

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 8, 1997

The Senate convened at 1:00 p.m., with President Myrdal presiding.

The prayer was offered by Senator David E. Nething.

The roll was called and all members were present except Senators Bowman, St. Aubyn, and Wanzek.

A quorum was declared by the President.

ANNOUNCEMENT

PRESIDENT MYRDAL ANNOUNCED the receipt of the Report of the Legislative Compensation Commission.

MOTION

SEN. GOETZ MOVED that the Journal reflect that the Report of the Legislative Compensation Commission has been received by the Secretary of the Senate and has been filed with the Legislative Council, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Employment Committee (Sen. Naaden, Chairman)** recommends the following Senate employees for the Fifty-fifth Legislative Assembly:

1997 SENATE EMPLOYEES

	<u>Assistant Secretary of the Senate</u>	
Tim Eiken		Fargo
	<u>Bill Clerk</u>	
Lorraine Reis		Napoleon
	<u>Secretary to Majority Leader</u>	
Renaë Doan		Bismarck
	<u>Staff Assistant to Majority Leader</u>	
Carter Wood		Bismarck
	<u>Secretary to Minority Leader</u>	
Sandi Kershaw		McKenzie
	<u>Staff Assistants to Minority Leader</u>	
Marnie Soggie		Grand Forks
Shirley Dykshoorn		Mandan
	<u>Chief Committee Clerk</u>	
Pauline Ziegler		Bismarck
	<u>Assistant Committee Clerk</u>	
Christie Unser		Mandan
	<u>Appropriations Committee Clerk</u>	
Susan Odell		Bismarck
	<u>Assistant Appropriations Committee Clerk</u>	
Vonnie Pietsch		Casselton
	<u>Committee Clerks</u>	
Sharon Renfrow		Bismarck
Sherry Graham		Hazleton
Carol Kolodejchuk		Bismarck
Lonnie Privratsky		Braddock
Leah Thomas		Fargo
Shirley Borg		Bismarck
Susann Lindteigen		Turtle Lake
James Raile		Mandan
Brenda McNallan		Fargo
Barb Hines		Braddock
	<u>Legislative Assistant/Deputy Sergeant-at-Arms</u>	
John Clement		Bismarck
	<u>Assistant Sergeant-at-Arms/Supply Room Coordinator</u>	
Tom Middlekamp		Mandan

	<u>Assistant Sergeants-at-Arms</u>	
John Wanser Colleen Popelka		Bismarck Mandan
	<u>Chief Page and Bill Book Clerk</u>	
Shelby Schantz		Glen Ullin
	<u>Legislative Assistant/Desk Page</u>	
Heather Howry		Mandan
	<u>Calendar Clerk</u>	
Fran Ely		Bismarck
	<u>Pages and Bill Book Clerks</u>	
Sam Coleman Lincoln Bathie Althea Yantzer		Bismarck Bismarck Mandan
	<u>Telephone Attendants</u>	
Delores Knutson Ivy Jarnagin Delores Roth Shirley Pasicznyk		Larimore Bismarck Bismarck Bottineau
	<u>Telephone Page</u>	
Karen Davis		Carrington
	<u>Legislative Assistant/Information Kiosk Attendant</u>	
Marilyn Quamme		Bismarck
	<u>Parking Lot Attendant</u>	
George Schemp		Williston

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

MOTION

SEN. GOETZ MOVED that a committee of two be appointed to escort Russell "Buddy" Mason, Chairman of the Three Affiliated Tribes, to the rostrum to present the Tribal-State Relations statement, which motion prevailed. The President appointed as such committee, Sens. Traynor and Kinnoin.

Chairman Mason was escorted to the rostrum. He introduced the Young Hawk/Bear Post 253 color guard from White Shield and the Mandaree Singers who presented the Staff and the National Indian Anthem.

TRIBAL-STATE RELATIONS Russell D. Mason Chairman, Three Affiliated Tribes

Thank you Madam President, members of the Senate, and guests.

I want to thank you for the honor of being invited to speak to you today, on the subject that has become known as the "State of the Tribal-State relationship". My name is Buddy Mason, and I am the Chairman of the Three Affiliated Tribes, which are the Mandan, Hidatsa, and Arikara Nations.

This is really a speech that all of the Chairs of North Dakota Indian Nations should be allowed to give every session. Even though I am also the Chairman of the Board of Directors of the United Tribes of North Dakota, I certainly cannot speak for the other Tribal leaders. My talk today can only be seen as my views. But I do believe that many of the issues I will touch on today are common to all the North Dakota Indian Tribes and Nations.

