

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3067

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Salveta Richardson
Operator's Signature

10/16/03
Date

2003 JOINT CONSTITUTIONAL REVISION
HCR 3067

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Yolanda Richardson
Operator's Signature

10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 3067

Joint Constitutional Revision Committee

Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1		X	3010-end
2	X		13-1735
Committee Clerk Signature <i>Elizabeth R. Fein</i>			

Minutes: **Chair Kretschmar** opened hearing on HCR 3067.

Rep. Eckre: Discussed intent of resolution and supports with written testimony.

Sen. Seymour: What will happen in ND in the future? Rep. Eckre noted that the last time this was in bill form. The only group that objected to it real strongly and had amendments was higher education because they have scholarships based upon race. What will change is, for example, at UND Medical School right now provides so many slots for Native Americans. They can't just say Native Americans. They will have to say certain tribes. They will have to follow what federal law says. Right now ND is allowing all different types of races. Schools may have to designate funds a bit differently.

Rep. Winrich: I noticed in the language there is a clause that says "does not prohibit action that must be taken to establish or maintain eligibility for any federal program" (pg 1, line 21-22), basically maintaining eligibility for federal funds. A lot of the programs that you referenced at UND that give preference to Native Americans are in fact federally funded. **Rep. Eckre** said that

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Salvatore Riccardi
Operator's Signature

10/16/03
Date

Page 2

Joint Constitutional Revision Committee

Bill/Resolution Number 3067

Hearing Date Feb. 26, 2003

is correct. That is why this is in there. This law is written exactly like the one in California and the one in Washington is very similar and this is exactly what the courts laid down in the state of Texas. Yes, federal law takes precedent over state law, and federal constitution over state constitution. **Rep. Winrich** then asked that if we need to make exceptions for this, for federal programs which have been deemed constitutional under the United States Constitution, why is it necessary to protect rights in ND? They are already protected by the federal constitution, are they not? **Rep. Eckre** replied that that is why he put it in there. We do not have a lot of minorities in ND. California does. They said it could not work, but it has worked. Colleges enrollment in minorities is way up. We have to follow the rules on federal programs. That's true. That is what this is saying. We can't change that. For example, the federal highway system in ND is the interstate. They have to accept so many minority contracts, but not any more. There will be different contracting. **Rep. Winrich** then asked if the state is going to have different standards than the federal governments? **Rep. Eckre** replied that yes, federal law supersedes state law. **Rep. Winrich** said that what he does not understand why we are abrogating certain rights that are in the federal constitution in ND. **Rep. Eckre** said that state law cannot supersede federal law. We have no choice but to put that in here. **Rep. Winrich** then said that we are only honoring those rights where federal money is involved. Otherwise we are going to take them away. **Rep. Eckre** clarified that yes, when federal programs are involved.

Cheryl Bergian (Dir. of ND Human Rights Coalition): Opposed with written testimony.

Bergian also questioned if Native Americans are a political group because they are also an ethnic group. Bergian spoke with David Gipp, President of the United Tribes Technical College, and he asked that action be deferred until he can provide the committee with more information on

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

La Costa Richardson
Operator's Signature

10/16/03
Date

Page 3

Joint Constitutional Revision Committee

Bill/Resolution Number 3067

Hearing Date Feb. 26, 2003

United Tribes' perspective. Martin Luther King Jr. wanted people to be judged on their character, not on their color. That was a dream. We have not reached that dream in North Dakota yet. More than 60% of nonwhite respondents to a Dept. of Labor study say they have experienced discrimination. We are not there yet. Do not have a constitutional amendment that will prohibit a solution to a problem if it exists in ND. She also questioned if an Indian tribe is a political group and not an ethnic group. They are definitely an ethnic group. They may also be a political group, but to say that preferential treatment policies would not apply to them because they are a political group, she is not sure that would stand up in the long run because they are an ethnic group also.

Glenn Baltrusch: Opposed. This does not belong in the constitution. Amendments are intended to correct problems that actually exist. This does not belong in the constitution in ND. If this is needed, it should be put into law, not into the Constitution. Section 7.1 of Article I deals rights of employment. Therefore, he urges the committee to vote DNP.

