

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, January 8, 1991

The Senate convened at 10:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Ross Reinhiller, Good Shepherd United Methodist Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

## ELECTION OF THE PRESIDENT PRO TEM

SEN. O'CONNELL: Thank you, Mr. President. Ladies and gentlemen of the Senate. On this special day in history I rise to nominate a person who has served this body for seven sessions. This person has served with honor as a member of the Finance and Tax; Judiciary; State and Federal; Social Services and the Veterans Affairs; Industry, Business and Labor; Natural Resources; Joint Constitutional Revision; and Education Committees. As a member of this person's committee, I have marveled at the dedication and skills this person has shown, always prepared and always trying to do what is best for North Dakota. I would like to take a quote from the Bismarck Tribune, "quizzes committee witnesses in a matter of someone who knows the art of teaching." Also, I enjoy this person's sense of humor, like the quote, "This complaint is in the category of criticizing the cat for not barking," or "I'm trying to think like a judge and that's a stretch." This person has been a tremendous teacher to me and others. This person is dedicated, hardworking, and strives for perfection and encourages others to do so. With great respect, I nominate for this high office of President Pro Tempore of the Senate - a person who will continue to make us proud, and who will go down in history as the first woman to hold the office of President Pro Tempore during the regular session of the North Dakota Senate. I nominate the Honorable Senator from District 32, Bonnie Heinrich.

SEN. INGSTAD: Mr. President. Ladies and gentlemen of the Senate. It is an honor for me to nominate a man who has served this body with honor and distinction since 1976. He has chaired the Political Subdivisions Committee for three sessions, as well as serving as interim chairman of the Judiciary and Political Subdivisions Committees. He has served as a member of the Judiciary Committee since his election in 1976 and has been a member of the Joint Constitutional Committee since 1977. This man has distinguished himself as a high school counselor and currently serves on the national panel of the U.S. Department of Education "Drug Free Schools" visitation program, and the National Council for Accreditation of Teacher Education. He is vice chairman of the National Republican Teacher Caucus, and is one of nine members of the National Education Association Legislative Committee. Mr. President, I know this man well as he is a fellow Senator from District 17-18. It is my pleasure to nominate Senator Ray Holmberg.

## MOTION

SEN. WOGSLAND MOVED that nominations cease, which motion prevailed.

## ROLL CALL

The question being on the nomination of President Pro Tem, the roll was called and there were 27 VOTES FOR HEINRICH, 26 VOTES FOR HOLMBERG, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

VOTES FOR HEINRICH: Dotzenrod; Graba; Hanson, E; Heigaard; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

VOTES FOR HOLMBERG: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O; Heinrich; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

#### MOTIONS

SEN. HOLMBERG MOVED that the rules be suspended and the Senate cast a unanimous ballot for Sen. Heinrich, which motion prevailed.

SEN. WOGSLAND MOVED that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum. The motion prevailed and the President appointed as such committee, Sens. Lips and Satrom.

SEN. HEINRICH: Mr. President, ladies and gentlemen of the Senate, Senator Holmberg. Thank you for entrusting me with this high honor and I pledge to you that fairness will be the standard should I be called upon to replace our President. Which I hope will happen on only extremely rare occasions. I am so thrilled with this honor that I wish a number of the members of my family could be here. My parents, who were strong Republicans from District 14; my grandparents, who were adamant Democrats from Mayville; and, in particular, my great grandfather, Andrew Hanson, who was a Republican member of the North Dakota House of Representatives in the Session of 1891, the second session of our legislature. For in that session, great grandpa voted clearly and unhesitatingly against extending the right to vote to women. Ladies and gentlemen, we have many important decisions to make. I pledge to you I will do my best to help us get them made. Thank you again for this very high honor.