Since the first speech by an Indian leader given to the North Dakota Legislature like this one, in 1985, our governments have learned a lot about each other. In many ways, our governments are a lot alike. Every day we make decisions that affect people's lives, every day we make decisions about our land, our water, and every living thing within our respective jurisdictions. These decisions often have an effect for many generations. Our jobs as legislators are difficult, as we face the many demands of our constituents with limited resources.

Twelve years after that first speech, a lot has happened. The Tribes stand today at the threshold of a relationship with the State of North Dakota much different from that in 1985, one filled with possibilities and opportunities of cooperation in a broad number of areas on a government to government basis that will benefit both North Dakota Indian Tribes and Nations and the entire State of North Dakota, from economic development to welfare reform to a common fight against drug and alcohol abuse as well as a trafficking of illegal drugs.

Twelve years ago overwhelming poverty faced all of North Dakota Indian Tribes, when unemployment reached 90% on some reservations. Those problems were confirmed in the

1990 census when we found that North Dakota had two of the poorest counties in the United States, and both of those counties contained Indian reservations.

Twelve years ago the Indian Tribes and Nations of North Dakota were likely to be out of sight, and often out of mind. Economic development on Indian reservations seemed a farfetched idea.

Today the perceptions and the realities are changing. Today Indian Tribes and Nations are recognized on a federal level on a government to government basis, and we are encouraged by the beginning of a similar relationship with the State of North Dakota.

TRIBAL ECONOMIC DEVELOPMENT

Today economic development is happening on all Indian reservations in North Dakota, not just because of Indian casinos, but because companies like Uniband, started by the Turtle Mountain Band of Chippewas, a data entry firm which has opened up branches all over the state, including one in our district in White Shield on our reservation, our own Mandaree Electronics, the Northrup assembly plant in New Town, the Dakota Sioux Manufacturing company of the Spirit Lake Nation, and others.

On our Fort Berthold Reservation, which is part of the Williston Basin, we have begun comprehensive development of our oil and gas resources. All these ventures provide many new jobs and increased income for Tribal members and nontribal members alike.

THE CONTRIBUTIONS OF THE TRIBAL CASINOS

We are also just as proud of the development of our Tribal casinos. They too provide jobs not only for our members, but for many North Dakotans. Casino employment has reduced unemployment and welfare lists substantially in several counties. Just as important for people who have long been on welfare is the feeling of pride that comes with a real job and the ability to support their families.

The checks that casino employees earn are spent in many North Dakota communities, like Minot, Bismarck, Devils Lake, and Grand Forks. Figures now being compiled by the North Dakota Indian Gaming Association show that Tribal casinos are contributing an enormous amount to their local economies, increasing tax revenues to the state.

And, I would venture to guess that most of the people in this room have actually been to at least one reservation and enjoyed our hospitality at a Tribal casino, or at least have thought about it!

In short, North Dakota's Indian Nations are no longer on the sidelines of rural economic development, we are leading the parade, and we believe we have a lot more to offer North Dakota in the future.

WHAT OUR CASINOS CAN'T DO

But in 1997 our successes have not eliminated poverty and the problems associated with it on the reservations. Many of you may think that with the casinos, all of our needs as Indian Nations have been taken care of. That is far from the truth. We have a long way to go.

Yes, our casino revenues offer some limited resources. For example, at the Three Affiliated Tribes, our gaming revenues assist with various Tribal programs, paying for almost half of the Tribal employees. With our funds we have provided modest assistance to the local New Town ambulance service, legal aid for the poor, scholarship funds, funds for medical emergencies and funerals, built and funded a day care center, developed a commercial herd of buffalo, assisted various Tribal enterprises, provided assistance to our elders and improved our solid waste program.

By the way, no members of North Dakota Tribes get a "per capita" check from the casinos, it would simply be too small an amount to be of any help to our members. Spending our money on projects to help all of our members makes a lot of sense and our gaming compacts with the State make a per capita check impractical, as well.

Concerning the State-Tribal Compacts, I am aware that the Interim Judiciary Committee of the Legislative Council has recommended legislation to determine the roles of different branches of State government in the compact process. The Tribes must continue to be a vital part of this discussion and we urge you to consult with us before any legislation is introduced.

