

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1005

2007 HOUSE APPROPRIATIONS

HB 1005

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1005

House Appropriations Committee  
Human Resources Division

Check here for Conference Committee

Hearing Date: January 9, 2007 - Time: 1:30 pm

Recorder Job Number: 825

Committee Clerk Signature

Minutes:

**Rep. Chet Pollert, Chairman** opened the hearing on **HB 1005**, A Bill for an Act to provide an appropriation for defraying the expenses of the Indian Affairs Commission. All division members present: **Representatives Larry Bellew, Vice Chairman, James Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.**

**Cheryl Kulas, Director of the North Dakota Indian Affairs Commission** testified in support of House Bill 1005. Written testimony provided.

**Chairman Pollert:** Questions regarding \$12,000 increased costs and \$120,000 for the coordinator. Refer: 20:42 – 22:40

**Phil Baird, Academic Dean at United Tribes Technical College** testified in place of David M. Gipp, President. Written testimony provided in support of the Governor's requested budget for the Indian Affairs Commission. Refer: 023:08 – 038-18.

**Cheryl Kulas** gave further testimony regarding need for coordinator.

**Tom Disselhorst, Attorney for the United Tribes Technical College**, testified in support of a coordinator and as a resource person to develop programs. Refer: 045:00 – 052:56.

Hearing closed for a rescheduling at a later date.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No.: HB1005

House Appropriations Committee  
Human Resources Division

Check here for Conference Committee

Hearing Date: February 1, 2007 Time: 8:30 am

Recorder Job Number: 2500

Committee Clerk Signature

*Donna Kramer*

Minutes:

**Rep. Chet Pollert, Chairman** opened the hearing on **HB 1005**, A Bill for an Act to provide an appropriation for defraying the expenses of the Indian Affairs Commission. All division members present: **Representatives Larry Bellew, Vice Chairman, James Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.**

**Cheryl Kulas, Director of the North Dakota Indian Affairs Commission**, handed out copies of the **Executive Budget**. Also, handed out were copies of a letter from **Dr. Wayne G. Sanstead, State Superintendent**. Cheryl reviewed the budget. There were questions regarding funding for temporary staff and line item increase for data processing and communications.

**Chadwick Kramer, NDIAC Research Analyst**, explained the budget amounts.

**Cheryl Kulas** continued with explanation on additional travel due to networking and traveling to Washington, DC, salaries figures, and temporary staff. Discussion. Refer: 10:00 - 24:00.

**Representative Dawn Charging** testified in support of the Indian Commission asking for increases ... supported idea of FTE of additional staff person for Indian Education. She stated there is a cultural difference and Indian students are struggling. Discussion regarding the additional staff person and whether this should be under the Department of Instruction.

**Cheryl Kulas** referred to a demographic profile. She stated they are about 7,000 Indian students and some of them are in 14 public schools.

**Dave Gipp, President of UTTC**, testified in support of the budget. (Copy of testimony is attached) Gave history of the position of the Indian Education Specialist. Refer: 37:20 - 39:00  
Continued discussion with **Cheryl Kulas** on the proposed position. Questions regarding hiring qualifications and whether federal funds available.

**Dr. Cheryl Long Feather, Research Director at UTTC**, testified in support of the budget.  
(Copy of written testimony attached)

**Dr. David Massey, Assistant Superintendent, Department of Public Instruction**, testified in support of the budget the proposed position.

Refer: 60:00 - 63:00

**Cheryl Kulas** gave a clarification on a question on funding of a temporary staff person.

**Adjournment.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1005

House Appropriations Committee  
Human Resources Division

Check here for Conference Committee

Hearing Date: February 5, 2007 - Time: 2:30 pm

Recorder Job Number: 2834

Committee Clerk Signature

*Donna Kramer*

Minutes:

**Rep. Chet Pollert, Chairman** opened the hearing on **HB 1005**, A Bill for an Act to provide an appropriation for defraying the expenses of the Indian Affairs Commission. All division members present: **Representatives Larry Bellew, Vice Chairman, James Kerzman, Ralph Metcalf, Mary Ekstrom, Jon Nelson, Gary Kreidt, and Alon Wieland.**

**Representative Metcalf** moved that amendment **78005.0101** be passed. **Representative Ekstrom** seconded the motion.

**Representative Metcalf:** "Amendment adds \$28,000 to the salary for the Indian Education Coordinator on the premise that the individual that is hired for this position will have a Masters Degree. Intent is to have somebody who knows what is going on and have a Masters Degree. We should pay the extra dollars to get this person."

Discussion: **Representative Wieland** stated that the indication was that the Indian Affairs Commission would be looking for someone who had a Masters Degree under the current dollars.

**Chairman Pollert:** "Indian Affairs had a "flow sheet" of what they looking to extend for salaries and what the travel would be in operating expenses. The salary number was in there. In the discussion they had talked about salaries and what they looking to do. **Representative**

**Metcalf** stated the dollars mentioned in that chart aren't sufficient, so he wants to raise that salary level."

**Chairman Pollert:** Called for a Roll Call Vote. **Motion failed by 5 no and 3 yes.**

**Representative Bellew:** Moved that Amendment **78005.0102** be passed. Seconded by

**Representative Nelson.**

**Representative Bellew:** "Purpose of this amendment to move \$7,920 in general funds from their temporary salaries line item. If we give them that full time position, this line item does not need to increased ... sole purpose of the amendment."

**Discussion.**

**Representative Nelson:** "If there is trouble attracting a person to the new position, could they have the flexibility in their budget to take that temporary line item and move it into the full time position to enhance the salary to attract more qualified people?"

**Becky Keller, Legislative Council:** "They do have that flexibility."

**Roll call vote: 5 yes and 3 no. Amendment adopted to HB 1005.**

**Representative Bellew:** Asked for Amendment **78005.0103** to be passed. Motion seconded by **Representative Kreidt.**

**Representative Bellew:** "Purpose of this amendment is for Indian Affairs Commission to come into this committee or DPI and re-request this position of Indian Education Coordinator and they would also have to document that this position was justified and that did what they told us it was going to do."

**Discussion:**

**Representative Ekstrom:** "Know that you all remember the testimony and we agreed that Indian education is serious trouble in the state of North Dakota. We should be paying a lot more than we are going to be paying them. It belongs in Indian Affairs."

**Chairman Pollert:** Stated he supports the Indian Education Coordinator position. "We are not going to see this being in DPI. There is a need."

**Representative Metcalf:** "Position being representative of the Indian nations. Not being in the DPI and under the control of the Indian Affairs Commission, there may not be problems. Do not think we should be doing this."

**Representative Kerzman:** "We limit the field for applicants by this amendment. They can come back and report what they're, but they should not have to rejustify their job."

**Representative Nelson:** What kind of report?"

**Representative Bellew:** "I would like to see this position is justified. We need to see that it is working ... that the Indian test scores are going up." Discussion.

**Cheryl Kulas** testified that assessment data could be provided, but felt the time frame would be too short in one year.

**Representative Wieland:** "Since DPI decided to drop it and not use it, that probably DPI is not interested unless it is funded separately. Convinced we do need this position and some sort of report. Not sure 1 ½ years time enough. Have a little problem supporting the amendment."

**Representative Nelson:** "Not going to get handle on it in short time. Suggest that we take the first part of the amendment out. Leave the reporting mechanism in there."

**Representative Bellew:** "Open to substitute motion ... substitute amendment."

**Representative Nelson:** Suggested we strike the first sentence of the amendment. "The Indian Education Coordinator is funded only for the biennium beginning July 1, 2007 and ending July 30, 2009." That language would be omitted and the rest of the amendment stays in place.

**Representative Wieland:** Seconded the motion.

**Discussion:**

**Representative Metcalf:** Took exception to the motion. He stated the Indian Affairs Commission shall report to the 61<sup>st</sup> Legislative Assembly on the need for continuing of the education coordinator position. "Why do we change that to "on the progress of the Indian Education Coordinator position?" Instead of "needs for continuing."

**Becky Keller, Legislative Council:** Suggested the word "program."

**Chairman Pollert:** Would like to see Indian Affairs Commission come and give us an update.

**Becky Keller, Legislative Council:** The amendment shall read, "**The Indian Affairs Commission shall report to the 61<sup>st</sup> Legislative Assembly on the progress of the Indian Education Coordination program.**"

**Cheryl Kulas:** Stated it would necessary because it is an ambitious endeavor and we are very committed to it. "Would be helpful if we had more salary."

**Chairman Pollert:** "As you can tell there is a lot of concern about it. The ultimate goal is to raise the level of education with Native Americans."

**Representative Bellew:** Comment. "DPI did say they would take this position back as long as we funded it."

**Representative Kerzman:** "If it comes from the Indian Affairs Commission, it might do more good."

**Chairman Pollert:** Called for a voice vote. All in favor say "Aye." Passed.

**Representative Bellew:** Motion to approve HB 1005 as amended.

**Representative Kreidt:** Seconded the motion.

**Roll call on a "Do Pass" as amended on HB 1005. 8 yes 0 no. Carrier: Representative Kerzman.**

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1005

House Appropriations Committee

Check here for Conference Committee

Hearing Date: February 8, 2007

Recorder Job Number: 3166

Committee Clerk Signature
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Minutes:

**Chm. Svedjan** opened the hearing on HB 1005.

**Rep. Kerzman** distributed amendment .0104 (Attachment A). Rep. Kerzman explained that HB 1005 has a small budget and described the major changes as highlighted on Department 316 – Indian Affairs Commission green sheet.

**Rep. Monson:** Re: FTE added , is this to replace the position that was in DPI's budget?

**Rep. Kerzman:** I think that's the one that was brought to our attention that would probably work better coming out of Indian Affairs than DPI.

**Rep. Monson:** Are we expecting that we will take 1 FTE out of DPI when that gets here?

**Rep. Kerzman:** I don't think it was in their budget

**Rep. Pollert:** DPI had the position eliminated and then there was no money and that's why this has come forward. That's why we approved the FTE. You'll want to make sure of that when you get the DPI budget, but that's what we were told.

**Rep. Kerzman** motioned for the adoption of amendment .0104. **Rep. Ekstrom** seconded the motion. The motion carried by voice vote.

**Rep. Kerzman** motioned for a Do Pass as amended to HB 1005. **Rep. Pollert** seconded the motion. The motion passed by a roll call vote of 22 ayes, 0 nays, and 2 absent and not voting. **Rep. Kerzman** was designated to carry the bill.

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1005**

House HUMAN RESOURCES DIVISION Committee

Check here for Conference Committee

Legislative Council Amendment Number 78005.0101

Action Taken Do Pass

Motion Made By Rep. Metcalf Seconded By Rep. Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollet		x	Rep. Nelson		x
Vice Chairman Bellew		x	Rep. Kerzman	x	
Rep. Wieland		x	Rep. Metcalf	x	
Rep. Kreidt		x	Rep. Ekstrom	x	

Total (Yes) 3 No 5

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
**Amendment adds \$28,000 to the salary for the Indian Education Coordinator on the premise that the individual that is hired for this position will have a Masters Degree. Intent is to have somebody who knows what is going on and have a Masters Degree. We should pay extra dollars to get this person.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1005

Page 1, line 16, replace "142,457" with "134,537"

Page 1, line 18, replace "164,457" with "156,537"

Page 1, line 20, replace "179,457" with "171,537"

Page 2, line 3, replace "485,859" with "477,939"

Page 2, line 5, replace "571,754" with "563,834"

Page 2, line 7, replace "566,754" with "558,834"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$485,859	(\$7,920)	\$477,939
Operating expenses	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	(\$7,920)	\$563,834
Less estimated income	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	(\$7,920)	\$558,834
FTE	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of House Changes**

	REMOVES FUNDING FOR TEMPORARY INTERN POSITION 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$7,920)	(\$7,920)
Operating expenses	<u></u>	<u></u>
Total all funds	(\$7,920)	(\$7,920)
Less estimated income	<u></u>	<u></u>
General fund	(\$7,920)	(\$7,920)
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding from the salaries and wages line item for the temporary intern position.

