

**2013 SENATE APPROPRIATIONS**

**SB 2005**

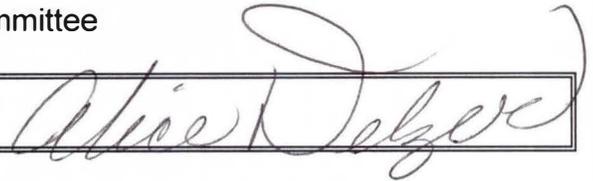
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005  
01-22-2013  
Job # 17527

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Bill for an appropriation for Indian Affairs Commission

### Minutes:

See attached testimony

**Chairman Holmberg** called the committee to order on Tuesday, January 22, 2013 at 11:00 am in regard to SB 2005. All committee members were present. Adam Mathiak, Legislative Council and Lori Laschkewitsch, OMB were also present.

**Scott J. Davis, Executive Director of the ND Indian Affairs Commission** testified in favor of SB 2005 and provided attached testimony # 1. See Blue Attachment for a list of the duties of the Executive Director of the ND Indian Affairs Commission. The health issues of the Native American people are very complex and it is a very complex health care system. Now with the introduction of the Affordable Care Act it will only become more complex. In my opinion, the federal health care system is not working well with the state health care system. That is my goal for this person, to make this system work better. (14:00 to 14:30) Indian Youth Leadership Academy NDIYLA helped Mr. Davis with his leadership style and with ultimately reaching his goals. He feels we are witnessing a return of investment from this program as the Native American youth step into leadership roles on the reservation. Budget Narrative, Request Summary and Detail. See attachment (17:22) You see the wide array of the state agencies we work with. We are very busy and very effective, we are a small staff, we work hard, if you look at our audit, we had a very clean audit, we have a tight budget. (19:30)

**Senator Robinson:** I want to applaud your efforts with your youth academy. I know last session there were reports of the incidents of suicide; are we making progress? Are they reaching more and more of the Native American students? Touch on the national scene. Have you heard of any best practices that might lend itself to ND? Anything that would bring down unemployment? Are there any other initiatives that are coming down the pipe line, shedding positive light and hope for our reservation communities?

**Mr. Davis:** (21:20 to 29:40) He referred to the Equine Assisted Learning Project and the Boys and Girls Club of the Three Affiliated Tribes ND Youth Suicide Prevention Program in testimony #1. It took us a while to allocate those funds, but they will be well used. As I was

mandated to work with the Director of Health and Human Services, we worked very well together, we set up a lot of training, taught on the community level how to look for signs and how to become a resource as a leader.

I first think about, where do we start in economic development? We backed up a little bit to target community development. How do we get those small communities within those reservations to stand alone as communities? How do they become self-sufficient? How do we get them to agree? How do you tie that into economy development?

**Senator Robinson** thanked him for the important work he is doing and commented that to work with another culture presents many challenges.

**Senator Erbele:** There's an incredible list of agencies and boards you work with. Are there gaps that you are not covering now? If you get this new person, what will it free you and your staff up to do that you are not doing now?

**Mr. Davis:** (31:05 to 36:10) Just weekly I get calls on health issues; they ask for my assistance. How do we create a partnership between the county and the tribe and the state? Sanford Health wants to do something about the suicide rate. All the health systems are different. Sometimes they are federally run; others, like Newtown, the tribe controls that health care system. As an example, the ND Dental Association, how do I get them on board to do work on the reservations? We have to work on this issue. We have this revolving door, they stay for a year or two then move on. It's especially difficult if a psychiatrist moves on just when someone begins to make progress with their issues. We do have a plan in ND for recruiting doctors. It is shared by the state and counties. We're formulating this big partnership and that's what this FTE will do for me.

**Senator O'Connell:** (36.19 to 37:00) Scott is a walking computer, being on tribal councils and all these committees. He has a lot of tribal contracts. I don't know how he does it on his budget and his time. I really appreciate what you do.

**Senator Wanzek:** You'd like to see the continuation for the academy. Is it in your budget?

**Mr. Davis:** Yes, it is. That \$60,000 stretches over 2 years. The costs go over, but we've managed to stretch those moneys.

**Chairman Holmberg:** Anyone else wishing to testify on 2005?

**Al Nygard, President and CEO of ANC/Empowerment First,** testified in favor of SB 2005 and provided written testimony. See attached testimony # 2. (37:30 to 42:20)

**Senator Carlisle, Vice Chairman Bowman, and Senator Warner will be on that subcommittee.**

**Vice Chairman Bowman:** Do you work with Job service to see what courses could be provided so young Native Americans could be educated and get a job?

**Mr. Nygard:** It's a big deal. You don't have to understand the culture; in order to be effective, you just have to care. There is a bill that is being introduced that engages tribal

colleges to take a greater role in that workforce development. Sadly we only started working with job service in the last year. Trust is a big deal in our world and Job Service has not had that trust. They have had to gain the trust of the folks on the reservations. Job Service, frankly, has just recently begun to understand how they do things in Indian country. We see that a lot with state agencies. It's not that they don't care, it's because they don't know. They don't understand what it means to be native and in addition to that, each reservation is unique. That is the first step and the second step is to figure out ways that we can partner. All of the tribal communities I have worked with really are not interested in someone coming in to save them, they are looking for viable partners that they can partner with for a long, long time and with whom they can share a mutual respect. Tribal colleges are uniquely positioned to be one of the more effective and one of the premiere players in jobs training in the state of North Dakota. They are historically vocational institutions. Because of the nature of the work they do and the support they provide for their respective nation, they focused a lot on vocational offerings. They are extremely good at what they do. There is nothing cultural about learning how to weld, or about learning health care, but they have become extremely adept at being able to teach and to train folks that transcend a lot of the other institutions in the state. They have done it for a long time and they do it very well.

**Senator Carlisle:** I think the bill you are referring to is SB 2218 on development grants.

**Tom Disselhorst:** I am here to offer testimony on behalf of David Gipp, the President of United Tribes Technical College. He testified in favor of SB 2005 and provided attached testimony # 3. He spoke on behalf of United Tribes Technical College and United Tribes of North Dakota. They are being hampered by lack of funds. They need more resources SB 2218. He spoke of his position as a liaison. It has been a labor of love; it takes a considerable amount of time to gain the trust. (51.04) Scott Davis has been a dynamic leader, and yet the functions he takes on are growing more complex. That doesn't mean he's superman. I want to speak to that very briefly.

Within the health care system for Native Americans, if someone doesn't have access to the Indian Health Service, they end up going to the emergency room. The individual didn't get a referral from HIS so the cost will not be covered. Or when they are short on contract funds the funding for the fiscal year that starts in October may run out by February. We've not come up with a solution. The consequences of going to the emergency room, the hospital ends up eating the costs and then passing them along to their users. That increases the health care costs for everyone in the state. Having someone in Scott's office to help with this can be tremendously helpful.

**Chairman Holmberg:** Anyone else? We will close the hearing. Senator Carlisle, Vice Chairman Bowman and Senator Warner will look at this particular budget. We will not be passing budgets out early, on FTE's and state employee salaries.

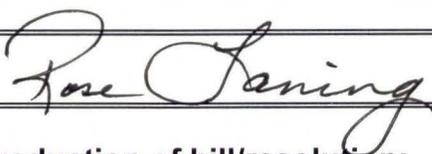
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005 subcommittee  
January 29, 2013  
Job # 17920

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

This is a subcommittee hearing on the Indian Affairs budget.

### Minutes:

You may make reference to "attached testimony."

**Senator Carlisle** opened the hearing on the SB 2005 subcommittee. Committee members **Senator Bowman and Senator Warner** were also present.

Legislative Council - Adam Mathiak  
OMB -Lori Laschkewitsch

**Senator Carlisle** said that looking over the budget, they've been fairly stable with their FTEs and they are now asking for a health systems program administrator. He asked what they would do with the position if it was granted.

**Scott J. Davis, Executive Director of the ND Indian Affairs Commission:** He said he's appreciative of the committee's willingness to get down to the details of his office. Over the years, his office work has grown and they felt that the dollars have been spent well. The workload has accumulated over the years and they have been very busy. He's been working with Dr. Dwelle in the Dept. of Health and the new FTE would be very busy with the health system between the state and his tribe. There are around 20 agencies that this individual would be working with, as well as the tribal colleges and UND and NDSU. He's partnered with Sanford Health on behavioral issues on the reservations. That was a huge undertaking.

A lot of his time was taken by the suicide prevention programs. He delegated that to his Indian Education Programs Administrator because he dealt with the tribal colleges on that.

Now the Affordable Health Care is coming down and is very complex. They are trying to digest some of the federal language and translate it into tribal language. The Feds are coming into the state with a consultation process to the tribes. He's asked them how we are going to start from point A to Z. What's the game plan on this and they haven't told him.

He's created a venue through his office venue (along with Maggie Anderson) for all health issues between the tribe and state. When they meet with the Great Plains Tribal Chairman's Health Board, his office, the counties, the state and private people have very

open communications. They talk about many social issue problems which are the things that take a lot of his time.

They've talked to Senator Hoeven's office. They are rumblings about Senate field hearings. Why are social service issues and child welfare issues on the reservations so neglected? They need to have systems in place and have the county involved as well as the tribe and state. There are a lot of fires involved and they involve him to create the avenue to create the facilitation. He said they've done a good job of facilitating the questions because he understands the tribal side of the issue with their laws and constitution. He also understands the state's view of things and is trying to work together. This new person will have a lot to do but will need to job shadow him for a while.

Introduced **Steve Sitting Bear, Deputy Director and Administrative Assistant** and **Helen Hanley, Administrative Assistant**.

**Senator Carlisle** asked if all three were classified employees.

**Lori Laschkewitsch** said that Steve and Helen are classified employees and Scott is an appointed cabinet.

**Senator Warner:** I've been checking the amount of space each agency has. You have barely over 700 square feet. Are you going to have room for another employee or would you be looking for more space?

**Scott Davis:** Going back to my carpenter days, I did a lot of framing. There is a little bit of space that I'm hoping to convince facility management to knock down a wall and put in a door. Then we'll have some space from the vital records waiting room and we'd be in good shape. I love our space and love being in the capital. I don't know about the cost of that space, but we could put a desk in there, a computer and IT hook-ups. It's tight in our office, but we manage. We'd like to stay on campus if we could.

**Senator Warner:** In another bill, they are looking at a building for the Commerce Department beside the Bank of ND. You have a balance of Health, Human Service, Commerce and economic development and job creation. Would you see a fit there if we need to find more space? Or would that be detrimental to the work you do with Human Services and not be co-located next to them?

**Scott Davis:** My theory or philosophy of this office was to concentrate on jobs, education and health. I have managed to work very well with the department of commerce. When I look at our area in the capital here and how it relates to the tribes, I think it's very important for the tribes that they know that this capital is theirs and they are always welcome here. I like that environment. It used to be a fearful thing of stepping into the capital. We say our office is here and you are welcome here anytime. I think it has a big value to stay here.

**Senator Carlisle** asked Lori Laschkewitsch if they took into account having space for this person. Will we have to do a little construction?

**Lori Laschkewitsch:** We will have to take a look at what we need to do to allow for this space. We will work with him to make sure we can have enough space for his addition.

**Senator Bowman:** I don't understand your culture and will be the first to admit it, but I am trying to learn. I was north of Halliday and there are a tremendous amount of oil wells being drilled up there. Is that shared with this new person, as far as helping to develop the health issues we need so badly? Do you coordinate that together or is that an individual tribe issue where you don't do that?

**Scott Davis:** Friday I'll go to New Town. We're at a point where leadership has called me and my office to bring state resources up there. Not so much the dollars, but resources of help. How can the state help us in this area? I'm always leery of coming in and being the man of the hour and trying to save the day. I know the issues back home. I know every tribe. If you ask me what's happening in the educational center, I can tell you. We know what's happening with social services in Turtle Mountain. I tell them we have resources here. You call us, we'll respond. They have a task force of law enforcement, health, education and culture. How do state resources fit in those areas? I'm bringing up a team to help the tribe. It gives them assurance to know that we are working together.

**Senator Bowman:** Does the tribe own minerals so that it goes into a pool of money for all of you. There is a lot of activity and a lot of revenue being generated. Is that the tribe's money or individual money like it is if you own the minerals?

(14:52) **Scott Davis:** The research that we've done on the oil minerals and the royalties, 10% of that oil revenue goes to royalties, to the tribe. There's a big void, about 85-90% that don't have oil royalty money, so there's a huge gap up there. We see a large influx of oil revenue going to the tribe. What they do with that is their business. I can assure you that a lot of their oil money goes to elderly programs, social services, education, etc. Have they paid out dividends or per caps? I haven't seen that yet. I know they set up the People's Fund which is like the Legacy fund. I was adamant with the new leadership that they have to put some of this oil money away for the kids. They took my advice, but there are still huge needs up there.

**Senator Bowman:** This new FTE that you are asking for, will that person work with all the tribes and try to coordinate all the Health issues so it takes some of the pressure off the way things are today?

**Scott Davis:** He or she won't be solving all problems, but will be the state resource that works in unison with the tribes, counties, university system and tribal colleges, the research, the data that's needed for grant monies, for state funds, whatever. It's a numbers game. How do you prove that these initiatives are working? So then you track them. Who's going to create this data process? We're looking at NDSU. I've put myself out there. It's a need and it's a gap, so I need to go and make that connection. Now I'm at a point where I need to manage this and administer it. I don't do it for them, but I try to keep oil in the engine. There are gaps, jurisdictions, sovereignty, and disagreements with the tribe, but that's good because it shows we're talking.

(18:38) **Senator Carlisle:** That person will shadow you for a while, but then be delegated to do the work. You're a high energy go-to guy. You have to delegate that person, and get he or she trained.

**Scott Davis:** That's exactly right. The same with Steve; I hired Steve because he has a criminal justice degree. My involvement with law enforcement, criminal courts, the penitentiary, the department of corrections is huge and also, local law enforcement and tribal law enforcement. That's why I hired Steve.

**Senator Carlisle** asked if the committee needs any more information and if they are in agreement.

**Senator Bowman** moved the bill with the amendment and grant the new FTE.

**Senator Warner** seconded the motion. The committee will still hold until we reach some agreement on salaries - system wise.

**A roll call vote was taken. Yea: 3 Nay: 0 Absent: 0**

**Scott Davis** thanked everyone.

**Senator Carlisle** adjourned the subcommittee hearing.

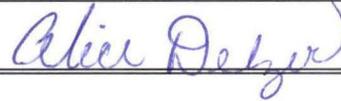
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005  
02-07-2013  
Job # 18465

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Bill regarding the Indian Affairs Commission (DO PASS)

### Minutes:

You may make reference to "attached testimony."

**Chairman Holmberg** opened the hearing on SB 2005. All committee members were present.

Brady Larson and Adam Mathiak - Legislative Council  
Tammy R. Dolan - OMB

There was some discussion regarding FTE's in the bill.

**Senator Carlisle Moved Do Pass. 2<sup>nd</sup> by Senator Warner.**

**Chairman Holmberg:** Any discussion. For our audience we did talk about this yesterday. Call the roll on a Do Pass on 2005.

**A Roll Call vote was taken. Yea: 13 Nay: 0 Absent: 0.. Senator Warner will carry the bill.**

The hearing was closed on SB 2005.

Date: 2-2-13

Roll Call Vote # 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 2005

Senate Appropriations Committee

Check here for Conference Committee

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

Action Taken Do Pass

Motion Made By Carlisle Seconded By Warner

Senators	Yes	No	Senator	Yes	No
Chariman Ray Holmberg	✓		Senator Tim Mathern	✓	
Co-Vice Chairman Bill Bowman	✓		Senator David O'Connell	✓	
Co-Vice Chair Tony Grindberg	✓		Senator Larry Robinson	✓	
Senator Ralph Kilzer	✓		Senator John Warner	✓	
Senator Karen Krebsbach	✓				
Senator Robert Erbele	✓				
Senator Terry Wanzek	✓				
Senator Ron Carlisle	✓				
Senator Gary Lee	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Warner

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

**REPORT OF STANDING COMMITTEE**

**SB 2005: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS**  
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the  
Eleventh order on the calendar.

**2013 HOUSE APPROPRIATIONS**

**SB 2005**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Human Resources Division  
Sakakawea Room, State Capitol

SB 2005  
March 8, 2013  
Job 19615

Conference Committee

*Kristie Hetzler*

## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

## Minutes:

Handout 1

**Chairman Pollert:** Opened the hearing on SB 2005. He asked Legislative council to give any update on the bill.

**Adam, LC:** There are no changes to bill but corrections to the compensation package are not complete.

**Scott Davis, Executive Director of ND Indian Affairs Commission:** (Handout 1) He went through the handout with the committee. (ended 11:53)

**Chairman Pollert:** Were you involved with discussion of oil, gas taxation stuff or how were you informed about this issue? (12:30)

**Scott Davis:** Yes, I have worked on it, and continue to be involved in it. Are state and tribal policies working together, staying out of litigation. We need your help with not only fiscal issues but with policy. It is important to keep it out of litigation. My plate is full, I need an assistant, and for instance how are all the health issues going to work with Obama care going to affect the reservations.

**Rep. Nelson:** Has the problems between game and fish that has been brought to your attention yet? It's the only time I am aware of the state succeeded authority to a tribal government.

**Scott Davis:** (19:15) I work great together with Terry Steinwand, along with the Director of Game and Fish. On the tribal side, there is pressure to change things, it is very complex. It has been in talks but we need something in writing in order to see exactly what the details are.

**Rep. Nelson:** What is your involvement in the negotiations? (22:15)

**Scott Davis:** (22:30) It has been a two year process. Sanford Health System has been working with us, especially with mental health concerns. I am involved in at least three systems for health care, state, tribal, and federal. (25:55) Asking for an FTE in the health system, an American Indian system administrator, full time (26:40). The effects of energy and oil development and environment health, an example of this issue is the oil spill in Parshall. Who has the jurisdiction of the spill and effect on environment, how are we going to come together to work on this type of thing (37: 30)? The Youth leadership academy is such a good program. (40:24) It is so important to have a plan with all of these issues, there is not a tribal plan in place, reservations are a sovereign entity but lack a tribal plan. There needs to be a plan initiated by the tribes. (42:54)

**Chairman Pollert:** We will be going through the details when look more closely at green sheet. When gambling compact are done in the State, does governor's office work with each individual tribe or does he work through your office (45:30)?

**Scott Davis:** That is another bill on the table that we are tracking, there is about 25 to 30 bills that are associated with the tribes. The gaming compacts bill is an important one to the tribes, I am in involved in the negotiations and it varies. I think the Governor has done a great job negotiating those compacts with the tribes. (47:20)

**Chairman Pollert:** You are going from 4 FTE and the executive budget shows 1 increase but you also have temporary employees, how many do you have?

**Scott Davis:** It varies from time to time, we put that in there because we are so short staffed and the load has gotten to be heavy. We would use that staff member in so many areas. (48:30)

**Chairman Pollert:** The one FTE will work on healthcare only is the way it sounds?

**Scott Davis:** Yes

**Lori:** They don't typically have a full time temporary staff member; they only have a temp come in during certain time periods.

**Rep. Nelson:** Explain the suicide prevention program; what have you done with that money that money that was funded last session. What will happen in the future without the funding?

**Scott Davis:** (50:00) It went to a college for the coin assisted project that is up and running and the other half of the money went to the boys and club in the Newtown area. My choice to not ask for more suicide prevention money relates to staffing, it takes so much of my time and it was difficult. We would really like to continue working with Sanford health in behavioral issues and mental health. (53:47)

**Rep. Nelson:** Are we making gains in suicide prevention in the last two years? Is the numbers going down?

**Scott Davis:** On average there are probably at least 2 a month across the state. But it is not just happening on the Reservations; I just got a call last week for a student at Wachter Middle School. Suicide is not just an Indian thing.

**Chairman Pollert:** Is the Native American population increasing in the state? If it is do you know what the numbers are? (56:36)

**Scott Davis:** Last US Census was estimated at 6.8%, I believe it is growing closer to 10% in this state.

**Chairman Pollert:** 6.8% was in 2010 but you believe it to be closer to 10%?

**Rep. Holman:** With the oil development helping increase employment, has it also had an impact on the reservations as well?

**Scott Davis:** (58:30) I am very involved in workforce development, there is a bill on the table to assist tribal colleges. I am also working with Job Service to try and get training and certification for employment in the oil fields. The crew concept was developed; it is a really good program. At that time it was for firefighters but we are trying to do the same in the oil fields. (1:01:12)

**Rep. Holman:** Ft. Berthold College curriculum has also been involved in getting individuals certified, correct?

**Scott Davis:** I also brought the oil companies and the tribal colleges together to discuss which jobs are in demand and how to get the training.

**Chairman Pollert:** 8:30 next Thurs. is when the detail is set for.

**Rep. Nelson:** When you return will you bring the publication on the tax law that you said you put together on the taxing authority on the reservation?

**Scott Davis:** Yes.

**Steven Sitting Bear:** I am the Deputy of Scott Davis and his work has been tremendous and he is doing outstanding in his position.

**Chairman Pollert:** closed hearing

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Human Resources Division  
Sakakawea Room, State Capitol

SB 2005  
March 14, 2013  
Job 19915

Conference Committee

Meredith Traholt

## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

## Minutes:

Attachments 1-3

**Chairman Pollert** called the committee to order and a quorum was declared. We will start the detail on SB 2005.

02:15

**Scott Davis, Executive Director, ND Indian Affairs Commission:** Distributed tax information requested at a prior meeting, see Attachment 1. Went over Attachment 2 beginning minute 06:20.

11:40

**Rep. Wieland:** On the Operating Fees and Services and Professional Services, is this for one year?

**Lori Laschkewitsch, OMB:** It is for the first year of the biennium. I would also like to add that we removed the suicide prevention grant from their budget, so that's where you are going to see a lot of the reductions throughout those account codes, because the functions would have been spread out in those account codes.

**Rep. Nelson:** The \$1500 for Suicide Prevention Training and seeing that program is eliminated on the green sheet, you won't be funding that particular line item in the 13-15 biennium budget? Your office is going to be involved with suicide prevention, but your office won't be contributing that monetary portion. It would affect things like the travel line, etc. Is that correct?

**Davis:** That is correct. Travel, meeting costs...it goes back to partnership we have with the Department of Human Services. It requires a lot of time and travel to be part of that, and give a direction to how we will provide the right suicide programming between the tribes and the state.

14:55

**Chairman Pollert:** Looking at the green sheet, there are going to be questions on the new FTE. Could you go through the salaries on the form you handed out, Attachment 3?

**Rep. Nelson:** Is the Youth Leadership Academy yearly or biennially?

**Davis:** It is yearly, and we are currently planning for this year's, in June. Addressing the salary for the FTE, the proposed new FTE is an American Indian Health Systems Administrator. We want to be competitive and recruit the right person who can do this type of work, because our office is pretty unique. We are looking for someone with a master's degree and research experience, who also has a great understanding of how tribal government and tribal colleges work. Those factors contributed to the salary range we are offering.

**Chairman Pollert:** What will this individual be doing? Will this person be doing assessments in regards to environmental health, or is this a liaison for services? Has that service not been done by, e.g., DHS, or the Health Department, or someone in the tribes?

**Davis:** I have a very good working relationship with DOH and DHS. There are times when I am required to find a solution for situations, like how do we work with Three Affiliated Tribes in the area of diabetes? It's not about the money, but more about policy, more about planning. Understanding health systems on reservations is complex.

**Chairman Pollert:** So you've been trying to do this with your other duties. This new FTE will help with communications, and take over some of these duties that you've been trying to do?

**Davis:** Exactly. A lot of these things have been started by me in my four years. If this person is to be hired, he or she would take over a lot of these duties. All of the departments like Social Services, the Indian Child Welfare Act, things under the Department of Human Services; there is also Dr. Dwelle's office and things from environmental to emergency services; I'm directly involved in all of them. In addition to being my admin assistant, Steve has a criminal justice background and helps with a lot of the duties associated with law enforcement, department of corrections, the court system. The new FTE will do something similar with the health issues and research for things like trends in suicides.

25:15

**Rep. Wieland:** In the last biennium, I did some research in regards to grants that the federal government has provided to the native Americans in ND. Do the grants come to your office first, and you assign dollars? If not, how are you a part of the grants? Would this individual you are talking about be involved with that?

**Davis:** We know there are competitive federal grants. We've written letters in support of, e.g., suicide prevention grants, that individual tribes apply for. Senator Hoeven's office sends a lot of federal grants my way, and I send them out to the tribes. I know them very well and I know who could use it. We don't get in the way of that. If we do get a grant, we have to figure out how our budgets work together. To administer those federal grants from my office, I'm very selective on that. I've yet to apply for a federal grant; I've passed that

opportunity to somebody else that has the capacity to use it. We're so small, that we don't have time to administer these grants and dollars.

**Rep. Wieland:** Would this proposed FTE be involved in any of that?

**Davis:** Yes, he or she would research grant opportunities and private money opportunities.

**Rep. Holman:** If you apply for a grant, does it usually contain a line item for administrative duties, which would take care of some of that for you?

**Davis:** We have some authority to receive federal grant monies, but I haven't applied for any because the administrative burden is too high. I have enough on my plate.

**Laschkewitsch:** As far as the federal grants, there is always a significant amount of reporting and administration that come along with those. They are a very small staff to try to meet all the requirements of a federal grant, it would be very challenging for their office.