SEN. WOGSLAND MOVED that the remarks of Sens. O'Connell, Ingstad, and Heinrich be printed in the Journal, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Rules (Sen. Wogsland, Chairman) recommends that the Senate and Joint Rules of the Fifty-second Legislative Assembly as adopted on Thursday, December 6, 1990, be amended as follows, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Subsection 2 of Senate Rule 318 is amended as follows:

2. The following questions require a majority vote of the members-elect of the Senate:
  - a. Passage of bills, as provided in Section 13, Article IV, of the Constitution and Senate Rule 338.
  - b. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 338.
  - c. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 16, Article IV, of the Constitution
  - d. To constitute a quorum, as provided in Senate Rule 103.
  - e. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.
  - f. Election of certain Senate employees, as provided in Senate Rule 206.
  - g. Reconsideration of questions other than adoption of amendments if before the end of the next legislative day, as provided in Senate Rule 346.

~~h. Adoption of a clincher motion as provided in Senate Rule 347.~~

## SECTION 2. AMENDMENT. Senate Rule 347 is amended as follows:

347. CLINCHER MOTION. A motion that any action taken by the Senate be reconsidered and that the motion to reconsider be laid on the table, if carried by a majority vote of the members-elect, has the effect of preventing reconsideration except upon a two-thirds vote of the members-elect. The motion must be decided without debate.

SECTION 3. AMENDMENT. Subsections 3 and 4 of Senate Rule 501 are amended as follows:

## 3. The three-day standing committees are:

## a. Education: (7 members)

Public Schools; Libraries; and Institutions of Higher Learning.

## b. Finance and Taxation: (7 members)

Public Debt; Taxes and Tax Laws.

c. Human Services and Veterans Affairs: (7 members)

Human Services; Public Health; Public Safety; Temperance; Matters affecting the Military and Veterans.

d. Industry, Business and Labor: (8 members)

Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

~~d.~~ e. Judiciary: (7 8 members)

Elections and Election Privileges; Judiciary.

~~e.~~ State and Federal Government: (8 members)

~~State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.~~

## 4. The two-day standing committees are:

## a. Agriculture: (6 7 members)

Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.

b. ~~Human Services and Veterans Affairs: (7 members)~~

~~Human Services; Public Health; Public Safety; Temperance; Matters affecting the Military and Veterans.~~

~~c.~~ Natural Resources: (7 members)

Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.

~~d.~~ c. Political Subdivisions: (7 8 members)

Cities; Counties; Townships; Park Districts; Apportionment.

d. State and Federal Government: (7 members)

State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.

e. Transportation: (8 members)

Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

SECTION 4. Joint Rule 804 is created as follows:

804. SMOKING IN AREAS USED BY LEGISLATIVE ASSEMBLY. The legislative study room on the first floor of the state capitol is a designated smoking area during a legislative session for members of the Legislative Assembly, guests specifically invited by members of the Legislative Assembly, and employees of the legislative branch. No other space in the state capitol which is used by the Legislative Assembly, including the chambers, committee rooms, halls, passageways, and restrooms, may be designated as a smoking area.

#### MOTION

SEN. INGSTAD MOVED that Joint Rule 804 be further amended as follows:

#### PROPOSED AMENDMENT TO JOINT RULE 804

SECTION 1. Joint Rule 804 is amended as follows:

804. NO SMOKING IN AREAS USED BY LEGISLATIVE ASSEMBLY. The legislative study room on the first floor of the state capitol is a designated smoking area during a legislative session for members of the Legislative Assembly; guests specifically invited by members of the Legislative Assembly; and employees of the legislative branch. No other space in the state capitol which is used by the Legislative Assembly, including the chambers, committee rooms, halls, passageways, and restrooms, may be designated as a smoking area.

#### REQUEST

SEN. NALEWAJA REQUESTED a recorded roll call vote, which request was granted.

The question being on the motion to further amend Joint Rule 804, the roll was called and there were 20 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

#### ROLL CALL

YEAS: DeKrey; Evanson; Freborg; Hanson, O; Holmberg; Ingstad; Jerome; Lindgren; Moore; Mutch; Naaden; Nalewaja; Peterson; Solberg; Streibel; Tennefos; Thane; Traynor; Vosper; Yockim

NAYS: Bowman; David; Dotzenrod; Goetz; Graba; Hanson, E; Heigaard; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem, Tallackson; Tomac; Wogsland

The motion to further amend Joint Rule 804 lost.