**2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1005**

House HUMAN RESOURCES DIVISION Committee

Check here for Conference Committee

Legislative Council Amendment Number 78005.0102

Action Taken Do Pass

Motion Made By Rep. Bellew Seconded By Rep. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollet		x	Rep. Nelson		x
Vice Chairman Bellew		x	Rep. Kerzman	x	
Rep. Wieland		x	Rep. Metcalf	x	
Rep. Kreidt		x	Rep. Ekstrom	x	

Total (Yes) 5 No 3

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**Purpose of this amendment to move \$7,920 in general funds from their temporary salaries line item. If full-time position is given, this line item does not need to be increased.**

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1005

Page 2, after line 7, insert:

**"SECTION 4. INTENT - INDIAN EDUCATION COORDINATOR POSITION.**

The Indian education coordinator position is funded only for the biennium beginning July 1, 2007, and ending June 30, 2009. The Indian affairs commission shall report to the sixty-first legislative assembly on the need for continuing the Indian education coordinator position."

Renumber accordingly



Date: 2/8/07  
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1005

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 178005.0104

Action Taken Adopt amendment .0104

Motion Made By Kerzman Seconded By Ekstrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan					
Vice Chairman Kempenich					
Representative Wald			Representative Aarsvold		
Representative Monson			Representative Gulleon		
Representative Hawken					
Representative Klein					
Representative Martinson					
Representative Carlson			Representative Glassheim		
Representative Carlisle			Representative Kroeber		
Representative Skarphol			Representative Williams		
Representative Thoreson					
Representative Pollert			Representative Ekstrom		
Representative Bellew			Representative Kerzman		
Representative Kreidt			Representative Metcalf		
Representative Nelson					
Representative Wieland					

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Vote Carries*

Date: 2/8/07  
 Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 1005

House Appropriations Full Committee

Check here for Conference Committee

Legislative Council Amendment Number 78005, 0104

Action Taken No Pass as amended

Motion Made By Kerzman Seconded By Pollert

Representatives	Yes	No	Representatives	Yes	No
Chairman Svedjan	✓				
Vice Chairman Kempenich	✓				
Representative Wald	✓		Representative Aarsvold	✓	
Representative Monson	✓		Representative Gulleon	—	
Representative Hawken	✓				
Representative Klein	✓				
Representative Martinson	✓				
Representative Carlson	✓		Representative Glassheim	✓	
Representative Carlisle	✓		Representative Kroeber	✓	
Representative Skarphol	—		Representative Williams	✓	
Representative Thoreson	✓				
Representative Pollert	✓		Representative Ekstrom	✓	
Representative Bellew	✓		Representative Kerzman	✓	
Representative Kreidt	✓		Representative Metcalf	✓	
Representative Nelson	✓				
Representative Wieland	✓				

Total (Yes) 22 No 0

Absent 2

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1005: Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "142,457" with "134,537"

Page 1, line 18, replace "164,457" with "156,537"

Page 1, line 20, replace "179,457" with "171,537"

Page 2, line 3, replace "485,859" with "477,939"

Page 2, line 5, replace "571,754" with "563,834"

Page 2, line 7, replace "566,754" with "558,834"

Page 2, after line 7, insert:

**"SECTION 4. INTENT - INDIAN EDUCATION COORDINATOR POSITION.**  
 The Indian affairs commission shall report to the sixty-first legislative assembly on the progress of the Indian education coordination program."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$485,859	(\$7,920)	\$477,939
Operating expenses	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	(\$7,920)	\$563,834
Less estimated income	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	(\$7,920)	\$558,834
FTE	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of House Changes**

	REMOVES FUNDING FOR TEMPORARY INTERN POSITION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$7,920)	(\$7,920)
Operating expenses		
Total all funds	(\$7,920)	(\$7,920)
Less estimated income		
General fund	(\$7,920)	(\$7,920)
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding from the salaries and wages line item for the temporary intern position.

2007 SENATE APPROPRIATIONS

HB 1005

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1005

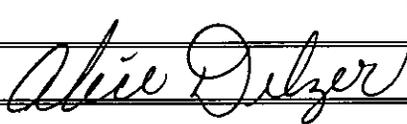
Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 02-21-07

Recorder Job Number: 3586

Committee Clerk Signature



Minutes:

**Chairman Holmberg** opened the hearing on HB 1005 at 11:05 am on February 21, 2007 regarding the Indian Affairs Commission.

**Cheryl Kulas, Director of North Dakota Indian Affairs Commission (NDIAC)** presented written testimony (1) and oral testimony in support of HB 1005. The second page of testimony is the NDIAC Agency Networking Revised 02-20-07. She stated that the NDIAC throughout its 57 year history was designed and has evolved as a liaison agency between the State of North Dakota and tribal governments. The NDIAC is a nine-member Commission whose chair is the Governor, the Tribal Chairpersons of the four ND reservations, and four at-large members appointed by the Governor. Written Testimony (2) is a Recommendation Detail by Program for the Biennium 2007-2009.

Some of the issues that are of concern that were in the oral testimony include a need to add 1 FTE for Education, stating the Indian population is growing and more are enrolling in colleges, the P-16 Taskforce, a continual under-educated problem with the American Indian, and shared statistics regarding school drop-outs. On page 7 of testimony (1) is the information regarding the Indian Education Specialist position and that persons responsibilities. The NDIAC is also seeding funds through a federally funded Program entitled GEAR-UP. The NDIAC is asking for the position of the Indian Affairs director, one research analyst, and 1.0 administrative staff.

**Chairman Holmberg** stated she has provided this committee with the data as far as their needs for this FTE and the House did approve that FTE, the question that will come up is the rationale of the reduction of the money in change for the intern. Could you dwell on that?

**Cheryl Kulas** stated they are a staff of three, and therefore they cannot attend all the meetings they need to attend, the work load is heavy, we have no one working with the Department of Health directly and we need that, and an intern could help us with education and the scheduling regarding education.

**Senator Mathern** asked if there were any changes made in the bill in the House. He was told that they would like the intern position returned to the budget.

**Chairman Holmberg** stated there would be no subcommittee regarding HB 1005 and that the whole Appropriations Committee will work on this bill together.

**Representative Dawn Charging, District 4, Garrison** gave oral testimony in support of HB 1005. She shared about issues concerning the inability of Indian children to read. She stated that comes from early traditions, we can tell the story, but can't read. She stated there are cultural barriers and thanked the Committee for their kind consideration.

**Tom Disselhorst, Attorney representing Dr. David Gipp, President of United Tribes College** presented written testimony (3) in support of HB 1005. He talked about curriculum regarding the Indian culture, and how it has improved the scores of the Indian children regarding the No Child Left Behind Act. He encouraged the Appropriations Committee to consider the intern position as it would be very helpful to the NDIAC.

**Senator Bowman** asked if the only funding taken out at the House was the Part-time employee. He was told yes, but they need that FT intern to assist.

**Chairman Holmberg** closed the hearing on HB 1005.

## 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1005

Senate Appropriations Committee

Check here for Conference Committee

Hearing Date: 3-~~14~~<sup>21</sup>-07

Recorder Job Number: 5374

Committee Clerk Signature



Minutes:

Chairman Holmberg opened the hearing on HB 1005 indicating this is about the Indian Affairs Commission and we had testimony. The temporary funding of the house removed \$7,000. The executive budget did add a coordinator. It looks like the only change the House made was the \$7,920. Senator Mathern had asked for amendments.

Senator Mathern distributed amendments .0201 indicating they are to change the bill by replacing the funds the House removed and they are to restore a full-time administrative assistant for this department. He indicated this is not a permanent position, this is a temporary intern position that the department and the Governor had agreed they needed to get the work done. Basically, the Director is gone from the office most of the time, in terms of attending meetings and this would permit proper staffing of the office while the director is gone.

Senator Mathern moved approval of amendment .0201, Senator Krauter seconded. An oral vote was taken resulting in a do pass of the amendment.

Senator Mathern distributed a second amendment on the same budget which deals with the education person. He indicated the testimony during the hearing was that the amount of money added to education coordinator in veteran's affairs was not enough to hire someone on the masters level. The issues in terms of travel, government, and their schools and the connection with the state government and state and local district schools are quite complex.

These amendments were suggested by Sheryl Kulas as a way to bring up the quality of the education coordinator. The amount of money here would make it possibility to hire someone on a master's level which is \$34,000.

Senator Mathern moved the amendment 0202, Senator Krauter seconded. Discussion was held about concerns of the ending fund balance. An oral vote was taken and the motion did not carry.

Senator Mathern moved a do pass as amended, Senator Krauter seconded, discussion followed, A roll call vote was taken resulting in 13 yes, 0 no and 1 absent. The motion carried and Senator Mathern will carry the bill.

Chairman Holmberg adjourned the hearing.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, line 16, replace "134,537" with "142,457"

Page 1, line 18, replace "156,537" with "164,457"

Page 1, line 20, replace "171,537" with "179,457"

Page 2, line 3, replace "477,939" with "485,859"

Page 2, line 5, replace "563,834" with "571,754"

Page 2, line 7, replace "558,834" with "566,754"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$485,859	\$477,939	\$7,920	\$485,859
Operating expenses	<u>85,895</u>	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	\$563,834	\$7,920	\$571,754
Less estimated income	<u>5,000</u>	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	\$558,834	\$7,920	\$566,754
FTE	4.00	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of Senate Changes**

	ADDS FUNDING FOR TEMPORARY INTERN POSITION <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$7,920	\$7,920
Operating expenses		
Total all funds	\$7,920	\$7,920
Less estimated income		
General fund	\$7,920	\$7,920
FTE	0.00	0.00

<sup>1</sup> This amendment adds back funding that was removed by the House for the temporary intern position.

*JB*  
 3-21-07

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, line 16, replace "134,537" with "169,243"

Page 1, line 18, replace "156,537" with "191,243"

Page 1, line 20, replace "171,537" with "206,243"

Page 2, line 3, replace "477,939" with "512,645"

Page 2, line 5, replace "563,834" with "598,540"

Page 2, line 7, replace "558,834" with "593,540"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$485,859	\$477,939	\$34,706	\$512,645
Operating expenses	85,895	85,895		85,895
Total all funds	\$571,754	\$563,834	\$34,706	\$598,540
Less estimated income	5,000	5,000		5,000
General fund	\$566,754	\$558,834	\$34,706	\$593,540
FTE	4.00	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of Senate Changes**

	PROVIDES ADDITIONAL FUNDING FOR EDUCATION COORDINATOR <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$34,706	\$34,706
Operating expenses		
Total all funds	\$34,706	\$34,706
Less estimated income		
General fund	\$34,706	\$34,706
FTE	0.00	0.00

<sup>1</sup> This amendment provides an additional \$28,000 in salary and \$6,706 in benefits for the education coordinator position.

March 23, 2007

*J3*  
*3-23-07*

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

In lieu of the amendments to Engrossed House Bill No. 1005 as printed on page 924 of the Senate Journal, Engrossed House Bill No. 1005 is amended as follows:

Page 1, line 16, replace "134,537" with "142,457"

Page 1, line 18, replace "156,537" with "164,457"

Page 1, line 20, replace "171,537" with "179,457"

Page 2, line 3, replace "477,939" with "485,859"

Page 2, line 5, replace "563,834" with "571,754"

Page 2, line 7, replace "558,834" with "566,754"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$485,859	\$477,939	\$7,920	\$485,859
Operating expenses	<u>85,895</u>	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	\$563,834	\$7,920	\$571,754
Less estimated income	<u>5,000</u>	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	\$558,834	\$7,920	\$566,754
FTE	4.00	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of Senate Changes**

	ADDS FUNDING FOR TEMPORARY INTERN POSITION <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$7,920	\$7,920
Operating expenses		
Total all funds	\$7,920	\$7,920
Less estimated income		
General fund	\$7,920	\$7,920
FTE	0.00	0.00

<sup>1</sup> This amendment adds back funding that was removed by the House for the temporary intern position.