**Chairman Pollert:** That's what we see this FTE doing for part of their duties.

**Rep. Holman:** That means you would have to hire someone to do it, and that's what you are talking about.

**Chairman Pollert:** Right now, this is a general fund request. Is it possible in future bienniums that FTE could be covered by part of a federal grant?

**Laschkewitsch:** It depends on the grant. A portion of their salary could be covered; a grant might allow 10% for administrative costs, for example.

**Davis:** If I start something, I want it to be as long-term as possible. If someone is hired with federal grant money, that will eventually go away; then we would have to ask for money for that salary. I don't operate that way; I'd rather get it set through the legislative process.

**Rep. Nelson:** It looks like temporary salaries are increasing. What are you using the temporary salaries for?

**Davis:** When we get short-staffed, we need someone to come in and help. Things like the powwow, the youth leadership academy, stretch us very thin and require me to hire temporary staff at times to keep the office open and phones answered. That's a good thing. It's a week, sometimes two, at a time, it just depends. We've utilized some state dollars for internships to help.

34:30

**Rep. Nelson:** You talk about collaboration. One of the areas of concern that I hear is law enforcement. There seems to be a disconnect on jurisdictional issues and sharing information. Is that an area that you work with?

**Davis:** I think our office does a great job of trying to convince local, county, tribal, and federal governments to work together when it comes to breaking the law. A law is a law, to

me. Sometimes criminal minds see loopholes, where they can break a law, and go hide somewhere. There isn't a game plan between agencies when there is a crisis. Then my office needs to intervene and help come up with a game plan. Who will take the lead in a situation, the state, the tribe, the feds? Situations come up that are related to crime, roads, hunting, drinking, social services. People don't want to overstep their jurisdiction or threaten sovereignty. But we can figure out ways to work together, and the people see that.

**Chairman Pollert:** The situation at Spirit Lake with social services, we had some people say that the federal government came in guns a-blazing, and said there were big problems, but if you talk to the locals they want a chance to take care of the situation and they can get it solved. Is that FTE person going to be involved in those kinds of matters? Indian Affairs sees a great need, but you don't have the resources; you're trying to be the chain to loop everyone together.

**Davis:** That's another example of this person being directly involved in that area. Yes, I was involved in the Spirit Lake situation from the get-go. We've always been very adamant that if the tribes need help we have the authority and will help them. In touchy situations, the tribes trust me to help and I've worked hard to earn that trust. We help keep the peace between state and tribal governments. It's a fine line; I answer to you and the governor, and I have to follow our laws and codes. But knowing how tribal codes and laws work, too, how do you make those things work? The National Congress of American Indians wants to look at our model of relationships and get advice from us.

**Chairman Pollert:** When the Youth Leadership comes up, do you hire part-time for that?

**Davis:** Yes, it's an important thing.

**Rep. Bellew:** What is the \$5,000 increase to equipment under \$5,000 (on Attachment 3)?

**Davis:** It's for equipment for the new FTE, computer, software, etc.

**Rep. Bellew:** What is the \$6,000 increase in rentals?

**Laschkewitsch:** That's again associated with that new position.

**Chairman Pollert:** Where is your office?

**Davis:** On the first floor by Vital Records.

**Chairman Pollert:** Is this amount to rent space from the Judicial wing?

**Laschkewitsch:** It will probably be used for renovating their space.

**Rep. Wieland:** Is that a one-time expense?

**Laschkewitsch:** It may be one-time, but we didn't designate it that way. It would be something that we would review.

51:35

**Rep. Holman:** There are four areas that I see that have significant decreases. On supplies, you cut \$10,000 out of that. Could you start with professional development?

**Laschkewitsch:** Again, some of this is because we needed to get \$75,000 removed from this budget for the suicide prevention. The other thing is their base budget limit they had to meet. In order to handle their increased expenses, salaries, we had to reduce as many areas as we possibly could.

**Chairman Pollert:** We'll have to make an amendment on the executive compensation correction. Also, on HB 1015 on the OMB budget, there is a difference between the House and Senate on the pay package. That will be part of the amendment package. That will be settled during negotiations on the OMB budget.

**Davis:** I understand.

**Rep. Nelson:** Back to my question about the law enforcement issue, we have a situation in Rolette County, for example, where the sheriff has a BIA background. He's a great resource. In the position he holds now, he can be a conduit for solutions in inter-jurisdictional problems.

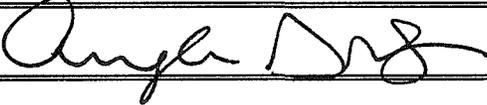
**Chairman Pollert:** We will let you know when we get amendments. Any further questions? Thank you. We will be in recess.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Appropriations Human Resources Division  
Sakakawea Room, State Capitol

SB 2005  
April 3, 2013  
Job 20808

Conference Committee



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

## Minutes:



**Chairman Pollert** called the committee to order.

**Rep. Nelson** moved amendment 01003.

**Rep. Wieland** seconded.

**Rep. Nelson** explained the amendment.

**Roll Call Vote:** Yes: 6, No: 0, Absent: 0. Motion carried.

**Rep. Nelson** moved a Do Pass as Amended.

**Rep. Kreidt** seconded.

**Roll Call Vote:** Yes: 6, No: 0, Absent: 0. Motion carried.

**Rep. Nelson** carried the bill.

**Chairman Pollert** recessed the committee.

# 2013 HOUSE STANDING COMMITTEE MINUTES

## House Appropriations Committee Roughrider Room, State Capitol

SB 2005  
4/8/13  
Job #21000

Conference Committee

Committee Clerk Signature

*Mary Brucher*

### Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

### Minutes:

*Attached amendments 13.8155.01003*

**Rep. Nelson** introduced the bill and amendment .01003. The Senate did not change the budget. It includes an FTE for a Native American Health Service Program Administrator position. In the House amendments we corrected the executive compensation package, adjusted the benefit package to match what we've been doing in retirement, and also provided the change in accrued leave payments. We added language is that the Indian Affairs Commission shall report to the appropriations committee of the 64<sup>th</sup> legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2014 and ending in 2015. **Moved amendment .01003.**

**Rep. Wieland: Seconded.**

**VOICE VOTE: MOTION CARRIES.**

**Rep. Nelson: Made a motion for a Do Pass as Amended.**

**Chairman Delzer:** Is there any continuing appropriation? There's a continuing appropriation of a printing fund. Does that have something to do with them doing a special pamphlet?

**Rep. Nelson:** There was funding put in the last session for a suicide prevention program and they didn't ask for that to be renewed this biennium. I don't think we heard of the printing fund.

**Chairman Delzer:** I believe they were doing most of the work and most of the printing. I'm not sure if that is still active.

**Laney Herauf, OMB:** I'm not sure but I can find that out for you.

**Sheila Sandness, Legislative Council:** There was a beginning balance of \$14,500 that was transferred to the native affairs commission on July 1, 2003 which was the effective date of HB 1005. Read the IBAR. It shows the ending balance of the 09-11 biennium was \$13,591, the estimated ending balance of this biennium is \$11,545, and of the 13-15 biennium will be \$9,545.

**Chairman Delzer:** Does it show any income?

**Sheila Sandness:** It does not show any revenue, only expenditures and they are roughly \$2,000 a biennium.

**Rep. Wieland:** Seconded motion.

**ROLL CALL VOTE: 21 YES 0 NO 1 ABSENT  
MOTION CARRIED FOR DO PASS AS AMENDED**

**Rep. Nelson will carry this bill.**

VK  
 4/9/13  
 1082

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$236,038	\$837,411
Accrued leave payments	0	8,421	8,421
Operating expenses	<u>221,505</u>	<u>(55,237)</u>	<u>166,268</u>
Total general fund	\$822,878	\$189,222	\$1,012,100"

Page 1, after line 14, insert:

**"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Native American health system program administrator	\$0	\$184,284
Total general fund	\$0	\$184,284

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - House Action**

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
Operating expenses	166,268	166,268		166,268
Accrued leave payments			8,421	8,421
	<u>\$1,033,482</u>	<u>\$1,033,482</u>	<u>(\$21,382)</u>	<u>\$1,012,100</u>
Total all funds				
Less estimated income	0	0	0	0
	<u>\$1,033,482</u>	<u>\$1,033,482</u>	<u>(\$21,382)</u>	<u>\$1,012,100</u>
General fund				
	5.00	5.00	0.00	5.00
FTE				

**Department No. 316 - Indian Affairs Commission - Detail of House Changes**

	<u>Corrects Executive Compensation Package<sup>1</sup></u>	<u>Adjusts State Employee Compensation and Benefits Package<sup>2</sup></u>	<u>Provides Separate Line Item for Accrued Leave Payments<sup>3</sup></u>	<u>Total House Changes</u>
Salaries and wages	\$4,777	(\$26,159)	(\$8,421)	(\$29,803)
Operating expenses				
Accrued leave payments			8,421	8,421
Total all funds	<u>\$4,777</u>	<u>(\$26,159)</u>	<u>\$0</u>	<u>(\$21,382)</u>

Less estimated income	0	0	0	0
General fund	\$4,777	(\$26,159)	\$0	(\$21,382)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

This amendment adds a new section to designate the funding for the new Native American health system program administrator position as one-time funding.

Date: 04.03.13  
 Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 382005**

House House Appropriations - Human Resources Division Committee

Check here for Conference Committee

Legislative Council Amendment Number 01003

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Nelson Seconded By Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollert	X		Representative Holman	X	
Representative Bellew	X				
Representative Kreidt	X				
Representative Nelson	X				
Representative Wieland	X				

Total (Yes) 6 No 0

Absent —

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

If the vote is on an amendment, briefly indicate intent:  
*adjustment to compensation package, accrued leave, adds one-time funding for program administrator position*

Date: 04.03-13  
Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2005**

House House Appropriations - Human Resources Division Committee

Check here for Conference Committee

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

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Nelson Seconded By Kreidt

Representatives	Yes	No	Representatives	Yes	No
Chairman Pollert	X		Representative Holman	X	
Representative Bellew	X				
Representative Kreidt	X				
Representative Nelson	X				
Representative Wieland	X				

Total (Yes) 6 No 0

Absent —

Floor Assignment Nelson

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

Date: 4/8/13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2005

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number .01003

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Nelson Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer			Rep. Streyle		
Vice Chairman Kempenich			Rep. Thoreson		
Rep. Bellew			Rep. Wieland		
Rep. Brandenburg					
Rep. Dosch					
Rep. Grande			Rep. Boe		
Rep. Hawken			Rep. Glassheim		
Rep. Kreidt			Rep. Guggisberg		
Rep. Martinson			Rep. Holman		
Rep. Monson			Rep. Williams		
Rep. Nelson					
Rep. Pollert					
Rep. Sanford					
Rep. Skarphol					

Total Yes \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*Voice vote carries*

Date: 4/8/13  
 Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2008**

House Appropriations Committee

Check here for Conference Committee

Legislative Council Amendment Number 13.8155.01083

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider

Motion Made By Rep. Nelson Seconded By Rep. Wieland

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X		Rep. Streyle	X	
Vice Chairman Kempenich	X		Rep. Thoreson	X	
Rep. Bellew	X		Rep. Wieland	X	
Rep. Brandenburg	X				
Rep. Dosch	X				
Rep. Grande	X		Rep. Boe	X	
Rep. Hawken	X		Rep. Glassheim	X	
Rep. Kreidt	X		Rep. Guggisberg	X	
Rep. Martinson	X		Rep. Holman	X	
Rep. Monson	X		Rep. Williams	X	
Rep. Nelson	X				
Rep. Pollert					
Rep. Sanford	X				
Rep. Skarphol	X				

Total Yes 21 No 0

Absent 1

Floor Assignment Rep. Nelson

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

**REPORT OF STANDING COMMITTEE**

**SB 2005: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$236,038	\$837,411
Accrued leave payments	0	8,421	8,421
Operating expenses	221,505	(55,237)	166,268
Total general fund	\$822,878	\$189,222	\$1,012,100"

Page 1, after line 14, insert:

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<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Native American health system program administrator	\$0	\$184,284
Total general fund	\$0	\$184,284

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - House Action**

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
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Less estimated income	0	0	0	0
General fund	\$1,033,482	\$1,033,482	(\$21,382)	\$1,012,100
FTE	5.00	5.00	0.00	5.00

**Department No. 316 - Indian Affairs Commission - Detail of House Changes**

	<u>Corrects Executive Compensation Package<sup>1</sup></u>	<u>Adjusts State Employee Compensation and Benefits Package<sup>2</sup></u>	<u>Provides Separate Line Item for Accrued Leave Payments<sup>3</sup></u>	<u>Total House Changes</u>
Salaries and wages	\$4,777	(\$26,159)	(\$8,421)	(\$29,803)
Operating expenses				
Accrued leave payments			8,421	8,421
Total all funds	\$4,777	(\$26,159)	\$0	(\$21,382)
Less estimated income	0	0	0	0
General fund	\$4,777	(\$26,159)	\$0	(\$21,382)
FTE	0.00	0.00	0.00	0.00

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<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
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- Removes funding for additional retirement contribution increases.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

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This amendment adds a new section to designate the funding for the new Native American health system program administrator position as one-time funding.

**2013 CONFERENCE COMMITTEE**

**SB 2005**

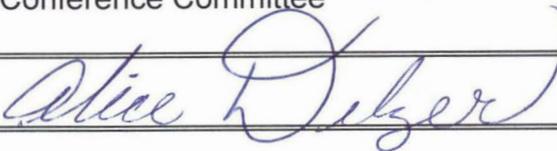
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005  
04-17-2013  
Job # 21191

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Conference Committee for the Indian Affairs Commission

### Minutes:

See attached testimony.

**Senator Carlisle** called the Conference Committee to order on Wednesday, April 17 at 9:30 am in the Harvest Room on SB 2005. The clerk called the roll. The Conferees are as follows:

**Senate: Senator Carlisle, Chairman; Senator Bowman, and Senator Warner.**  
**House: Rep. Jon Nelson, Chairman; Rep. Kreidt, Rep. Holman.**

Adam Mathiak - Legislative Council  
Lori Laschkewitsch- OMB

**Senator Carlisle** asked Council to explain the changes to SB 2005.

**Adam Mathiak** I would like to start by saying that initially when this bill was passed over the Senate we did not have the salary correction in there, so that was also made on the House side. This is one of those bills that was passed over the Senate early before we corrected the compensation package. As far as the House changes, besides the correction it was the standard House changes for the salary compensation package changes including the accrued leave payments and then also the new FTE, the Native American Help Systems Program Administrator was designated as one-time funding, so a new section was added for that. The only two changes that were made was the compensation package change and also the one-time funding change. (1.34) He submitted the Statement of Purpose, Testimony attached # 1.

**Senator Carlisle** I would like to hear from the chairman from the House. My understanding is you agree with the funding for one FTE but you only want to do it for a biennium.

**Representative Jon Nelson:** It was decided that although this position is a valuable addition to the Indian Affairs Commission Office, that we would like to see the Commission come back to the next legislative session and provide some information as to the results of the activities of that individual so we could relook at that position. It is not necessarily

assumed it's a one-time funding mechanism, it's mostly just to justify the continuation of that position in the next two years.

**Senator Carlisle:** When we had the hearing on this bill we talked to the Director and our understanding is he would like this proposed FTE to shadow him for up to a period of one year. So the Senate's position, if we are going to hire this person, especially in a tough job market, the he or she that is hired should, if they're going to spend a year out on the road with the chair of the Commission that he'd like to have that employee be there as a permanent FTE

**Senator Bowman:** For all the years I have been here, I haven't seen one quite like this to where we limit a needed FTE to one-time funding in the budgeting process before they put the budgets together. I think they review most of these issues, as far as FTE's that are needed and aren't needed and that's where you make the decision whether it's going to be one-time or continuous but I don't see what the advantages to limit it when the next budget in cycle could automatically do that anyway. (4.18)

**Representative Nelson:** You make some good points, that is why we are here to address that funding mechanism. 1<sup>st</sup> of all the funding that's available, the \$184,000 that's available for that position. The pool of applicants is an important piece of that. You make a good point about that. That ability to attract the right candidate that needs to be part of the final product. We are willing to work with you. I am assured that we will be discussing this matter in great detail.

**Senator Carlisle:** We would like to have this amendment taken off and let Mr. Davis hire his person knowing that he will be there. Like Senator Bowman said If we are going to hire this person, let him hire with the idea he will be there for more than 2 years. Anything else?

**Representative Nelson:** Why don't we start with an easier one? Do you agree with the salary correction?

**Senator Carlisle:** The Senate position is that we like the Governor's salary package.

**Representative Nelson:** What I am referring to is the footnote #1, there was a mistake made in all the executive budgets, we did make that adjustment on the House side, at least we agree on that one.

**Senator Carlisle:** You bring up a good point but that is a Council and OMB correction.

**Senator Bowman:** This probably isn't the most critical issue this session, we are talking one FTE, permanent or not permanent and the one-time funding bill or the appropriation bill or a salary bill can change in the next session so easily in it has to be justified once you make the investment you justify the position with what's been accomplished. And if there hasn't been anything that can be shown as accomplished why would you leave the person in there? That can be taken care of in the next session. That's not a critical issue as I look at it as far as the budgeting process.

**Representative Nelson:** I agree that is a distinct possibility. If we look back over the current biennium I am sure you noticed in the first half when you had this budget Commissioner Davis did not request money for the Suicide Prevention Program this time, for example. He shows some good budgeting skills, and I think he knows what he is able to do with his office and has made good decisions. We just can't make this decision that you asked for at this particular time.

**Representative Kreidt:** (10:00) Going back to the one-FTE, I think with the results I've seen from Mr. Davis and the running of his Commission, he's doing a great job. By having this one-time funding in place, gives incentive to get to work and prove that they need this position. It also gives him the opportunity, by chance, he would hire someone that wasn't really working out, he's got a little incentive here. I hope he can find someone that's capable right out of the gate, this would also give him an out, if he had an individual that really wasn't doing the job that he wanted and things weren't happening, to say this money is gone, your gone when the biennium is done. There is some advantages to have this one-time funding in this budget. (14.26)

**Vice Chairman Bowman:** The whole question is who would want to take a job and start working extremely hard on all these issues, that may only be there for two years? To get someone qualified takes time, to start putting the package together that they can bring back to us as to what this person has accomplished is going to take 2 years,. We can all agree with that I think. But who would want to take the job if it's a two year job and that's it? I wouldn't want that, I would look for a full time job someplace. If I do my work and do it right I can justify my position in the next budget.

**Senator Carlisle:** in our hearing Mr. Davis made it clear that this person would shadow him during the first year. We will note your comments, both Representative Kreidt and Senator Bowman. We will close the conference meeting at this time.

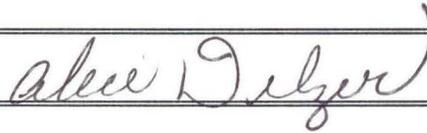
# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005  
04-18-2013  
Job # 21241

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Conference Committee hearing for the Commission on Indian Affairs

### Minutes:

Attached testimony:

**Senator Carlisle** called the Conference Committee to order on Thursday, April 18, 2013 at 10:00 am in the Sakakawea Room in regards to SB 2005. All conferees were present.

**SENATE: Senators: Ron Carlisle, Chairman; Bill Bowman & John Warner**

**HOUSE: Representatives: Jon Nelson, Chairman; Gary Kreidt & Rick Holman**

Adam Mathiak - Legislative Council  
Lori Laschkewitsch - OMB

**Senator Carlisle:** Let the records show that all conferees are here. Discuss the salary package and the onetime 2 year position funding.

**Vice Chairman Bowman:** Do we want to train a person and in 2 years say: you don't have a job. Why are we micromanaging management?

**Senator Warner:** I want to emphasize our ability to recruit. This should be somebody who has some Washington experience, experience with email services, with changes in health law. This position has the ability to draw together a huge spectrum of expertise. I don't think we should be limiting it by a 2 yr. commitment. We certainly have the budgetary process every biennium to review the position.

**Rep. Nelson:** the reason for the sunset was to have a reporting mechanism in place to review what has been accomplished and what the utilization of that position is. We could work on that. Is that a classified position? (**Laney Herauf:** it is a classified position) We all look at this as a full time position. When you recruit for this position, the expertise and the salary don't necessarily match; it might be hard to attract (someone). I hope that we have a reporting mechanism in place for both appropriations committees to look at next session.

**Senator Carlisle:** if we took out the one time funding and leave in some reporting mechanism, I would be ok with that.

**Senator Warner:** I would question reporting to an interim committee. I think you would want at least a year before you report.

**Rep Nelson:** we won't have enough information to report prior to the next legislative session. We should ask for a report on how that utilization worked. Justifying a FTE is always difficult for some members; it may reinforce the need for it.

**Senator Carlisle:** we will have to meet again because of the salary. Would you on the House side to come up with new language? If we are going to let Mr. Davis hire someone, they will have to meet their probationary period.

**Senator Warner:** there is a 6 months probationary period, after that point there is a process within human resources for terminating employees

**Rep. Nelson:** That position would be a full time position, ongoing, and Mr. Davis would report the activities in that position during the next legislative session. The one time funding will be removed. I am interested as to how that position works in the health care, because of the different facets of Indian health, how this all meshes together.

**Representative Kreidt:** my hope is that Mr. Davis won't come back in two years and say I couldn't hire someone, the way I read that job description, it will be tough to fill that position.

**Representative Holman:** Mr. Davis has a plan, in two years, you will have the report.

**Senator Carlisle:** we will have Mr. Nelson do the new language and won't meet again until the salary package is done.

**Rep Nelson:** on page 2 lines 3 and 4, we would have to strike "the use of the onetime funding", and find language that will fit in there.

**Senator Carlisle:** We will close the hearing now.

# 2013 SENATE STANDING COMMITTEE MINUTES

## Senate Appropriations Committee Harvest Room, State Capitol

SB 2005  
04-23-2013  
Job # 21421

Conference Committee

Committee Clerk Signature



### Explanation or reason for introduction of bill/resolution:

A Conference Committee Hearing on Indian Affairs Commission

### Minutes:

See attached testimony.

**Senator Carlisle** called the Conference Committee hearing together on Tuesday, April 23, 2013 at 9:30 am in regards to SB 2005. Let the record show everyone is here.

**SENATE: Senators: Ron Carlisle, Chair; Bill Bowman, John Warner**  
**HOUSE: Representatives: Jon Nelson, Gary Kreidt, Rick Holman**

Adam Mathiak - Legislative Council  
Lori Laschkewitsch - OMB

**Senator Carlisle** asked the House explain their amendment.

**Representative Nelson:** presented Amendment # 13.8155.01004, Testimony attached # 1. What it does, the only issue we had was the FTE, the Native American Help Systems Program Administrator. We made that a full time position, no strings attached. There should be a report to the appropriation committees of the 64<sup>th</sup> legislative session regarding the activates of the Native American health system program administrator. This does reinforce that. They didn't have the salary correction, footnote # 1, is the correction. Footnote#2, is the line item, the accrued leave, and that has been corrected. **Representative Nelson moved the amendment # 13.8155.01004. 2<sup>nd</sup> by Senator Bowman.**

Senator Carlisle: Any discussion. Call the roll on the amendment.

**A Roll Call vote was taken on the Amendment. Yea: 6; Nay: 0; Absent: 0.**

**Senator Carlisle Moved Do Pass as Amended 2<sup>nd</sup> by Senator Bowman.**

**A Roll Call vote was taken. Yea: 6; Nay: 0; Absent: 0. Senator Carlisle and Representative Nelson will carry the bill on their respective floors. The conference hearing was closed on SB 2005.**

*JB*  
*4-23-13*  
*1 of 2*

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

That the House recede from its amendments as printed on pages 1235 and 1236 of the Senate Journal and pages 1311-1313 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, line 2, after "commission" insert "; and to provide for a report"

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$251,496	\$852,869
Accrued leave payments	0	8,421	8,421
Operating expenses	<u>221,505</u>	<u>(55,237)</u>	<u>166,268</u>
Total general fund	\$822,878	\$204,680	\$1,027,558"

Page 1, after line 14, insert:

**"SECTION 2. REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly regarding the activities of the Native American health system program administrator."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$867,214	\$867,214	(\$14,345)	\$852,869	\$837,411	\$15,458
Operating expenses	166,268	166,268		166,268	166,268	
Accrued leave payments			8,421	8,421	8,421	
Total all funds	\$1,033,482	\$1,033,482	(\$5,924)	\$1,027,558	\$1,012,100	\$15,458
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,033,482	\$1,033,482	(\$5,924)	\$1,027,558	\$1,012,100	\$15,458
FTE	5.00	5.00	0.00	5.00	5.00	0.00

**Department No. 316 - Indian Affairs Commission - Detail of Conference Committee Changes**

	Corrects Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$4,777	(\$10,701)	(\$8,421)	(\$14,345)
Operating expenses				
Accrued leave payments			8,421	8,421
Total all funds	\$4,777	(\$10,701)	\$0	(\$5,924)
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$4,777	(\$10,701)	\$0	(\$5,924)
	0.00	0.00	0.00	0.00

---

<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

---

This amendment also adds a new section to provide for a report to the 64th Legislative Assembly on the activities of the Native American health system program administrator. The House added a section to designate funding for the Native American health system program administrator as one-time funding.