#### MOTION

SEN. WOGSLAND MOVED that the report be adopted, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Senate Committee Rooms (Sen. Yockim, Chairman) has met and recommends that the Senate utilize the same committee rooms as used during the Fifty-first Legislative Assembly except that Committee on Human Services and Veterans Affairs will utilize the Red River Room, Committee on State and Federal Government will utilize the Missouri River Room, and the Joint Constitutional Revision Committee will utilize the Prairie Room.

SEN. YOCKIM MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 12:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

MOTION

SEN. WOGSLAND MOVED that Betty Mills was in the Senate Chamber to deliver the report of the Legislative Compensation Commission and that the President appoint a committee of two to escort Ms. Mills to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Schoenwald and Tennefos to escort Ms. Mills to the rostrum.

Ms. Mills was escorted to the rostrum and introduced to the Assembly.

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; and Rosie Black. Prior to his death on March 29, 1990, Nicholas Schmit was also a member of the commission. The commission held meetings on May 16 and October 3, 1990.

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 was entitled to 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 1989:

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 ***
1989	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 that 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 state 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 1989 Legislative Assembly amended North Dakota Century Code Section 54-03-10, effective January 1, 1989, to provide that the assistant majority and minority leaders in the House and Senate are entitled to an additional \$5 per calendar day over the \$90 per diem rate. In addition, North Dakota Century Code Section 54-03-20 was amended limiting reimbursement for travel by common carrier to and from the meeting of the Legislative Assembly when in session to 35 cents per air mile.

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
House Assistant Majority Leader	5/calendar day
Senate Assistant Majority Leader	5/calendar day
House Assistant Minority Leader	5/calendar day
Senate Assistant Minority Leader	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. If travel is by common carrier, reimbursement may not exceed 35 cents per air mile. 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

#### FINDINGS

In its 1989 report, the commission supported a Legislative Council study to consider a retirement plan for legislators. The 1989 Legislative Assembly passed House Bill No. 1586 creating a retirement plan within the Public Employees Retirement System for legislators. The measure was referred and defeated by the voters on December 5, 1989. The commission again considered establishing a retirement plan for state legislators. Since the state provides retirement benefits to state employees and other elected officials, since 42 states and the District of Columbia currently provide retirement benefits for legislators, and since a retirement program would encourage legislative service and reduce the financial burden of serving, members of the commission believe a retirement plan is desirable. Based upon commission member contacts with local legislators, however, the commission was discouraged from introducing legislation to the 1991 Legislative Assembly to either study or establish a plan.

The commission's survey of legislative leaders resulted in the following suggestions relating to compensation and expense reimbursement:

- Increase the per diem compensation amount for attendance at Legislative Council interim meetings (currently \$62.50) to \$73 (the \$90 session per diem rate less the \$17 interim meal allowance).
- Increase the monthly compensation from \$180 to \$200.
- Increase the \$35 per night in-state lodging rate to \$40 per night.
- Increase the in-state and out-of-state meals reimbursement (currently \$17 per day and \$30 per day) to \$20 per day and \$40 per day, respectively.
- Increase the leadership compensation for the Speaker of the House and majority and minority leaders (currently \$10 per calendar day) and for the Council chairman, chairmen of standing committees and interim committees, and assistant majority and minority leaders (currently \$5 per calendar day) to \$15 per calendar day and \$10 per calendar day, respectively.
- Increase the 20-cent-per-mile mileage reimbursement rate to reflect increased motor fuel prices (during the early 1980s, when motor fuel prices were inflated, the mileage reimbursement rate was 25 cents per mile).

The commission learned that although oil, sales, and income taxes are higher than estimated, 1991-93 state revenues will be limited mainly because of the December 5, 1989, referral of sales and income tax increases. Early 1991-93 revenue estimates in the commission's judgment leave little room for new or expanded programs including major legislator compensation adjustments during the 1991-93 biennium.

#### CONCLUSIONS AND RECOMMENDATIONS

The commission supports the eventual establishment of a retirement plan for state legislators, but believes that in light of the December 5, 1989, successful referral of the legislator retirement plan, the introduction in the 1991 session of legislation to study the need for and the appropriate design of a plan would be strongly opposed and would further delay establishment of a retirement program.