Date: 3/21/07  
Roll Call Vote #:

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1005

Senate Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken DP as amended.

Motion Made By Mather Seconded By Krauter

Senators	Yes	No	Senators	Yes	No
Senator Ray Holmberg, Chrm	✓		Senator Aaron Krauter	✓	
Senator Bill Bowman, V Chrm	✓		Senator Elroy N. Lindaas	✓	
Senator Tony Grindberg, V Chrm	✓		Senator Tim Mathern	✓	
Senator Randel Christmann	✓		Senator Larry J. Robinson	✓	
Senator Tom Fischer			Senator Tom Seymour	✓	
Senator Ralph L. Kilzer	✓		Senator Harvey Tallackson	✓	
Senator Karen K. Krebsbach	✓				
Senator Rich Wardner	✓				

Total (Yes) 13 No \_\_\_\_\_

Absent 1

Floor Assignment Mather

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1005, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.**

Page 1, line 16, replace "134,537" with "142,457"

Page 1, line 18, replace "156,537" with "164,457"

Page 1, line 20, replace "171,537" with "179,457"

Page 2, line 3, replace "477,939" with "485,859"

Page 2, line 5, replace "563,834" with "571,754"

Page 2, line 7, replace "558,834" with "566,754"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1005 - Indian Affairs Commission - Senate Action**

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Operating expenses	<u>85,895</u>	<u>85,895</u>		<u>85,895</u>
Total all funds	\$571,754	\$563,834	\$7,920	\$571,754
Less estimated income	<u>5,000</u>	<u>5,000</u>		<u>5,000</u>
General fund	\$566,754	\$558,834	\$7,920	\$566,754
FTE	4.00	4.00	0.00	4.00

**Dept. 316 - Indian Affairs Commission - Detail of Senate Changes**

	ADDS FUNDING FOR TEMPORARY INTERN POSITION <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$7,920	\$7,920
Operating expenses		
Total all funds	\$7,920	\$7,920
Less estimated income		
General fund	\$7,920	\$7,920
FTE	0.00	0.00

<sup>1</sup> This amendment adds back funding that was removed by the House for the temporary intern position.

2007 HOUSE APPROPRIATIONS

CONFERENCE COMMITTEE

HB 1005

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1005

House Appropriations Committee  
Human Resources Division

Check here for Conference Committee

Hearing Date: April 13, 2007

Recorder Job Number: 6003

Committee Clerk Signature

*Donna Kramers*

Minutes:

**Chairman Nelson opened the Conference Committee hearing on HB 1005, A Bill for an Act to provide an appropriation for defraying the expenses of the Indian Affairs Commission. Present: Representatives Wieland, Kerzman and Senators Wardner, Bowman and Mathern.**

**Senator Wardner:** Explained the Senate added the \$35,000 back into the budget for the temporary interim position.

**Senator Mathern:** We wanted to bring up two issues about the bill as it came from the House. We wanted to bring the Education Coordinator up to the Master's level position. With all of the demands, we needed somebody with a little more expertise and education. However, we were not able to get that through the Senate. So, we found the Indian Affairs Commissioner was on some 40 - 50 boards - going all over the place. We've got an office that is understaffed. We put back 7.9 thousand dollars to fund the temporary intern position ... it was in the Governor's budget.

**Senator Wardner:** Senator Mathern did offer an amendment to put the \$35,000 back but that was rejected. So, with \$7,920 we feel we have cut them down to the bare bone. Somebody needs to be taking messages.

*April 13, 2007*

**Representative Nelson:** In the House action, we did add the one new FTE for Education Coordinator. It is our understanding that was probably was adequate to serve in some of those capacities. I think that is the area of any disagreement or possible action here that we would take. Do any committee members have anything to add?

**Senator Mathern:** We honored the wisdom of the House to making sure that somebody was doing some work in education. But, we also learned that there was a need for some support staff. This part time or temporary position would be a way to assist the education person.

**Representative Kerzman:** I hope we could concur with the Senate, too.

**Representative Nelson:** As I look at their FTE positions, they are currently at three with the one that was added with the Indian Education Coordinator. Their office would be staffed with four without any temporary staff. That is correct, isn't it?

**Senator Mathern:** Yes.

**Senator Wardner:** Agree with Senator Mathern to settle the first time.

**Representative Nelson:** Come back one more time.

**Adjournment.**

# 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB1005

House Appropriations Committee  
Human Resources Division

Check here for Conference Committee

Hearing Date: April 20, 2007

Recorder Job Number: 6210

Committee Clerk Signature

*Donna Kramer*

Minutes:

**Chairman Nelson opened the Conference Committee hearing on HB 1005, A Bill for an Act to provide an appropriation for defraying the expenses of the Indian Affairs Commission. Present: Representative Wieland and Senators Wardner, Bowman and Mathern.**

**Senator Wardner: Made a motion that the House accede to the Senate amendments.**

**Senator Bowman: Seconded the motion.**

**Roll Call Vote: Rep. Nelson - yes, Rep. Wieland, Sen. Wardner - yes, Sen. Bowman - yes, Senator Mathern - yes.**

**Motion passed.**

**Adjournment.**

**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB1005 (, as (re)engrossed):

Date: 04-20-07

Your Conference Committee Human Resources

For the Senate:

For the House:

YES / NO		YES / NO	
Sen. Wardner	<input checked="" type="checkbox"/>	Chairman Rep. Nelson	<input checked="" type="checkbox"/>
Sen. Bowman	<input checked="" type="checkbox"/>	Rep. Wieland	<input checked="" type="checkbox"/>
Sen. Mathern	<input checked="" type="checkbox"/>	Rep. Kerryman	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1390 - 1391  
X, and place HB1005 on the Seventh order.

\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the Seventh order:

\_\_\_\_, having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

~~(Re)Engrossed~~ HB 1005 was placed on the Seventh order of business on the calendar.

DATE: 4/20/07

CARRIER: \_\_\_\_\_

LC NO.	of amendment
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Sen. Wardner

SECONDED BY: Sen. Bowman

VOTE COUNT 5 YES    NO 1 ABSENT

**REPORT OF CONFERENCE COMMITTEE**

**HB 1005, as engrossed:** Your conference committee (Sens. Wardner, Bowman, Mathern and Reps. Nelson, Wieland, Kerzman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1390-1391 and place HB 1005 on the Seventh order.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

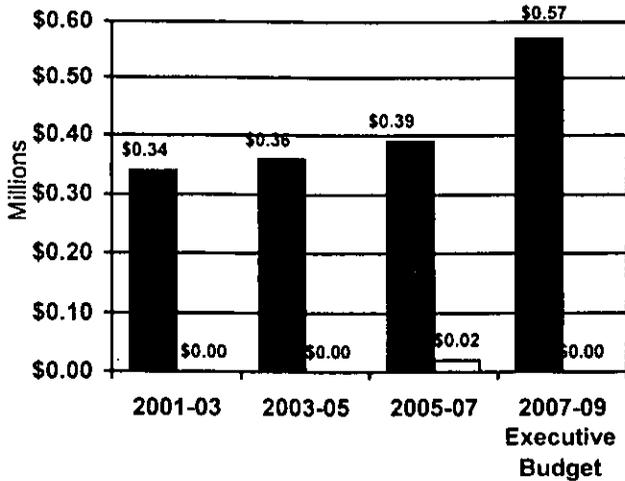
2007 TESTIMONY

SB 1005

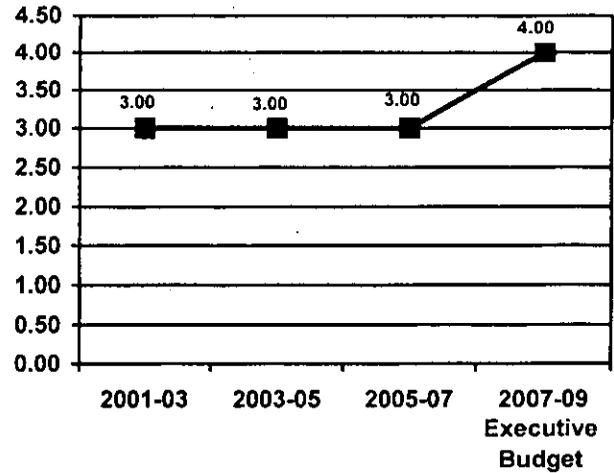
**Department 316 - Indian Affairs Commission  
 House Bill No. 1005**

	FTE Positions	General Fund	Other Funds	Total
2007-09 Executive Budget	4.00	\$566,754	\$5,000	\$571,754
2005-07 Legislative Appropriations	3.00	387,297	20,000	407,297
Increase (Decrease)	1.00	\$179,457	(\$15,000)	\$164,457

**Agency Funding**



**FTE Positions**



■ General Fund □ Other Funds

**Executive Budget Highlights**

	General Fund	Other Funds	Total
1. Removes funding to reflect reduction in federal funds		(\$15,000)	(\$15,000)
2. Increases funding for operating expenses for increased costs for data processing and communication	\$12,000		\$12,000
3. Adds 1 new FTE position for Indian education coordination	\$127,570		\$127,570
4. Adds funding for temporary staff	\$7,920		\$7,920

**Continuing Appropriations**

Indian Affairs Commission printing fund - NDCC Section 54-36-08 - Indian Affairs Commission printing fund.

**Major Related Legislation**

At this time, no major legislation has been introduced affecting this agency.

HB 1005  
2/21/07

Date: 12/11/2006  
Time: 07:51:14

Bill#: SB2005

**RECOMMENDATION DETAIL BY PROGRAM**  
316 INDIAN AFFAIRS COMMISSION  
Biennium: 2007-2009

Description	Reporting Level: 00-316-105-00-00-00-00000000				Executive Recommendation 2007-2009
	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	
<b>SALARIES AND WAGES</b>					
SALARIES - PERMANENT	237,975	252,259	5,135	257,394	331,146
SALARIES - OTHER	0	0	0	0	0
TEMPORARY SALARIES	0	7,500	-184	7,316	14,516
FRINGE BENEFITS	75,754	83,643	829	84,472	121,896
SALARY INCREASE	0	0	0	0	15,652
BENEFIT INCREASE	0	0	0	0	2,649
<b>TOTAL</b>	<b>313,729</b>	<b>343,402</b>	<b>5,780</b>	<b>349,182</b>	<b>485,859</b>
<b>SALARIES AND WAGES</b>					
GENERAL FUND	313,729	343,402	5,780	349,182	485,859
FEDERAL FUNDS	0	0	0	0	0
SPECIAL FUNDS	0	0	0	0	0
<b>TOTAL</b>	<b>313,729</b>	<b>343,402</b>	<b>5,780</b>	<b>349,182</b>	<b>485,859</b>
<b>OPERATING EXPENSES</b>					
TRAVEL	13,737	12,000	0	12,000	18,850
SUPPLIES - IT SOFTWARE	432	0	0	0	1,500
SUPPLY/MATERIAL-PROFESSIONAL	826	576	0	576	576
OFFICE SUPPLIES	3,133	7,800	0	7,800	7,800
POSTAGE	562	1,000	0	1,000	1,000
PRINTING	1,168	3,500	0	3,500	3,500
IT EQUIP UNDER \$5,000	1,594	2,000	0	2,000	3,300
OFFICE EQUIP & FURN SUPPLIES	2,257	2,864	0	2,864	2,864
INSURANCE	1,778	1,500	0	1,500	1,500
RENTALS/LEASES - BLDG/LAND	630	630	0	630	630
IT - DATA PROCESSING	2,690	4,500	0	4,500	5,448
IT-COMMUNICATIONS	3,286	3,025	0	3,025	4,427
PROFESSIONAL DEVELOPMENT	3,113	1,000	0	1,000	1,000
OPERATING FEES AND SERVICES	2,136	3,500	0	3,500	28,500
FEES - PROFESSIONAL SERVICES	62,766	20,000	-15,000	5,000	5,000
<b>TOTAL</b>	<b>100,108</b>	<b>63,895</b>	<b>-15,000</b>	<b>48,895</b>	<b>85,895</b>
<b>OPERATING EXPENSES</b>					
GENERAL FUND	37,342	43,895	0	43,895	80,895
FEDERAL FUNDS	62,766	20,000	-15,000	5,000	5,000