Date 4-17-13

Roll Call Vote # 1-23-13

*Amendment #*  
*13.8155-01007*

**2013 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2005 as (re) engrossed

Senate Conference Appropriations Committee

- Action Taken
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amends
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amends as follows
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Carlisle Seconded by: Bowman

Senators	<sup>4/23</sup>		Yes	No	Representatives	<sup>4/23</sup>		Yes	No
	4/18	4/23				4/19	4/18/23		
Carlisle	✓	✓	✓		Nelson	✓	✓	✓	
Bowman	✓	✓	✓		Kreidt	✓	✓	✓	
Warner	✓	✓	✓		Holman	✓	✓	✓	
Total Senate Vote					Total Rep. Vote				

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Date 4-23-  
 Roll Call Vote # 2

**2013 SENATE CONFERENCE COMMITTEE  
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2005 as (re) engrossed

Senate Appropriations Committee

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amends
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amends as follows
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Carlisle Seconded by: Bowman

Senators				Representatives			
		Yes	No			Yes	No
<u>Carlisle</u>		<input checked="" type="checkbox"/>		<u>Nelson</u>		<input checked="" type="checkbox"/>	
<u>Bowman</u>		<input checked="" type="checkbox"/>		<u>Kreidt</u>		<input checked="" type="checkbox"/>	
<u>Warner</u>		<input checked="" type="checkbox"/>		<u>Holman</u>		<input checked="" type="checkbox"/>	
Total Senate Vote				Total Rep. Vote			

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Carlisle House Carrier Nelson

LC Number 13 8155 . 01004 of amendment

LC Number 13 8155 . 01000 of engrossment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2005:** Your conference committee (Sens. Carlisle, Bowman, Warner and Reps. J. Nelson, Kreidt, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1235-1236, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1235 and 1236 of the Senate Journal and pages 1311-1313 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, line 2, after "commission" insert "; and to provide for a report"

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$251,496	\$852,869
Accrued leave payments	0	8,421	8,421
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Total general fund	\$822,878	\$204,680	\$1,027,558"

Page 1, after line 14, insert:

**"SECTION 2. REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.**  
 The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly regarding the activities of the Native American health system program administrator."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - Conference Committee Action**

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Less estimated income	0	0	0	0	0	0
General fund	\$1,033,482	\$1,033,482	(\$5,924)	\$1,027,558	\$1,012,100	\$15,458
FTE	5.00	5.00	0.00	5.00	5.00	0.00

**Department No. 316 - Indian Affairs Commission - Detail of Conference Committee Changes**

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General fund	\$4,777	(\$10,701)	\$0	(\$5,924)
FTE	0.00	0.00	0.00	0.00

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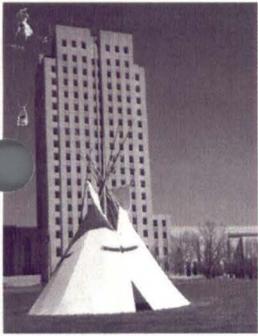
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This amendment also adds a new section to provide for a report to the 64th Legislative Assembly on the activities of the Native American health system program administrator. The House added a section to designate funding for the Native American health system program administrator as one-time funding.

SB 2005 was placed on the Seventh order of business on the calendar.

**2013 TESTIMONY**

**SB 2005**



# NORTH DAKOTA INDIAN AFFAIRS COMMISSION

600 East Boulevard • 1<sup>st</sup> Floor Judicial Wing • Bismarck ND 58505-0300  
Phone (701) 328-2428 • Fax (701) 328-1537  
Webpage: [www.nd.gov/indianaffairs](http://www.nd.gov/indianaffairs)  
Email: [sjdavis@nd.gov](mailto:sjdavis@nd.gov)



**Governor Jack Dalrymple**  
CHAIRMAN

**Scott Davis**  
EXECUTIVE DIRECTOR

**North Dakota Indian Affairs Commission**  
Senate Appropriations Budget Hearing  
Senate Appropriations Committee  
January 22, 2013  
North Dakota State Capital, Bismarck ND

Chairman Holmberg and members of the Committee, my name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Commissioner, I serve on the Governor's Cabinet. I am joined today by my three staff members in presenting our testimony today. Thank you for this opportunity.

In 2012, the North Dakota Indian Affairs Commission commemorated its 63<sup>rd</sup> year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a three-member staff.

## **Statutory Authority**

North Dakota Century Code Sections 54-36-03 to 54-36-09.

## **Agency Description**

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with

tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produce the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commission's website.

### **Agency Mission Statement**

“The Indian affairs commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans”.

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.

- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

### **Performance and Accountability**

The performance of the North Dakota Indian Affairs Commission is premised upon the goals\pillars of the Governor and those priority issues articulated by tribal leaders.

The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through quarterly Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim legislative Committee for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils and federal partners, have evolved exponentially in the past four years. This change has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, court/law systems, education systems and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the numerous issues and projects established by those partnerships. The large number of agreements and compacts made between the tribe and state are in very good standing, but require consistent communication in order for them to be sustainable.

**Support Needed: American Indian Health Systems Administrator**

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. The need for an American Indian Health Systems Administrator Full Time Employee (FTE) with the ND Indian Affairs Commission is highly needed and justified. This administrator will be the vital link in establishing routine contact with the Center for Medicare and Medicaid Services (CMS) Regional Office Native American Contact. This individual will become an expert on health care initiatives impacting Native Americans, including provisions of the Indian Health Care Improvement Act and the Affordable Care Act. Will participate and facilitate the discussion and actions taken by Interim Legislative Committees (Human Services, Health Services, Health Care Reform). Learn the Department of Human

Services programs and funding sources and assist Tribes in ensuring that reimbursement is sought for appropriate services (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.). Facilitate responses from Tribes to Medicaid consultation opportunities. Assist in capturing agenda items and foster involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year). Work directly with ND American Dental Association. Channel concerns about access to services, quality of services, or eligibility activities from the Tribes to the Department of Human Services and Dept. of Health. Help monitor and create stronger communication systems between state, tribe, and county for Social Service Programs. Monitor federal grant opportunities and work with Tribes to explore state and federal grant requests. This staff person will work with the Department of Human Services, Medical Services Division to explore options for using the work of the Streamlined Provider Screening and Enrollment vendor to improve the IHS provider credentialing process. Work with the ND Tribal Colleges and partner with the NDSU-Master in Public Health Program and also with the UND INMED Program. Help conduct research and studies throughout the ND Tribes. Work directly with Sanford Behavioral Health program and the ND Hospital Association. Serve on various State, Tribal and local health boards/committees assigned by the Executive Director. Participate with the Great Plains Tribal Chairman's Health Board. These health care systems are complex and at times do not relate to the betterment of a health system for tribal members living on and off the reservations throughout ND.

The effects of energy and oil development on our reservations has created new challenges of us, we now are seeing there are loopholes of environmental protection between tribal, state, and private lands. Illegal dumping, oil spills, emergency incidents are a few examples where a

protection and response plan is needed between various jurisdictions. This again, is an example of the complex system one needs to navigate and understand in order for quality environmental protection. This position in my office will help address that. See Blue Attachment.

### **North Dakota Indian Youth Leadership Academy (NDIYLA)**

Mr. Chairman and members of the committee, in the 2011 legislative session our budget included an appropriation of \$60,000 to continue the development and planning of the ND Indian Youth Leadership Academy. This coming June will mark the 4<sup>th</sup> annual NDIYLA. The Indian Affairs Commission office and it's planning committee have made a strong commitment in making this Academy an annual event. We feel the partnerships with the ND State Bank, the ND University Systems, and the ND Tribal Colleges have made a huge impact on nearly 200 Native American students. We are now witnessing many of our Academy students now attending tribal colleges and our ND colleges and taking up volunteer leadership roles within their communities.

Mr. Chairman and members of the committee, on behalf of the hundreds of students who participated in the academy we hope you will support the continuation of this valuable program.

### **Budget Narrative, Request Summary and Detail (see attachments)**

In closing, I feel our office and my position have been very busy and feel that we as a staff have elevated the state and tribal relations to a new and exciting level. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our

commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time.



**Boys & Girls Club of the Three Affiliated Tribes  
North Dakota Youth Suicide Prevention Grant  
Boys & Girls Club Suicide Prevention Program  
GOALS AND OBJECTIVES  
February 1, 2013 – February 1, 2014**

**Purpose: *Reduce attempted and completed suicides among youth aged 5-18 within the borders of the Fort Berthold Indian Reservation***

**Goal: *To reduce youth suicides by 25% on the Fort Berthold Indian Reservation for the people of the Three Affiliated Tribes by developing "ASIST"- Applied Suicide Intervention Skills Training. The ASIST workshop is for caregivers who want to feel more comfortable, confident and competent in helping to prevent the immediate risk of suicide. "Teen Screen" - Teen Screen Schools and Communities helps bring voluntary mental health screening to local schools and community-based programs that serve youth. The program offers free evidence-based screening tools and best practices. One of the strongest factors that protect Native youth and young adults against suicidal behavior is their sense of belonging to their culture and community – with this in mind Boys & Girls Club of the Three Affiliated Tribes created the "Traditional Knowledge, Healthy Spirit" Suicide Prevention Initiative which seeks to impart our traditional values, beliefs, aesthetic standards, language, and the cultural norms of the Mandan, Hidatsa, and Arikara people to our youth. "Suicide Bereavement Support Groups" - This comprehensive hands-on training program helps survivors of suicide loss and others interested learn the "how-to's" of creating and facilitating a suicide bereavement support group for adults. The two-day program combines lecture, interactive discussion and role-playing with feedback. The suicide prevention program will assist with the implementation of our ROPES (Repeat; Opportunities; Potential; Experience or Educate; Self-Expression) curriculum to our youth in the five school districts across Fort Berthold. The suicide prevention coordinator will provide suicide prevention education throughout the year at different reservation-wide events and schools in collaboration with other programs and entities. The suicide prevention coordinator will plan and implement a suicide prevention conference for the youth and communities across Fort Berthold that will provide education, prevention and awareness for the reservation.***

**Objectives:**

1. By (June, 2013), the Suicide Prevention Coordinator will collaborate with programs and community members of the Three Affiliated Tribes and get

them trained in "ASIST". Up to 35 people will be trained and apply it to the communities and programs and will do follow up on how "ASIST" is being used in their program or community.

**Activities:**

- a. By (June, 2013), The Suicide Prevention Coordinator will contact (programs, community members, and schools) Key stakeholders that provide programming and work with youth on the Fort Berthold Reservation.
  - b. By (June 2013), The Suicide Prevention Coordinator will have programs and community members trained in "ASIST".
  - c. By (August, 2013), The Suicide Prevention Coordinator will do follow-up with the programs and community members on how "ASIST" will be applied within their community or program.
  - d. By (September 2013), The Suicide Prevention Coordinator will contact the programs and community members on how "ASIST" is working for their programs and communities and to see what sort of challenges they may be encountering and how we can assist them.
  - e. By (November 2013), The Suicide Prevention Coordinator will assess how the "ASIST" Program is working for the Three Affiliated Tribes and look to provide further "ASIST" Trainings across Fort Berthold.
2. By (June 2013), the Suicide Prevention Coordinator will apply Teen Screen in the four high schools that are within the reservation boundaries (New Town, Mandree, White Shield, Parshall). The Suicide Prevention Coordinator will get training in Teen Screen along with the IHS Behavioral Health Program to become certified in Teen Screen and will work closely with the schools and programs that provide suicide prevention programming so that referrals can be made to the IHS Behavioral Health. Teen Screen will be screening twice a year in each school.

**Activities:**

- a. By (March 2013), the Suicide Prevention Coordinator will be trained in Teen Screen.
- b. By (April 2013) the Suicide Prevention Coordinator will have contacted the four high schools on applying teen screen for the 2013-2014 school year.
- c. By (April 2013) the Suicide Prevention Coordinator will have consent forms for parents/guardians to sign in collaboration with the schools for Teen Screen to happen in the school system.
- d. By (June 2013) the Suicide Prevention Coordinator along with the IHS mental health will conduct their first Teen Screen services in one of the school systems and right after tests are taken scores will be conducted and referral process will begin if needed. This

process will take place throughout the school year in each school system.

- e. By (June 2013) the Suicide Prevention Coordinator will meet (monthly) with IHS Behavioral Health regarding assessment for Teen Screen and see the affects it is having with the youth and schools.
  - f. By (January 2014) the suicide program and the IHS mental health will conduct their last teen screen for the year in each school and will then evaluate the process of Teen Screen and the affects it had for the youth and the schools.
3. By (June 2013) the Suicide Prevention Coordinator will have sustainable "Suicide Bereavement Support Groups" in place for the Fort Berthold Reservation. The Suicide Prevention Coordinator will have identified the families of suicide survivors. The Suicide Prevention Coordinator will have the suicide survivors trained in the Suicide Bereavement Support Groups with ownership taken and maintained by the group. The Suicide Prevention Coordinator will assist in coordinating meeting places and additional support as needed.

**Activities:**

- a. By (June 2013) the Suicide Prevention Coordinator will have identified the families of suicide survivors.
- b. By (August 2013) the Suicide Prevention Coordinator will have trained the survivors in the Suicide Bereavement Support Groups Training.
- c. By (August 2013) the Suicide Prevention Coordinator will help the groups organize their first group meeting on the Fort Berthold Reservation and will help coordinate each monthly meeting.
- d. By (September 2013) the Suicide Prevention Coordinator will meet with group leaders and see how first group sessions are going and if any further assistance is needed. The groups will continue to meet monthly.
- e. By (November 2013) the Suicide Prevention Coordinator will continue to meet with the groups and by this time the groups should be self-sustaining with continued support and assistance from the Suicide Prevention Coordinator.
- f. By (November 2013) the Suicide Prevention Coordinator will conduct their second Suicide Bereavement Support Group Training.
- g. By (December 2013) the Suicide Prevention Coordinator will assist the second group with coordinating their first group session.
- h. By (January 2014) the Suicide Prevention Coordinator will meet the second group leaders and see how the session is going and assist

with further assistance as needed and continue to meet monthly with group leaders.

- i. By (February 2014) the Suicide Prevention Coordinator will meet with group leaders and by this time the group should be self-sustaining, while continuing to assist with the group efforts as needed.
4. By (May 2013) the Suicide Prevention Coordinator will have implemented the *Traditional Knowledge, Healthy Spirit* Suicide Prevention Initiative curriculum in all six segments of the Fort Berthold Indian Reservation. The Suicide Prevention Coordinator will work with all programs on Fort Berthold to identify 6-10 families with youth age 10-18 (mother, father, or parental support of the youth). Working with the families, the Suicide Prevention Coordinator will seek to reinforce our traditional values and ways back in to the homes of our families. The referral process will be in collaboration with Behavioral Health and other the programs; some families may be court ordered or participate on a volunteer basis. This program will be implemented though out the year 2 sessions.

**Activities:**

- a. By (April 2013) the Suicide Prevention Coordinator will meet with Behavioral Health and the various social service programs on Fort Berthold and identify the first six families for the *Traditional Knowledge, Healthy Spirit* Program.
- b. By (June 2013) the Suicide Prevention Coordinator will have implemented their first *Traditional Knowledge, Healthy Spirit* program.
- c. By (September 2013) the Suicide Prevention Coordinator will have completed the first session of the eight week *Traditional Knowledge, Healthy Spirit* Program and the families will graduate from the program.
- d. By (October 2013) the Suicide Prevention Coordinator will meet with Behavioral Health and the various social service programs on Fort Berthold to identify six more families to participate in the *Traditional Knowledge, Healthy Spirit* program.
- e. By (November 2013) the Suicide Prevention Coordinator will conduct their second session of *Traditional Knowledge, Healthy Spirit* Program.
- f. By (February 2014) the Suicide Prevention Coordinator will have completed their second session of the *Traditional Knowledge, Healthy Spirit* Program and the families will graduate from the program.

# Traditional Knowledge Healthy Spirit (Suicide Prevention Program) 2013-2014 Budget Template



**Club Name:** Boys & Girls Club of the Three Affiliated Tribes

**Contact Person:** Whispering Willow Smith

**Email:** wsmith@mhanation.com

**Phone:** 701-627-4415

Expense	Description	Rate	Total
<b>Personnel</b>	100% FTE Suicide Prevention Coordinator	80 hrs./pp @ 17/hr. for 26 pay periods	\$35,360.00
<b>Fringe Benefits</b>	9.16% of salary (Total)		\$3,238.98
	FICA (6.2%), Medicare (1.45%) Unemployment (1.51%), Health Benefits (\$467.50x12months@100%)		\$5,610.00
<b>Equipment</b>	IPAD2 16gb		\$529.00
	Projector for IPAD2		\$596.32
	Accessories for IPAD2		\$400.00
<b>Supplies</b>	Supplies for activities (Art Projects, Media Projects etc.)	\$4,000.00	
	Office Supplies	\$1,000.00	\$5,000.00
<b>Local Travel</b>	4400miles @ .555/mile Purpose of local travelto outlying communities to provide suicide prevention activities as needed. Site visits round trip 5 times	New Town to White Shield 52 miles New Town to Parshall 18 miles New Town to Twin Buttes 115 New Town to Mandaree35	\$1,221.00

<b>Contract Specialists</b>	Speakers with topics directly related to the implementation of the Suicide Prevention Program.	1 Speaker per site \$450x6sites	\$2,700.00
<b>Special Events</b>	Conference	Food, lodging for speakers, transportation of youth.	\$2,300.00
<b>Total Cost</b>			<b>\$56,955.30</b>

**Sitting Bull College**  
Equine Assisted Learning Project  
Proposal  
Submitted to  
North Dakota Indian Education Program

Sitting Bull College Horsemanship Program  
Joe Dunn, Director  
December 17, 2012, 2012

## **Sitting Bull College Equine Assisted Learning Project**

### **Objectives**

Sitting Bull College Equine Assisted Learning Project (SBC EAL) will incorporate the use of horses to engage students and aid in the teaching/learning process. SBC EAL will employ the use of horsemen and school counselors to assist in reaching out to students grades 6-12 who may not respond to conventional teaching methods. SBC EAL will deliver a culturally relevant and innovative teaching method.

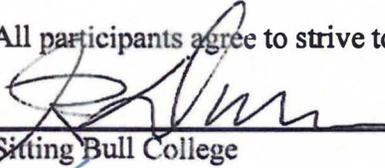
### **Method**

SBC EAL will obtain certification in a proven program to deliver equine assisted learning, Over the course of 12 months, SBC Horseman will assist school counselors in a controlled environment where students will participate in activity with horses once or twice weekly or as often as conditions will allow, school counselors will engage the students in conversation regarding the activity and how it compares to life experiences. Data will be compiled regarding the experiences and the benefits to the students. EAL team will conduct learning sessions twice per week where students will have the opportunity to engage in activity with horses to enhance the learning experience. School Counselors and certified horseman will interact with 5-10 students and engage them in the learning experience. Students will participate for eight weeks after which they will be evaluated and decision will be made to determine if extended participation will be required. The Team will continue to follow up on students over the course of the twelve month period. The EAL team will meet periodically, once monthly to begin and then as necessary regarding the implementation and outcomes. School Counselors will document resulting behaviors, and benefits to students. These data will be compiled by the project staff. Project Team leaders will meet with ND Indian Education Administration quarterly or as often as needed to discuss outcomes.

### **Outcomes**

Students who participate will engage in activity that can be compared to real life experiences and will receive counseling, and will benefit from the guidance and direction of certified staff. Students will become more willing to participate in academic programming; students will have an enhanced learning experience and be better equipped to deal with difficult life experiences and decision making. Students will have the opportunity to engage in mentally and physically stimulating activity giving them the benefit of interaction with counselors in a culturally and socially relevant environment. Students will learn the benefit of the relaxing nature of working with animals, and the responsibility and empowerment that comes from the activity. Students will be encouraged to continue riding and interacting with equines.

All participants agree to strive to meet all of the goals and objectives noted above

 Director Horsemanship

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Sitting Bull College

  
ND Indian Education Association

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## SBC Equine Assisted Learning Project

August 20, 2012

### Budget

Facility Cost \$100.00/ month x 12 months	1200.00
Certification Training- 5-6 persons	5500.00
Feed \$50.00/bale x 50 bales	2500.00
Supplies	1000.00
Refreshments	<u>1000.00</u>
Total	\$ 11,200.00

**AGENCY OVERVIEW****316 Indian Affairs Commission**

Date: 12/07/2012

Time: 13:51:00

**Statutory Authority**

North Dakota Century Code Sections 54-36-03 to 54-36-09.

**Agency Description**

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state.

The agency also is responsible for the maintenance and publication of several documents, including but not limited to the, Statewide Directory of American Indian Resources, and historical and contemporary information and research about North Dakota's American Indian citizens. These materials are available in print and for download on the website.

**Agency Mission Statement**

The Indian affairs commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implement those plans. The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve more adequate standards of living.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

**Agency Performance Measures**

The performance of the North Dakota Indian Affairs Commission is premised upon the goals\pillars of the Governor and those priority issues articulated by tribal leaders. The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through monthly correspondence with the Governor's staff-liaison designee, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through quarterly Commission meetings. Most of the Commission staff work is based on either legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim legislative Committee for example), state regulatory requirements, or legislation, e.g. Preparation for First Nations Day, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

In 2006, the North Dakota Indian Affairs Commission engaged in a Strategic Planning Process. The goals and objectives are in the developmental stages, and will be subject to change and dependent upon the approval by the Commission. Based on the North Dakota Indian Affairs Commissions' overall Strategic Plan the proposed 2009-11 performance measures are as follows:

1. Develop and Implement a written public relations campaign\plan to create a greater role and clarify its responsibilities, create an awareness of the needs and issues of American Indians in North Dakota; to celebrate the accomplishments of Indian individuals, programs and projects.
2. Gather and facilitate the dissemination of data and statistics and research issues, concerns, and needs that pertain to the American Indian population in the North Dakota.

**AGENCY OVERVIEW****316 Indian Affairs Commission****Date:** 12/07/2012**Time:** 13:51:00

3. Facilitate a collaborative relationship between and among private, state/federal agencies and tribal communities as it relates to legislation, education, roads, corrections, state parks, housing, taxation, gaming, commerce, game and fish, social and health needs.
4. Advocate for the design, development and implementation of Tribal initiatives that may include but not limited to water issues, gaming, education, taxes, social and health needs, corrections, state parks, road systems, and housing.
5. Develop a six-year strategic plan in clarifying and narrowing down all areas of on-going projects. Providing long term direction and protocols for achieving successful projects and a format for new ones.

**Major Accomplishments**

1. Established and completed the 2010, 2011 and 2012 ND Indian Youth Leadership Academy. Forty high school students from across North Dakota participated in a five-day leadership camp. During the camp, nationally known native American speakers came and provided sessions on wellness, spirituality, leadership, career development, values and culture.
2. Reorganized the American Indian Business Development Office with the ND Department of Commerce. Completed inventory of all native American owned businesses in North Dakota. Developed the new Indian Business Alliance of North Dakota and hosted Tribal Economic Summits/Conference.
3. Continued creating partnerships and memorandums of agreements and understanding between tribal entities and non-tribal entities.
4. Continued building and fostering working relations between state government agencies and tribal agencies.
5. Updated the Resource Information Guide (formerly called the Indian Affairs Directory) that became available in the fall of 2009. The NDIAC Resource Information Guide can be viewed on the NDIAC website. This guide will be updated every tribal election.
6. Established and continued to co-chair the ND Indian Education Advisory Committee in partnership with ND Department of Instruction, and continued to work directly with all ND Tribal Colleges and the ND University Systems.

**Future Critical Issues**

American Indians within the state are the only naturally growing segment of the population. This growth is having an increased impact on infrastructure, oil-energy development, schools and human services in North Dakota. A state-embraced and formalized structure to address these increasingly complex issues is imperative to the future of North Dakota. While the issues confronting state-tribe relations are increasingly more complex, the ability for the NDIAC to singularly respond to these issues is increasingly more challenging. Until the authorization of one FTE (American Indian Education Program Administrator), the staffing of the Commission office has remained unchanged since its inception. The small NDIAC staff is inadequate compared to other agencies having similar functions and responsibilities. The Commission staff, at times, is limited in its capacity to address issues beyond basic information sharing, networking and coordination functions. From an administrative leadership standpoint, the ability to provide focused and sustained support is challenging but is being performed at a much higher level than in previous years. The Executive Director spends 85,0 percent of his time in meetings between state and tribal committees, boards and on travel throughout North Dakota.