Even though spending levels for the 1991-93 biennium are limited because of the tax referral, and are uncertain because of fluctuations in oil and crop prices as well as weather conditions, the commission members believe legislator compensation and expense reimbursement should both be adjusted for inflation. The commission specifically recommends the mileage reimbursement

rate (currently 20 cents per mile) be increased to reflect higher fuel prices and increased automobile depreciation, and that the 1991-92 interim per diem rate (currently \$62.50 per calendar day) be increased to \$73 per calendar day (the \$90 session per diem rate less the \$17 interim meals allowance).

**MOTION**

SEN. WOGSLAND MOVED that the address of Ms. Mills be printed in the Senate Journal, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Schoenwald and Tennefos to escort Ms. Mills from the Senate Chamber.

**MOTION**

SEN. KELSH MOVED that SB 2135 be returned to the Senate floor from the Committee on Agriculture for the purpose of withdrawal, which motion prevailed.

**REQUEST**

SEN. KELSH REQUESTED the unanimous consent of the Senate to withdraw SB 2135. There being no objection, it was so ordered by the President.

**MOTION**

SEN. WOGSLAND MOVED that, as Ila Lohnes, Tribal Chairwoman, Devils Lake Sioux Tribe, and the United Tribes Student Drum Group are in the Senate Chamber, a committee of two be appointed to escort Ms. Lohnes and the United Tribes Student Drum Group to the rostrum to present the State of Relationship message from the tribal perspective.

THE PRESIDENT APPOINTED Sens. Langley and Traynor. Ms. Lohnes was escorted to the rostrum and introduced to the Assembly.

**THE STATE OF THE RELATIONSHIP; A TRIBAL PERSPECTIVE**  
Ila Lohnes, Tribal Chairwoman  
Devils Lake Sioux Tribe

Mitakuyepi CantemaWaste Napeiyuzapi

All my friends and relatives, with a good heart I greet you.

I am Ila Lohnes (HintunkasanWastewin), elected leader of the Devils Lake Sioux Tribe.

It is an honor and a privilege to represent the Indian people of the state of North Dakota.

It is, indeed, an honor to serve as spokeswoman for the tribal leaders of the state of North Dakota.

My fellow tribal leaders honor me by allowing my words to speak for them, for they have served longer than I.

Those tribal leaders include: Twila Martin-Kekahbah of the Turtle Mountain Band of Chippewas; Charlie Murphy of the Standing Rock Sioux Tribe, Wilbur Wilkinson of the Fort Berthold Three Affiliated Tribes - Mandan, Hidatsa, and Arikara; and Russell Hawkins of the Sisseton-Wahpeton Sioux Tribe.

We waited one hundred years for an apology for the massacre of men, women, and children at Wounded Knee.

Hearing none, we wiped away the tears in our own sacred way just ten days ago and set the spirits of our ancestors free so that we could rebuild the spirit of the Indian people.

Today we are here to speak about the state of the relationship between the tribes of North Dakota and the state of North Dakota.

When I think about the state of the relationship it is hard for me to address that issue when so much understanding needs to take place before one can begin.

Part of that understanding points to the fact that we were here in the yesterdays before your ancestors forced us onto reservations.

We are here today as survivors of a relationship fraught with broken promises, misguided policies, poverty, disease, assimilation, relocation, aculturation, and termination.

And we will be here for all the tomorrows that are yet to come, long after you, your children, and your children's children are drawn from this great state by the lure of a life not tied to the land.

We are tied to this land. We were always tied to this land. We always will be tied to this land. We are going nowhere. It is your people who are leaving.

So it is imperative that any action by this legislative body speak to the needs of this state's indigenous population - the Indian people of North Dakota.

We are living in a time when the minorities of America, when combined, are the majority.

People of color represent the future of America. And the Indian people represent the future of North Dakota.

While non-Indians are leaving this state for a future elsewhere, and while the immigrant population's birth rate declines, the Indian population is returning to the land and the Indian birth rate is rising.

Indeed, we are here to stay.

And we are here to grow.

We are here to rebuild.

And on December 29, 1990, in the terror of the same type of prairie blizzard that threatened Big Foot and his band before the revenge-seeking Seventh Cavalry murdered them, we wiped away the tears and honored the Indian people who will become a significant force in the rebuilding of our spirit.