**RECOMMENDATION DETAIL BY PROGRAM**

316 INDIAN AFFAIRS COMMISSION  
Biennium: 2007-2009

Bill#: SB2005

Date: 12/11/2006  
Time: 07:36:21

Program: INDIAN AFFAIRS ADMINISTRATION

Reporting Level: 00-316-105-00-00-00-00000000

Description	Expenditures 2003-2005 Biennium	Present Budget 2005-2007	Budget Request Change	Requested Budget 2007-2009 Biennium	Executive Recommendation 2007-2009
SPECIAL FUNDS	0	0	0	0	0
<b>TOTAL</b>	<b>100,108</b>	<b>63,895</b>	<b>-15,000</b>	<b>48,895</b>	<b>85,895</b>
<b>PROGRAM FUNDING SOURCES</b>					
SPECIAL FUNDS	0	0	0	0	0
FEDERAL FUNDS	62,766	20,000	-15,000	5,000	5,000
GENERAL FUND	351,071	387,297	5,780	393,077	566,754
<b>PROGRAM FUNDING TOTAL</b>	<b>413,837</b>	<b>407,297</b>	<b>-9,220</b>	<b>398,077</b>	<b>571,754</b>
<b>FTE EMPLOYEES</b>	<b>3.00</b>	<b>3.00</b>	<b>.00</b>	<b>3.00</b>	<b>4.00</b>
<b>FUNDING DETAIL</b>					
<b>GENERAL FUND</b>	<b>351,071</b>	<b>387,297</b>	<b>5,780</b>	<b>393,077</b>	<b>566,754</b>
<b>FEDERAL FUNDS</b>					
H124 REAL CHOICES OLMSTEAD C.OVER	62,766	20,000	-15,000	5,000	5,000
<b>TOTAL</b>	<b>62,766</b>	<b>20,000</b>	<b>-15,000</b>	<b>5,000</b>	<b>5,000</b>



UNITED TRIBES TECHNICAL COLLEGE  
3315 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



**60th Legislative Assembly  
State of North Dakota  
House Appropriations Committee  
Human Resources Division**

**Testimony of United Tribes Technical College  
David M. Gipp, President  
in Support of HB 1005**

**Appropriations for Indian Affairs Commission**

**January 9, 2007**

Mr. Chairman and members of the Committee: This testimony is given on behalf of United Tribes Technical College in support of the Governor's requested budget for the Indian Affairs Commission, in this, its 56th year of service to the State of North Dakota and its Indian citizens.

The N.D. Indian Affairs Commission serves many roles, and, in the past 20 years or so, has done so on an extremely limited budget. Besides fielding questions from the public about Indians and Indian tribes, as well as being a referral point for Tribal members seeking state governmental services, the Commission is an excellent sounding board for issues affecting Tribal Nations and their relationship with the State of North Dakota. Most important, it acts to support the government-to-government relationship between North Dakota's Tribal Nations and the State of North Dakota, by bringing the State, through the Governor and Tribes together allowing them to discuss issues of mutual importance and concern. In addition, the Indian Affairs Commission continues this biennium to coordinate with appropriate state officials regarding a U.S. Justice Department grant provided to United Tribes Technical College to help reduce the use of drugs and alcohol within our state.

Finally, this year, the Governor has given the Commission a new responsibility: Indian education. As an educational institution, United Tribes Technical College believes education for all in North Dakota, including American Indians, is critical. The budget for the Indian Affairs Commission now includes funds for an Indian education liaison, who will not only seek to ensure that quality education is available to all Indian citizens of this state, but also to ensure that educational curricula developed in our state reflect the cultural background and wisdom of the Indian tribes that exist in our state.

In the past two years, I (David M. Gipp) have served on the Governor's P-16 education task force, convened to determine new ways to improve the quality of our educational services provided in North Dakota. It is critical, as the task force points out, for American Indian students to be given an opportunity to learn in a manner that does not contribute to a lower level of performance, but rather that builds understanding, not just for American Indian students, but for

**Testimony of David Gipp**  
**President United Tribes Technical College**  
**HB 1005**  
**January 9, 2007**

all students, about the positive cultural values and collective wisdom of the people of North Dakota's five (5) tribes. The addition of an education position will greatly enhance that effort, but it is only a start.

We still believe that the Indian Affairs Commission needs to have a significant increase in funding to allow it to do its job for an ever increasing state Indian population, whose enterprise and enterprises are contributing more and more to the state economy each passing year. American Indian citizens are almost 5% of the state's population, a proportion that is increasing each year, and in my more than 40 years of observation, the Commission is needed now more than ever.

Further, in this era of emphasis on economic development, and with the many points of intersection between the Indian tribes of this state, state and local government, and the private sector, the Indian Affairs Commission is even more vital for the success of these common endeavors. The 1996 welfare reform legislation passed by U.S. Congress underscores the importance of cooperation and understanding between the state and the Indian tribes of North Dakota, as presently more than 50% of all welfare recipients receiving state dollars are economically impoverished American Indians.

In addition to the issues raised above, there are many other areas where the interests of the state and the Tribes and their members come together. These include such things as: economic development, criminal jurisdiction, water rights, hunting and fishing rights, cross-deputization agreements, transportation issues, Indian Child Welfare Act issues and recognition of tribal and state judgments. We would note that the Indian Affairs Commission has assisted in preparation for the first ever Interim Tribal-state Relations Committee, which held several meetings during the previous biennium.

United Tribes Technical College, our students and our member tribes continue to greatly value the work the Indian Affairs Commission does for our peoples and our state on a limited budget. It needs all the funds listed and more. Again, we urge the 60th Legislative Assembly to appropriate additional funds, in an amount not less than \$250,000, to allow the Indian Affairs Commission to do its job properly. We recommend a DO PASS on HB 1005 regarding the budget for the Indian Affairs Commission with the amendment increasing the amount of the appropriation as suggested.

**North Dakota Indian Affairs Commission Testimony**  
**HB 1005 – House Appropriations**  
Human Services Division  
Representative C. Pollert – Chairman  
January 9, 2007

Chairman Pollert and members of the House Appropriations Human Services Division Committee, I am Cheryl Kulas, Director of the North Dakota Indian Affairs Commission. I am here today to testify to testify in support of House Bill 1005.

The North Dakota Indian Affairs Commission, throughout its 57 year history was designed and has evolved as a critical liaison agency between the State of North Dakota and tribal governments. The nine-member Commission is comprised of the Governor, the Tribal Chairpersons of the four North Dakota reservations, and four at-large members appointed by the Governor. The work of the Commission is coordinated and administered by a three-person staff. The liaison function of the NDIAC Commission is delineated in Attachment A. representing the on-going work of the Commission.

The operational changes in the Agency during the 2005-2007 biennium occurred on two levels:

- Movement toward securing funding sources to support the North Dakota Indian Affairs Commissions' work, and
- Continue to work toward the creation a systemic mechanism for greater state and tribal coordination. Ever-increasing health and human-service related needs have driven the external work of the NDIAC staff in the 2005-2007 biennium as reflected in the creation of new state committees requesting NDIAC representation and membership (Attachment A).

**American Indian Population in North Dakota**

The American Indian population in the State of North Dakota constitutes approximately 5.2% of the state's population, a figure representing 21% growth from the 2000 census. This population is both growing and young. As we as a state grapple with the challenges of out-migration, it is

important to keep in mind that the American Indian population is a growing and young population. According to a summary of a 2005 symposium presented to the State Board of Higher Education, there are eight counties whose median age is younger than the states average. They are the urban areas or on the reservations in the state. The combined population of the eight – Benson, Burleigh, Cass, Grand Forks, Richland, Rolette, Sioux and Ward is 360,000 or 56 percent of the total population of the state.

The four counties in which the state's major cities of Fargo, Bismarck, Grand Forks and Minot are located alone total 317,458 or 49.4 percent of the population.<sup>1</sup> These statistics indicate that 13 counties of which three are reservation-based contain 72 percent of the state's population.

### **ND Indian Affairs Commission – Efforts and Accomplishments – 2005-2007**

The efforts and accomplishments of the North Dakota Indian Affairs Commission are listed in Attachment B.

### **North Dakota Indian Affairs Commission Budget**

The budget presented for the North Dakota Indian Affairs Commission is as follows:

The present budget is \$407,297 of which \$20,000 is from federal funds, and \$387,297 is from the General Fund. This budget supports the position of the Indian Affairs director, one research analyst, and 1.0 administrative staff. We are not requesting any one-time expenditures for the next biennium directly.

The Governor's recommendation is for an increase of \$144,880 of which \$12,000 is due to rate increases in operating expenses; \$7,920 for using interns for special projects, and \$124,960 for a new 1.00 FTE to serve as the Indian Education Coordinator.

### **Rationale for an Increase of 1.00 FTE**

American Indian students consists of 9.9% of the total enrolled population in all schools in North Dakota. American Indian students still comprise the largest percentage of ethnically diverse

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<sup>1</sup> Maidenberg, Mike, Columnist, (2005) *Growth depends on key areas*, Article in Grand Forks Herald, December 2, 2005.

students in the state. While gains have been made, when the academic bar is being raised higher and higher, so will the effort be needed to maintain gains already made particularly for high poverty, high minority children and schools serving American Indian students.

American Indian leaders and educators are as weary as are mainstream educators of continued focus on the negative aspect of the achievement and socio-economic issues of American Indian learners. While school systems are not responsible for meeting every need of their student, they can address those needs that directly affect learning, by effecting supportive environments where students can thrive, not just survive.

While strides have been made, North Dakota schools continue to be challenged as evidenced by the following:

- The majority of schools in need of improvement in North Dakota as determined by Title I, are schools with significant enrollments of American Indian students.
- Among North Dakota eighth-graders, 39.9 percent of Indians were reading at grade level, compared to 75 percent of white students.
- Among North Dakota eighth-graders, American Indians 53 percent below basic proficiency, compared to 26 percent for whites, 31 percent for Asians, 57 percent for Latinos and 61 percent for blacks in the 2003 NAEP Assessment. (2003 NAEP Assessment).
- According to the Education Trust, of every 100 American Indian/Alaska Native kindergartners, 58 graduate from high school and 7 obtain at least a Bachelor's degree. (National data by the Education Trust).
- In North Dakota, on-time high school graduation in 2001, only 50 percent of American Indian students graduated from high school compared to 93 percent white students.
- Six-year graduation rate of the University of North Dakota in 2002, 39 percent of American Indian students graduated from college compared to 50 percent of White college students. (2005 The Education Trust, Inc.).
- In North Dakota in 2000, of the 691 students taking the AP Exam, 4 were American Indian. The total numbers of exams taken by American Indian/Alaska Natives were 5. In 2005, of the total number of 993 students taking the AP exam in North Dakota, only 7 were American Indian. The total numbers of exams taken by American Indians were 8. The subjects of these exams were Chemistry, English literature and Composition, German Language, Government and Politics – U.S., U.S. History, Calculus AB, Physics B and Psychology. (Source: The College Board July 2006)).