**REQUEST SUMMARY**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012

Time: 13:51:00

Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
<b>By Major Program</b>					
Indian Affairs Administration	660,119	825,206	(65,963)	759,243	161,507
<b>Total Major Program</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>759,243</b>	<b>161,507</b>
<b>By Line Item</b>					
Salaries and Wages	524,460	603,701	18,994	622,695	154,564
Operating Expenses	117,659	221,505	(84,957)	136,548	6,943
Federal Stimulus Funds-2009	18,000	0	0	0	0
<b>Total Line Items</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>759,243</b>	<b>161,507</b>
<b>By Funding Source</b>					
General Fund	642,119	825,206	(65,963)	759,243	161,507
Federal Funds	18,000	0	0	0	0
Special Funds					
<b>Total Funding Source</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>759,243</b>	<b>161,507</b>
<b>Total FTE</b>	<b>4.00</b>	<b>4.00</b>	<b>0.00</b>	<b>4.00</b>	<b>1.00</b>

**REQUEST DETAIL**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012

Time: 13:51:00

Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
<b>Salaries and Wages</b>					
Salaries - Permanent	373,584	429,548	21,364	450,912	111,288
Temporary Salaries	9,393	9,428	(9,428)	0	0
Overtime	390	100	(100)	0	0
Fringe Benefits	141,093	164,625	7,158	171,783	43,276
Salary Increase	0	0	0	0	0
Benefit Increase	0	0	0	0	0
<b>Total</b>	<b>524,460</b>	<b>603,701</b>	<b>18,994</b>	<b>622,695</b>	<b>154,564</b>
<b>Salaries and Wages</b>					
General Fund	524,460	603,701	18,994	622,695	154,564
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
<b>Total</b>	<b>524,460</b>	<b>603,701</b>	<b>18,994</b>	<b>622,695</b>	<b>154,564</b>
<b>Operating Expenses</b>					
Travel	26,246	50,000	(10,000)	40,000	5,000
Supplies - IT Software	1,032	600	0	600	5,000
Supply/Material-Professional	3,703	7,000	(6,000)	1,000	0
Food and Clothing	1,193	10,000	(4,000)	6,000	0
Bldg, Ground, Maintenance	0	0	0	0	0
Miscellaneous Supplies	3,402	15,200	(10,000)	5,200	0
Office Supplies	7,216	10,000	(1,500)	8,500	1,000
Postage	674	2,000	(1,000)	1,000	0
Printing	5,512	3,500	(2,500)	1,000	0
IT Equip Under \$5,000	0	3,500	0	3,500	0
Other Equip Under \$5,000	1,171	2,000	0	2,000	0
Office Equip & Furn Supplies	7,065	11,000	(9,957)	1,043	5,000
Insurance	1,405	1,000	0	1,000	0
Rentals/Leases - Bldg/Land	1,326	11,000	(7,000)	4,000	6,000
IT - Data Processing	8,712	10,000	0	10,000	0
IT - Communications	13,541	12,000	0	12,000	720
IT Contractual Svcs and Rprs	1,234	705	0	705	0
Professional Development	17,334	47,000	(23,500)	23,500	(15,777)
Operating Fees and Services	5,909	20,000	(5,000)	15,000	0
Fees - Professional Services	10,968	5,000	(4,500)	500	0
Medical, Dental and Optical	16	0	0	0	0
<b>Total</b>	<b>117,659</b>	<b>221,505</b>	<b>(84,957)</b>	<b>136,548</b>	<b>6,943</b>

**Operating Expenses**

**REQUEST DETAIL**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012  
Time: 13:51:00

Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Budget Request
General Fund	117,659	221,505	(84,957)	136,548	6,943
Federal Funds	0	0	0	0	0
Special Funds	0	0	0	0	0
<b>Total</b>	<b>117,659</b>	<b>221,505</b>	<b>(84,957)</b>	<b>136,548</b>	<b>6,943</b>
<b>Federal Stimulus Funds-2009</b>					
Grants, Benefits & Claims	18,000	0	0	0	0
<b>Total</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Federal Stimulus Funds-2009</b>					
General Fund	0	0	0	0	0
Federal Funds	18,000	0	0	0	0
Special Funds	0	0	0	0	0
<b>Total</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Funding Sources</b>					
General Fund	642,119	825,206	(65,963)	759,243	161,507
Federal Funds	18,000	0	0	0	0
Special Funds	0	0	0	0	0
<b>Total Funding Sources</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>759,243</b>	<b>161,507</b>

**CHANGE PACKAGE SUMMARY**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012  
Time: 13:51:00

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
<b><u>Base Budget Changes</u></b>						
<b>One Time Budget Changes</b>						
A-E 1 Remove Suicide Prevention Program		0.00	(75,000)	0	0	(75,000)
<b>Total One Time Budget Changes</b>		<b>0.00</b>	<b>(75,000)</b>	<b>0</b>	<b>0</b>	<b>(75,000)</b>
<b>Ongoing Budget Changes</b>						
A-A 1 Operational Changes		0.00	(9,957)	0	0	(9,957)
Base Payroll Change		0.00	18,994	0	0	18,994
<b>Total Ongoing Budget Changes</b>		<b>0.00</b>	<b>9,037</b>	<b>0</b>	<b>0</b>	<b>9,037</b>
<b>Total Base Budget Changes</b>		<b>0.00</b>	<b>(65,963)</b>	<b>0</b>	<b>0</b>	<b>(65,963)</b>
<b><u>Optional Budget Changes</u></b>						
<b>Ongoing Optional Changes</b>						
A-C 1 Native American Health System Program Administra	2	1.00	184,284	0	0	184,284
<b>Total Ongoing Optional Changes</b>		<b>1.00</b>	<b>184,284</b>	<b>0</b>	<b>0</b>	<b>184,284</b>
<b>Total Optional Budget Changes</b>		<b>1.00</b>	<b>184,284</b>	<b>0</b>	<b>0</b>	<b>184,284</b>
<b><u>Optional Savings Changes</u></b>						
A-G 1 3% Optional Savings	1	0.00	(22,777)	0	0	(22,777)
<b>Total Optional Savings Changes</b>		<b>0.00</b>	<b>(22,777)</b>	<b>0</b>	<b>0</b>	<b>(22,777)</b>

**BUDGET CHANGES NARRATIVE**

316 Indian Affairs Commission

Bill#: SB2005

Date: 12/07/2012

Time: 13:51:00

<b>Change Group:</b> A	<b>Change Type:</b> A	<b>Change No:</b> 1	<b>Priority:</b>
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## Operational Changes

Reduced office equipment and furniture, do not anticipate as high a need in the upcoming biennium.

<b>Change Group:</b> A	<b>Change Type:</b> C	<b>Change No:</b> 1	<b>Priority:</b> 2
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## Native American Health System Program Administrator

The need for an FTE with the ND Indian Affairs Commission will be vital link in establishing routine contact with the CMS Regional Office Native American Contact. Become an expert on health care initiatives impacting Native Americans, including provisions of the Indian Health Care Improvement Act and the Affordable Care Act. Monitor the discussion and actions taken by Interim Legislative Committees (Human Services, Health Services, Health Care Reform). Learn the Department of Human Services programs and funding sources and assist Tribes in ensuring that reimbursement is sought for appropriate services (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.). Facilitate responses from Tribes to Medicaid consultation opportunities. Assist in capturing agenda items and foster involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year). Work directly with ND American Dental Association. Channel concerns about access to services, quality of services, or eligibility activities from the Tribes to the Department of Human Services and Dept. of Health. Help monitor and create stronger communication systems between state, tribe, county for Social Service Programs. Monitor federal grant opportunities and work with Tribes to explore submission of requests. Work with the Department of Human Services, Medical Services Division to explore options for using the work of the Streamlined Provider Screening and Enrollment vendor to improve the IHS provider credentialing process. Work with the ND Tribal Colleges and partner with the NDSU-Master in Public Health Program and also with the UND INMED Program. Help conduct research and studies throughout the ND Tribes. Work directly with Sanford Behavioral Health program and the ND Hospital Association. Serve on various State, Tribal and local health boards/committees assigned by the Executive Director. Participate with the Great Plains Tribal Chairman's Health Board. These areas of systems are complex and at times do not relate to the betterment of a health system for tribal members living on and off the reservations throughout ND.

<b>Change Group:</b> A	<b>Change Type:</b> E	<b>Change No:</b> 1	<b>Priority:</b>
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## Remove Suicide Prevention Program

The ND Indian Affairs Commission (NDIAC) is very grateful to the ND Legislators for their commitment in providing support and appropriations of 75K for suicide prevention that relates to our ND Tribes.

In evaluating the allocation and the programming of these funds, it is my recommendation that the NDIAC will not be seeking additional funding for the upcoming 2012-14 biennium. The NDIAC has worked very closely with all the ND Tribes and the ND Department of Health and Human Services (NDHS) in providing short term grants to the ND tribes for their suicide prevention efforts. I feel confident that NDHS will continue that role in the coming 2012-14 biennium and will support their efforts to do so.

<b>Change Group:</b> A	<b>Change Type:</b> G	<b>Change No:</b> 1	<b>Priority:</b> 1
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## 3% Optional Savings

The North Dakota Indian Youth Leadership Academy (NDIYLA) creates and fosters an environment for Native youth to learn and develop leadership skills which will open doors for them in their local communities, the State of North Dakota, and throughout the United States. The mission of NDIYLA is to design, develop, and implement a wide range of leadership programs that will advance the spiritual, intellectual, emotional, and physical growth of Academy students. The goals of NDIYLA are as follows.

To begin and sustain a process of developing future leaders from within the North Dakota's existing Native youth population.

To build positive relationships between students so that they can share with, and learn from, each other, as well as learn about the other tribes in the State.

**BUDGET CHANGES NARRATIVE****316 Indian Affairs Commission****Bill#: SB2005****Date:** 12/07/2012**Time:** 13:51:00

To teach students about topics important to Native communities such as education, the environment, water rights, land and realty, tribal constitutions, the ND Constitution, public speaking, acting, group dynamics, leadership, teamwork, cultural events participation and much more.

To invite NDIYLA alumni and Native American speakers to mentor youth and serve as role models for developing future Native American Leaders for tomorrow.

The appropriated budget has been \$60,000 per biennium since 2009. By cutting this budget by 3% would dramatically change the course of NDIYLA and effect the growing student participation by more than half. It is my hope that this 3% would remain for this coming biennium.

<b>Change Group:</b> R	<b>Change Type:</b> A	<b>Change No:</b> 1	<b>Priority:</b>
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Native American Health System Program Administrator

Provides funding for 1.00 FTE as a liaison between tribal populations and human services, health department and other state programs; and to assist the director with representation on various boards and committees.

<b>Change Group:</b> R	<b>Change Type:</b> A	<b>Change No:</b> 100	<b>Priority:</b>
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Executive Compensation Package Adjustment

This budget change provides funding for recommended 2013-15 compensation adjustments. Compensation adjustments for each agency were calculated following the recommendations of the Hay Group developed through the 2011 study of the state's classified employee compensation system. Pursuant to those recommendations, compensation adjustments were calculated to provide funding to allow for both performance-based salary adjustments and market-based salary adjustments. This funding allows for increases of 2% to 4% for employees in the first quartile of the pay range and 1% to 2% for those in the second quartile of the range. For employees in the third and fourth quartiles, which are above the market policy position, no market policy increase is funded. Performance-based increases are assumed to be 3% for employees meeting performance standards and up to 5% for employees exceeding performance standards. No performance-based increases are provided for employees that fail to meet performance standards.



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

4180 HIGHWAY 281  
P.O. BOX 900  
BELCOURT, NORTH DAKOTA 58316

January 18, 2012

(701) 477-2600  
FAX: (701) 477-6836

The Honorable Ray Holmberg, Chair  
Senate Appropriations Committee  
600 E. Blvd. Ave.  
Bismarck, ND 58505-0300

Dear Chairman Holmberg:

On behalf of the North Dakota Indian Affairs Commission, we are respectfully requesting your support for new budget funding and a new FTE American Indian Health Systems Administrator.

The Turtle Mountain Band of Chippewa feels that the Commission's workload has grown in the areas of communication, policy, advocacy, and hearings. As our state tribal populations grow, representation in tribal-state relations needs to be strengthened to meet the increased workload.

The North Dakota Indian Affairs Commission's mission needs to stay the same and be the eyes, ears and voice for the ND Tribes to assure there is adequate information regarding state and federal issues pertaining to our Tribes.

Therefore, your support would be greatly appreciated.

Sincerely,  
TURTLE MOUNTAIN BAND OF CHIPPEWA

Richard W. McCloud  
Tribal Chairman



**CANKDESKA CIKANA  
COMMUNITY COLLEGE**  
*Spirit Lake Dakota Nation*

**Cynthia Lindquist, PhD**

President

*Sunka Wakan Wichapi Winyan*

PO Box 269, Fort Totten, ND 58335

701.766.4055 ph 888.783.1463 toll free 701-766-1121 fax

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January 18, 2013

Scott J. Davis, Executive Director  
North Dakota Indian Affairs Commission  
State Capitol Building  
600 East Boulevard Avenue  
1st Floor, Judicial Wing - Room #117  
Bismarck, ND 58505

Dear Mr. Davis:

The North Dakota Indian Affairs Commission (NDIAC) continues to be a vital link for connecting North Dakota's Tribal governments with State government. Networking of the two entities are of mutual benefit to both parties as American Indians are not only tribal citizens, but also North Dakota and United States citizens as well. Significant health, educational, and social, disparities continue to plague our populations and the NDIAC has been a critical resource for accessing resources and information to address our needs.

The need for an full time equivalent (FTE) for an American Indian Health Systems Administrator with the NDIAC is apparent in regard to the continuation of National, State, and Tribal effort to improve Indian health. The monitoring and reporting of tribal related discussion and actions taken by Interim Legislative Committees (Human Services, Health Services, Health Care Reform) are needed to ensure tribes are aware of legislation that may affect the health of their populations. Close involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year) in relation to health access, service, and quality of care, continue to be necessary advocacy issues for rural populations in general.

Education is significant factor for tribal populations making change from within and with the help of external partners. North Dakota's tribal colleges and universities play an important role to this end as our educational missions stress the importance of culture in relation to academic success. We continue to expand our health related curriculum through data based initiatives and the NDIAC assists us directly to collect and report state tribal information that inform our strategies for the betterment of our Reservations. I strongly encourage legislatures to fund this position.

Mitakuye Owasin (All My Relatives)

Cynthia Lindquist, PhD  
President



UTTC - TCC DeMaND Workforce  
3315 University Drive • Bismarck, ND 58504 • P: 701-255-3285 x1491  
F: 701-530-0657 • [www.uttcDeMaNDworkforce.com](http://www.uttcDeMaNDworkforce.com)

January 21, 2013

North Dakota Senate Appropriations Committee  
Senator Ray Holmberg and Committee Members  
North Dakota State Government

Dear Senator Ray Holmberg and Committee Members,

I am currently the project director for the United Tribes Technical College TCC DeMaND Workforce Department of Labor grant. The DeMaND grant recruits, trains, and places a workforce located on Indian Reservations throughout the State of North Dakota and Montana. During this past year, I've worked closely with Mr. Davis in addressing workforce issue in Indian Country. With his position in the State Government, Scott was able to connect me with key personnel which help propel our endeavors forward.

As a tribal member of the Standing Rock Sioux Tribe, Mr. Davis is aware of the broad issues that exist in Indian Country. He is constantly seeking solutions as well as developing strong relationships between the specific Tribes located in North Dakota and the North Dakota State government.

Over the years, there have been many areas in dire need for solutions on these reservations. Symptoms of poverty such as high rates of unemployment, high rates of all abuses, and poor health will continue to compound within our state's reservation boundaries unless we strive to find solutions. Mr. Davis is proposing to expand his office with an American Indian Health Systems Administrator to aid in solution exploration and management. I wholeheartedly support Scott and his proposal.

If you have any questions, please call or email me at (701)255-3285 x1491 or [darchambault@uttc.edu](mailto:darchambault@uttc.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Archambault II".

Dave Archambault II, Project Director

UTTC TCC DeMaND Workforce

*"Meeting Workforce DeMaNDs Through Indian Country"*

Project funded by: ETA/DOL TAACCCT Grant



WE'RE ALL BUSINESS.

**INDIAN BUSINESS ALLIANCE**  
OF NORTH DAKOTA

January 19, 2013

Sixty-third Legislative Assembly of North Dakota  
Senate Appropriations Committee  
Senator Ray Holmberg, Chair

Dear Committee Members

Greetings on behalf of the North Dakota Indian Business Alliance (NDIBA). I'm writing to urge your support of Senate Bill #2005 to appropriate funds to advance the mission of the Indian Affairs Commission, as well as authorize a much-needed, new position for an American Indian Health Systems Administrator.

The role and impact of the Indian Affairs Commission has grown tremendously under the leadership of Mr. Scott Davis. He and his small staff of professionals are stretched to the limit in providing guidance and support in areas relating to policy, advocacy, hearings, and committee representation in strengthen tribal-state relations.

One of the greatest areas of growing needs relates to health services. The authorization for an additional FTE with the Indian Affairs Commission will provide dedicated attention to assisting Tribes in ensuring that appropriate health services are available (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.).

Thank you for giving serious consideration to this request. Adequately funding and staffing the North Dakota Indian Affairs Commission is vital to continue building a strong and lasting relationship between Tribes and the State.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Mabin'.

Michael J. Mabin, MABU President  
NDIBA Executive Board



# List of Activities Involving the N.D. Department of Human Services (DHS) and the Tribes

Tribal – State Agency Update, January 2013

## Aging Services Division

- Conducts **State Plan on Aging Input Hearings** on each reservation and Indian Service Area in the state to understand elders' needs.
  - Sets aside some **Title III funding of the Older Americans Act (OAA)** for Tribal entities to supplement the Title VI OAA federal funding that goes directly to the Tribes for aging programs. Funding is coordinated to maximize services and avoid duplication.
  - Has **Title III Older Americans Act Nutrition Services contracts** for senior meals with the Turtle Mountain Band of Chippewa, Three Affiliated Tribes, and Standing Rock Sioux Tribe.
  - Contracts with the Spirit Lake Nation and Turtle Mountain to provide **home visits** connecting elders with programs and services.
  - Contracts with the Upper Missouri District Health Unit to provide **health maintenance services** to elders in the communities of New Town and Parshall.
  - Contracts with Legal Services of North Dakota to provide **Legal help for elders on reservations** including a legal hot-line (1.866.621.9886).
  - Has contracts for statewide services that include:
    - **Senior Companion Services** (*Provider: Lutheran Social Services*)
    - **Assistive devices and adaptive equipment** to help people with disabilities communicate, remain independent, and improve their quality of life (*Provider: Inter-agency Project for Assistive Technology*)
    - **Dementia Care** supportive services (*Provider: Alzheimer's Association*)
    - **Senior Community Service Employment Program** (*Provider: Experience Works*)
    - **Coordinates with the National Indian Council on Aging**, the new federal grantee who will be adding 25 total Senior Community Service Employment Program slots for qualifying elders in Benson, Eddy, Mountrail, Richland, and Sioux counties under the new American Indian Set-Aside SCSEP national grant.
- NOTE: To connect with these services, elders should contact the North Dakota Aging and Disability Resource LINK at 1.855.462.5465.**

## Children and Family Services Division

- Has expanded the Child and Family Services Review (CFSR) process to include the Tribes.
- Supports **Family Preservation Services** on each reservation through contracts with all four Tribal social services agencies. This provides resources for parent aide, in-home family services, and other services to keep children safely in their homes.
- Has **Tribal IV-E agreements and contracts** with all four Tribes that provide federal IV-E dollars for qualifying children placed in out-of-home care.
- Participated in meetings with Tribal child welfare directors to discuss issues and needs and to work on collaborative approaches to meet identified needs. These **Strengthening State and Native American Partnership meetings** were held in the Tribal communities and in Bismarck.
- Provides training and technical assistance to Tribal child care agencies.
- Supports collaboration between Tribal Head Start agencies and other state and local agencies that serve low-income children and families.

## Child Support Division

- Strives for **strong intergovernmental communication**.
  - Presented with representatives from Three Affiliated Tribes on intergovernmental communication at a national Tribal child support enforcement organization meeting.

- Works closely with Three Affiliated Tribes, which operates an independent child support enforcement program. The programs have a **Memorandum of Understanding** to provide seamless services to members living on or off the reservation. Either program can request assistance from the other, including the filing of appropriate legal actions in Tribal Court.
- Employs Child Support Enforcement program **attorneys who have obtained licenses from Turtle Mountain, Spirit Lake, and Standing Rock** to file actions and appear at hearings in Tribal Court.
  - These proceedings are governed by Tribal law, and allow Indian children to receive program services regardless of whether they reside on or off a reservation.

### **Economic Assistance Policy Division**

- Has **Memorandum of Understanding (MOU) with the Tribal Native Employment Works (Tribal NEW) programs** with the Turtle Mountain Band of Chippewa, Three Affiliated Tribes, Spirit Lake Nation, and Standing Rock Sioux Tribe.
  - Meet with Tribal NEW coordinators annually or as needed to discuss issues.
  - MOU allows qualifying TANF American Indian clients to pursue education without negatively impacting the TANF work participation rate.
- Has an **MOU with Cankdeska Cikana Community College** to coordinate and collaborate in the provision of services relating to the “Next Steps,” an Empowerment Model for Native people entering the health professions grant (*Next Steps project*).
  - Met with the *Next Steps* grant project coordinator, project staff members and interested parties in September 2012.
- **Contracts with Turtle Mountain Tribal Employment and Training** to serve half of the TANF population for the JOBS program, as well as qualifying Crossroads clients (teen parents in need of child care while completing high school).
- Has reached out to Tribal areas impacted by severe weather to issue Supplemental Nutrition Assistance Program replacement benefits to affected households.

### **Medical Services Division (Medicaid, CHIP, Long-Term Care Continuum Services)**

- Has adopted and implemented a **Tribal Consultation Policy** to inform Tribal Chairpersons, Tribal Health Care Directors and Indian Health Services (IHS) staff about changes to the Medicaid program and Children’s Health Insurance Program (CHIP).
  - Intends to consult regularly with the Tribes on matters relating to Medicaid and CHIP eligibility and services that are likely to directly impact the Indian population. This consultation process ensures that Tribal governments are included in the decision-making process when program changes affect issues such as cost or reductions and additions to the program. The Department uses Tribal consultation with a State Plan Amendment, waiver proposal or amendment, or demonstration project proposal when any of these items could directly impact the Tribes in N.D. and/or Tribal members.
- Holds quarterly **Medicaid Medical Advisory Committee** meetings, which allow for the exchange of information with stakeholders about the operation of the Medicaid program.
- Contracts with Dakota Medical Foundation to conduct **outreach for children’s health care coverage**. A subcontractor, KAT Communications, has developed materials specifically to help ensure that families with American Indian children know about coverage programs.
- Developed a **Web page** with Medicaid and the CHIP information **specifically for Tribes and IHS providers**. The website is: <http://www.nd.gov/dhs/services/medicalserv/medicaid/tribal-health.html>.
- **Meets quarterly** with members of the Tribes, IHS, the Indian Affairs Commission, and the Great Plains Tribal Chairman’s Health Board to discuss health care issues such as home and community-based services, the Affordable Care Act, substance abuse prevention and treatment, targeted case management, dental access, and other issues.

- Is holding Qualified Service Provider (QSP) informational meetings in all counties to listen to concerns, visit with potential QSP caregivers, and provide an overview of the scope of a QSP's work. Providers working in Tribal areas are encouraged to attend a meeting in their area.

### **Mental Health and Substance Abuses Services**

- Contracts for a **full-time substance abuse prevention coordinator** on each of the four federally-recognized reservations to provide prevention resources, education, and technical assistance.
  - Worked with coordinators to establish a Tribal workgroup with representatives from each reservation to develop **Tribal community readiness surveys**.
  - Worked with coordinators to present survey results to Tribal Councils.
  - Continues to assist coordinators and Tribes with **substance abuse prevention planning**.
- Facilitates a **State Epidemiological Outcome Workgroup** that brings together parties with substance abuse data interests and includes representation from the Tribes.
- Allocates **substance abuse block grant dollars** to regional human service centers with Tribal land in their catchment area; funds are targeted to flow to licensed treatment programs.
- **Collaborates with the Indian Affairs Commission** to support substance abuse prevention on the reservations. DHS, the Commission, and local Tribal prevention coordinators developed a prescription drug prevention campaign to limit access to prescription drugs.
- **Licenses** three Tribal substance abuse treatment programs.
- Meets with the Tribal substance abuse treatment directors as requested.
- Facilitates the **Traumatic Brain Injury Advisory Council** and the state **Recovery Advisory Council**, which include representation from Indigenous People's Brain Injury Association and Tribal substance abuse treatment providers.
- Provides stipends for licensed addiction counselors and those who work in licensed treatment programs to attend the **annual addiction training summit**.

### **Vocational Rehabilitation (VR) Division** (*Employment readiness and placement services for qualifying people with disabilities*)

- Has an **MOU** with each federally-funded Tribal Vocational Rehabilitation Program to guide working relationships designed to support American Indians with disabilities who desire to become employed and maintain employment.
- Continues to provide technical assistance and to refer people as appropriate to both the Turtle Mountain and Spirit Lake 121 VR projects.
- Has a representative serving on the Spirit Lake VR Advisory Council and carries some dual cases allowing for a collaborative effort to provide comprehensive services while also discouraging duplication of services.
- Provides ongoing monthly outreach to Turtle Mountain and Spirit Lake, often meeting with secondary and post-secondary school personnel to ensure seamless case management for students with disabilities and meeting with Tribal social service agencies to promote referrals.
- Has about 50 shared cases with the Standing Rock Tribal VR program.
- Concentrates on meeting with transition-age students and working with the Tribal transition coordinator at the three high schools located on the North Dakota side of Standing Rock.
- Attends Standing Rock Tribal VR staff meetings to promote coordination and has attended the annual Transition Fair sponsored by Standing Rock VR.
- Has a **Low Vision Specialist** who travels to Standing Rock to assist persons 55 years of age and older who have low vision issues that interfere with their ability to maintain independence.
- Has had a full-time VR counselor serving Fort Berthold area since July 2011 who collaborates with the Tribal VR program and is co-located with the Circle of Life Addiction and Mental Health program to serve individuals with addiction/mental health issues.

- Works with transition students at high schools in Mandaree, New Town, Parshall, and Whiteshield.
- Has provided ADA information and work place ergonomic assessments to tribal employers.