And we will do it with or without your help. But we would welcome your hand in that rebuilding. That hand could represent the beginning of a relationship. But before we touch hands, we must begin to understand.

We must begin to understand the realities in which the Indian people of this state live. They remain harsh.

But increasingly you, your children, and your children's children also feel the harshness of alcoholism, drug dependency, poverty, inadequate health care, inadequate health insurance, the lack of affordable and adequate housing, the high cost of education, and government overregulation.

While the Indian people continue to seek the basics for survival, your people - with their once-comfortable lifestyles threatened by economic forces and the misguided policies of both federal and state governments - now also are faced with the struggle for the basics of survival.

We find ourselves - Indian and non-Indian - walking the same survival road.

We are at the same juncture, and it makes sense to begin a constructive relationship based on needs of human beings no matter what has brought us to this point.

wish that one hundred years of understanding had brought us to this point, for then the state of the relationship would be good. Unfortunately for Indian and non-Indian alike, that has not been the case.

We now have the opportunity to write the history of the next one hundred years. We can write it hand in hand. Or we can continue to go our separate ways - the Indian people rebuilding on the land of North Dakota, the non-Indian people retreating from the land of North Dakota.

Often the best relationships are those formed during times of adversity. They are formed with understanding and equality.

These are times of adversity.

We need understanding and equality if we are to meet the relationship test - the test of doing things together constructively for North Dakotans - Indian and non-Indian North Dakotans.

If we come to understand each other, then we will have equal access to the resources of this state and come to view each other as equals - as human beings willing to work together to build a future for ourselves and our children - all of our children - all of our Indian children and all of our non-Indian children.

North Dakota is a sovereign state, as are the individual tribes I speak for today.

We need to do our business government to government with equal respect for one another.

That respect is tarnished when, as a sovereignty, we embrace the responsibility for our governmental actions but are denied the authority to implement them without being subjected to state approval.

The duality of that undermines the equality of any meaningful relationship.

On one hand we are responsible - sovereign government to sovereign government. And the next moment we are denied authority, in fact, subjugated - a colony of the state.

Furthermore, no matter what equality is intended in the relationship formed here today or in succeeding years, the history of North Dakota shows that it rarely translates into equality in the communities beyond these walls and halls.

In fact, historically, the translation has been continued racism - so much so, in fact, that racism is the state of the relationship. Understanding and equality, not legislation, eliminates racism.

So today, let us begin to understand.

Let us understand so that the children of the Seventh Generation after the wiping of the tears at Wounded Knee last month remember a one hundred year-old relationship that helped human beings rather than a century where the Indian people cried over the loss of their grandfathers and grandmothers and for the future of their children.

We are beginning to find our way.

And you may be losing yours.

We could help each other. There is a way.

But there is no way to understanding because understanding is the way.

Let me share some things that may help us, Indian and non-Indian, understand each other.

First of all let us understand that alcoholism is not a disease that is prevalent only among Indians. It is a disease that is universal. However, treatment modalities cannot be universal.

Alcoholism is a disease of your culture and it is a disease of my culture, yet in North Dakota the treatment available is only of your culture.

Over the years tribal leaders have expressed the need for Indian people to work with Indian people in conquering this disease amongst our people.

Today, the Indian Health Service, which provides funding for alcohol and drug treatment, counseling, and education is mandating that those Indian people who currently staff the alcohol programs on reservations be certified counselors.

This is an initiative that tribes collectively have been pursuing.

The state of North Dakota has the most difficult curriculum for certification in the country. We have asked the state to recognize certification under the Northern Plains Indian Addiction Counseling Program. And the state has refused, despite the fact that neighboring states recognize that certification.

I have seen treatment and counseling programs in other states that are run by Indian people for Indian people. And those programs are successful. I would like to see the same for the Indian people of North Dakota.

Inhalant abuse is a problem both on and off the reservations throughout North Dakota. Our youths are destroying their minds every day. And yet in this state there are no treatment facilities to effectively handle inhalant abuse cases.

When we address alcoholism we also must address codependency. In a population where the alcoholism rate is over fifty percent, we know that the rate of codependency is double that. Codependency is a learned dysfunction that can be as incapacitating as chemical dependency itself.