- American Indian learners comprise approximately 10,354 or 9.9% of the enrolled population in all schools in North Dakota and are a growing population.
- While American Indians comprise approximately 4.9 percent of the population of North Dakota, American Indian young people, ages 0 – 25 comprise approximately 50% of the American Indian population in the State of North Dakota.

**Why is this request a good investment for North Dakota:**

- American Indian college graduates do not leave the state at the same ratio as mainstream graduates.
- American Indians families and their children are migrating to North Dakotas urban areas in search of employment opportunities. This is evident in the increase of American Indian students in North Dakota public schools.
- American Indian students of North Dakotas' population will significantly impact the dependency ratio of the population of the state of North Dakota as they become future wage-earners in North Dakota.

American Indian leaders believe that in order to close the achievement gap of American Indian students within North Dakotas educational systems, it is imperative that:

- Change must be systemic and philosophical
- Changing school and organizational beliefs about what can work with American Indian students, including sharing programs that work
- Engaging students, their families communities in different ways
- Forming partnerships around students to embrace responsibility in their learning, and
- Providing supportive school environments needed for learning, which may be different than the mainstream
- Professionals working with children must put aside their own philosophical and experiential differences, and develop understanding of the learners' norm of experience (inclusive of exploring the students culture and what differences are brought to the classroom)
- Wrap social supports around students, and
- Having high expectations by teachers about students, and about themselves.

The Intent of the request for the creation of a new FTE – whose task it is to address the systemic issues of the education of American Indian learners. If appropriated, this individual would work with the North Dakota education community and professionals have a cadre of educators who can work with on American Indian specific strategies designed to impact student achievement through focused on strategies that will:

- Target schools with significant enrollments of American Indian learners and
- Provide focused professional development for teachers of Indian students on pedagogical and culturally-appropriate methodologies.
  
- Provide summer enrichment academies for students
  
- Create college-bound cohorts of American Indian students from middle through high school to sustain student engagement through college entrance.
  
- Provide for career-path counseling and work-based experiences focus at both college-bound and work.

Table 1: By Race & Ethnicity on NAEP  
4<sup>th</sup> Grade Reading 2003

By Race	Black	Latino	Am. Indian	White	Asian
Below Basic	61	57	53	26	31
Basic Prof.	27	29	31	35	32
Prof./Advanced	12	14	16	39	37

Table II.  
North Dakota School Demographic Data  
Data for all schools by type  
2005-2006

- 105,381 all students
- 10, 392 American Indian students.
- 7,756 American Indians are enrolled in Public Schools.
- 428 American Indians enrolled in Non-Public Parochial or other Schools.
- 1,540 American Indian students enrolled in Bureau of Indian Affairs or Tribal Grant Schools.
- 9.9% of North Dakota's k-12 school population is American Indian.
- 71% (seventy-one percent) or 7,307 of North Dakota's American Indian students are enrolled in schools located on or near Indian reservations;
- 24% or 2,427 are enrolled in "urban" or rural North Dakota schools;

Attachment A.

New activities undertaken in the 2003-2005 biennium are highlighted in **red**. New committees and activities highlighted in **blue** are tasks undertaken in the 05-07 biennium.

Department of Corrections

Task Force on Transition from Prison to Community (2004)\*

ND Department of Health

Healthy North Dakota Initiative (2003)

Department of Human Services

Child Support Enforcement Services (2004)\*

Real Choices Systems Change Grant (2003 – 2005)\*

North Dakota University Systems:

University of North Dakota Center for Rural Health

Robert Wood Johnson Tribal/State Health Forums\*(04)

**P-16 Initiative (Pre-School to College) (10/05 – 09-06)\***

**Search Committee – Bismarck State College President (06)**

Governor Appointments:

- Interagency Commission on the Homeless (2005)\*
- Citizens' Corps Emergency Response Teams (CERT) (2003)
- State Historical Society Commission (2004)
- Olmstead Commission (04)

The NDIAC Commission will continue to network with 21 on-going committees and will continue to have a direct advisory and liaison role in the following agencies:

Department of Commerce

- Continued involvement on the ND Workforce Development Council.
- Working relationship with Native American tribal and private sector businesses.
- Governor's Lewis & Clark Advisory Committee, Div. of Tourism
- Indian Business Development Office (**Strategy Team to define the parameters of the Indian Business Development Center - 05**).

North Dakota Housing Finance Agency

- Annual Planning for the North Dakota Housing Conf./Tribal Housing Forum.
- Coordination with the Tribal Housing Coalition of ND tribal housing directors.
- **NDHFA plans to create and American Indian Housing Specialist –(06)**

Division of Emergency Services (formerly Dept. of Emergency Management)

- Functional Task Coordinator – Coordinates with Tribal Communities in Emergency situations.

**Department of Health**

- Emergency Preparedness (formerly Bioterrorism) Office
  - **Pandemic Flu Coordinator for Tribal Nations (06)**
- Health Disparities Work Group
  - Office of Health Disparities (funding from the US Office of Minority Health)
- Suicide Prevention Task Force
- Mental Health Planning Council
- Community Health Advisory Committee (Tobacco Coalition)
- Healthy North Dakota Initiative\* (03)

**Department of Human Services**

- Child Support Enforcement Services\*(04)
- Covering Kids and Families Advisory Board

**Department of Transportation**

- Director's Advisory Committee
- Scenic By-Ways Review Committee
- Transportation Enhancement Review Committee
- Signage and Tourism Map Committees

**State Highway Patrol**

- Stop Violence Against Women

**Governor's Military Task Force**

- Jr. ROTC Program
- UND School of Aviation – American Indian Initiative
- Facilitate partnerships with Native communities/business

**Commission on Substance Abuse Prevention, Law Enforcement and Treatment**

**State Historical Society Commission**

- Served on development of long-range plan for the State Heritage Center

**ND University Systems**

- Indian Scholarship Program
- P-16 (Pre-school through Higher Education Initiative (06)
- Search Committee for President of Bismarck State College
- 

**59<sup>th</sup> Legislative Assembly**

**Native American State-Tribal Relations Interim Committee (05-07)**

Attachment B:

**North Dakota Indian Affairs Commission**  
**2005-2007 Efforts and Accomplishments**

**HB 1254:** NDIAC continues to work with United Tribes Technical College on its efforts to provide outreach and voter education to the tribal governments and tribal communities.

**HB 1524 NDIAC Efforts:** The State Tribal Relations Committee Director participated as a member of the Native American Task Force of the State-Tribal Relations Committee.

**HB 1526:**

**NDIAC Efforts:** The NDIAC served on the committee to review the new section of Chapter 54-17 the tribal-state guarantee program. The Bank of North Dakota, American Indian-owned businessmen, representatives from each tribal government reviewed and made recommendations to the Loan Guaranty program.

**SB 2003:**

**NDIAC Efforts:** The NDIAC Director serves as the secretary of the NDUS Indian Scholarship Board. Data shows there is an increased number of American Indian students achieving merit status, and because the Board reduced the allocation to \$500 to accommodate more students, we are recommending an increase in the scholarship program to accommodate the backlog of students.

**SB 2005:** The North Dakota Indian Affairs Commission 2005-2007 Appropriations Bill defrayed the expenses of the ND Indian Affairs Commission. The bill provided an increase in the budget of the ND Indian Affairs Commission as follows:

- An increase of \$26,259 in Salaries and Wages
- An increase of \$2,963 in Operating Expense
- And allowed \$20,000 of Real Choices Systems Change Grant monies to be carried over to the new biennium.

**NDIAC Efforts:** The increases included in the 2005-2007 an appropriation of an additional \$7000 to Funds were to be used for temporary assistance. The NDIAC Director hired a temporary staff person to assist in the data gathering needed to complete the NDIAC Commissions' Directory, assistance in coordination of 5 counties and the Mandan, Hidatsa and Arikara Tribe in coordination of public health planning.

**SB 2012:**

**NDIAC Efforts:** Information on the SB 2012 – Refunds of tax for fuels purchased by Native Americans was disseminated to the State Tribal Relations Committee members at its May 8, 2006 meeting at Prairie Knights Lodge. NDIAC disseminated information to the tribal news media. Additionally, SB 2012 does not prohibit the state from negotiating a gas tax refund with Native American tribes and Native Americans. The NDIAC coordinated scheduling of the tax agreement between the Spirit Lake Nation and the Governor's Office and the State Tax Commissioner.

**SB 2018:** Relating to establishment of a ND American Indian Business Development Office.

**NDIAC Efforts:** at the request of the Commissioner of the ND Department of Commerce, the NDIAC Director participated in planning meetings to establish the guidelines for the North Dakota American Indian Business Development Office, and serves a member of the Board of Directors of the IMPACT FOUNDATION to provide procurements to American Indian Businesses.

**SB 2041: NDIAC Efforts:** NDIAC requested an update on the implementation of SB 2041 of the North Dakota Game and Fish Department. Mr. Terry Steinwand and former Director gave a presentation to the ND Indian Affairs Commission on the implementation of the SB 2041 at the December 12, 2005 meeting.

**SB 2115:**

**NDIAC Efforts:** The NDIAC Commission monitored the proceedings of the Natural Resources Committee regarding SB 2115. The Natural Resources Committee passed a resolution authorizing the Governor to negotiate water rights with the Tribal Governments of North Dakota. Tribal leaders were apprised of developments and information provided on planned committee meetings.



**Department of Public Instruction**

600 E Boulevard Ave., Dept. 201, Bismarck, ND 58505-0440

(701) 328-2260 Fax - (701) 328-2461

<http://www.dpi.state.nd.us>

Dr. Wayne G. Sanstead  
State Superintendent

**MEMO**

To: Chet Pollert, Chairman  
House Appropriation, Human Resources Sub Committee

From: Dr. Wayne G. Sanstead  
State Superintendent

Date: January 10, 2007

Re: HB 1005, Indian Affairs Commission Budget

Yesterday afternoon (January 9, 2007) at 1:30 p.m., your Appropriations Sub Committee on Human Resources heard House Bill 1005, the Indian Affairs Commission appropriations bill. You received testimony from Cheryl Kulas and others regarding this bill. The specific aspect of the bill I would like to address is the portion of their proposed budget which provides an appropriation to support an Indian Education staff person within the Indian Affairs Commission.

As a member of the P-16 Education Task Force, I participated in a great deal of discussion about Indian Education issues and particularly the relatively low student performance scores of Indian students in North Dakota public schools. The commission heard from tribal representatives and others regarding the difficulties faced by Native American students in many situations regarding quality education and educational excellence. The commission had a high degree of interest in this problem and one of the suggestions discussed by the commission, was the need for an Indian Education Specialist.

As Superintendent of Public Instruction, I feel that it would be very beneficial for the department to have an Indian Education Specialist in the Indian Affairs Commission to work with the department to begin to resolve some of these student achievement issues among our states' largest minority group. Therefore, I want to register my support for including funding for that position in the Indian Affairs Commission budget and to assure you that if that position is approved, we will take full advantage of the opportunity to work with that individual's expertise in helping resolve some of the identified issues related to improving outcomes for Native American students in North Dakota. If you have questions or need additional information, please feel free to call me at (701) 328-4570.