## **Regional Human Service Centers**

### *Lake Region Human Service Center (LRHSC) – DEVILS LAKE*

- Has expanded the staffing and scope of the human service center's Outreach Office in Rolla, and now has nine full-time staff members, offers psychiatric medication monitoring via telemedicine, has a psychologist providing weekly outreach and consultation, and maintains a 10-bed facility for the residential component of adult substance abuse treatment.
  - Core staffing includes three licensed addiction counselors, three master's-level mental health professionals, and two developmental disabilities case managers.
- Has outreach staff members who meet with IHS mental health staff monthly and provide mental health outreach to the Belcourt schools.
- Assists with vulnerable adult protective services, and works closely with tribal agencies including those working on solutions to homelessness. This has resulted in work group efforts leading to new housing projects including the acquisition of FEMA trailers and a project to house the homeless for up to 45 days.
- Has developmental disabilities staff working in coordination with KALIS (formerly Minot Vocational Workshop) to support the two eight-unit apartment complexes and sheltered workshops in Rolla and Belcourt that serve people with developmental disabilities.
- Has expanded Infant Development Services to provide weekly outreach from Devils Lake and now has two staff serving Rolla and Belcourt.
- Has staff regularly visiting and offering consultation to county and Tribal social services on the provision of child welfare services, and staff co-chair Child and Family Team Meetings.
- Has participated in Spirit Lake Nation coalition meetings and other efforts this past year to strengthen the provision of Tribal IV-E foster care and related services such as visiting youth in care, and at the tribe's request, having a clinical staff member become part of the Spirit Lake Nation's child protection team.
- Staffs a 24-hour crisis line that serves residents of the region, including Turtle Mountain and Spirit Lake, during evenings, weekends and holidays.
- Participates in the monthly suicide prevention coalition meetings in Fort Totten, assisting with the development and delivery of emergency response triage protocols, and continues to collaborate with IHS mental health staff, tribal substance abuse programs, and tribal courts.
  - Provides weekly outreach to the Four Winds School by a staff member with specialized training in trauma-related services.
- Contracts for culturally-based services with both the Spirit Lake Nation Recovery and Wellness program and Turtle Mountain's Fifth Generation program.
- Encourages staff to attend tribally-sponsored trainings in Belcourt and Fort Totten to enhance the cultural awareness and sensitivity of staff, which is important because of the human service center's role as a mental health and substance abuse service provider to tribal members.
- Has been involved in Devils Lake Basin flood recovery efforts working with other entities including tribal emergency management and other tribal agencies to support communication between agencies and to jointly provide information and support to affected individuals.

### *North Central Human Service Center (NCHSC) – MINOT*

- Provides weekly **outreach clinical services** to New Town and the Parshall Resource Center.
- Has contracts supporting **culturally appropriate residential treatment services and addiction counselor services** at the Parshall Resource Center.

- Participated in meetings with representatives from Trinity Health and Three Affiliated Tribes Tribal Council and Tribal mental health professionals to improve working relationships related to mental health commitments, technical assistance and team building.
- Provided crisis therapy services to the community and schools of New Town, following the November 2012 murders.
- Co-chairs the Child Family Team meetings for tribal children who qualify for IV-E foster care.
- Funds a Licensed Addiction Counselor position for the Parshall Recovery Center, provides two evaluation slots per week for the Justice Center, and participates in efforts to strengthen communication and access to services.
- Provide these services directly or through contacts to residents of Fort Berthold and surrounding areas: developmental disability program management services, Infant Development Program and Right Track Program services, Family Support Services, residential services for people with developmental or intellectual disabilities, and Day Support Program services.

#### *Northwest Human Service Center (NWHSC) - WILLISTON*

- Contracted with Opportunity Foundation, Inc., to provide **Infant Development Services** to New Town and Mandaree on the Fort Berthold reservation.
- Provides **Developmental Disabilities case management** to New Town and Mandaree.
- Has staff attend **Children and Family Team** meetings in New Town to address the needs of foster care youth from McKenzie County who reside on the reservation.
- Provided crisis therapy services to the community and schools of New Town, N.D. following the November 2012 murders.
- Signed an agreement with the Trenton Indian Service Area to work together to provide addiction treatment services in the most effective manner.

#### *Southeast Human Service Center (SEHSC) – FARGO*

- Provides mental health and addiction consultation services to the Family Health Center Homeless Health Program, which serves some American Indians living in the Fargo-Moorhead area.
- Provides Integrated Dual Diagnosis Treatment (IDDT) outreach services to the Gladys Ray Shelter, which serves the homeless population in the Fargo region.

#### *West Central Human Service Center (WCHSC) – BISMARCK*

- Provides case management services for adults with serious mental illness, Transition to Independence program services to at-risk transition-age youth, care coordination for children with serious emotional disturbances, intensive in-home family therapy, and developmental disabilities program case management services on the Standing Rock reservation.
- Provides mental health-related training several times per school year to staff, community members, and students at Fort Yates Middle School.
- Provides **consultation to IHS** on patients that are challenging or in need of services not available on Standing Rock, and assists IHS staff by providing information about programs and services and referrals.
- Has included members of the Standing Rock Sioux Tribe's Elderly Protection Team and the Elder Advisory Council in **Vulnerable Adult Coalition training**.
- Provides technical assistance to the **Lake Oahe Group Home** on residential child care facility licensing rules and is involved in annual licensing.
- Invites Lake Oahe Group Home and Standing Rock Child Protection Agency staffs to attend regional in-service trainings held about seven times a year at the human service center.
- **Made portable fingerprint scanning equipment available** on-site at Tribal offices to do fingerprinting for potential Lake Oahe Group Home staff and potential foster parents.
- Provides **technical assistance and training** to staff at Standing Rock Child Protection agency and holds Child and Family Team Meetings on IV-E foster care cases on the reservation.

**The testimony of Al Nygard to the North Dakota Senate Appropriations Committee in support of Senate Bill 2005 – ND Indian Affairs Commission Appropriation (1/22/2013).**

Good Morning Mr. Chairman and members of the committee.

My name is Al Nygard. I am the President and CEO of ANC/Empowerment First. I am also an enrolled member of the Mandan, Hidatsa and Arikara Nation. ANC/Empowerment First is a Native owned organization that specializes in culturally sensitive approaches to management, development and empowerment particularly in Indian Country. We are based here in Bismarck. We work nationwide and in particular in the upper Great Plains and we consult with organizations who work with Indigenous populations in Canada, India, Australia, Ecuador, and Great Briton as a result of our work in the US. We are one of the best in the country at what we do and in the course of that work we get to see the issues first hand and up close. We are one of the best in the country at what we do and we have a vast understanding of Native American issues and the myriad of players that interact with, for and on behalf of native peoples.

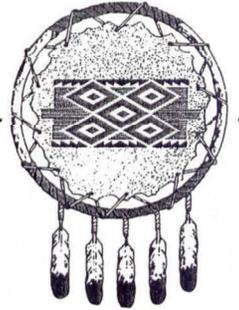
And that is why I stand before you today. It is no secret that the Native nations in North Dakota have issues. It is no secret that those issues have been simmering for some time now. What is a secret is the players who do good work; effective work, results producing work side by side with the Native nations of North Dakota with little or no fanfare what so ever. Usually, it is the quiet unsung players that make the largest impact in Indian Country. In fact, that is the native way; to walk in humble confidence and to never stand up and toot your own horn. There are those who say they are good and there are those who prove they are good – there is a difference.

The ND Indian Affairs Commission is one of those proven players. Whether you realize it or not, the IAC has been restored as one of the “go to” players regarding Native issues in North Dakota today. You see, one cannot just declare that they are a “player”. Rather, in Indian Country, one must prove themselves and be accepted and TRUSTED by the Nations in order to be “a player”. There are many who make the claim that they are in touch with Native issues. But very few truly understand and very few have the confidence and trust of the nations to make a difference.

Our work takes us all over our state and the Nation. We have the honor to work with Native communities and organizations. The most precious commodity one can possess in this type of work is trust. It can take up to 4 years to build the needed trust to make effective inroads in Native communities and organizations.

I have been in the “Native Development” game in North Dakota for over 20 years. I have been an employee of the State as well. My firm currently contracts with the ND Department of Commerce. We are the American Indian Business Development Office. In that capacity we have had the opportunity to work with The IAC on several occasions and on several initiatives. State/Tribal relations have never been stronger as they are today. That is due to the IAC and the work that they do. You see, it is not just the perception of the office by other State agencies that makes the office effective. It is the TRUST of the office by Tribal Nations that makes the office effective. That trust is fragile and needs constant attention. That trust is given because of the ability of the IAC to do what it says it will and to do it well

I urge you to pass this Bill. And I urge you to provide the associated positions and operating funds to increase the effectiveness of the IAC into the future.



## **Senate Appropriations Committee**

**63rd Legislative Assembly  
State of North Dakota**

**Testimony of United Tribes Technical College  
David M. Gipp, President**

**in Support of SB 2005**

**Appropriations for Indian Affairs Commission**

**January 22, 2013**

Mr. Chairman and members of the Committee: This testimony is given on behalf of United Tribes Technical College and United Tribes of North Dakota in support of the Governor's requested budget for the Indian Affairs Commission, now serving the state and American Indians within this state for more than 60 years.

The Indian Affairs Commission serves many roles, and, in the past 25 years or so, does 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, through the Governor, and the Tribes together allowing them to discuss issues of common concern.

In addition, since 2007, the Indian Affairs Commission has provided an Indian education component to its service. The individual in this position not only seeks to ensure that quality education is available to all Indian citizens of this state, but also works with the Department of Public Instruction to ensure that educational curricula developed in our state reflect the cultural background and wisdom of the Indian tribes that exist in our state.

United Tribes Technical College also strongly supports the additional funds sought for the Indian Affairs Commission in this next biennium for a full-time health systems administrator. Many North Dakotans who are also American Indians do not live on or near a reservation and do not have immediate access to the Indian Health Service, which considers itself a provider of health care of last resort. This includes some of our students at United Tribes Technical College. This situation means that when sickness or an accident occurs, American Indians who may not have

**Testimony of David Gipp**  
**President United Tribes Technical College**  
**SB 2005**  
**January 22, 2013**

other insurance go to the closest emergency room in the city where they live. Because the IHS does not have adequate funding, the costs of the services received get passed on to all other users of medical services in North Dakota.

A health systems administrator would be able to assist American Indians in North Dakota who otherwise do not have access to the IHS navigate the Affordable Care Act as well as the IHS, and obtain for these persons appropriate services and reimbursement. This position can save insurance rate papers and hospitals an enormous amount of money and time, and provide the kind of assistance that many American Indians expect of the Indian Affairs Commission.

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, cross-deputization agreements, tax agreements, transportation issues, Indian Child Welfare Act issues and recognition of tribal and state judgments. We would note that the Indian Affairs Commission has continued to provide assistance to the Tribal-State Relations Committee; which is essentially the legislative equivalent to the Indian Affairs Commission as an executive branch agency.

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 63rd Legislative Assembly to appropriate the base and additional funds as requested by the Commission.

We recommend a DO PASS on SB 2005 regarding the budget for the Indian Affairs Commission as requested.

Mar. 8

handout +  
SB 2005



**Governor Jack Dalrymple**  
Chairman

**NORTH DAKOTA  
INDIAN AFFAIRS COMMISSION**

600 East Boulevard • 1<sup>st</sup> Floor Judicial Wing  
Bismarck ND 58505-0300  
Phone (701) 328-2428 • Fax (701) 328-1537  
Webpage: [www.nd.gov/indianaffairs](http://www.nd.gov/indianaffairs)



**Scott J. Davis**  
Commissioner

**North Dakota Indian Affairs Commission  
House Appropriations Budget Hearing  
House Appropriations Committee  
North Dakota State Capital, Bismarck ND  
March 8, 2013**

Chairman Pollert and members of the Committee, my name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Commissioner, I serve on the Governor's Cabinet. I am joined today by my three staff members in presenting our testimony today. Thank you for this opportunity.

In 2012, the North Dakota Indian Affairs Commission commemorated its 63<sup>rd</sup> year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a three-member staff.

## **Statutory Authority**

North Dakota Century Code Sections 54-36-03 to 54-36-09.

## **Agency Description**

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produce the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts.

These materials are available in print and for download on the Commissions website.

## **Agency Mission Statement**

“The Indian affairs commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans”.

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

### **Performance and Accountability**

The performance of the North Dakota Indian Affairs Commission is premised upon the goals\pillars of the Governor and those priority issues articulated by tribal leaders.

The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through quarterly Commission meetings. Most of the Commission staff work is based on either, legislation,

statutorily mandated involvement (representation on the Tribal-State Relations Interim legislative Committee for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils and federal partners, have evolved exponentially in the past four years. This change has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, court/law systems, education systems and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the numerous issues and projects established by those partnerships. The large number of agreements and compacts made between the tribe and state are in very good standing, but require consistent communication in order for them to be sustainable.

**Support Needed: American Indian Health Systems Administrator**

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. The need for an American Indian Health Systems Administrator Full Time Employee (FTE) with the ND Indian Affairs Commission is highly needed and justified. This administrator will be the vital link in establishing routine contact with the Center for Medicare and Medicaid Services (CMS) Regional Office Native American Contact. This individual will become an expert on health care initiatives impacting Native Americans, including provisions of the Indian Health Care Improvement Act and the Affordable Care Act. Will participate and facilitate the discussion and actions taken by Interim Legislative Committees

(Human Services, Health Services, and Health Care Reform). Learn the Department of Human Services programs and funding sources and assist Tribes in ensuring that reimbursement is sought for appropriate services (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.). Facilitate responses from Tribes to Medicaid consultation opportunities. Assist in capturing agenda items and foster involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year). Work directly with ND American Dental Association. Channel concerns about access to services, quality of services, or eligibility activities from the Tribes to the Department of Human Services and Dept. of Health. Help monitor and create stronger communication systems between state, tribe, and county for Social Service Programs. Monitor federal grant opportunities and work with Tribes to explore state and federal grant requests. This staff person will work with the Department of Human Services, Medical Services Division to explore options for using the work of the Streamlined Provider Screening and Enrollment vendor to improve the IHS provider credentialing process. Work with the ND Tribal Colleges and partner with the NDSU-Master in Public Health Program and also with the UND INMED Program. Help conduct research and studies throughout the ND Tribes. Work directly with Sanford Behavioral Health program and the ND Hospital Association. Serve on various State, Tribal and local health boards/committees assigned by the Executive Director. Participate with the Great Plains Tribal Chairman's Health Board. These health care systems are complex and at times do not relate to the betterment of a health system for tribal members living on and off the reservations throughout ND.

The effects of energy and oil development on our reservations has created new challenges of us, we now are seeing there are loopholes of environmental protection between tribal, state, and private lands. Illegal dumping, oil spills, emergency incidents are a few examples where a protection and response plan is needed between various jurisdictions. This again, is an example

of the complex system one needs to navigate and understand in order for quality environmental protection. This position in my office will help address that. See Blue Attachment.

**North Dakota Indian Youth Leadership Academy (NDIYLA)**

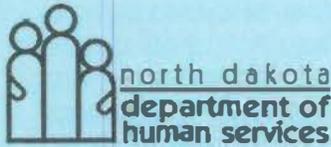
Mr. Chairman and members of the committee, in the 2011 legislative session our budget included an appropriation of \$60,000 to continue the development and planning of the ND Indian Youth Leadership Academy. This coming June will mark the 4<sup>th</sup> annual NDIYLA. The Indian Affairs Commission office and its planning committee have made a strong commitment in making this Academy an annual event. We feel the partnerships with the ND State Bank, the ND University Systems, and the ND Tribal Colleges have made a huge impact on nearly 200 Native American students. We are now witnessing many of our Academy students now attending tribal colleges and our ND colleges and taking up volunteer leadership roles within their communities.

Mr. Chairman and members of the committee, on behalf of the hundreds of students who participated in the academy we hope you will support the continuation of this valuable program.

**Budget Narrative, Request Summary and Detail (see attachments)**

In closing, I feel our office and my position have been very busy and feel that we as a staff have elevated the state and tribal relations to a new and exciting level. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time.



north dakota  
department of  
human services

## List of Activities Involving the N.D. Department of Human Services (DHS) and the Tribes

Tribal – State Agency Update, January 2013

### Aging Services Division

- Conducts **State Plan on Aging Input Hearings** on each reservation and Indian Service Area in the state to understand elders' needs.
  - Sets aside some **Title III funding of the Older Americans Act (OAA)** for Tribal entities to supplement the Title VI OAA federal funding that goes directly to the Tribes for aging programs. Funding is coordinated to maximize services and avoid duplication.
  - Has **Title III Older Americans Act Nutrition Services contracts** for senior meals with the Turtle Mountain Band of Chippewa, Three Affiliated Tribes, and Standing Rock Sioux Tribe.
  - Contracts with the Spirit Lake Nation and Turtle Mountain to provide **home visits** connecting elders with programs and services.
  - Contracts with the Upper Missouri District Health Unit to provide **health maintenance services** to elders in the communities of New Town and Parshall.
  - Contracts with Legal Services of North Dakota to provide **Legal help for elders on reservations** including a legal hot-line (1.866.621.9886).
  - Has contracts for statewide services that include:
    - **Senior Companion Services** (*Provider: Lutheran Social Services*)
    - **Assistive devices and adaptive equipment** to help people with disabilities communicate, remain independent, and improve their quality of life (*Provider: Inter-agency Project for Assistive Technology*)
    - **Dementia Care** supportive services (*Provider: Alzheimer's Association*)
    - **Senior Community Service Employment Program** (*Provider: Experience Works*)
    - **Coordinates with the National Indian Council on Aging**, the new federal grantee who will be adding 25 total Senior Community Service Employment Program slots for qualifying elders in Benson, Eddy, Mountrail, Richland, and Sioux counties under the new American Indian Set-Aside SCSEP national grant.
- NOTE: To connect with these services, elders should contact the North Dakota Aging and Disability Resource LINK at 1.855.462.5465.**

### Children and Family Services Division

- Has expanded the Child and Family Services Review (CFSR) process to include the Tribes.
- Supports **Family Preservation Services** on each reservation through contracts with all four Tribal social services agencies. This provides resources for parent aide, in-home family services, and other services to keep children safely in their homes.
- Has **Tribal IV-E agreements and contracts** with all four Tribes that provide federal IV-E dollars for qualifying children placed in out-of-home care.
- Participated in meetings with Tribal child welfare directors to discuss issues and needs and to work on collaborative approaches to meet identified needs. These **Strengthening State and Native American Partnership meetings** were held in the Tribal communities and in Bismarck.
- Provides training and technical assistance to Tribal child care agencies.
- Supports collaboration between Tribal Head Start agencies and other state and local agencies that serve low-income children and families.

### Child Support Division

- Strives for **strong intergovernmental communication**.
  - Presented with representatives from Three Affiliated Tribes on intergovernmental communication at a national Tribal child support enforcement organization meeting.

- Works closely with Three Affiliated Tribes, which operates an independent child support enforcement program. The programs have a **Memorandum of Understanding** to provide seamless services to members living on or off the reservation. Either program can request assistance from the other, including the filing of appropriate legal actions in Tribal Court.
- Employs Child Support Enforcement program **attorneys who have obtained licenses from Turtle Mountain, Spirit Lake, and Standing Rock** to file actions and appear at hearings in Tribal Court.
  - These proceedings are governed by Tribal law, and allow Indian children to receive program services regardless of whether they reside on or off a reservation.

### **Economic Assistance Policy Division**

- Has **Memorandum of Understanding (MOU) with the Tribal Native Employment Works (Tribal NEW) programs** with the Turtle Mountain Band of Chippewa, Three Affiliated Tribes, Spirit Lake Nation, and Standing Rock Sioux Tribe.
  - Meet with Tribal NEW coordinators annually or as needed to discuss issues.
  - MOU allows qualifying TANF American Indian clients to pursue education without negatively impacting the TANF work participation rate.
- Has an **MOU with Cankdeska Cikana Community College** to coordinate and collaborate in the provision of services relating to the "Next Steps," an Empowerment Model for Native people entering the health professions grant (*Next Steps project*).
  - Met with the *Next Steps* grant project coordinator, project staff members and interested parties in September 2012.
- **Contracts with Turtle Mountain Tribal Employment and Training** to serve half of the TANF population for the JOBS program, as well as qualifying Crossroads clients (teen parents in need of child care while completing high school).
- Has reached out to Tribal areas impacted by severe weather to issue Supplemental Nutrition Assistance Program replacement benefits to affected households.

### **Medical Services Division (Medicaid, CHIP, Long-Term Care Continuum Services)**

- Has adopted and implemented a **Tribal Consultation Policy** to inform Tribal Chairpersons, Tribal Health Care Directors and Indian Health Services (IHS) staff about changes to the Medicaid program and Children's Health Insurance Program (CHIP).
  - Intends to consult regularly with the Tribes on matters relating to Medicaid and CHIP eligibility and services that are likely to directly impact the Indian population. This consultation process ensures that Tribal governments are included in the decision-making process when program changes affect issues such as cost or reductions and additions to the program. The Department uses Tribal consultation with a State Plan Amendment, waiver proposal or amendment, or demonstration project proposal when any of these items could directly impact the Tribes in N.D. and/or Tribal members.
- Holds quarterly **Medicaid Medical Advisory Committee** meetings, which allow for the exchange of information with stakeholders about the operation of the Medicaid program.
- Contracts with Dakota Medical Foundation to conduct **outreach for children's health care coverage**. A subcontractor, KAT Communications, has developed materials specifically to help ensure that families with American Indian children know about coverage programs.
- Developed a **Web page** with Medicaid and the CHIP information **specifically for Tribes and IHS providers**. The website is: <http://www.nd.gov/dhs/services/medicalserv/medicaid/tribal-health.html>.
- **Meets quarterly** with members of the Tribes, IHS, the Indian Affairs Commission, and the Great Plains Tribal Chairman's Health Board to discuss health care issues such as home and community-based services, the Affordable Care Act, substance abuse prevention and treatment, targeted case management, dental access, and other issues.

- Is holding Qualified Service Provider (QSP) informational meetings in all counties to listen to concerns, visit with potential QSP caregivers, and provide an overview of the scope of a QSP's work. Providers working in Tribal areas are encouraged to attend a meeting in their area.

### **Mental Health and Substance Abuses Services**

- Contracts for a **full-time substance abuse prevention coordinator** on each of the four federally-recognized reservations to provide prevention resources, education, and technical assistance.
  - Worked with coordinators to establish a Tribal workgroup with representatives from each reservation to develop **Tribal community readiness surveys**.
  - Worked with coordinators to present survey results to Tribal Councils.
  - Continues to assist coordinators and Tribes with **substance abuse prevention planning**.
- Facilitates a **State Epidemiological Outcome Workgroup** that brings together parties with substance abuse data interests and includes representation from the Tribes.
- Allocates **substance abuse block grant dollars** to regional human service centers with Tribal land in their catchment area; funds are targeted to flow to licensed treatment programs.
- **Collaborates with the Indian Affairs Commission** to support substance abuse prevention on the reservations. DHS, the Commission, and local Tribal prevention coordinators developed a prescription drug prevention campaign to limit access to prescription drugs.
- **Licenses** three Tribal substance abuse treatment programs.
- Meets with the Tribal substance abuse treatment directors as requested.
- Facilitates the **Traumatic Brain Injury Advisory Council** and the state **Recovery Advisory Council**, which include representation from Indigenous People's Brain Injury Association and Tribal substance abuse treatment providers.
- Provides stipends for licensed addiction counselors and those who work in licensed treatment programs to attend the **annual addiction training summit**.

### **Vocational Rehabilitation (VR) Division** (*Employment readiness and placement services for qualifying people with disabilities*)

- Has an MOU with each federally-funded Tribal Vocational Rehabilitation Program to guide working relationships designed to support American Indians with disabilities who desire to become employed and maintain employment.
- Continues to provide technical assistance and to refer people as appropriate to both the Turtle Mountain and Spirit Lake 121 VR projects.
- Has a representative serving on the Spirit Lake VR Advisory Council and carries some dual cases allowing for a collaborative effort to provide comprehensive services while also discouraging duplication of services.
- Provides ongoing monthly outreach to Turtle Mountain and Spirit Lake, often meeting with secondary and post-secondary school personnel to ensure seamless case management for students with disabilities and meeting with Tribal social service agencies to promote referrals.
- Has about 50 shared cases with the Standing Rock Tribal VR program.
- Concentrates on meeting with transition-age students and working with the Tribal transition coordinator at the three high schools located on the North Dakota side of Standing Rock.
- Attends Standing Rock Tribal VR staff meetings to promote coordination and has attended the annual Transition Fair sponsored by Standing Rock VR.
- Has a **Low Vision Specialist** who travels to Standing Rock to assist persons 55 years of age and older who have low vision issues that interfere with their ability to maintain independence.
- Has had a full-time VR counselor serving Fort Berthold area since July 2011 who collaborates with the Tribal VR program and is co-located with the Circle of Life Addiction and Mental Health program to serve individuals with addiction/mental health issues.

- Works with transition students at high schools in Mandaree, New Town, Parshall, and Whiteshield.
- Has provided ADA information and work place ergonomic assessments to tribal employers.