I know that all the tribes I represent here today have a critical need for codependency counselors.

And I am certain the non-Indian community also needs an accelerated effort in this area. This Legislature has human services responsibility to address this issue as an integral part of drug and alcoholism prevention and treatment.

On a related matter, it is clear that the high rates of unemployment on reservations lead to the high rate of alcoholism/codependency.

People without jobs are people unable to provide for themselves and their families. People unable to provide for themselves and their families are people in despair.

Jobs represent hope and hope eliminates despair. With employment opportunities comes a sense of hope and the reality of self-sufficiency.

Yet, in this state Indian unemployment remains an invisible statistic to the non-Indian communities because Job Service North Dakota does not collect or record data on reservation employment or joblessness.

Indian people have a strong sense of pride and do not wish to depend upon government handouts for their sustenance.

In the days of old, Indian people provided for all of their own needs. When the buffalo economy was destroyed, Indian self-sufficiency was lost.

In rebuilding it is very important to rebuild individual as well as tribal self-sufficiency.

Economic development is the road to self-sufficiency for Indian and non-Indian alike. It is perhaps the most critical factor in self-sufficiency for the tribes of North Dakota.

And the successes are apparent. For instance, Sioux Manufacturing Corporation on my own reservation at Fort Totten remains the largest industrial employer in the state.

And the reservation dollar not only helps the Indian community, but also contributes significantly to the economic lifeblood of reservation border towns and the state of North Dakota.

Those dollars leave the reservation and build the coffers of local non-Indian border towns. We continually see border towns growing at the expense of our own economic development. We see the non-Indian border town benefiting from our dollar as well as the state of North Dakota.

However, when the Indian community needs a loan for more economic development, the non-Indian banking community denies the application.

This is happening at a time when there are fewer federal dollars available for economic development.

Governor George Sinner's plan to reorganize the North Dakota Indian Affairs Commission and to place a minority desk in a restructured department of economic development, as well as his proposal to reservations, is a step in the right direction.

In addition, gaming has become a force for economic self-sufficiency for the Indian communities.

It not only returns some of the dollars that leave North Dakota reservations, but also has been providing funds to support programs that would be lost as federal funding continues to decline.

On my own reservation, gaming funds are dedicated to assist programs for the elderly and the handicapped. Gaming proceeds support the St. Jude's Home for the Elderly at Fort Totten. We look forward to a continued understanding that gaming is vital to the reservation economy.

North Dakota's assistance in developing tribal motor vehicle licensing programs on Turtle Mountain and Devils Lake reservations also has provided needed funds and a sense of tribal identity. It is our hope that we can continue along this vein to develop tribal drivers' license programs.

However, the state Public Service Commission's continued insistence in supporting inequities in utility rates charged to reservation customers - both individual and business - undermines economic stability and growth on North Dakota's reservations.

The Legislature has a responsibility to consumers - Indian and non-Indian - to reexamine regulatory policy outlined in the state Constitution and Century Codes of North Dakota.

There is a serious question of constitutionality with regard to utility regulation in this state that's been ignored by this legislative body for decades. In fact, that the Public Service Commission responsibly oversees the regulation of utilities is little more than a myth in Indian Country.

As lawmakers, you also have a responsibility to examine some of the other myths that become obstacles to understanding reservation life.

For instance, two of those myths could be health care and criminal justice.

It should not be taken that Indian Health Service is a provide-all for health care needs. Indian Health Service is so fraught with regulation that it

provides only health care to those individuals who qualify under what is termed "Category 1" - or life threatening health problems.

Take heart, though. That's one example of some progress made in the state of the relationship. We can now say: "The only good Indian is an ALMOST DEAD Indian."

Often Indian people are denied health care in North Dakota because they do not meet the red tape of regulation requirements.

Wisconsin has solved the problem by working with the Indian Health Service and the state's health care delivery system. The result is that Indian people are issued medical identification cards that give them access to any hospital within the state.

North Dakota's Indian people not only face denial of access to hospital facilities, but also are denied access to the criminal justice system.