School for the Deaf  
Devils Lake, ND  
(701) 662-9000

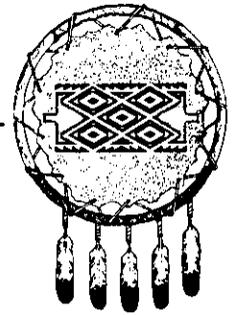
School for the Blind  
Grand Forks, ND  
(701) 795-2700



State Library  
Bismarck, ND  
(701) 328-2492



UNITED TRIBES TECHNICAL COLLEGE  
3315 UNIVERSITY DRIVE  
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



**60th Legislative Assembly  
State of North Dakota  
House Appropriations Committee  
Human Resources Division**

**Additional Testimony of United Tribes Technical College  
David M. Gipp, President  
in Support of HB 1005**

**Appropriations for Indian Affairs Commission**

**February 1, 2007**

Mr. Chairman and members of the Committee: This testimony is supplemental to what United Tribes Technical College and United Tribes of North Dakota has provided on January 9 to your Committee in support of the full requested budget for the North Dakota Indian Affairs Commission.

We particularly want to support the inclusion of funds for an Indian education specialist. At the previous hearing there was some discussion, and as I understand, subsequent discussion, of the role of, and need for, the Indian education specialist as a part of the Commission's staff. As you may know, I have served during the past 18 months as a member of the P-16 task force. Information presented at the Task Force meetings shows that Indian students within the North Dakota educational system are not achieving well enough to meet the goals of the No Child Left Behind Act, and in general, are at or near the bottom of performance levels.

There are many reasons for the poor performance of Indian students, but one thing is certain: there are virtually no resources within the Department of Public Instruction (DPI) or within individual school districts specifically devoted to assist Indian students to increase their achievement levels. The Bismarck Public School District has a multi-faceted program, designed with the assistance of Indian parents and educational professionals, that has limited resources obtained from School District funds. This program is just beginning to show results, but there are few efforts of a similar nature elsewhere in the state. We understand that DPI supports the inclusion of the Indian education specialist in the Indian Affairs Commission budget.

It is essential for resources to be provided on a statewide basis that will help Indian children achieve their potential. That is what the Indian education specialist within the Indian Affairs Commission can do, help design educational programs that will assist Indian children. Indian children in North Dakota, who are citizens of our state, should not be left out of the efforts to meet the goals of the No Child Left Behind Act.

Again, on behalf of United Tribes Technical College and United Tribes of North Dakota, we urge this Committee and the House Appropriations Committee as a whole to give a DO PASS recommendation to the budget of the Indian Affairs Commission as represented in HB 1005, including the Indian education specialist. The Indian citizens of this state will benefit from its passage and the state of North Dakota as a whole will benefit.

①

**North Dakota Indian Affairs Commission Testimony**  
**Senate Appropriations Committee**  
**Harvest Room – State Capitol**  
**Senator Ray Holmberg – Chairman**  
**February 21, 2007**

Chairman Holmberg and members of the Senate Appropriations Committee, I am Cheryl Kulas, Director of the North Dakota Indian Affairs Commission. I am here today to testify in support of Senate Bill 1005.

The North Dakota Indian Affairs Commission, (NDIAC) throughout its 57 year history was designed and has evolved as a liaison agency between the State of North Dakota and tribal governments. The NDIAC is a nine-member Commission whose chair is the Governor, the Tribal Chairpersons of the four North Dakota reservations, and four at-large members appointed by the Governor. The work of the Commission is coordinated and administered by a three-person staff, a director, a research analyst and an administrative assistant. The liaison or networking function of the Commission is delineated on the following page, and represents the on-going work of the Commission. The operational changes in the Agency during the 2005-2007 biennium occurred on two levels:

- The need to seek additional fiscal and human resources to support the increasing demands and American Indian specific issues confronting North Dakota state agencies whose roles and responsibilities it is to help ameliorate those needs, and
- Continued work toward the creation a systemic mechanism for greater state and tribal collaboration. The ever-increasing health and human-service related needs have driven the external work of the NDIAC Commission and staff in the 2005-2007 biennium as reflected in the creation of new state committees requesting the Commissions' representation and membership which are also delineated on p. 2.

## NDIAC Agency Networking

Revised 2-20-07

Department of Corrections	Dept. Of Commerce	Dept. Of Transportation	Department Of Health	Human Services	Military Task Force	ND University Systems	State Historical Society	Division Of Emergency Services
Transition from Prison to Communities. (04)	Tourism - General Coordination	Director's Advisory Board- Strategic Planning	Emergency Preparedness	Children's Services Coordinating Council-01-03	Jr. ROTC Program	Indian Scholarship Program	State Historical Society Commission	Functional Coordinator
	Lewis & Clark Bicentennial-03-06)	Scenic By-Ways (app. Review)	Health Disparities Work Group	Child Support Enforcement Services (04)	Partnership with Contracting Firms			CERT - Citizens Corps Emergency Response Training
<b>GOVERNOR'S COMMITTEE APPOINTMENTS</b>	Workforce Development	Transportation Enhancement Grants	Suicide Prevention Task Force	Covering Kids and Families Adv. Bd. ((02)	UND School of Aviation - Native Initiative	Robert Wood Johnson Health Policy Forums (04-06)		Dept. of Em. Serv. Advisory Committee (DESAC)(06)
Governor's Traffic Safety Coordinating Committee (04)	Impact Foundation Board -06	Signage Committee	Community Health Adv. (Tobacco)	Real Choices Systems Change Grant (03-05)		P-16 Task Force (06)		
Governor's Prevention Advisory Council (06)	Governor's Culture and Heritage Tourism Committee (06)	Review Committee - State Highway Map	Mental Health Planning Council			Search Committee-- BSC (06)		
Missouri River Trust		Legacy Trails Review Comm.	Healthy North Dakota	Stop Violence Against Women				
Interagency Task Force on Homelessness (05)			State-Tribal Health Care Task Force (2004) (inactive)	Real Choices Rebalancing Initiative-05-06				
Olmstead Commission (04)			Pandemic Flu Planning (06)					

**RED** indicates the year committee was established.

**Green** indicates committees with a defined period of existence and have ended.

**BLUE** indicates a newly established committee or task force on which the NDIAC serves and the year it came into existence.

Non-State Agency Committees: U.S. Attorney's Office - Safe Neighborhoods

## Accomplishments

The work of the Commission are the challenges which confront tribal government and their relationship to State government and government agencies. Over the past two biennia, the Commission has been a partner in:

- Assisting the Health Department in working with tribal health representatives in American Indian communities to prepare for pandemic flu planning because of comparable infrastructures.
- Assisting in disaster mediation between State Emergency management and the Standing Rock Tribal government in the loss of its water supply as a result of low water levels in the Missouri River.
- Child Support Enforcement Mediation between Standing Rock Nation and State Human Services.
- Assist the Turtle Mt. Band of Chippewa in it's 10 year goal of offering long-term care for its elders and disabled within their community.

As the American Indian population in the State of North Dakota grows, so does the work of the Commission. The American Indian population comprises approximately 5.2% of the state's population, a figure representing 21% growth from the 2000 census. As we as a state grapple with the challenges of out-migration, it is important to keep in mind that the American Indian population is a growing and young population. According to a summary of a 2005 symposium presented to the State Board of Higher Education, there are eight counties whose median age is younger than the states average. These counties are the large urban areas in the state and/or on the reservations in the state. These eight counties -Benson, Burleigh, Cass, Grand Forks, Richland, Rolette, Sioux and Ward have a combined population of 360,000 or 56 percent of the total population of the state. The four counties in which the state's major cities of Fargo, Bismarck, Grand Forks and Minot alone total 317,458 or 49.4 percent of the population.<sup>1</sup> These statistics show that 13 counties of which three are reservation-based contain 72 percent of the state's population.

As a most recent report from the State Data Center at NDSU revealed, the States' rural population is migrating to the urban centers of the state, seeking services. This is also true of

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<sup>1</sup> Maidenberg, Mike, Columnist, (2005) *Growth depends on key areas*, Article in Grand Forks Herald, December 2, 2005.

the Native population, is evidenced by the increased enrollment of American Indian children in the states' public schools.

<b>ND American Indian School Demographic Data</b>		
<b>Enrollment of American Indian Students in all schools by Type 2005-2006</b>		<b>%</b>
Enrollment of AI students in ND Metropolitan Service Areas: Bismarck & Mandan, Grand Forks, Fargo/West Fargo, Minot & Dickinson	2,197	29 %
All public schools (including on-or near reservations)	7,756	71%
Non-Public or Parochial Schools	428	.04%
Bureau of Indian Affairs/Tribal Schools	1,540	15%
<b>Total Enrollment of American Indian students in all schools in ND by type.</b>	<b>10,921</b>	

Much of the work of the Commission in the 2005-2007 biennium has focused on a long-standing need to address the issues confronting the education of the American Indian children.

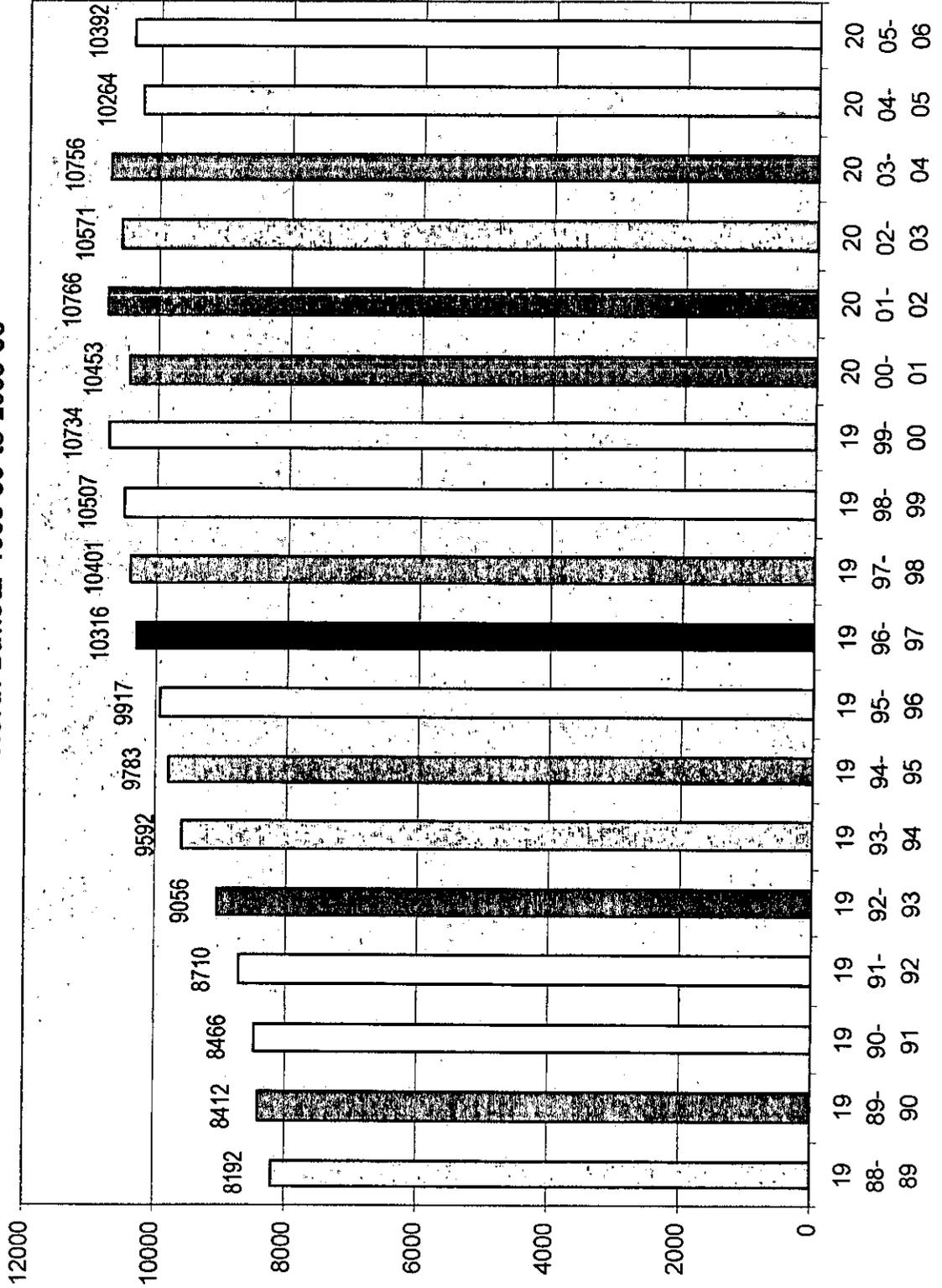
Through it's work with the N. D. educational community through the Higher Education Roundtable, the Search Committee for Bismarck State College, and the P-16 Task Force the continuing need to address long-standing concerns of educating American Indian children continue to be of great concern to tribal leadership.