## **Regional Human Service Centers**

### *Lake Region Human Service Center (LRHSC) – DEVILS LAKE*

- Has expanded the staffing and scope of the human service center's Outreach Office in Rolla, and now has nine full-time staff members, offers psychiatric medication monitoring via telemedicine, has a psychologist providing weekly outreach and consultation, and maintains a 10-bed facility for the residential component of adult substance abuse treatment.
  - Core staffing includes three licensed addiction counselors, three master's-level mental health professionals, and two developmental disabilities case managers.
- Has outreach staff members who meet with IHS mental health staff monthly and provide mental health outreach to the Belcourt schools.
- Assists with vulnerable adult protective services, and works closely with tribal agencies including those working on solutions to homelessness. This has resulted in work group efforts leading to new housing projects including the acquisition of FEMA trailers and a project to house the homeless for up to 45 days.
- Has developmental disabilities staff working in coordination with KALIS (formerly Minot Vocational Workshop) to support the two eight-unit apartment complexes and sheltered workshops in Rolla and Belcourt that serve people with developmental disabilities.
- Has expanded Infant Development Services to provide weekly outreach from Devils Lake and now has two staff serving Rolla and Belcourt.
- Has staff regularly visiting and offering consultation to county and Tribal social services on the provision of child welfare services, and staff co-chair Child and Family Team Meetings.
- Has participated in Spirit Lake Nation coalition meetings and other efforts this past year to strengthen the provision of Tribal IV-E foster care and related services such as visiting youth in care, and at the tribe's request, having a clinical staff member become part of the Spirit Lake Nation's child protection team.
- Staffs a 24-hour crisis line that serves residents of the region, including Turtle Mountain and Spirit Lake, during evenings, weekends and holidays.
- Participates in the monthly suicide prevention coalition meetings in Fort Totten, assisting with the development and delivery of emergency response triage protocols, and continues to collaborate with IHS mental health staff, tribal substance abuse programs, and tribal courts.
  - Provides weekly outreach to the Four Winds School by a staff member with specialized training in trauma-related services.
- Contracts for culturally-based services with both the Spirit Lake Nation Recovery and Wellness program and Turtle Mountain's Fifth Generation program.
- Encourages staff to attend tribally-sponsored trainings in Belcourt and Fort Totten to enhance the cultural awareness and sensitivity of staff, which is important because of the human service center's role as a mental health and substance abuse service provider to tribal members.
- Has been involved in Devils Lake Basin flood recovery efforts working with other entities including tribal emergency management and other tribal agencies to support communication between agencies and to jointly provide information and support to affected individuals.

### *North Central Human Service Center (NCHSC) – MINOT*

- Provides weekly outreach clinical services to New Town and the Parshall Resource Center.
- Has contracts supporting **culturally appropriate residential treatment services and addiction counselor services** at the Parshall Resource Center.

- Participated in meetings with representatives from Trinity Health and Three Affiliated Tribes Tribal Council and Tribal mental health professionals to improve working relationships related to mental health commitments, technical assistance and team building.
- Provided crisis therapy services to the community and schools of New Town, following the November 2012 murders.
- Co-chairs the Child Family Team meetings for tribal children who qualify for IV-E foster care.
- Funds a Licensed Addiction Counselor position for the Parshall Recovery Center, provides two evaluation slots per week for the Justice Center, and participates in efforts to strengthen communication and access to services.
- Provide these services directly or through contacts to residents of Fort Berthold and surrounding areas: developmental disability program management services, Infant Development Program and Right Track Program services, Family Support Services, residential services for people with developmental or intellectual disabilities, and Day Support Program services.

#### *Northwest Human Service Center (NWHSC) - WILLISTON*

- Contracted with Opportunity Foundation, Inc., to provide **Infant Development Services** to New Town and Mandaree on the Fort Berthold reservation.
- Provides **Developmental Disabilities case management** to New Town and Mandaree.
- Has staff attend **Children and Family Team** meetings in New Town to address the needs of foster care youth from McKenzie County who reside on the reservation.
- Provided crisis therapy services to the community and schools of New Town, N.D. following the November 2012 murders.
- Signed an agreement with the Trenton Indian Service Area to work together to provide addiction treatment services in the most effective manner.

#### *Southeast Human Service Center (SEHSC) – FARGO*

- Provides mental health and addiction consultation services to the Family Health Center Homeless Health Program, which serves some American Indians living in the Fargo-Moorhead area.
- Provides Integrated Dual Diagnosis Treatment (IDDT) outreach services to the Gladys Ray Shelter, which serves the homeless population in the Fargo region.

#### *West Central Human Service Center (WCHSC) – BISMARCK*

- Provides case management services for adults with serious mental illness, Transition to Independence program services to at-risk transition-age youth, care coordination for children with serious emotional disturbances, intensive in-home family therapy, and developmental disabilities program case management services on the Standing Rock reservation.
- Provides mental health-related training several times per school year to staff, community members, and students at Fort Yates Middle School.
- Provides **consultation to IHS** on patients that are challenging or in need of services not available on Standing Rock, and assists IHS staff by providing information about programs and services and referrals.
- Has included members of the Standing Rock Sioux Tribe's Elderly Protection Team and the Elder Advisory Council in **Vulnerable Adult Coalition training**.
- Provides technical assistance to the **Lake Oahe Group Home** on residential child care facility licensing rules and is involved in annual licensing.
- Invites Lake Oahe Group Home and Standing Rock Child Protection Agency staffs to attend regional in-service trainings held about seven times a year at the human service center.
- **Made portable fingerprint scanning equipment available** on-site at Tribal offices to do fingerprinting for potential Lake Oahe Group Home staff and potential foster parents.
- Provides **technical assistance and training** to staff at Standing Rock Child Protection agency and holds Child and Family Team Meetings on IV-E foster care cases on the reservation.

**AGENCY OVERVIEW****316 Indian Affairs Commission****Date:** 12/07/2012**Time:** 13:51:00**Statutory Authority**

North Dakota Century Code Sections 54-36-03 to 54-36-09.

**Agency Description**

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state.

The agency also is responsible for the maintenance and publication of several documents, including but not limited to the, Statewide Directory of American Indian Resources, and historical and contemporary information and research about North Dakota's American Indian citizens. These materials are available in print and for download on the website.

**Agency Mission Statement**

The Indian affairs commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implement those plans. The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve more adequate standards of living.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

**Agency Performance Measures**

The performance of the North Dakota Indian Affairs Commission is premised upon the goals\pillars of the Governor and those priority issues articulated by tribal leaders. The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through monthly correspondence with the Governor's staff-liaison designee, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through quarterly Commission meetings. Most of the Commission staff work is based on either legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim legislative Committee for example), state regulatory requirements, or legislation, e.g. Preparation for First Nations Day, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

In 2006, the North Dakota Indian Affairs Commission engaged in a Strategic Planning Process. The goals and objectives are in the developmental stages, and will be subject to change and dependent upon the approval by the Commission. Based on the North Dakota Indian Affairs Commissions' overall Strategic Plan the proposed 2009-11 performance measures are as follows:

1. Develop and Implement a written public relations campaign\plan to create a greater role and clarify its responsibilities, create an awareness of the needs and issues of American Indians in North Dakota; to celebrate the accomplishments of Indian individuals, programs and projects.
2. Gather and facilitate the dissemination of data and statistics and research issues, concerns, and needs that pertain to the American Indian population in the North Dakota.

**Traditional Knowledge Healthy Spirit  
(Suicide Prevention Program)  
2013-2014 Budget Template**



**Club Name:** Boys & Girls Club of the Three Affiliated Tribes

**Contact Person:** Whispering Willow Smith

**Email:** wsmith@mhanation.com

**Phone:** 701-627-4415

Expense	Description	Rate	Total
<b>Personnel</b>	100% FTE Suicide Prevention Coordinator	80 hrs./pp @ 17/hr. for 26 pay periods	\$35,360.00
<b>Fringe Benefits</b>	9.16% of salary (Total)		\$3,238.98
	FICA (6.2%), Medicare (1.45%) Unemployment (1.51%), Health Benefits (\$467.50x12months@100%)		\$5,610.00
<b>Equipment</b>	IPAD2 16gb		\$529.00
	Projector for IPAD2		\$596.32
	Accessories for IPAD2		\$400.00
<b>Supplies</b>	Supplies for activities (Art Projects, Media Projects etc.)	\$4,000.00	
	Office Supplies	\$1,000.00	\$5,000.00
<b>Local Travel</b>	4400miles @ .555/mile Purpose of local travel to outlying communities to provide suicide prevention activities as needed. Site visits round trip 5 times	New Town to White Shield 52 miles New Town to Parshall 18 miles New Town to Twin Buttes 115 New Town to Mandaree 35	\$1,221.00

<b>Contract Specialists</b>	Speakers with topics directly related to the implementation of the Suicide Prevention Program.	1 Speaker per site \$450x6sites	\$2,700.00
<b>Special Events</b>	Conference	Food, lodging for speakers, transportation of youth.	\$2,300.00
<b>Total Cost</b>			<b>\$56,955.30</b>

*College of Pharmacy, Nursing, and Allied Sciences  
Master of Public Health Program  
NDSU Dept. 2660  
P.O. Box 6050  
Fargo, ND 58108-6050*

March 8, 2013

Scott Davis  
Commissioner, Indian Affairs  
State of North Dakota  
Bismarck, ND

Dear Scott,

I am writing this letter in support of your idea to establish an American Indian Health Systems Administrator. I agree that this position is necessary to improve understanding of the complex issues that lead to American Indian health disparities and to coordinate activities at the state level to address health issues in an efficient and cost-effective manner.

As the Director of the Master of Public Health Program at NDSU, and as an American Indian person, I am acutely aware of the health disparities and the costs to society that these challenges in health status bring to the entire state. Improving understanding and coordination of health-related activities will provide a meaningful return on investment in the form of improved health and reduced Medicaid and other programmatic costs.

Additionally, we have created an American Indian Public Health track at NDSU designed to focus attention on the tremendous health needs in tribal populations in ND and beyond. We look forward to continued partnership with you, and we look forward to the opportunity to work with the new American Health Systems Administrator as we expand capacity in the State of North Dakota to improve the health of all of our citizens.

Consider this letter my complete and resounding support for creating this position.

Sincerely,



Donald Warne, MD, MPH  
Director, MPH Program  
NDSU

## **Senate Appropriations Committee**

**63rd Legislative Assembly  
State of North Dakota**

**Testimony of United Tribes Technical College  
David M. Gipp, President**

**in Support of SB 2005**

**Appropriations for Indian Affairs Commission**

**January 22, 2013**

Mr. Chairman and members of the Committee: This testimony is given on behalf of United Tribes Technical College and United Tribes of North Dakota in support of the Governor's requested budget for the Indian Affairs Commission, now serving the state and American Indians within this state for more than 60 years.

The Indian Affairs Commission serves many roles, and, in the past 25 years or so, does 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, through the Governor, and the Tribes together allowing them to discuss issues of common concern.

In addition, since 2007, the Indian Affairs Commission has provided an Indian education component to its service. The individual in this position not only seeks to ensure that quality education is available to all Indian citizens of this state, but also works with the Department of Public Instruction to ensure that educational curricula developed in our state reflect the cultural background and wisdom of the Indian tribes that exist in our state.

United Tribes Technical College also strongly supports the additional funds sought for the Indian Affairs Commission in this next biennium for a full-time health systems administrator. Many North Dakotans who are also American Indians do not live on or near a reservation and do not have immediate access to the Indian Health Service, which considers itself a provider of health care of last resort. This includes some of our students at United Tribes Technical College. This situation means that when sickness or an accident occurs, American Indians who may not have

**Testimony of David Gipp**  
**President United Tribes Technical College**  
**SB 2005**  
**January 22, 2013**

other insurance go to the closest emergency room in the city where they live. Because the IHS does not have adequate funding, the costs of the services received get passed on to all other users of medical services in North Dakota.

A health systems administrator would be able to assist American Indians in North Dakota who otherwise do not have access to the IHS navigate the Affordable Care Act as well as the IHS, and obtain for these persons appropriate services and reimbursement. This position can save insurance rate papers and hospitals an enormous amount of money and time, and provide the kind of assistance that many American Indians expect of the Indian Affairs Commission.

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, cross-deputization agreements, tax agreements, transportation issues, Indian Child Welfare Act issues and recognition of tribal and state judgments. We would note that the Indian Affairs Commission has continued to provide assistance to the Tribal-State Relations Committee; which is essentially the legislative equivalent to the Indian Affairs Commission as an executive branch agency.

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 63rd Legislative Assembly to appropriate the base and additional funds as requested by the Commission.

We recommend a DO PASS on SB 2005 regarding the budget for the Indian Affairs Commission as requested.

**Sitting Bull College**  
**Equine Assisted Learning Project**  
**Proposal**  
**Submitted to**  
**North Dakota Indian Education Program**

**Sitting Bull College Horsemanship Program**  
**Joe Dunn, Director**  
**December 17, 2012, 2012**

## **Sitting Bull College Equine Assisted Learning Project**

### **Objectives**

Sitting Bull College Equine Assisted Learning Project (SBC EAL) will incorporate the use of horses to engage students and aid in the teaching/learning process. SBC EAL will employ the use of horsemen and school counselors to assist in reaching out to students grades 6-12 who may not respond to conventional teaching methods. SBC EAL will deliver a culturally relevant and innovative teaching method.

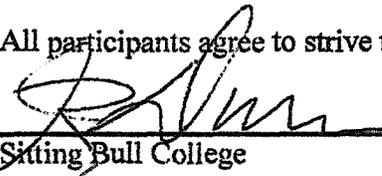
### **Method**

SBC EAL will obtain certification in a proven program to deliver equine assisted learning. Over the course of 12 months, SBC Horseman will assist school counselors in a controlled environment where students will participate in activity with horses once or twice weekly or as often as conditions will allow, school counselors will engage the students in conversation regarding the activity and how it compares to life experiences. Data will be compiled regarding the experiences and the benefits to the students. EAL team will conduct learning sessions twice per week where students will have the opportunity to engage in activity with horses to enhance the learning experience. School Counselors and certified horseman will interact with 5-10 students and engage them in the learning experience. Students will participate for eight weeks after which they will be evaluated and decision will be made to determine if extended participation will be required. The Team will continue to follow up on students over the course of the twelve month period. The EAL team will meet periodically, once monthly to begin and then as necessary regarding the implementation and outcomes. School Counselors will document resulting behaviors, and benefits to students. These data will be compiled by the project staff. Project Team leaders will meet with ND Indian Education Administration quarterly or as often as needed to discuss outcomes.

### **Outcomes**

Students who participate will engage in activity that can be compared to real life experiences and will receive counseling, and will benefit from the guidance and direction of certified staff. Students will become more willing to participate in academic programming; students will have an enhanced learning experience and be better equipped to deal with difficult life experiences and decision making. Students will have the opportunity to engage in mentally and physically stimulating activity giving them the benefit of interaction with counselors in a culturally and socially relevant environment. Students will learn the benefit of the relaxing nature of working with animals, and the responsibility and empowerment that comes from the activity. Students will be encouraged to continue riding and interacting with equines.

All participants agree to strive to meet all of the goals and objectives noted above

 Director Horsemanship  
Sitting Bull College

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ND Indian Education Association

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## **SBC Equine Assisted Learning Project**

August 20, 2012

### **Budget**

Facility Cost \$100.00/ month x 12 months	1200.00
Certification Training- 5-6 persons	5500.00
Feed \$50.00/bale x 50 bales	2500.00
Supplies	1000.00
Refreshments	<u>1000.00</u>
Total	\$ 11,200.00

**AGENCY OVERVIEW****316 Indian Affairs Commission****Date:** 12/07/2012**Time:** 13:51:00

3. Facilitate a collaborative relationship between and among private, state/federal agencies and tribal communities as it relates to legislation, education, roads, corrections, state parks, housing, taxation, gaming, commerce, game and fish, social and health needs.
4. Advocate for the design, development and implementation of Tribal initiatives that may include but not limited to water issues, gaming, education, taxes, social and health needs, corrections, state parks, road systems, and housing.
5. Develop a six-year strategic plan in clarifying and narrowing down all areas of on-going projects. Providing long term direction and protocols for achieving successful projects and a format for new ones.

**Major Accomplishments**

1. Established and completed the 2010, 2011 and 2012 ND Indian Youth Leadership Academy. Forty high school students from across North Dakota participated in a five-day leadership camp. During the camp, nationally known native American speakers came and provided sessions on wellness, spirituality, leadership, career development, values and culture.
2. Reorganized the American Indian Business Development Office with the ND Department of Commerce. Completed inventory of all native American owned businesses in North Dakota. Developed the new Indian Business Alliance of North Dakota and hosted Tribal Economic Summits/Conference.
3. Continued creating partnerships and memorandums of agreements and understanding between tribal entities and non-tribal entities.
4. Continued building and fostering working relations between state government agencies and tribal agencies.
5. Updated the Resource Information Guide (formerly called the Indian Affairs Directory) that became available in the fall of 2009. The NDIAC Resource Information Guide can be viewed on the NDIAC website. This guide will be updated every tribal election.
6. Established and continued to co-chair the ND Indian Education Advisory Committee in partnership with ND Department of Instruction, and continued to work directly with all ND Tribal Colleges and the ND University Systems.

**Future Critical Issues**

American Indians within the state are the only naturally growing segment of the population. This growth is having an increased impact on infrastructure, oil-energy development, schools and human services in North Dakota. A state-embraced and formalized structure to address these increasingly complex issues is imperative to the future of North Dakota. While the issues confronting state-tribe relations are increasingly more complex, the ability for the NDIAC to singularly respond to these issues is increasingly more challenging. Until the authorization of one FTE (American Indian Education Program Administrator), the staffing of the Commission office has remained unchanged since its inception. The small NDIAC staff is inadequate compared to other agencies having similar functions and responsibilities. The Commission staff, at times, is limited in its capacity to address issues beyond basic information sharing, networking and coordination functions. From an administrative leadership standpoint, the ability to provide focused and sustained support is challenging but is being performed at a much higher level than in previous years. The Executive Director spends 85,0 percent of his time in meetings between state and tribal committees, boards and on travel throughout North Dakota.

**REQUEST/RECOMMENDATION COMPARISON SUMMARY**

316 Indian Affairs Commission

Bill#: SB2005

Date: 12/07/2012

Biennium: 2013-2015

Time: 10:55:06

Description	Expenditures Prev Biennium 2009-2011	Present Budget 2011-2013	2013-2015 Requested		Requested Budget 2013-2015	2013-2015 Recommended		Executive Recommendation 2013-2015
			Incr(Decr)	% Chg		Incr(Decr)	% Chg	
<b>By Major Program</b>								
Indian Affairs Administration	660,119	825,206	(65,963)	(8.0%)	759,243	208,276	25.2%	1,033,482
<b>Total Major Programs</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>By Line Item</b>								
Salaries and Wages	524,460	603,701	18,994	3.1%	622,695	263,513	43.6%	867,214
Operating Expenses	117,659	221,505	(84,957)	(38.4%)	136,548	(55,237)	(24.9%)	166,268
Federal Stimulus Funds-2009	18,000	0	0	0.0%	0	0	0.0%	0
<b>Total Line Items</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>By Funding Source</b>								
General Fund	642,119	825,206	(65,963)	(8.0%)	759,243	208,276	25.2%	1,033,482
Federal Funds	18,000	0	0	0.0%	0	0	0.0%	0
Special Funds	0	0	0	0.0%	0	0	0.0%	0
<b>Total Funding Source</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>Total FTE</b>	<b>4.00</b>	<b>4.00</b>	<b>0.00</b>	<b>0.0%</b>	<b>4.00</b>	<b>1.00</b>	<b>25.0%</b>	<b>5.00</b>

*minus - suicide*  
*FTE Comp & Health pkg salary*

**REQUEST/RECOMMENDATION COMPARISON DETAIL**

316 Indian Affairs Commission

Bill#: SB2005

Date: 12/07/2012

Biennium: 2013-2015

Time: 10:55:06

Description	Expenditures Prev Biennium 2009-2011	Present Budget 2011-2013	2013-2015 Requested		Requested Budget 2013-2015	2013-2015 Recommended		Executive Recommendation 2013-2015
			Incr(Decr)	% Chg		Incr(Decr)	% Chg	
<b>Salaries and Wages</b>								
Salaries - Permanent	373,584	429,548	21,364	5.0%	450,912	132,652	30.9%	562,200
Salary Budget Adjustment	0	0	0	0.0%	0	47,610	100.0%	47,610
Temporary Salaries	9,393	9,428	(9,428)	(100.0%)	0	10,572	112.1%	20,000
Overtime	390	100	(100)	(100.0%)	0	(100)	(100.0%)	0
Fringe Benefits	141,093	164,625	7,158	4.3%	171,783	55,316	33.6%	219,941
Salary Increase	0	0	0	0.0%	0	0	0.0%	0
Benefit Increase	0	0	0	0.0%	0	0	0.0%	0
Health Increase	0	0	0	0.0%	0	11,407	100.0%	11,407
Retirement Increase	0	0	0	0.0%	0	6,056	100.0%	6,056
<b>Total</b>	<b>524,460</b>	<b>603,701</b>	<b>18,994</b>	<b>3.1%</b>	<b>622,695</b>	<b>263,513</b>	<b>43.6%</b>	<b>867,214</b>
<b>Salaries and Wages</b>								
General Fund	524,460	603,701	18,994	3.1%	622,695	263,513	43.6%	867,214
Federal Funds	0	0	0	0.0%	0	0	0.0%	0
Special Funds	0	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>524,460</b>	<b>603,701</b>	<b>18,994</b>	<b>3.1%</b>	<b>622,695</b>	<b>263,513</b>	<b>43.6%</b>	<b>867,214</b>
<b>Operating Expenses</b>								
Travel	26,246	50,000	(10,000)	(20.0%)	40,000	(5,000)	(10.0%)	45,000
Supplies - IT Software	1,032	600	0	0.0%	600	5,000	833.3%	5,600
Supply/Material-Professional	3,703	7,000	(6,000)	(85.7%)	1,000	(6,000)	(85.7%)	1,000
Food and Clothing	1,193	10,000	(4,000)	(40.0%)	6,000	(4,000)	(40.0%)	6,000
Bldg, Ground, Maintenance	0	0	0	0.0%	0	0	0.0%	0
Miscellaneous Supplies	3,402	15,200	(10,000)	(65.8%)	5,200	(10,000)	(65.8%)	5,200
Office Supplies	7,216	10,000	(1,500)	(15.0%)	8,500	(500)	(5.0%)	9,500
Postage	674	2,000	(1,000)	(50.0%)	1,000	(1,000)	(50.0%)	1,000
Printing	5,512	3,500	(2,500)	(71.4%)	1,000	(2,500)	(71.4%)	1,000
IT Equip Under \$5,000	0	3,500	0	0.0%	3,500	0	0.0%	3,500
Other Equip Under \$5,000	1,171	2,000	0	0.0%	2,000	5,000	250.0%	7,000
Office Equip & Furn Supplies	7,065	11,000	(9,957)	(90.5%)	1,043	(9,957)	(90.5%)	1,043
Insurance	1,405	1,000	0	0.0%	1,000	0	0.0%	1,000
Rentals/Leases-Equip & Other	0	0	0	0.0%	0	6,000	100.0%	6,000
Rentals/Leases - Bldg/Land	1,326	11,000	(7,000)	(63.6%)	4,000	(7,000)	(63.6%)	4,000
IT - Data Processing	8,712	10,000	0	0.0%	10,000	0	0.0%	10,000
IT - Communications	13,541	12,000	0	0.0%	12,000	720	6.0%	12,720
IT Contractual Svcs and Rprs	1,234	705	0	0.0%	705	0	0.0%	705
Professional Development	17,334	47,000	(23,500)	(50.0%)	23,500	(23,500)	(50.0%)	23,500
Operating Fees and Services	5,909	20,000	(5,000)	(25.0%)	15,000	(5,000)	(25.0%)	15,000
Fees - Professional Services	10,968	5,000	(4,500)	(90.0%)	500	2,500	50.0%	7,500

**REQUEST/RECOMMENDATION COMPARISON DETAIL**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012 ✓  
Time: 10:55:06

Description	Expenditures Prev Biennium 2009-2011	Present Budget 2011-2013	2013-2015 Requested		Requested Budget 2013-2015	2013-2015 Recommended		Executive Recommendation 2013-2015
			Incr(Decr)	% Chg		Incr(Decr)	% Chg	
Medical, Dental and Optical	16	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>117,659</b>	<b>221,505</b>	<b>(84,957)</b>	<b>(38.4%)</b>	<b>136,548</b>	<b>(55,237)</b>	<b>(24.9%)</b>	<b>166,268</b>
<b>Operating Expenses</b>								
General Fund	117,659	221,505	(84,957)	(38.4%)	136,548	(55,237)	(24.9%)	166,268
Federal Funds	0	0	0	0.0%	0	0	0.0%	0
Special Funds	0	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>117,659</b>	<b>221,505</b>	<b>(84,957)</b>	<b>(38.4%)</b>	<b>136,548</b>	<b>(55,237)</b>	<b>(24.9%)</b>	<b>166,268</b>
<b>Federal Stimulus Funds-2009</b>								
Grants, Benefits & Claims	18,000	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>
<b>Federal Stimulus Funds-2009</b>								
General Fund	0	0	0	0.0%	0	0	0.0%	0
Federal Funds	18,000	0	0	0.0%	0	0	0.0%	0
Special Funds	0	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>
<b>Total Expenditures</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>Funding Sources</b>								
<b>General Fund</b>								
<b>Total</b>	<b>642,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>Federal Funds</b>								
Substance Abuse Prevention Grant	0	0	0	0.0%	0	0	0.0%	0
ARRA Fiscal Stimulus	18,000	0	0	0.0%	0	0	0.0%	0
<b>Total</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>
<b>Total Funding Sources</b>	<b>660,119</b>	<b>825,206</b>	<b>(65,963)</b>	<b>(8.0%)</b>	<b>759,243</b>	<b>208,276</b>	<b>25.2%</b>	<b>1,033,482</b>
<b>FTE Employees</b>	<b>4.00</b>	<b>4.00</b>	<b>0.00</b>	<b>0.0%</b>	<b>4.00</b>	<b>1.00</b>	<b>25.0%</b>	<b>5.00</b>

**CHANGE PACKAGE SUMMARY**316 Indian Affairs Commission  
Biennium: 2013-2015

Bill#: SB2005

Date: 12/07/2012  
Time: 10:55:06

Description	FTE	General Fund	Federal Funds	Special Funds	Total Funds
<b><u>Base Budget Changes</u></b>					
<b>One Time Budget Changes</b>					
A-E 1 Remove Suicide Prevention Program	0.00	(75,000)	0	0	(75,000)
<b>Total One Time Budget Changes</b>	<b>0.00</b>	<b>(75,000)</b>	<b>0</b>	<b>0</b>	<b>(75,000)</b>
<b>Ongoing Budget Changes</b>					
A-A 1 Operational Changes	0.00	(9,957)	0	0	(9,957)
R-A 1 Native American Health System Program Administra	1.00	184,284	0	0	184,284
R-A 100 Executive Compensation Package Adjustment	0.00	47,610	0	0	47,610
Base Payroll Change	0.00	43,876	0	0	43,876
Compensation Changes	0.00	17,463	0	0	17,463
<b>Total Ongoing Budget Changes</b>	<b>1.00</b>	<b>283,276</b>	<b>0</b>	<b>0</b>	<b>283,276</b>
<b>Total Base Budget Changes</b>	<b>1.00</b>	<b>208,276</b>	<b>0</b>	<b>0</b>	<b>208,276</b>

**BUDGET CHANGES NARRATIVE****316 Indian Affairs Commission****Bill#: SB2005****Date:** 12/07/2012**Time:** 13:51:00

<b>Change Group:</b> A	<b>Change Type:</b> A	<b>Change No:</b> 1	<b>Priority:</b>
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Operational Changes

Reduced office equipment and furniture, do not anticipate as high a need in the upcoming biennium.