Indian people accused of a crime almost never face a jury of their peers. In fact, they rarely see an Indian on a jury.

There is no justice in a system that allows a jury of non-Indians to determine the fate of an accused Indian, particularly when the members of that jury are selected from a dominant culture that refuses to understand who we are or how we must survive.

So, we come back to understanding. I have been forced to understand your culture in order to survive. You have been free to ignore mine.

There will be no relationship unless you take seriously the responsibility you have to understand all North Dakotans - non-Indian and Indian, alike.

MOTION

SEN. WOGSLAND MOVED that the address of Ms. Lohnes be printed in the Senate Journal, which motion prevailed.

THE PRESIDENT REQUESTED that Sens. Langley and Traynor escort Ms. Lohnes and the United Tribes Student Drum Group from the chamber.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:45 p.m. at which time it will meet in the House Chamber for a Joint Session and after the Joint Session, the Senate will stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken with President Omdahl presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Employment (Sen. Satrom, Chairman) recommends the following employees of the Senate during the Fifty-second Legislative Assembly.

1991 SENATE EMPLOYEES

	<u>Secretary of the Senate</u>	
Marion Houn .....		Bismarck
	<u>Assistant Secretary of the Senate</u>	
Bob Dykshoorn .....		Mandan
	<u>Desk Reporter</u>	
Sally Paul .....		Fargo
	<u>Bill Clerk</u>	
Myrna Lyng .....		Mayville
	<u>Sergeant-at-Arms</u>	
Doug Nordby .....		Amidon
	<u>Secretary to Majority Leader</u>	
Sandi Kershaw .....		McKenzie

	<u>Staff Assistant to Majority Leader</u>	
Wanda Scheid .....		Hazen
	<u>Secretary to Minority Leader</u>	
Lois Scherr .....		Bismarck
	<u>Staff Assistant to Minority Leader</u>	
Dan Austin .....		Fargo
	<u>Chief Stenographer and Payroll Clerk</u>	
Jane Schiele .....		Bismarck
	<u>Stenographers</u>	
Michelle Schumacher .....		Bismarck
2.		
Roxie Dietrich .....		Bismarck
JoDee Fandrich .....		Bismarck
	<u>Chief Committee Clerk</u>	
Mary Schmitz .....		Oakes
	<u>Appropriations Committee Clerk</u>	
Carin Noriega .....		Fargo
	<u>Assistant Appropriations Committee Clerk</u>	
Shad Stasney .....		Bismarck
	<u>Committee Clerks</u>	
Dolores Boutillier .....		Menoken
Shelly Brink .....		Mandan
Jodi Friskop .....		Milnor
Roberta Holle .....		New Salem
Mary Marthaller .....		Bismarck
Audrey Myers .....		Bismarck
Nancy Pfenning .....		Mandan
Colleen Popelka .....		Mandan
Jeannette Shaw-Lynch .....		Fargo
Rayne Thomas .....		Bismarck
	<u>Assistant Committee Clerk</u>	
Brenda Huff .....		Mandan
	<u>Deputy Sergeants-at-Arms</u>	
Clayton Litchfield .....		Fargo
Kevin Urness .....		Leeds
	<u>Assistant Sergeants-at-Arms</u>	
Vernon Erickson .....		Bismarck
Wallace Becker .....		Napoleon
Chris Dahl .....		Bismarck
	<u>Chief Page and Bill Book Clerk</u>	
Diana Schlosser .....		Mandan
	<u>Desk Page</u>	
Darren Huber .....		Bismarck
	<u>Journal Page</u>	
Nancy Ludwig .....		Langdon
	<u>Pages and Bill Book Clerks</u>	
Linda Putz .....		Bismarck
George Schempp .....		Williston
James Sears .....		Minnewaukan
Carol Smith .....		Golden Valley
Jeffrey Spitzer .....		Wilton
Renaë Doan .....		McKenzie
Stephanie Fisher .....		Larimore
Brian Overton .....		Kenmare
	<u>Chief Telephone Attendant</u>	
Clara Miller .....		Bismarck
	<u>Telephone Attendants</u>	
Shirley Pasicznyk .....		Bottineau
Bernice Asbridge .....		Bismarck
Phyllis Rogstad .....		Bismarck
Ruby Stadick .....		Bismarck
	<u>Telephone Page</u>	
Beth Bakke .....		Crosby
	<u>Bill Room Clerks</u>	
Selma Carlson .....		Bismarck
Patricia Hoffner .....		Bismarck
Delano Huston .....		Bismarck

