the Indian tribes and the state of North Dakota desire to improve the economic conditions of their reservations and state. However, the economic conditions on North Dakota's Indian reservations may never improve if the reservations appear as constant battlegrounds over jurisdictional disputes with the state of North Dakota.

It must be recognized under prevailing federal Indian law that Indian tribes are vested with the attributes of sovereignty. The state of North Dakota must recognize that Indian tribes have civil regulatory jurisdiction in the areas of hunting and fishing, taxation, business licensing, liquor regulation, and in gaming activities. These are some of the areas where the Indian tribes can expect to improve the impoverished conditions that exist within their respective reservations. Yet, whenever Indian tribes attempt to exercise their sovereign authority, the Indian tribes are faced with direct opposition from the state of North Dakota. If there is one message in my presentation that I want unequivocally expressed, it is the recognition for both the state and tribal governments to professionally relate to each other as one government to another government.

In light of the poor economic conditions that exist on North Dakota's Indian reservations, one means of combatting this problem is through the education of our young people. Indian education, today, remains a great concern to Indian leaders. The goals of educating our American Indian students is an area of crucial concern which must be developed and strengthened. The statistics prove that the drop-out rate for American Indian students is among the highest in the nation. Yet, given these factual circumstances, the North Dakota state legislature is contemplating the termination of the entire budget on state foundation aid to secondary Indian schools. The North Dakota Indian leaders urge the repeal of the North Dakota Century Code provisions which prohibit the funding to secondary Indian schools that presently receive federal funding.

There are many examples in other states where the states and the Indian tribes have worked cooperatively together to achieve major economic gains.

For example, in the Northwest and Southwest, the Indian tribes and the states have worked successfully together to obtain power plants and for the development of fisheries, with both tribal and state officials comprising the boards that oversee these major economic developments. These states and other Indian tribes are generating millions of dollars each year from these enterprises. Yet, in North Dakota, the Indian tribes and the state are still fighting basic jurisdictional wars.

It is imperative that the Indian tribes and the state of North Dakota work closer together to forge a future that will meet the needs of our children, while maintaining the integrity and strong sense of community and family values which have proven to be the strength of all North Dakotans. Presently, many of our young professional people, both Indian and non-Indian alike, are leaving this state in vast numbers in the hopes of seeking economic opportunities elsewhere. The time has arrived for the North Dakota legislature, state agencies, and the tribal governing bodies to work cooperatively together for the creation of an economic environment which is conducive to business and reservation needs, and which will offer jobs and opportunities for our young people.

There is an absolute need for mutual cooperation between the state of North Dakota and the Indian tribes. For example, there exists an area of mutual concern for both the state of North Dakota and the Indian tribes, which will ultimately prove beneficial to both sovereigns. The North Dakota state Democratic convention, held in 1988, formally endorsed as part of its party platform, the transfer of the excess shoreline from the federal government to state and tribal ownership. The state of North Dakota and the affected Indian tribes should mutually join together in an effort to request the return of the shoreline within their respective boundaries. The return of these excess lands to the Indian tribes and the state of North Dakota would improve the economic conditions of the two sovereigns, especially in the area of recreational development. There should, and there must be, a joint lobbying effort in order for this goal to be achieved.

The time has come for the North Dakota state legislators to put to rest their imagined fears of Indian people and tribal governments. It took approximately two years for the Three Affiliated Tribes to convince the North Dakota state legislature to pass a temporary full faith and credit statute. The full faith and credit legislation was much needed to resolve the practical legal problems of both Indians and non-Indians alike, and in preserving the sanctity of the courts. During this legislative assembly, it is incumbent upon the North Dakota state legislature to make the full faith and credit legislation become a permanent part of the laws of the state of North Dakota.

The economic conditions that exist on North Dakota's Indian reservations shock the conscience. The unemployment rates range anywhere from 60 percent to as high as 80 percent. These present conditions far exceed the conditions that existed when our nation underwent the great depression of the 1930s. Yet, whenever Indian tribes attempt to improve their economic conditions, the Indian tribes are oftentimes met with forced opposition from the state of North Dakota, whether it's in the area of hunting and fishing, taxation, or Indian gaming activities.

There exists a potential for the Indian tribes and the state of North Dakota to enter into a compact for a tax revenue-sharing agreement. A tax revenue-sharing agreement would provide additional revenues for both the Indian tribes and the state of North Dakota. Here would be a good example of

the Indian tribes and the state of North Dakota working cooperatively together. The North Dakota legislators and the tribal leaders have a common goal to enhance the economic conditions of North Dakota and to provide a better life for our citizens, both Indian and non-Indian alike. The time has come for the North Dakota state legislators and the Indian leaders to being an open dialogue for understanding and to build a viable working relationship which will result in the strengthening of the entire state of North Dakota.