<b>Change Group:</b> A	<b>Change Type:</b> C	<b>Change No:</b> 1	<b>Priority:</b> 2
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Native American Health System Program Administrator

The need for an FTE with the ND Indian Affairs Commission will be vital link in establishing routine contact with the CMS Regional Office Native American Contact. Become an expert on health care initiatives impacting Native Americans, including provisions of the Indian Health Care Improvement Act and the Affordable Care Act. Monitor the discussion and actions taken by Interim Legislative Committees (Human Services, Health Services, Health Care Reform). Learn the Department of Human Services programs and funding sources and assist Tribes in ensuring that reimbursement is sought for appropriate services (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.). Facilitate responses from Tribes to Medicaid consultation opportunities. Assist in capturing agenda items and foster involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year). Work directly with ND American Dental Association. Channel concerns about access to services, quality of services, or eligibility activities from the Tribes to the Department of Human Services and Dept. of Health. Help monitor and create stronger communication systems between state, tribe, county for Social Service Programs. Monitor federal grant opportunities and work with Tribes to explore submission of requests. Work with the Department of Human Services, Medical Services Division to explore options for using the work of the Streamlined Provider Screening and Enrollment vendor to improve the IHS provider credentialing process. Work with the ND Tribal Colleges and partner with the NDSU-Master in Public Health Program and also with the UND INMED Program. Help conduct research and studies throughout the ND Tribes. Work directly with Sanford Behavioral Health program and the ND Hospital Association. Serve on various State, Tribal and local health boards/committees assigned by the Executive Director. Participate with the Great Plains Tribal Chairman's Health Board. These areas of systems are complex and at times do not relate to the betterment of a health system for tribal members living on and off the reservations throughout ND.

<b>Change Group:</b> A	<b>Change Type:</b> E	<b>Change No:</b> 1	<b>Priority:</b>
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Remove Suicide Prevention Program

The ND Indian Affairs Commission (NDIAC) is very grateful to the ND Legislators for their commitment in providing support and appropriations of 75K for suicide prevention that relates to our ND Tribes.

In evaluating the allocation and the programming of these funds, it is my recommendation that the NDIAC will not be seeking additional funding for the upcoming 2012-14 biennium. The NDIAC has worked very closely with all the ND Tribes and the ND Department of Health and Human Services (NDHS) in providing short term grants to the ND tribes for their suicide prevention efforts. I feel confident that NDHS will continue that role in the coming 2012-14 biennium and will support their efforts to do so.

<b>Change Group:</b> A	<b>Change Type:</b> G	<b>Change No:</b> 1	<b>Priority:</b> 1
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3% Optional Savings

The North Dakota Indian Youth Leadership Academy (NDIYLA) creates and fosters an environment for Native youth to learn and develop leadership skills which will open doors for them in their local communities, the State of North Dakota, and throughout the United States. The mission of NDIYLA is to design, develop, and implement a wide range of leadership programs that will advance the spiritual, intellectual, emotional, and physical growth of Academy students. The goals of NDIYLA are as follows.

To begin and sustain a process of developing future leaders from within the North Dakota's existing Native youth population.

To build positive relationships between students so that they can share with, and learn from, each other, as well as learn about the other tribes in the State.

**BUDGET CHANGES NARRATIVE****316 Indian Affairs Commission****Bill#: SB2005****Date:** 12/07/2012**Time:** 13:51:00

To teach students about topics important to Native communities such as education, the environment, water rights, land and realty, tribal constitutions, the ND Constitution, public speaking, acting, group dynamics, leadership, teamwork, cultural events participation and much more.

To invite NDIYLA alumni and Native American speakers to mentor youth and serve as role models for developing future Native American Leaders for tomorrow.

The appropriated budget has been \$60,000 per biennium since 2009. By cutting this budget by 3% would dramatically change the course of NDIYLA and effect the growing student participation by more than half. It is my hope that this 3% would remain for this coming biennium.

<b>Change Group:</b> R	<b>Change Type:</b> A	<b>Change No:</b> 1	<b>Priority:</b>
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Native American Health System Program Administrator

Provides funding for 1.00 FTE as a liaison between tribal populations and human services, health department and other state programs; and to assist the director with representation on various boards and committees.

<b>Change Group:</b> R	<b>Change Type:</b> A	<b>Change No:</b> 100	<b>Priority:</b>
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Executive Compensation Package Adjustment

This budget change provides funding for recommended 2013-15 compensation adjustments. Compensation adjustments for each agency were calculated following the recommendations of the Hay Group developed through the 2011 study of the state's classified employee compensation system. Pursuant to those recommendations, compensation adjustments were calculated to provide funding to allow for both performance-based salary adjustments and market-based salary adjustments. This funding allows for increases of 2% to 4% for employees in the first quartile of the pay range and 1% to 2% for those in the second quartile of the range. For employees in the third and fourth quartiles, which are above the market policy position, no market policy increase is funded. Performance-based increases are assumed to be 3% for employees meeting performance standards and up to 5% for employees exceeding performance standards. No performance-based increases are provided for employees that fail to meet performance standards.

**The testimony of Al Nygard to the North Dakota Senate Appropriations Committee in support of Senate Bill 2005 – ND Indian Affairs Commission Appropriation (1/22/2013).**

Good Morning Mr. Chairman and members of the committee.

My name is Al Nygard. I am the President and CEO of ANC/Empowerment First. I am also an enrolled member of the Mandan, Hidatsa and Arikara Nation. ANC/Empowerment First is a Native owned organization that specializes in culturally sensitive approaches to management, development and empowerment particularly in Indian Country. We are based here in Bismarck. We work nationwide and in particular in the upper Great Plains and we consult with organizations who work with Indigenous populations in Canada, India, Australia, Ecuador, and Great Briton as a result of our work in the US. We are one of the best in the country at what we do and in the course of that work we get to see the issues first hand and up close. We are one of the best in the country at what we do and we have a vast understanding of Native American issues and the myriad of players that interact with, for and on behalf of native peoples.

And that is why I stand before you today. It is no secret that the Native nations in North Dakota have issues. It is no secret that those issues have been simmering for some time now. What is a secret is the players who do good work; effective work, results producing work side by side with the Native nations of North Dakota with little or no fanfare what so ever. Usually, it is the quiet unsung players that make the largest impact in Indian Country. In fact, that is the native way; to walk in humble confidence and to never stand up and toot your own horn. There are those who say they are good and there are those who prove they are good – there is a difference.



## **TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS**

4180 HIGHWAY 281  
P.O. BOX 900  
BELCOURT, NORTH DAKOTA 58316

(701) 477-2600  
FAX: (701) 477-6836

January 18, 2012

The Honorable Ray Holmberg, Chair  
Senate Appropriations Committee  
600 E. Blvd. Ave.  
Bismarck, ND 58505-0300

Dear Chairman Holmberg:

On behalf of the North Dakota Indian Affairs Commission, we are respectfully requesting your support for new budget funding and a new FTE American Indian Health Systems Administrator.

The Turtle Mountain Band of Chippewa feels that the Commission's workload has grown in the areas of communication, policy, advocacy, and hearings. As our state tribal populations grow, representation in tribal-state relations needs to be strengthened to meet the increased workload.

The North Dakota Indian Affairs Commission's mission needs to stay the same and be the eyes, ears and voice for the ND Tribes to assure there is adequate information regarding state and federal issues pertaining to our Tribes.

Therefore, your support would be greatly appreciated.

Sincerely,  
TURTLE MOUNTAIN BAND OF CHIPPEWA

Richard W. McCloud  
Tribal Chairman



**CANKDESKA CIKANA  
COMMUNITY COLLEGE**  
*Spirit Lake Dakota Nation*

**Cynthia Lindquist, PhD**

President

*Sunka Wakan Wicahpi Winyan*

PO Box 269, Fort Totten, ND 58335

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January 18, 2013

Scott J. Davis, Executive Director  
North Dakota Indian Affairs Commission  
State Capitol Building  
600 East Boulevard Avenue  
1st Floor, Judicial Wing - Room #117  
Bismarck, ND 58505

Dear Mr. Davis:

The North Dakota Indian Affairs Commission (NDIAC) continues to be a vital link for connecting North Dakota's Tribal governments with State government. Networking of the two entities are of mutual benefit to both parties as American Indians are not only tribal citizens, but also North Dakota and United States citizens as well. Significant health, educational, and social, disparities continue to plague our populations and the NDIAC has been a critical resource for accessing resources and information to address our needs.

The need for an full time equivalent (FTE) for an American Indian Health Systems Administrator with the NDIAC is apparent in regard to the continuation of National, State, and Tribal effort to improve Indian health. The monitoring and reporting of tribal related discussion and actions taken by Interim Legislative Committees (Human Services, Health Services, Health Care Reform) are needed to ensure tribes are aware of legislation that may affect the health of their populations. Close involvement in Tribal Health/IHS/Indian Affairs Commission/DHS meetings (3 times per year) in relation to health access, service, and quality of care, continue to be necessary advocacy issues for rural populations in general.

Education is significant factor for tribal populations making change from within and with the help of external partners. North Dakota's tribal colleges and universities play an important role to this end as our educational missions stress the importance of culture in relation to academic success. We continue to expand our health related curriculum through data based initiatives and the NDIAC assists us directly to collect and report state tribal information that inform our strategies for the betterment of our Reservations. I strongly encourage legislatures to fund this position.

Mitakuye Owasin (All My Relatives)

Cynthia Lindquist, PhD  
President



UTTC - TCC DeMaND Workforce  
3315 University Drive • Bismarck, ND 58504 • P: 701-255-3285 x1491  
F: 701-530-0657 • [www.tccDeMaNDworkforce.com](http://www.tccDeMaNDworkforce.com)

January 21, 2013

North Dakota Senate Appropriations Committee  
Senator Ray Holmberg and Committee Members  
North Dakota State Government

Dear Senator Ray Holmberg and Committee Members,

I am currently the project director for the United Tribes Technical College TCC DeMaND Workforce Department of Labor grant. The DeMaND grant recruits, trains, and places a workforce located on Indian Reservations throughout the State of North Dakota and Montana. During this past year, I've worked closely with Mr. Davis in addressing workforce issue in Indian Country. With his position in the State Government, Scott was able to connect me with key personnel which help propel our endeavors forward.

As a tribal member of the Standing Rock Sioux Tribe, Mr. Davis is aware of the broad issues that exist in Indian Country. He is constantly seeking solutions as well as developing strong relationships between the specific Tribes located in North Dakota and the North Dakota State government.

Over the years, there have been many areas in dire need for solutions on these reservations. Symptoms of poverty such as high rates of unemployment, high rates of all abuses, and poor health will continue to compound within our state's reservation boundaries unless we strive to find solutions. Mr. Davis is proposing to expand his office with an American Indian Health Systems Administrator to aid in solution exploration and management. I wholeheartedly support Scott and his proposal.

If you have any questions, please call or email me at (701)255-3285 x1491 or [darchambault@uttc.edu](mailto:darchambault@uttc.edu).

Sincerely,

Dave Archambault II, Project Director

UTTC TCC DeMaND Workforce

*"Meeting Workforce DeMaNDs Through Indian Country"*

Project funded by: ETA/DOL TAACCCT Grant



WE'RE ALL BUSINESS.

**INDIAN BUSINESS ALLIANCE**  
OF NORTH DAKOTA

January 19, 2013

Sixty-third Legislative Assembly of North Dakota  
Senate Appropriations Committee  
Senator Ray Holmberg, Chair

Dear Committee Members

Greetings on behalf of the North Dakota Indian Business Alliance (NDIBA). I'm writing to urge your support of Senate Bill #2005 to appropriate funds to advance the mission of the Indian Affairs Commission, as well as authorize a much-needed, new position for an American Indian Health Systems Administrator.

The role and impact of the Indian Affairs Commission has grown tremendously under the leadership of Mr. Scott Davis. He and his small staff of professionals are stretched to the limit in providing guidance and support in areas relating to policy, advocacy, hearings, and committee representation in strengthen tribal-state relations.

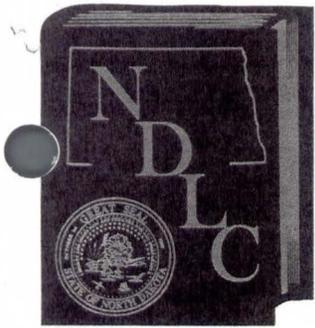
One of the greatest areas of growing needs relates to health services. The authorization for an additional FTE with the Indian Affairs Commission will provide dedicated attention to assisting Tribes in ensuring that appropriate health services are available (targeted case management, transportation, home and community-based services, health management, tobacco cessation counseling, etc.).

Thank you for giving serious consideration to this request. Adequately funding and staffing the North Dakota Indian Affairs Commission is vital to continue building a strong and lasting relationship between Tribes and the State.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Mabin".

Michael J. Mabin, MABU President  
NDIBA Executive Board



# North Dakota Legislative Council

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December 11, 2012

Mr. Scott J. Davis  
Executive Director  
Indian Affairs Commission  
State Capitol  
Bismarck, ND 58505-0300

Dear Mr. Davis:

Enclosed is the Senate Appropriations Committee, Senator Ray Holmberg, Chairman, January 21-25, 2013, hearing schedule. Please note the bills or presentations relating to your department or institution that are scheduled during this time.

On behalf of the Chairman, we ask that a representative of your department or institution testify during the time scheduled. The Chairman asks that presentations to the committee be in written form to allow for future reference. Budget presentations should focus on the department's or institution's 2011-13 appropriation, estimated 2011-13 spending and the status of one-time funding items, 2013-15 budget needs, 2013-15 one-time funding needs, and major variances. Please identify any known or potential changes in the level of federal funding to be received by your department or institution during the 2013-15 biennium, the effect of these changes, and your department's or institution's plan to address these changes. Also, please prepare and present to the committee during your budget hearing a separate document (one page, if possible) containing an itemized listing of any changes your department or institution will be asking the committee to make to the executive recommendation. Time should be allowed for committee member questions.

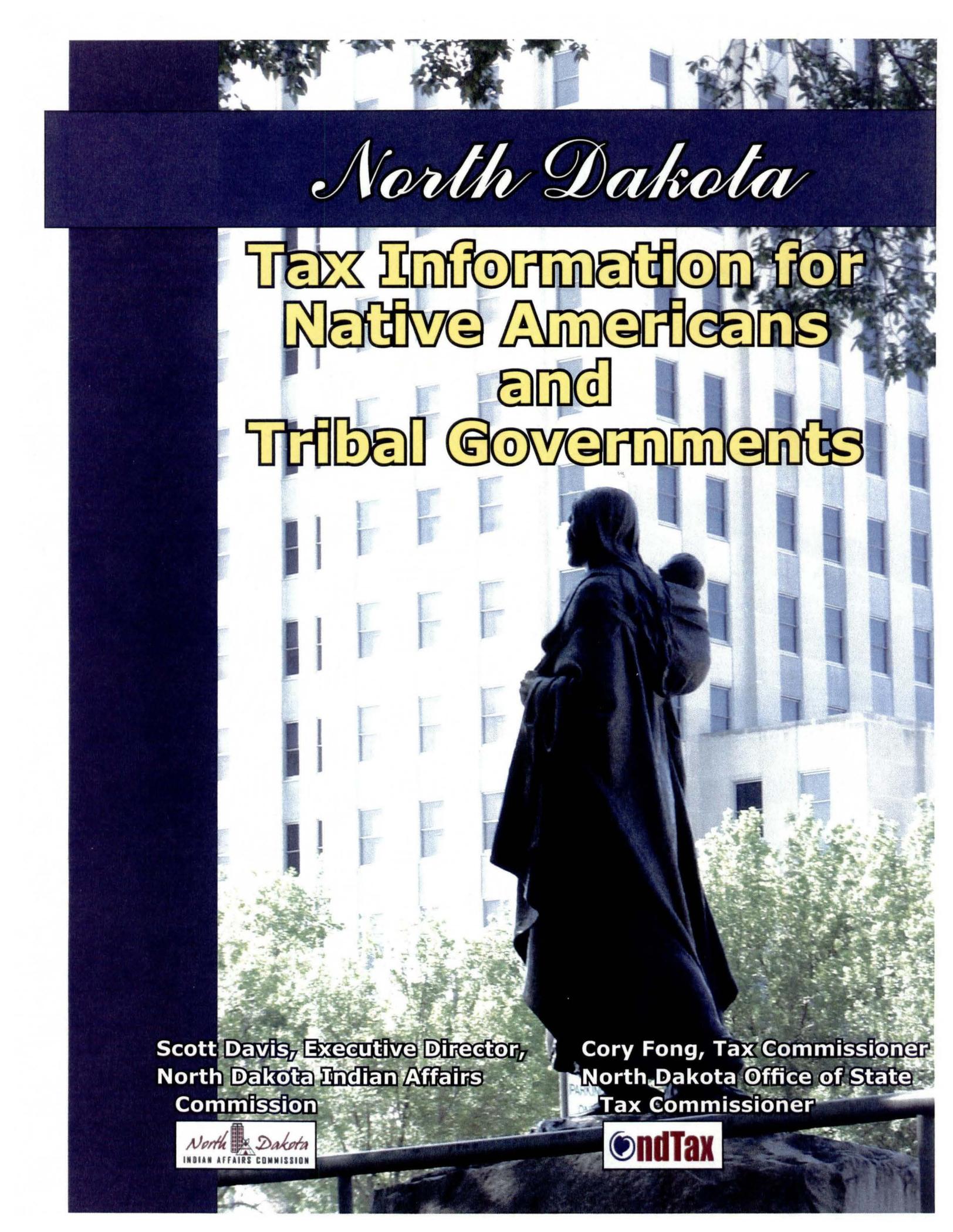
The checkmarks on the enclosed schedule indicate the hearings or presentations relating to your department or institution. The hearings will be held in the committee rooms as identified on the hearing schedule. This is the schedule for the committee; however, it is subject to change when the legislative session begins.

Please contact Senator Holmberg or me if you have any questions relating to the enclosed schedule.

Sincerely,

Allen H. Knudson  
Legislative Budget Analyst and Auditor

AHK/SA  
Enc.



# *North Dakota*

## **Tax Information for Native Americans and Tribal Governments**

**Scott Davis, Executive Director,  
North Dakota Indian Affairs  
Commission**



**Cory Fong, Tax Commissioner  
North Dakota Office of State  
Tax Commissioner**





Scott Davis  
Commissioner  
Indian Affairs  
Commission

*Greetings from the  
North Dakota Indian Affairs Commission  
and the  
North Dakota Office of State Tax Commissioner*



Cory Fong  
Tax Commissioner  
Office of State Tax  
Commissioner

Dear Friend,

Welcome to our booklet, *North Dakota Tax Information for Native Americans and Tribal Governments*. This is a new venture for the North Dakota Indian Affairs Commission and the Office of State Tax Commissioner as we worked together to produce this comprehensive resource.

In this book, you will learn about a number of state tax types that apply to Native Americans and Tribal Governments. Please note that this document does not address federal taxation issues. Rather, it guides the reader through the sometimes-complicated interplay between state taxation and tribal sovereignty.

This booklet covers a number of tax types, including:

- Individual and Corporate Income Taxes
- Sales and Use Taxes
- Motor Vehicle Excise Tax
- Motor Vehicle Fuels and Special Fuels Taxes
- Alcohol and Tobacco Taxes
- Property Tax
- Oil and Gas Taxes

Within each tax type, we provide the related North Dakota Century Code provisions and the general rule along with any notable exceptions to the general rule. As you review the tax types, you will find helpful scenarios based on real-life questions about how state taxes apply to tribal members.

We hope you find this document helpful. We understand that you might have questions or need more information after reading this material. Please feel free to use the contact information that we provide for each tax type. Our staff will be happy to discuss your situation and help you find answers to your questions.

We welcome your feedback and invite you to contact us if you have questions about this resource.

Sincerely,

Scott Davis  
Commissioner  
Indian Affairs Commission



Cory Fong  
Tax Commissioner  
Office of State Tax Commissioner



## Table of Contents

Individual Income Tax .....	1
Corporate Income Tax .....	3
Sales and Use Tax .....	4
Motor Vehicle Excise Tax .....	7
Motor Vehicle Fuels and Special Fuels Tax .....	8
Alcohol Tax .....	11
Cigarette and Tobacco Tax .....	13
Cigarette and Tobacco Tax Agreements .....	15
Property Tax .....	17
Oil Extraction Tax and Oil and Gas Gross Production Tax .....	19

**Please Note:** This publication summarizes the law and applicable regulations in effect when the publication was written, as noted on the cover. However, changes in the law or in regulations may have occurred since that time. If there is a conflict between the text in this publication and the law, decisions will be based on the law and not on this publication.



Cover photo courtesy of LeRoy Juve, statue of Sakakawea located on the Capitol grounds, Bismarck, North Dakota.

## Individual Income Tax

### North Dakota Century Code ch. 57-38

#### General Rule

Every resident of North Dakota who has a federal income tax filing requirement is required to file a North Dakota income tax return.

Every nonresident who has a federal income tax filing requirement and derives income from North Dakota is required to file a North Dakota income tax return.

#### Exception

- There are exceptions for certain Native Americans, interstate transportation employees, Minnesota and Montana residents, and military personnel and their spouses.
- Income of an enrolled member of a federally recognized Indian tribe, who resides within the boundaries of a reservation in this state or in this state and an adjoining state, is exempt if the income is from activities or sources within the boundaries of the reservation.

#### Examples

- A. The individual is an enrolled member of the Turtle Mountain Band of Chippewa who lives and works on the Standing Rock Sioux Reservation.
    1. The income tax exemption would apply because:
      - a. The individual is an enrolled member of any federally recognized Indian tribe.
        - i. The Turtle Mountain Band of Chippewa.
  - B. The individual is an enrolled member of the Standing Rock Sioux Tribe who earns income within the boundaries of the Standing Rock Sioux Reservation but lives in Bismarck.
    1. The income tax exemption does not apply because:
      - a. Even though the individual is an enrolled member of a federally recognized Indian tribe who earns income within the boundaries of a reservation situated in North Dakota the individual does not live within reservation boundaries.
  - C. The individual is an enrolled member of the Standing Rock Sioux Tribe who works within the boundaries of the Standing Rock Sioux Reservation but lives five miles south of the North Dakota border in South Dakota.
    1. The income tax exemption would apply because:
      - a. The individual is an enrolled member of any federally recognized Indian tribe.
- b. The individual lives on a reservation situated in North Dakota.
    - i. The Standing Rock Sioux Reservation.
  - c. The income was earned within the boundaries of a reservation situated in North Dakota.
    - i. The Standing Rock Sioux Reservation.

- i. The Standing Rock Sioux Tribe.
  - b. The individual lives on a reservation situated in North Dakota or situated in North Dakota and an adjoining state.
    - i. The South Dakota portion of the Standing Rock Sioux Reservation.
  - c. The income was earned within the boundaries of a reservation situated in North Dakota or situated in North Dakota and an adjoining state.
    - i. The South Dakota portion of the Standing Rock Sioux Reservation.
- D. The individual is an enrolled member of the Assiniboine Tribe in Montana, but works and lives on the Standing Rock Sioux Reservation.
  - 1. The income tax exemption would apply because:
    - a. The individual is an enrolled member of any federally recognized Indian tribe.
      - i. The Assiniboine Tribe.
    - b. The individual lives on a reservation situated in North Dakota.
      - i. The Standing Rock Sioux Reservation.
    - c. The income was earned within the boundaries of a reservation situated in North Dakota.
      - i. The Standing Rock Sioux Reservation.