Ledores Robey ..... Bismarck  
Journal Room Clerks  
 Nettie Monroe ..... Bismarck  
 2.  
Information Desk Attendant  
 Mary Defender-Wilson ..... Shields  
Parking Lot Attendant  
 Walter Schramm ..... Bismarck

SEN. SATROM MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the Senate stand at recess until 4:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Heigaard, Chairman) recommends the following report as to the proposed chairmen, vice chairmen, and members of standing committees, and recommends that the reading of the report be dispensed with.

APPOINTMENT OF STANDING COMMITTEES  
SENATE

Three-Day Committees  
Appropriations

Tallackson, Chairman	Lips
Mushik, Vice Chairman	Thane
Redlin	Naaden
Satrom	Nething
Yockim	Ingstad
Robinson	Goetz
Kelly	
Lindaas	

Finance and Taxation

Dotzenrod, Chairman	Moore
Tomac, Vice Chairman	Tennefos
Kinnoin	Vosper
Wogsland	

Judiciary

Maxson, Chairman	Holmberg
Marks, Vice Chairman	Stenehjem
Meyer	Soiberg
	DeKrey
	Traynor

Education

Heinrich, Chairman	Peterson
O'Connell, Vice Chairman	Freborg
Graba	O. Hanson
Kelsh	

Human Services

Mathern, Chairman	Nalewaja
E. Hanson, Vice Chairman	Lindgren
Jerome	Evanson
	Bowman

Industry, Business and Labor

Langley, Chairman	Mutch
Krauter, Vice Chairman	Streibel
Keller	Krebsbach

Schoenwald

David

Two-Day Committees  
TransportationSchoenwald, Chairman  
O'Connell, Vice Chairman  
MathernMutch  
Tennefos  
Solberg  
David  
Streibel

## Agriculture

Kelsh, Chairman  
Kinnoin, Vice Chairman  
Langley  
MarksVosper  
Freborg  
Bowman

## State and Federal Government

Keller, Chairman  
Jerome, Vice Chairman  
HeinrichStenehjem  
Krebsbach  
O. Hanson  
Evanson

## Political Subdivisions

Graba, Chairman  
E. Hanson, Vice Chairman  
Maxson  
DotzenrodHolmberg  
Peterson  
Lindgren  
Nalewaja

## Natural Resources

Meyer, Chairman  
Wogsland, Vice Chairman  
Krauter  
TomacDeKrey  
Traynor  
Moore

## Joint Constitutional Revision

O'Connell, Chairman  
Marks, Vice Chairman  
JeromeHolmberg  
Lindgren

## MOTION

SEN. NOTHING MOVED that the report be amended by deleting his name from the Committee on Appropriations and moving to the Committee on Industry, Business and Labor and the Committee on Transportation and deleting Sen. Streibel's name from the Committee on Industry, Business and Labor and placing it on the Committee on Appropriations.

## REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to amend the Committee on Committees report, which request was granted.

## ROLL CALL

The question being on the motion to amend the Committee on Committees report, the roll was called and there were 26 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

The motion to amend the Committee on Committees report lost.

## REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the Committee on Committees report, which request was granted.

## ROLL CALL

The question being on the motion to adopt the Committee on Committees report, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

The report was declared adopted.

## POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President: I rise on a point of personal privilege.

Mr. President, fellow members, I expressed earlier why I thought I should not serve on this committee. From this point forward, I want you, Mr. Chairman of the Appropriations Committee to know and I want all of the other committee members to know that I will do the best that I can to uphold the confidence of the majority leader and the rest of you who placed me on the committee, and will attempt to represent not only the interests of my community but the state as well.

## MOTIONS

SEN. WOGSLAND MOVED that the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, the Senate stand adjourned until 12:30 p.m., Wednesday, January 9, 1991, which motion prevailed.

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

MARION HOUN, Secretary