Despite the modest gains we have made with our casino revenues, we know that our resources can't begin to meet the fundamental needs of our reservations for health care, law enforcement, drug and alcohol abuse prevention programs, rural water systems, housing, full employment, roads, and a whole host of other long pent up needs. These are needs that were built up over

a long period of time, and a lot of effort from the Federal government, the State, our local communities and our Tribal governments are going to be needed to meet these needs.

Yes, our casinos offer some employment. But let's look at some numbers. On the Fort Berthold Indian Reservation, we have more than 2,500 adult Tribal members who are of employment age. Our casino employs 300 Tribal members. All of the other government activities, including the Bureau of Indian Affairs, employ another 400 or so Tribal members, which means that more than 1,700 people, or more than 65%, need employment outside of what the Tribes offer.

We do have other employment, at schools, in businesses in New Town and elsewhere, work during construction season, and so forth. But there is still a large untapped labor pool out there needing jobs and job training, and many of our youth are leaving because of the lack of opportunity. We, the State and Tribes together, have to figure out how to develop better our human resources.

WELFARE REFORM

What can we do about development of our human resources, and improvement of the lives of our citizens? This is the question we all have to answer as a result of the landmark federal Welfare Reform Act of 1996. Because of this Act, Tribes have the chance to actually design and administer their own welfare system, if they choose, using those funds from the State's overall block grant that were previously allocated to serve reservations under the State's welfare programs. On the Fort Berthold Reservation, we are now studying the feasibility of setting up our own welfare program. We want to work with the State of North Dakota on these issues, and we encourage you to support legislation that will allow us share these resources in this vital area.

But whether we, or any other Tribe, decide to design and administer our own welfare program, or whether the State remains responsible for providing welfare on the reservation, the fact remains that under the new law, people now on welfare will need to find jobs in the next few years. For this to happen, the reservation's economies will have to be developed a lot more, and at a much faster pace than they are now.

Simply put, as leaders, we need to think creatively and develop effective strategies to meet the demands of welfare reform and the needed economic development that will allow welfare reform to work. Developing the reservation's economies so that such jobs will be available is a tremendous task, one that requires the cooperation, assistance and financial commitment of the private sector, Tribal, State and Federal governments. We are convinced that with a joint effort towards economic development, the resulting improvements to our Tribal economies will in fact benefit the economy of the entire state. The potential and opportunities are enormous.

One possibility is to establish a State-Tribal Economic Development task force, one which looks at ways of improving the infrastructure on the reservations and seeks to encourage further economic development. This kind of effort could greatly supplement the present set-aside for minority businesses in the Growing North Dakota Program which allows individual Indian entrepreneurs and Tribal enterprises access to capital for solid economic development.

As a government leader, I also know that to accomplish our common goals, coordination and cooperation with the State of North Dakota must be based on a sound government-to-government relationship of mutual respect and understanding. We have been pleased that Governor Schafer and Attorney General Heitkamp are committed to that kind of relationship, and I want to again thank them for their efforts in this area.

I hope and trust that the State Legislature is also as committed to development of a solid government-to-government relationship as Governor Schafer and our Attorney General. I believe our governments can only benefit from a frank exchange of views between our leaders. As we understand the needs of our respective governments, our efforts to improve the lives of all of our citizens can only improve.

OTHER MATTERS

I would like to mention several other areas where we believe coordination and cooperation with the State of North Dakota on a government-to-government basis is essential, items that are also essential to further economic development on the Fort Berthold Reservation.

First, GARRISON DIVERSION:

Recently, our Congressional delegation and the Governor held a hearing concerning the Garrison Diversion project. At the hearing, there was universal agreement that the Indian municipal, rural and industrial water needs must be met as part of the project. The residents of the Fort Berthold Indian Reservation, Indian and non-Indian alike, who suffered the most when Garrison Dam was built, have been waiting a long time, more than 40 years, for a good rural

water supply system to be put in place to serve their needs. We need the strong support of the North Dakota Legislature to request Congress to fulfill its commitments to assist the reservations, and ultimately, to complete the Garrison Diversion project for the improvement of all of North Dakota.

At the same time, I want to again reaffirm our commitment to the preservation and development of Lake Sakakawea as a recreational resource for our State. We need to continue the dialogue already started, so that we can identify our common objectives and resolve our differences in a constructive manner.