Jim Laducer (Indian business owner): Laducer and Associate, an information technology company. He moved away from the reservation in the 1970s after getting out of the service and lived in his car and got a job. He received preference to go to Mary College (now U-Mary) and also received preference for a loan to start his business. Today they do over \$15 M in sales and employs over 250 employees. He is required by law to develop an affirmative action plan. He questions what kind of message this sends to other states concerning minorities and females. Out-migration could come from this. Minorities and females are leaving ND. He grew up where no opportunities existed. Look at reservations right now. There is no economic base. The only systems that employ people on these reservations are the education systems and your BIA

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Coloeta Richardson
Operator's Signature

10/16/03
Date

Page 4

Joint Constitutional Revision Committee

Bill/Resolution Number 3067

Hearing Date Feb. 26, 2003

systems. Without that, we do not have the small infrastructure, small businesses. Programs like this set up opportunities for small businesses. Recommends DNP.

Connie Hildebrand (Pres. of American Assoc. of University Women, ND): This eliminates potential solutions and does not help. Urge a DNP.

Carol Two Eagles: In the matter of economics, women still earn less than men. Discussed the DNA differences between Asians, Caucasians, and Indians. She put herself through college, turning down full-ride scholarships. She was asked why as an Indian or a female she didn't study something more suitable to her, like library science. She has worked with different Indians who have established businesses. They needed financial assistance and needed preferential treatment in order to get the assistance because they are so small and cannot compete with large contractors. She is the CEO and founder of a micro corporation. The mission statement says, that they "exist to provide jobs for Indians in ND, to provide a market for durum producers in ND, and to support family farmers in ND." They went to the agriculture department in ND and were told they will never get a grant because the mission statement says they will provide jobs to Indians. They approached this from different angles and were told no because they are Indians. If that doesn't define discrimination in ND, Two Eagles does not know what does. She took her business to the Capital Credit Union to buy a pickup truck. Her credit is good and the chief loan officer of the CCU said, "I don't want to make a loan to your company so as long as you are the head of it or involved in any aspect of management because," she said, "your people historically have a problem managing money and credit." We need to kill this bill and continue to seek solutions that enable Indians to get off of welfare and create jobs. It will cut the suicide rate, the domestic violence rate, and the alcohol and drug abuse rate, it will improve everybody's lifestyle.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Richard Costa
Operator's Signature

10/16/03
Date

Page 5

Joint Constitutional Revision Committee

Bill/Resolution Number 3067

Hearing Date Feb. 26, 2003

Phil Baird (Dean of Vocational Academic Programs, United Tribes Technical College):

Representing President Gipp from UTTC. Discrimination exists. There are two other things about this bill and we are talking about a level playing field and we are talking about creating opportunities for the future. In terms of a level playing field, there are two things that are happening right now that we can relate to; one is basketball season. We look at district and regional tournaments for a level playing field, understanding that our youth can have a fair shot. We are vigilant in making sure there is an opportunity to have as close to a level field where everyone has an opportunity to show their best. This would not provide that opportunity. The other thing from a more political standpoint is the Missouri River issue. The battle here in ND and the other forces with water. They want a level playing field with the other states. These are used as examples of something we can talk about in terms of a level playing field that we can all relate to. To follow up on Laducer's comments, this would send a terrible message in terms of cultural diversity issues and again, when you talk about the reservation population, which is the fastest growing population in ND. We talk about out-migration, it truly is. We talk about work force issues here in the future. 50% of reservation population in ND is 18 yr. of age and younger. What message are we sending about the future workforce. This is a reality that we are dealing with here. Looking at tribal colleges, he remembers when Congress talked about providing a level playing field and education opportunities for American Indians. Legislators at one point said they do not need that. They were told Indians were better off working with their hands, or farming and pigs were more their deal than 4 year degrees. If we had listened, we wouldn't have 34 tribal colleges across the country making an impact on human resources. We wouldn't have United Tribes Technical College, which has an economic impact on Bismarck. The point is that

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Salvatore Riccardi

10/16/03

Date