Each year, North Dakota tribal leaders come together a Summit sponsored by United Tribes Technical College. The Board of Directors is comprised of the Tribal Leaders of all the five tribes in North Dakota. Each year, they pass a resolution requesting the re-establishment of An Indian Education position at the State Level. They have continually expressed concern that with the challenges of continued achievement of American Indian children in all schools in North Dakota is of great concern. So much so, that they have continually passed resolutions requesting that these concerns be addressed.

# American Indian Elementary/Secondary Enrollments

## North Dakota 1988-89 to 2005-06

- 1988-89
- 1989-90
- 1990-91
- 1991-92
- 1992-93
- 1993-94
- 1994-95
- 1995-96
- 1996-97
- ▨ 1997-98
- 1998-99
- 1999-00
- ▨ 2000-01
- ▨ 2001-02
- 2002-03
- 2003-04
- 2004-05
- 2005-06



## Rationale for requesting an Increase of 1.00 FTE

American Indian students consists of 9.9% of the total enrolled population in all schools in North Dakota. American Indian students still comprise the largest percentage of ethnically diverse students in the state. While gains have been made, when the academic bar is being raised higher and higher, so will the effort be needed to maintain gains already made particularly for high poverty, high minority children and schools serving American Indian students.

The attached graph depicts the continued increase of American Indian students from 1988 – 2006.

American Indian leaders and educators are as weary as are mainstream educators of continued focus on the negative aspect of the achievement and socio-economic issues of American Indian learners. While school systems are not responsible for meeting every need of their student, they can address those needs that directly affect learning, by effecting supportive environments where students can thrive, not just survive.

While strides have been made, North Dakota schools continue to be challenged as evidenced by the following:

- The majority of schools in need of improvement in North Dakota (14) as determined by Title I, are schools with significant enrollments of American Indian students.
- Title I Program Improvement Districts 2006-2007
  - Belcourt Public School District
  - Bismarck Public School District
  - Devils Lake Public School District
  - Dunseith Public School District
  - Fargo Public School District
  - Fort Totten Public School District
  - Fort Yates Public School District
  - Mandan Public School District
  - New Town Public School District
  - Solen Public School District
  - St. John Public School District
  - Warwick Public School District
  - West Fargo Public School District
  - White Shield Public School District
  - Williston Public School District

- Among North Dakota eighth-graders, 39.9 percent of Indians were reading at grade level, compared to 75 percent of white students.
- Among North Dakota eighth-graders, American Indians score 53 percent below basic proficiency, compared to 26 percent for whites, 31 percent for Asians, 57 percent for Latinos and 61 percent for blacks in the 2003 NAEP Assessment. (2003 NAEP Assessment).
- According to the Education Trust, of every 100 American Indian/Alaska Native kindergartners, 58 graduate from high school and 7 obtain at least a Bachelor's degree. (National data by the Education Trust).
- In North Dakota, on-time high school graduation in 2001, only 50 percent of American Indian students graduated from high school compared to 93 percent white students.
- Six-year graduation rate of the University of North Dakota in 2002, 39 percent of American Indian students graduated from college compared to 50 percent of White college students. (2005 The Education Trust, Inc.).
- In North Dakota in 2000, of the 691 students taking the AP Exam, 4 were American Indian. The total numbers of exams taken by American Indian/Alaska Natives were 5. In 2005, of the total number of 993 students taking the AP exam in North Dakota, only 7 were American Indian. The total numbers of exams taken by American Indians were 8. The subjects of these exams were Chemistry, English literature and Composition, German Language, Government and Politics – U.S., U.S. History, Calculus AB, Physics B and Psychology. (Source: The College Board July 2006).
- While American Indians comprise approximately 5.2 percent of the population of North Dakota, American Indian young people, ages 0 – 25 comprise approximately 50% of the American Indian population in the State of North Dakota.

**Why is this request a good investment for North Dakota:**

- American Indian college graduates do not leave the state at the same ratio as mainstream graduates.
- American Indians families and their children are migrating to North Dakotas' urban areas in search of employment opportunities. This is evident in the increase of American Indian students in North Dakota public schools.
- American Indian students of North Dakotas' population will significantly impact the dependency ratio of the population of the state of North Dakota as they become future wage-earners in North Dakota.

American Indian leaders believe that in order to close the achievement gap of American Indian students within North Dakotas educational systems, it is imperative that:

- Change must be systemic and philosophical

- Changing school and organizational beliefs about what can work with American Indian students, including sharing programs that work
- Engaging students, their families communities in different ways
- Forming partnerships around students to embrace responsibility in their learning, and
- Providing supportive school environments needed for learning, which may be different than the mainstream.
- Professionals working with children must put aside their own philosophical and experiential differences, and develop understanding of the learners' norm of experience (inclusive of exploring the students culture and acknowledging differences are brought to the classroom)
- Wrap social supports around students, and
- Having high expectations by teachers about students, and about themselves.

The intent of the request for the creation of a new FTE is charged with the task of addressing the systemic issues of the education of American Indian learners. If appropriated, this individual would work with the North Dakota education community and professionals have a cadre of educators who can work with on American Indian specific strategies designed to impact student achievement through focused on strategies that will:

- Target schools with significant enrollments of American Indian learners and
- Provide focused professional development for teachers of Indian students on pedagogical and culturally-appropriate methodologies.
- Provide summer enrichment academies for students.
- Create college-bound cohorts of American Indian students from middle through high school to sustain student engagement through college entrance.
- Provide for career-path counseling and work-based experiences focus at both college-bound and work.

**Table 1: By Race & Ethnicity on NAEP  
4<sup>th</sup> Grade Reading 2003**

By Race	Black	Latino	Am. Indian	White	Asian
Below Basic	61	57	53	26	31
Basic Prof.	27	29	31	35	32
Prof./Advanced	12	14	16	39	37

Table II.  
North Dakota School Demographic Data  
Data for all schools by type  
2005-2006

- 105,381 all students
- 10, 392 American Indian students.
- 7,756 American Indians are enrolled in Public Schools.
- 428 American Indians enrolled in Non-Public Parochial or other Schools.
- 1,540 American Indian students enrolled in Bureau of Indian Affairs or Tribal Grant Schools.
- 9.9% of North Dakota's k-12 school population is American Indian.
- 71% (seventy-one percent) or 7,307 of North Dakota's American Indian students are enrolled in schools located on or near Indian reservations;
- 24% or 2,427 are enrolled in "urban" or rural North Dakota schools;
- 5 % are enrolled in non-public and or parochial schools.

### INDIAN EDUCATION SPECIALIST

The focus of the work of the proposed Indian Education Specialist as envisioned by the Indian Affairs Commission is to work closely with American Indian students across the state of North Dakota in Grades 7 through 12. The Commission is also seeking funds through a federally funded Program entitled GEAR-UP. The purpose of the GEAR-UP Program (Gaining Early Awareness and Readiness for Undergraduate Programs) will be to support early college preparation and awareness activities for low-income students. Funding under the program priorities include partnerships to establish and maintain a financial assistance program that awards college scholarships to GEAR UP students.

The Indian Affairs Commission has established a planning committee comprised of the North Dakota University Systems Office, the MidContinent Research for Education and Learning Laboratory (McRel) and United Tribes Technical College as a representative of the North Dakota Association of Tribal Colleges, and the Native Schools for Academic Excellence (Coalition of 14 schools through the Bureau of Indian Education (formerly Bureau of Indian Affairs), Office of Indian Education Improvement.

Low-income American Indian students from schools who have shown academic potential but need additional support to reach their educational goals will be provided a comprehensive

array of support services including academic, career, financial aid, skill building and cultural experiences.

The program will not be a substitute for school, but an enhancement to the school learning experience. The Indian Education Specialist will be directed to forge articulated agreements with state and tribal colleges within the state to provide summer academic enhancement programs in the core basic sciences, mathematics, particularly Algebra I and Algebra II as pre-cursors to college eligibility.

The responsibility of the Indian Education Specialist will be to:

1. Provide awareness of the program to the 14 plus American Indian schools identified by the ND Department of Public Instruction as "In need of improvement" and which are not making Adequate Yearly Progress. American Indian students from schools with significant enrollments of American Indian students will also be recruited to participate in the program. The program has the potential of a six-year grant cycle.
2. Coordinate professional development services through the MidContinent Research for Education and Learning (McRel) Laboratory in Denver, CO. to train a cadre of master teachers on instructional practices that work with these low-achieving students.
3. Provide or coordinate the development of an assessment model to track achievement of cohorts of students participating in the program.
4. Develop and administer parental training opportunities to support student learning.
5. Work closely with participating faculty and staff to develop core program of a rigorous curriculum, and career and personal counseling.
6. Under the GEAR-UP Program, if received, will coordinate direct training to a cadre of Mentors (teachers hired to work directly with the cohort) who will work with students to provide guidance, connection to resources, and resolve conflicts.
7. The Indian Education Specialist will be responsible for maintenance of goals articulated by a steering or Indian Education Advisory Committee.

**North Dakota Indian Affairs Commission Budget**

<b>Base Level Funding Appropriated -Sec. 3.</b>	<b>Present Budget 2005-2007</b>	<b>Requested Budget 2007-09</b>	<b>2007-2009 Recommended Executive Budget</b>	<b>Indian Education Specialist 1 FTE</b>
Salaries & Wages (3 FTE)	\$343,402	485,859		\$36,876 annual \$99,999
<i>Salaries Permanent</i>	252,259	257,394	331,146	
<i>Salaries - Temp</i>	7,000	7,316	14,516	
<i>Fringe Benefits</i>	83,643	84,472	121,896	
Salary Increase	-0-	-0-	15,652	\$99,999
Benefit Increase	-0-	-0-	2,649	
<b>Total Salaries &amp; Wages</b>	<b>343,402</b>	<b>349,182</b>	<b>485,859</b>	
<b>Operating Expenses:</b>	\$63,895	\$48,895	85,895	\$22,000
Travel	12,000	12,000	12,000	\$6,500
Supplies-IT Software	-0-	-0-	1,500	
Supply/Material-Prof.	576	576	576	\$3,500
Office Supplies	7,800	7,800	7,800	\$2,200
Postage	1,000	1,000	1,000	
Printing	3,500	3,500	3,500	\$2,450
IT Equip under \$5,000	2,000	2,000	2,000	
Office Equip & Furniture	2,864	2,864	2,864	\$2,500
Insurance	1,500	1,500	1,500	\$150
Rent/Leases-Bldg.	630	630	630	
It-Data Processing	4,500	4,500	4,500	\$2,000
IT Communications	3,025	3,025	3,025	\$1,000
Professional Development	1,000	1,000	1,000	\$1,200
Operating Fees/Services	3,500	3,500	28,500	
<b>Total</b>	<b>63,895</b>	<b>48,895</b>	<b>85,895</b>	
	20,000	5,000	5,000	
<b>Total Budget</b>	<b>\$407,297</b>	<b>\$398,077</b>	<b>566,754</b>	<b>\$121,999</b>

**Budget Narrative**

The present budget for the North Dakota Indian Affairs Commission is \$407,297 of which \$20,000 is from federal funds, and \$387,297 is from the General Fund. This budget supports the position of the Indian Affairs director, one research analyst, and 1.0 administrative staff. We are not requesting any one-time expenditure for the next biennium directly. The Governor has recommended an increase of \$144,880 to the Indian Affairs Commission budget of which \$12,000 is due to rate increases in operating expenses; \$7,920 for using interns on special projects, and \$124,960 for a new 1.00 FTE to serve as the Indian Education Specialist.