Furthermore, there is much room for necessary improvement in the provision of health care to the Indian people on the reservations in this state. The tribes are compelled to rely exclusively on federal funding in the crucial area of health care services, which federal financial assistance has typically experienced significant reductions over the years. Due to the absence of adequate Indian health services facilities and professional personnel on the reservations, a substantial portion of the health care services provided to our Indian people has perennially been on a contract basis at inpatient and outpatient facilities located off the reservations. We are respectfully requesting the government of North Dakota to assist our tribes in lobbying the United States Congress to make increased appropriations in the area of Indian health care to assure, in future years, adequate services to our people, which increased appropriations would also benefit the nonfederal health care providers in the state of North Dakota through the continued provision of contract services off the reservations. The North Dakota tribes would also ask the state legislators to provide assistance in the resolution of the current conflict between the Indian health service and Jamestown State Hospital, involving the issue as to which governmental entity--the United States or the state of North Dakota--is legally obligated to incur the costs of providing mental health and alcohol and drug rehabilitation services to Indian people committed to inpatient treatment by tribal courts.

In addition, the North Dakota tribes are requesting the assistance of the North Dakota legislature in the significant matter of the protection and preservation of Native American religious values and traditions. Each of you is undoubtedly aware of the recent decision of the State Historical Board to return to the Indian people of North Dakota the massive collection of Indian skeletal remains and associated grave goods for their return to mother earth. This unprecedented and humanitarian decision by your Historical Board has unfortunately been thwarted as a result of pending litigation in state court in which the Historical Board is the named defendant. The Historical Board is proposing to cause legislation to be introduced to clarify the original intent of two statutory provisions at issue in the litigation, on which issues the state court has recently decided not to rule, pending further action by the Historical Board.

Also related to the protection of Indian skeletal remains and grave goods is an independent legislative effort to come before you in this legislative assembly which would close the loopholes existent in the enforcement of a state law designed to protect remains and grave goods in their places of original interment throughout the state. Each of you has perhaps read about the recent dismissal of the criminal prosecution brought on the basis of an alleged violation of this state law, committed in Mandan, wherein a citizen of the state was apprehended in the act of excavating an Indian burial mound. The inability of the state to successfully and fully enforce this same criminal law provision was also recently experienced in a prosecution in Jamestown. The State Historical Society will be joining the North Dakota tribes in this additional legislative effort to adequately protect and

preserve the sanctity of the many Indian burials located throughout the state.

In addition, the Standing Rock Sioux Tribe, the Fort Totten Sioux Tribe, and the Three Affiliated Tribes should be working cooperatively in a joint effort with the state of North Dakota to accomplish the intent and purposes of the Garrison Reformulation Act. The state of North Dakota, and, in particular, the Indian tribes, suffered untold losses as a result of the taking of land for the site of the Garrison Reservoir. The Indian tribes and the state of North Dakota are now at the threshold to redeem some of the benefits that each governmental entity, and their citizens, sacrificed for the building of the Garrison Dam and Reservoir. It is imperative that the state of North Dakota, the Standing Rock Sioux Tribe, the Fort Totten Sioux Tribe, and the Three Affiliated Tribes achieve adequate water supply systems for their municipal, rural, and industrial uses.

I believe the Indian tribes of North Dakota offer opportunities in tourism development, manufacturing, and industry which can become the cornerstone for a major economic development effort. However, this can only be realized through a mutual understanding and partnership between the Indian tribes and the state of North Dakota. The Turtle Mountain band of Chippewas and the Fort Totten Sioux Tribe have set a precedent for North Dakota Indian tribes in the area of economic development. In fact, these Indian tribes would serve as models for all communities within the state of North Dakota.

In conclusion, the Indian tribes of North Dakota look forward to working with the 51st Legislative Assembly. The Indian tribes and the state of North Dakota have common goals in the area of economic development. However, in order for progress to be achieved, there must be a real and concerted effort to build mutual trust and understanding. The imagined fears that some state legislators have of unsophisticated tribal governing bodies and courts must be laid to rest once and for all. Indian tribes have the best expert consultants and professionals in their work forces and the tribal courts are competent, sophisticated courts of record. The Indian tribes realize that there are going to be differences of opinion and that there will be those few who will not relinquish their imagined fears; but I believe there are solutions to every dispute which can be developed into strengths that begin to meet our collective needs.

#### MOTIONS

REP. R. ANDERSON MOVED that the remarks of Mr. Ed Lone Fight be printed in the Journal, which motion prevailed.

REP. R. ANDERSON MOVED that a committee of two be appointed to escort Mr. Lone Fight from the rostrum, which motion prevailed.

ACTING SPEAKER R. HAUSAUER APPOINTED Reps. O'Shea and Kouba to such committee and Mr. Lone Fight was escorted from the rostrum.

#### ANNOUNCEMENT

ACTING SPEAKER R. HAUSAUER ANNOUNCED that the schedules for the Doctor of the Day would be printed every Friday so that Representatives will be aware of who the Doctor of the Day is for the coming week.

## DOCTOR OF THE DAY SCHEDULE

January 09:	Paul B. Knudson, MD	- Family Practice	Bismarck
January 10:	Lewis L. Gilbert, MD	- FP Resident	Bismarck
January 11:	Michael L. Burns, MD	- FP Resident	Bismarck
January 12:	Michael L. Schlosser, MD	- FP Resident	Bismarck
January 13:	Kermit Leonard, MD	- Family Practice	Garrison

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

ROY GILBREATH, Chief Clerk