Second, FOUR BEARS BRIDGE:

At the same time as Garrison Dam was being built, a new bridge was constructed in 1952 on State Highway 23 west of New Town to cross the new lake at its narrowest point, called Four Bears Bridge. Well, it wasn't exactly a new bridge, the center spans were from the old bridge on State Highway 8 built in 1932, that crossed the Missouri near Elbowwoods where I was born and raised.

Those 1932 center spans were only 22 feet wide, and so the entire structure, almost a mile in length, could only have a usable width of 22 feet. The width was less than recognized safety standards for a two lane bridge in 1952 and is clearly inadequate by today's standards.

Four Bears Bridge is part of the State highway system, serving an area much bigger than the reservation, but nothing has been done to the bridge other than emergency maintenance for more than 40 years. The bridge needs replacing. The center spans are rusting, and in a couple of years the State will have to spend a lot of money just to keep an already inadequate and unsafe bridge usable.

But as we all know, replacing any bridge across the Missouri River is expensive. The present estimate is 40 million dollars. We simply can't afford to wait for a terrible accident to occur on the Four Bears Bridge to spur us into action to replace the bridge. We've had enough highway tragedy on our reservation already this year. I encourage you to support a joint resolution urging our Federal government to provide the funds we need now to get a new bridge in place.

OTHER MATTERS OF IMPORTANCE TO THE TRIBES

There are a couple of other matters that must be raised today that all of the North Dakota tribes have supported in the past and will likely continue to support. First, education remains a vital concern. Without adequate education for all our citizens, all the plans we make for economic development will fall far short of our goals. We urge you to support improved funding for all of our State educational systems.

Our Tribal Colleges remain of particular interest to us, and they are a major part of our educational effort. These Tribal Colleges serve not only Indian students, but also non-Indians who reside nearby. Yet our Tribal Colleges receive no State funds at all, and our per student funding level is only one-half that of the State's community colleges. We urge you to support a modest appropriation benefiting the Tribal Colleges and the non-Indians they serve, as well as supporting the vital interactive video network that allows them to reach more students than ever before.

Also of particular concern to me are drug and alcohol prevention programs, like the ones the Indian Affairs Commission administers for reservation youth. As a society, Indian and non-Indian alike, we need to refocus our efforts concerning drug and alcohol use on treatment programs, on prevention and on law enforcement efforts, with the aim of eradicating these problems from our communities.

Finally, I urge you to continue to support the activities of the Indian Affairs Commission. Ms. Deb Painte, the current Executive Director and a member of the Three Affiliated Tribes, has served Governor Schafer's administration well. We urge you to consider carefully the legislative initiatives outlined in the latest Indian Affairs Commission newsletter. The Indian Affairs Commission provides a vital link in the communications between the North Dakota Tribes and the State of North Dakota, a communications link which fosters an effective and dynamic government-to-government relationship.

I want to close by recalling some of the comments made yesterday by Newt Gingrich, in his speech accepting a new term as Speaker of the House. I was very impressed with the speech. I was struck by his commitment to education, to the poor, to minorities and equal opportunities, and especially his commitment to seek a bipartisan approach to the problems facing the 105th Congress. I encourage the North Dakota Legislature to act in a similar way to solve our common problems in North Dakota. The Tribes and the State truly are at a place where we can build a new relationship and create new opportunities. I look forward to working with all of you towards meeting our common goals.

Thank you very much.

MOTION

SEN. GOETZ MOVED that the remarks of Mr. Russell "Buddy" Mason be printed in the Journal, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 9, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2044: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2094: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2110: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2110 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. C. Nelson, Krebsbach and Reps. Sabby, Wardner introduced:

SB 2139: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 and subsection 2 of section 15-39.1-10 of the North Dakota Century Code, relating to assessments and computation of benefits under the teachers' fund for retirement; and to provide for application.

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

Sens. Traynor, Goetz, Nething, Wanzek and Rep. Rennerfeldt introduced:

SB 2140: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property assessment purposes; and to provide an effective date.

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

Sens. Freborg, Tomac and Reps. Carlisle, Delzer introduced:

SB 2141: A BILL for an Act to amend and reenact section 57-15-26.3 of the North Dakota Century Code, relating to the mill levy limitation for rural fire protection districts; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Lips introduced:

SCR 4006: A concurrent resolution for the amendment of sections 7, 9, and 13 of article VI of the Constitution of North Dakota, relating to the appointment and election of supreme court justices and district court judges; and to provide an effective date.

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

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

William C. Parker, Secretary