## Indian Affairs Commission Budget History

BIENNIUM	F.T.E.'s & Salaries	Operating Expenses & Equipment	Indian Scholarship Program	Real Choices Grant	NAADAEP Grant	Indian Development Fund	TOTAL General Fund
(29) 05-07	(3) 343,402	43,895		20,000- 15,000			407,297
(28) 03-05	(3) 318,109	41,222		85,000			359,331
(27) 01-03	(3) 300,037	36,022					336,059
(26) 99-01	(3) 273,507	39,275					312,782
(25) 97-99	(3) 230,410	33,888			200,000		464,298
(24) 95-97	(2.5) 195,099	32,884			150,000		377,983
(23) 93-95	(2.5) 184,754	44,632			385,000		614,386
(22) 91-93	(2) 112,720	28,150	<i>Transferred</i>		385,000		526,997
(21) 89-91	(3) 169,099	39,350	168,000		316,974		693,423
(20) 87-89	(3) 169,727	39,350	168,000		303,405	<i>Terminated</i>	680,482
(19) 85-87	(3) 169,540	35,345	175,000		335,000	25,000	739,885
(18) 83-85	(3) 152,294	40,000	175,000		300,000	25,000	688,448
(17) 81-83	(3) 150,314	38,170	145,000		(383,836 )	50,000	383,484
(16) 79-81	107,333	20,901	85,000			10,000	223,880
(15) 77-79	83,894	15,781	85,000			25,000	209,675
(14) 75-77	51,711	11,318	75,000			20,000	158,029
(13) 73-75	40,398	10,897	45,000			10,000	106,295
(12) 71-73	35,905	7,320	(12,600 - DPI)			(10,000 - IDD)	43,225
(11) 69-71	32,716	6,684	(12,600 - DPI)				39,400
(10) 67-69	26,225	3,775	(12,600 - DPI)				30,000
(9) 65-67	11,400	3,600	(12,600 - DPI)				15,000
(8) 63-65	15,000		(12,600 - DPI)				15,000
(7) 61-63	20,000						20,000
(6) 59-61	20,000						20,000
(5) 57-59	20,000	5,000 - Study					25,000
(4) 55-57	25,000						25,000
(3) 53-55	20,000						20,000
(2) 51-53	20,000						20,000
(1) 49-51	20,000						20,000

**60th Legislative Assembly  
State of North Dakota  
Senate Appropriations Committee**

**Testimony of United Tribes Technical College  
David M. Gipp, President  
in Support of HB 1005**

**Appropriations for Indian Affairs Commission**

**February 21, 2007**

Mr. Chairman and members of the Committee: This testimony is given on behalf of United Tribes Technical College in support of HB 1005 and in support of the Governor's requested budget for the Indian Affairs Commission, in this, its 56th year of service to the State of North Dakota and its Indian citizens.

The Indian Affairs Commission serves many roles, and, in the past 20 years or so, has done so on an extremely limited budget. Besides fielding questions from the public about Indians and Indian tribes, as well as being a referral point for Tribal members seeking state governmental services, the Commission is an excellent sounding board for issues affecting Tribal Nations and their relationship with the State of North Dakota. Most important, it acts to assist the government-to-government relationship between Indian tribal governments and the State of North Dakota, by bringing the State executive branch and the Tribes together, allowing them to discuss issues of common concern. In addition, the Indian Affairs Commission continues this biennium in the coordination of appropriate state officials regarding a U.S. Justice Department grant provided to United Tribes Technical College to help reduce the use of drugs and alcohol within our state.

We particularly want to support the inclusion of funds for an Indian education specialist within the Indian Affairs Commission staff that the Governor requested. As an educational institution, United Tribes Technical College believes education for all in North Dakota, including American Indians, is critical. In the past two years, I (David M. Gipp) have served on the Governor's P-16 education task force, convened to determine new ways to improve the quality of our educational services provided in North Dakota. It is critical, as the task force points out, for American Indian students to be given an opportunity to learn in a manner that does not contribute to a lower level of performance, but rather that builds understanding, not just for American Indian students, but for all students, of the positive cultural values and collective wisdom of North Dakota's five (5) tribes.

The addition of an education specialist is a good start towards the goal of improving achievement levels for American Indian students. The Indian education specialist will not only seek to ensure that quality education is available to all Indian citizens of this state, but he or she will also work to ensure that educational curricula developed in our state reflect the cultural background and wisdom of the Indian tribes that exist in our state.

Testimony of David M. Gipp  
President United Tribes Technical College  
HB 1005  
February 21, 2007

The Appropriations Committee may well ask whether there are sufficient resources within the Department of Public Instruction to meet the goals of improving performance for American Indians students without the addition of an education specialist within the Indian Affairs Commission. Unfortunately, at present, there are virtually no resources within the Department of Public Instruction (DPI) or within individual school districts specifically devoted to assist Indian students to increase their achievement levels. The Bismarck Public School District has a multi-faceted program, designed with the assistance of Indian parents and educational professionals, that has limited resources obtained from School District funds. This program is just beginning to show results, but there are few efforts of a similar nature elsewhere in the state.

Therefore, it is essential for resources to be provided on a statewide basis that will help Indian children achieve their potential. That is what the Indian education specialist within the Indian Affairs Commission can do, help design educational programs that will assist Indian children. Indian children in North Dakota, who are citizens of our state, should not be left out of the efforts to meet the goals of the No Child Left Behind Act. We understand that DPI supports the inclusion of the Indian education specialist in the Indian Affairs Commission budget.

We still believe that the Indian Affairs Commission needs to have a significant increase in funding to allow it to do its job for an ever increasing state Indian population, whose enterprise and enterprises are contributing more and more to the state economy each passing year. American Indian citizens are almost 5% of the state's population, a proportion that is increasing each year, and in my more than 40 years of observation, the Commission is needed now more than ever.

Further, in this era of emphasis on economic development, and with the many points of intersection between the Indian tribes of this state, state and local government, and the private sector, the Indian Affairs Commission is even more vital for the success of these common endeavors. The 1996 welfare reform legislation passed by Congress underscores the importance of cooperation and understanding between the state and the Indian tribes of North Dakota, as it offers an opportunity for Tribal-state cooperation in the area of provision of welfare services.

In addition to the issues raised above, there are many other areas where the interests of the state and the Tribes and their members coincide. These include such things as: economic development, criminal jurisdiction, water rights, hunting and fishing rights, law enforcement cross-deputization agreements, transportation issues, Indian Child Welfare Act issues and recognition of tribal and state judgments. We would note that the Indian Affairs Commission has assisted in preparation for the first ever Interim Tribal-state Relations Committee, which held several meetings during the previous biennium.

United Tribes Technical College, our students and the North Dakota Tribal Nations and their citizens continue to greatly value the work the Indian Affairs Commission does for our state and its citizens on a limited budget. It needs all the funds listed and more. Again, we urge the 60th Legislative Assembly to appropriate additional funds, in an amount not less than \$250,000, to allow the Indian Affairs Commission to do its job properly. We ask that the Senate Appropriations Committee recommend a DO PASS on HB 1005 regarding the budget for the Indian Affairs Commission with the amendment increasing the amount of the appropriation as suggested. The Indian citizens of this state will benefit from its passage and the state of North Dakota as a whole will benefit.

**Testimony in Support of NDIAC Budget for  
Indian Education Specialist  
Cheryl Long Feather, Ph.D.  
Bismarck, N.D.**

Good morning. My name is Cheryl Long Feather. I am a resident of Bismarck and an enrolled member of the Standing Rock Sioux Tribe. I currently serve as the Research Director at United Tribes Technical College. I am a parent, a voter, a homeowner, and an individual very interested in education in the state of North Dakota. I am a graduate of the North Dakota educational system many times over. I graduated from St. Mary's Central High School, the University of Mary (three times!) and the University of North Dakota.

I am here today to encourage your support of HB1005, a bill that would create an Indian Education Specialist position within the North Dakota Indian Affairs Commission. I believe this position is critical to the future of North Dakota for several reasons. I will identify the primary among them.

First and foremost, both national and state statistics have shown that American Indian children are the only growing population in the state. Further, while the population of American Indians in general comprises approximately 5% of the state population, the number of American Indian children in the public school systems is closer to 10% of the population. In other words, these young people will comprise a critical mass in our state's future workforce. Unfortunately, data also shows that many American Indian students struggle in our current school systems. A growing body of research (e.g. Rehyner, 1992; Deloria, 1990; Swisher and Deyhle, 1992; Knowles, et al., 1992) shows that the deficit models used to account for the failure of American Indian students are just not accurate. Instead, they have identified such factors as incongruent cultural environments, the impact of poverty, and the nature of the educational system (which, by the way, also impacts non-American Indian students) as contributing to failure. By addressing these issues with and for American Indian young people, an Indian Education Specialist would improve the educational experience, and ultimately the educational achievement, of American Indian students. In other words, this position would be a clear investment in North Dakota's future workforce.

The second reason I believe the position of Indian Education Specialist is important is that I have experienced, firsthand, the need for such a resource in our communities. As the parent of a child currently in the Bismarck Public School system (and three in the future), I have been quite active in addressing some of these same issues on a volunteer basis. I have logged well over 200 hours of my time in working with the local school system as they struggle to leave no child behind. The school administrators have not only been gracious in accepting my offers of assistance, they have been eager for the assistance in an area where there are little to no local resources or roadmaps for addressing the unique challenges they face. I have seen the hunger for knowledge, assistance and resources in the eyes of teachers, administrators and other concerned community members. The work we have been doing in the Bismarck Public School

system has been held up as a model for further efforts. However, we have merely touched the tip of the iceberg and there is much work to be done if North Dakota's educational system is not to go the way of the Titanic with regard to American Indian children.

The third reason this Indian Education Specialist position is important is because of its place in the North Dakota Indian Affairs Commission. Quite honestly, we all know that education does not exist in a vacuum. When I was doing my volunteer work with the Bismarck Public Schools, I conducted several focus groups with key stakeholders in the system. An interesting dynamic occurred. When I asked the 'teacher' group for their thoughts on the academic failure of American Indian students, many pointed to the parents as not being supportive of education, not helping their child at home or not providing the child with enough encouragement. When I asked the 'parent' group for their thoughts, many pointed to the teachers as not caring about the students, not encouraging their child to succeed, or not making education relevant for the child. Clearly, the blame game does not result in anyone winning. And it is this pass-the-buck blame-game that is precisely why a statewide and multi-faceted approach is necessary. There is no better place to ensure this approach than the Indian Affairs Commission. As a statewide collaborative body, the North Dakota Indian Affairs Commission already works with many of the stakeholders who do indeed have a role to play in the success and achievement of American Indian students.

Finally, I believe a position such as Indian Education Specialist is an extension of the strides the state has been making in working collaboratively with Tribes for the betterment of all citizens of the state. I am aware of the work of the legislatively-created task force called P-16. In their efforts to identify ways to create a seamless system of excellence in education, this committee also identified the key role of American Indian students and ensuring their success for our future. Creating an Indian Education Specialist position with the NDIAC would not only assist in local efforts but will enhance statewide efforts at systemic educational improvement as well.

I urge your support for HB1005 and your continued support of the work of the North Dakota Indian Affairs Commission.