**Contact Person:**

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Individual Income Tax and Withholding  
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## Corporate Income Tax

### North Dakota Century Code ch. 57-38

#### General Rule

Every corporation engaged in business in North Dakota or having sources of income in North Dakota must file a North Dakota corporation income tax return.

#### Exception

- An exemption applies if the corporation is chartered as an Indian corporation and has not chartered with the Secretary of State.

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Tax Administration  
Office of State Tax Commissioner  
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#### Examples

- A. A corporation, whose stockholders are all Native American, charters with the Secretary of State.
  1. The corporation will be subject to corporate income tax because once chartered with the state the corporation becomes a separate entity distinct from its owners and no longer retains any Native American status.
- B. A corporation is chartered with the tribe and operates outside of the boundaries of a reservation. The corporation is not chartered with the Secretary of State.
  1. This corporation will be recognized as an Indian corporation and will be exempt from the corporate income tax.
    - a. Whether the corporation operates inside or outside the boundaries of a reservation has no effect on the exempt status of the corporation.

## Sales and Use Tax

### North Dakota Century Code chs. 57-39.2 and 57-40.2

#### General Rule

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##### A. Sales Tax

1. A 5% tax is imposed upon the gross receipts of retailers from all sales at retail, including the leasing or renting of tangible personal property.
2. The sales tax is paid by the purchaser and collected by the retailer.

##### Exception

- Gross receipts from all sales made to an Indian tribe are exempt from the 5% tax.
- “Gross receipts from sales within the boundaries of any reservation in this state to an individual who resides within the boundaries of any reservation in this state and who is an enrolled member of a federally recognized Indian tribe” are exempt from the 5% tax.

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##### B. Use Tax

1. The purchase price of tangible personal property purchased outside of the state for storage, use or consumption within the state is subject to a use tax at the rate of 5% of the purchase price of the property.
2. In addition, tangible personal property not originally purchased for use in North Dakota is subject to a use tax at the rate of 5% of the

fair market value of the property at the time it was brought into the state.

- a. Credits are allowed for sales and use taxes paid to other states.
- b. Use tax rates are the same as the sales tax rates.
- c. Use tax is collected by any retailer that has sufficient presence in North Dakota.
- d. When the retailer has not collected sales or use tax, the purchaser is required to report and remit the tax due.

##### Exception

- Use tax does not apply to items sold on an Indian reservation to an enrolled member of a federally recognized tribe.
- Use tax does not apply to untaxed property brought onto an Indian reservation by an enrolled member of a federally recognized tribe for storage, use, or consumption on the reservation by the enrolled member.

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#### Examples

##### Sales Tax

- A. A Native American retailer’s place of business is located within the boundaries of a reservation in this state. The retailer makes a sale to a Native American customer and a non-Native American customer.

1. The retailer cannot be required to collect North Dakota sales tax on sales to either the Native American customer or the non-Native American customer if the sale occurs on the reservation.
    - a. The non-Native American customer is responsible for paying the applicable amount of use tax on the purchase.
  2. Additionally, the retailer is not required to hold a North Dakota sales tax permit.
- B. A non-Native American retailer's place of business is located within the boundaries of a reservation in this state. The retailer makes a sale to a Native American customer and a non-Native American customer.
1. The retailer may not collect sales tax on purchases made by Native American customers.
  2. The retailer must collect and remit sales tax on purchases made by a non-Native American customer.
- C. A Native American retailer and a non-Native American retailer, who both have their place of business located outside the boundaries of a reservation, make deliveries of goods to Native American customers living within the boundaries of a reservation.
1. Neither retailer may charge sales tax on the purchase if it is delivered to a Native American customer within the boundaries of a reservation.
  2. Both retailers are required to document the exempt status of the sale.
- D. A non-Native American retailer, operating outside the boundaries of a reservation, delivers goods to a Native American purchaser and a non-Native American purchaser living on the reservation.
1. The retailer may not collect sales tax on the purchase made by the Native American as long as the goods are delivered within the boundaries of the reservation.
  2. The retailer must collect sales tax on the purchase made by the non-Native American.
- E. A Native American retailer, operating within the boundaries of a reservation, delivers goods to a Native American and non-Native American purchaser outside the boundaries of a reservation.
1. The retailer would be required to collect and remit sales tax on both the Native American and non-Native American customer because delivery was not made within the boundaries of a reservation.
- F. A retailer makes a sale to a Native American Tribal government.
1. The Tribal government entity will be exempt from the payment of sales tax if a sales tax exemption certificate is provided to the retailer at the time of the purchase.

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#### **Use Tax**

- A. A Native American, living within the boundaries of a reservation in this state, purchases clothing over the internet. The clothing is delivered onto the reservation for use on the reservation.

1. Use tax would not apply to this purchase because the goods were delivered within the boundaries of a reservation to an enrolled member of a federally recognized tribe for use on the reservation.
- B. A Native American, living outside of the boundaries of a reservation in this state, purchases clothing over the internet.
  1. Use tax would be due on the purchase of clothing unless the online retailer collected the appropriate amount of sales tax on the purchase.
    - a. One-Time Sales and Use Tax Returns can be found online at: [www.nd.gov/tax/salesanduse/forms/one-timeremittance.pdf](http://www.nd.gov/tax/salesanduse/forms/one-timeremittance.pdf)
- C. A Native American and a non-Native American that reside within the boundaries of a reservation purchase furniture in Montana where no sales or use tax is imposed. Both individuals bring the furniture to their homes on the reservation for use.
  1. Use tax is due on the purchase price of the furniture purchased by the non-Native American and brought to the reservation for use.
  2. Use tax does not apply to the furniture purchased by the enrolled member and brought to the reservation for use.

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## Motor Vehicle Excise Tax

### North Dakota Century Code ch. 57-40.3

#### General Rule

A 5% excise tax is imposed on the purchase price or fair market value of any motor vehicle either purchased or acquired within or outside of the State if the vehicle will be registered in North Dakota.

If tax is paid on a vehicle in another state and the tax paid is less than the amount of tax that would have been due had the vehicle been purchased in North Dakota the balance of the difference between the two tax amounts will be due.

#### Exception

- An exemption from motor vehicle excise tax is available on transactions in which a motor vehicle is acquired at any location in the state by an enrolled member of a federally recognized Indian tribe who also resides within the boundaries of any reservation in this state.

#### Examples

- A. An enrolled member of a federally recognized tribe, who lives on a reservation in North Dakota, purchases a vehicle in Bismarck.
  1. The 5% motor vehicle excise tax will not apply to the transaction because the vehicle was purchased by an enrolled member of a federally recognized tribe who also lives on a reservation in North Dakota.
- B. An enrolled member of the Standing Rock Sioux Tribe, who lives outside the boundaries of a reservation,

purchases a vehicle in Bismarck and takes possession of the vehicle at the dealership.

1. The 5% motor vehicle excise tax will apply to the transaction because the vehicle was not delivered to the reservation of the enrolled member.
- C. An enrolled member of the Turtle Mountain Band of Chippewa, who lives outside the boundaries of a reservation, purchases a vehicle in Bismarck but does not take possession of the vehicle until it is delivered to the Standing Rock Sioux Reservation.
    1. The 5% motor vehicle excise tax will apply to the transaction because possession of the vehicle was not taken within the boundaries of the reservation in which the purchaser is an enrolled member.

#### Contact Person:

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## Motor Vehicle Fuels and Special Fuels Taxes

### North Dakota Century Code chs. 57-43.1 and 57-43.2

#### General Rule

A motor vehicle fuel tax of 23 cents per gallon is imposed on motor vehicle fuel, such as gas and gasohol, sold to retailers and consumers.

A special fuels tax of 23 cents per gallon on fuels including diesel, biodiesel, kerosene, compressed natural gas, and propane is imposed on fuel sold for use in licensed vehicles. An excise tax of 2% of the value of the sale is applied to sales of propane.

An excise tax of 4 cents per gallon is imposed on dyed diesel fuel which is used primarily in vehicles and equipment operating off of the roadways.

#### Exception

- Native American Tribal agencies are exempt from North Dakota motor vehicle and special fuel taxes. If the tax is paid, the Tribal agency may apply for a full refund.
- A Native American may also apply for a refund of motor vehicle or special fuel taxes paid if the fuel was purchased from a retail fuel dealer located on the Indian reservation where the Native American is an enrolled member and a Fuel Tax Agreement is not in place.
- A Native American, living on the reservation where enrolled, is exempt from tribal tax on purchases of propane if the propane is used for purposes such as heating or agriculture. The exemption will not apply if the propane is purchased for use in a vehicle.

- A Native American, living on the reservation where enrolled, is exempt from tribal tax on purchases of dyed diesel.

#### Agreements

- A. The State of North Dakota has entered into Fuel Tax Agreements with several Native American Tribes. These include:
  1. The Standing Rock Sioux Tribe, effective January 1, 1999.
  2. The Spirit Lake Tribe, effective November 1, 2006.
  3. Three Affiliated Tribes, effective October 1, 2007.
  4. The Turtle Mountain Band of Chippewa, effective September 1, 2010.
- B. The terms of each Agreement have been implemented on the reservations through tribal ordinances.
- C. These Agreements provide for the single administration, collection, and distribution of fuel taxes on behalf of the State and the Tribes for fuel sales within the boundaries of the reservations.
- D. The tax rates for motor vehicle fuel sales are consistent both on and off the reservation.
- E. The distribution of the tax is based on the official United States census of Native Americans who are enrolled Tribal members, Native Americans that are not enrolled, and non-

Native Americans residing on the reservations.

- F. The assumptions in the Agreements are:
  - 1. A Native American who is an enrolled member on the reservation where fuel is purchased is paying the Tribal Tax.
  - 2. A Native American who is not an enrolled member on the reservation where fuel is purchased is paying the State Tax just as a non-Native American would.
  - 3. A non-Native American is paying the State Tax.
- G. Tax collected on fuel sales at a retail station on a reservation are distributed between the State and the respective Tribe based on the population census.
- H. Bulk sales delivered to a consumer on a participating reservation are subject to the appropriate tax based on a member or non-member status.
- I. Tribal fuel taxes are administered by the Tax Department.
- J. All fuel dealers conducting business on the reservation must apply for a Tribal fuel license with the Tax Department; this is in addition to the requirements for a State fuel license.
- K. A Tribal fuel tax license must be obtained by: 1) retail stations located on a reservation; 2) fuel dealers located either on or off the reservation supplying retail locations located on the reservation; and 3) fuel dealers located either on or off the reservation supplying bulk sales to consumers on the reservation who are enrolled Tribal members.

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### **Examples**

- A. A Native American purchases fuel on the reservation in which he lives and is enrolled. A tribal fuel tax does not exist on this reservation.
  - 1. No state tax would be charged if the motor vehicle or special fuel was purchased in bulk and delivered to the reservation.
  - 2. A state tax of 23 cents per gallon would be charged if the fuel was purchased at the pump.
    - a. However, the Native American who purchased the fuel would be eligible to apply for a refund of the amount of tax paid.
      - i. To apply for a refund the purchaser must include their name, address, social security number, and tribal identification number on the refund form. Forms can be found at the following link:  
*[www.nd.gov/tax/fuel/forms/](http://www.nd.gov/tax/fuel/forms/)*
      - ii. The original receipt or invoice must also be attached to the refund form. The information on the receipt or invoice must include the seller's name and address, the date the fuel was purchased, the type of product purchased and number of gallons, and the purchaser's name. There should also be a document number listed on the invoice or receipt.
      - iii. If the original receipt or invoice is not available, a duplicate may be submitted along with a separate

affidavit completed by the seller in the format required by the Tax Department. In the alternative, a “certified histories” document prepared by the seller of the fuel providing the required details of the purchase may be accepted.

- B. A Native American, living on the reservation in which enrolled, purchases fuel on that reservation. A fuels Agreement is in place on this reservation.
  - 1. No state tax but a 23 cent tribal tax would be charged if the purchase was a retail sale of motor vehicle or special fuel.
  - 2. No state tax but a 23 cent tribal tax would be charged if the purchase was a bulk sale of motor vehicle or special fuel delivered to the reservation.
  - 3. No state or tribal tax would be charged if the purchase was a bulk sale of dyed fuel delivered to the reservation.
- C. A non-Native American and a non-enrolled member purchase fuel on a reservation that has a fuels Agreement in place.
  - 1. No tribal tax but a 23 cent state tax would be charged if the purchase was a bulk sale of motor vehicle or special fuel.
  - 2. No tribal tax but a 4 cent state tax would be charged if the purchase was a retail sale of dyed fuel.

- D. A Tribal Government purchases fuel on or off a reservation.
  - 1. The Tribal Government would be eligible to apply for a refund of the amount of state or tribal tax paid.

**Contact Person:**

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## Alcohol Tax

### North Dakota Century Code Title 5 and ch. 57-39.6

#### General Rule

There are multiple taxes that may apply to the sale or purchase of alcohol in North Dakota.

These taxes include:

1. A privilege tax (typically imposed at wholesaler/distributor level);
  2. A gross receipts tax on sales; and
  3. A use tax on purchases.
3. Both suppliers and wholesalers are required to obtain a license from the Tax Department.
  4. Wholesalers, microbrew pubs, domestic wineries, and domestic distilleries are responsible for remitting the tax to the Tax Department.
  5. All persons engaging in the sale of alcoholic beverages at retail must obtain the appropriate licenses with the exception of nonprofits engaging in the sale of alcohol for fundraising activities.

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#### A. Privilege Tax

1. A privilege tax is imposed upon all alcoholic beverage wholesalers, manufacturers, domestic wineries, domestic distilleries, microbrew pubs, and direct shippers for the privilege of doing business in this state.
2. The following privilege tax rates apply:
  - a. Beer in bulk containers – 8 cents per wine gallon
  - b. Beer in bottles and cans – 16 cents per wine gallon
  - c. Wine, including sparkling wine, containing less than 17% alcohol – 50 cents per wine gallon
  - d. Wine containing 17% to 24% alcohol – 60 cents per wine gallon
  - e. Distilled spirits – \$2.50 per wine gallon
  - f. Alcohol – \$4.05 per wine gallon

#### Exception

- There are not any specifically delineated exemptions to the privilege tax on alcoholic beverages for Native Americans within the North Dakota Century Code.
  - Yet, there also are not any Native American wholesalers, microbrew pubs, domestic distilleries or domestic wineries currently operating in the State. Thus, there has never been an instance of the privilege tax on alcoholic beverages being remitted by a Native American wholesaler.

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#### B. Gross Receipts Tax

1. North Dakota imposes a 7% gross receipts tax on retail sales of alcoholic beverages sold for consumption either on or off the premises.

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**C. Use Tax**

1. A person that receives alcoholic beverages for storage, use, or consumption in North Dakota is also subject to the 7% gross receipts tax.

**Exception**

- Credits are allowed for similar taxes paid to other states.

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**Examples**

**Alcoholic Beverages Privilege Tax**

- A. As there are no Native American wholesalers, microbrew pubs, domestic wineries, or domestic distilleries in North Dakota the privilege tax on alcoholic beverages is, for all practical purposes, inapplicable.

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**Alcoholic Beverages Gross Receipts and Use Tax**

- B. A Native American retailer operating within the boundaries of a reservation makes a sale of alcoholic beverages to a Native American customer and a non-Native American customer.
  1. The retailer is not required to collect gross receipts tax from the Native American customer or the non-Native American customer.
    - a. The non-Native American customer is required to report the purchase and remit the applicable amount of use tax to the Tax Department.
- C. A non-Native American retailer operating within the boundaries of a reservation makes a sale of alcoholic

beverages to a Native American customer and a non-Native American customer.

1. The retailer is not allowed to collect gross receipts tax on the purchase made by Native American customer.
2. The retailer is required to collect and remit gross receipts tax on the purchase made by the non-Native American customer.

- D. A Native American retailer operating outside the boundaries of a reservation makes a sale of alcoholic beverages to a Native American customer and a non-Native American customer.

1. The retailer is required to collect and remit gross receipts tax on the purchases made by both the Native American customer and the non-Native American customer as the sale took place outside the boundaries of a reservation.

**Contact Person:**

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Sales and Special Tax  
Office of State Tax Commissioner  
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## Cigarette and Tobacco Tax

### North Dakota Century Code ch. 57-36

#### General Rule

There are multiple taxes that may apply to the sale or purchase of cigarettes and other tobacco products in North Dakota. These taxes include:

1. An excise tax (typically imposed on wholesalers/distributors);
2. A sales tax and
3. A use tax.

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#### A. Excise Tax

1. Cigarettes weighing less than three pounds per thousand are taxed at 44 cents per pack of 20 and 55 cents per pack of 25.
2. Cigarettes weighing more than three pounds per thousand are taxed at 22.5 mills per cigarette.
3. Tobacco products, with the exception of cigarettes and specific roll-your-own tobacco, such as pipe tobacco, chewing tobacco, snuff and cigars are subject to a tobacco products excise tax.
  - a. Pipe tobacco and cigars are taxed at 28% of the wholesale purchase price.
  - b. Snuff is taxed at 60 cents per ounce and chewing tobacco is taxed at 16 cents per ounce.
    - i. The tax is administered in a manner similar to the cigarette tax.

4. Both wholesalers/distributors and dealers must be licensed by the Attorney General.
  - a. Wholesalers/distributors remit monthly reports, along with any applicable excise tax, to the Tax Department.

#### Exception

- Wholesalers/distributors are not required to collect the excise tax on sales of cigarettes to enrolled tribal members who have been granted authority by the tribe to conduct retail sales of cigarettes within the boundaries of the reservation.
  - Wholesalers/distributors will report these sales to the Tax Department as exempt sales.

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#### B. Sales Tax

1. A sales tax is imposed on the gross receipts of retailers. This tax is in addition to the cigarette and tobacco excise tax. The 5% sales tax on cigarette and tobacco products is paid by the purchaser and collected by the retailer.

#### Exception

- Sales made to a tribal government are exempt from sales tax.
- Receipts from sales made on an Indian reservation to an enrolled member of a federally recognized tribe who resides within the boundaries of any reservation in this state are exempt from sales tax.

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**C. Use Tax**

1. A consumer use tax on cigarettes will be applied if excise tax was not originally paid at the wholesaler/distributor level.
2. A consumer use tax on other tobacco products will be applied if excise tax was not originally paid.
3. A consumer use tax on cigarettes and other tobacco products will be applied on those products if used, stored, or consumed in North Dakota and on which sales tax was not previously paid.

**Exception**

- Receipts from sales made to a tribal government are exempt from use tax.
- Receipts from sales made on an Indian reservation to enrolled members of a federally recognized tribe are exempt from use tax.

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## Cigarette and Tobacco Tax Agreements

In 1993 a collection Agreement was signed between the Tax Commissioner and the Standing Rock Sioux Tribe. Under this Agreement, the Standing Rock Sioux Tribe levies a cigarette and tobacco excise tax on all licensed wholesalers/distributors operating on the Standing Rock Sioux Reservation. The tax rates are identical to the state tax rates. The Tax Department serves as an agent of the tribe in collecting the tax.

1. Seventy-five percent of the tax, less a 3% administrative fee, is returned to the tribe.
  - a. An exemption applies if the corporation is chartered as an Indian corporation and has not chartered with the Secretary of State.
2. Twenty-five percent, plus the 3% administrative fee, is deposited in the State General Fund.

### Examples

#### Cigarette and Tobacco Excise Tax

- A. A non-Native American wholesaler sells cigarettes or tobacco products to a Native American retailer operating within the boundaries of a reservation.
  1. The wholesaler is not required to remit excise tax on the sale. The wholesaler will report the sale to the Tax Department as an exempt sale.
- B. A Native American retailer operating within the boundaries of a reservation sells cigarettes or tobacco products to

a non-Native American purchaser who intends to place those products for re-sale.

1. The non-Native American purchaser is required to report and remit the applicable amount of excise tax to the Tax Department as tax was not remitted by the original wholesaler who made the tax free sale to the Native American retailer.

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#### Cigarette and Tobacco Sales and Use Tax

- A. A Native American retailer operating within the boundaries of a reservation makes a sale of cigarette or tobacco products to a Native American customer and a non-Native American customer.
  1. The retailer is not required to collect and remit sales tax on the purchase made by the Native American customer or the non-Native American customer because the sale was made by a Native American retailer operating within the boundaries of a reservation.
    - a. The non-Native American customer is required to report the purchase and remit the applicable amount of use tax to the Tax Department.
- B. A non-Native American retailer operating within the boundaries of a reservation makes a sale of cigarette or tobacco products to a Native American customer and a non-Native American customer.

1. The retailer is not allowed to collect sales tax on the purchase made by the Native American customer.
  2. The retailer is required to collect and remit sales tax on the purchase made by the non-Native American customer.
- C. A Native American retailer operating outside the boundaries of a reservation makes a sale of cigarette or tobacco products to a Native American customer and a non-Native American customer.
1. The retailer is required to collect and remit sales tax on the purchases made by both the Native American customer and the non-Native American customer as the sale took place outside the boundaries of a reservation.
- D. A Native American retailer operating within the boundaries of the Standing Rock Sioux Reservation makes a sale of cigarette or tobacco products to a Native American customer and a non-Native American customer.
1. The retail product contains a tribal excise tax for purchases made by both the Native American customer and the non-Native American customer according to the collection Agreement entered into by the Tax Commissioner and the Standing Rock Sioux Tribe.
    - a. Seventy-five percent of the tax collected, less a 3% administrative fee, will be returned to the Standing Rock Sioux Tribe.
    - b. Twenty-five percent of the tax collected, plus the 3% administrative fee, will be deposited in the State General Fund.
- E. A non-Native American purchases cigarettes online and has them delivered to North Dakota outside the boundaries of a reservation.
1. A cigarette tax of 22 mills per cigarette, 44 cents per 20 stick pack, would apply to this purchase because the cigarettes were not first delivered to a wholesaler/distributor in the state.
- F. A Native American purchases cigarettes online and has the product delivered to the reservation on which he resides.
1. Separate and additional tax will not be due on the purchase because the cigarettes were delivered to the reservation for use on the reservation.
    - a. Note that Tribal excise tax would be due if the cigarettes were delivered onto the Standing Rock Reservation in accordance with the existing collection Agreement.

**Contact Person:**

Blane Braunberger, Supervisor  
Sales and Special Tax  
Office of State Tax Commissioner  
701.328.3011  
cig-tobaccotax@nd.gov

## Property Tax

### North Dakota Century Code ch. 57-02

#### General Rule

- A. All real property, unless specifically exempted, is subject to a property tax. In general, personal property is not taxed.
1. The majority of real property is locally assessed.
  2. Other properties, such as railroads, public utilities, and air transportation companies, are centrally assessed by the State Board of Equalization.
- B. A mobile home used as a residence or business is subject to the tax if it is 27 or more feet long or is attached to utility services.
- C. The property tax is determined by multiplying the mill rate times the taxable value of real property.
1. Local mill rates are established to meet the revenue needs of the taxing district. To determine the mill rate, the county auditor divides the total property taxes to be collected for each taxing district by the district's total taxable value.
  2. The determination of taxable value begins with the true and full value or market value of the property. The true and full value of residential property is usually established by the local assessor. The assessed value is 50% of the true and full value and the taxable value is 9% of the assessed value.
- D. The county determines and collects the tax and distributes the revenue to

the county, cities, townships, school districts, and other taxing districts. The tax is due January 1 of each year following the year of assessment and is payable without penalty until March 1.

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#### Exception

- Property of Native Americans, where the title cannot be transferred without the consent of the U.S. Secretary of the Interior, is exempt.
- A mobile home located within the boundaries of a reservation and owned by a Native American who resides on that reservation is not subject to taxation.
  - Note that a mobile home located within the boundaries of a reservation, and owned by a Native American, will be subject to tax if the owner does not reside on the reservation.

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#### Examples

- A. Power lines that are located within the boundaries of a reservation.
1. The lines would be placed through use of an easement and centrally assessed by the State Board of Equalization.
- B. A Native American holds land in fee simple that is located within the boundaries of the reservation in which they are enrolled.

1. This land will not be subject to property tax.
  - a. If the same plot of land was owned by a Native American enrolled in a different tribe the property tax would apply.
- C. Allotted Trust Land located outside the boundaries of a reservation is held by a Native American.
  1. This land will not be subject to property tax despite the fact that it is located outside of the boundaries of a reservation because the ownership structure of the land does not allow for title to be transferred without the consent of the U.S. Secretary of the Interior.

**Contact Person:**

Marcy Dickerson  
State Supervisor of Assessments  
Office of State Tax Commissioner  
701.328.3128  
propertytax@nd.gov

## Oil Extraction Tax & Oil and Gas Gross Production Tax North Dakota Century Code chs. 57-51 and 57-51.1

### General Rule

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#### A. Oil Extraction Tax

1. The oil extraction tax is levied on the extraction of oil from the earth.
2. The tax rate is 6.5% of the gross value of crude oil at the well.

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#### B. Oil and Gas Gross Production Tax

##### 1. Oil

- a. The oil and gas gross production tax is imposed in lieu of property taxes on oil and gas producing properties.
- b. A 5% gross production tax rate is applied to the gross value at the well of all oil produced.
- c. Both the producer and purchaser of the oil are required to submit reports to the Tax Department on a monthly basis.

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#### Exception

- The royalty interest in oil produced from a state, federal or municipal holding and from an interest held by an organized Indian tribe is exempt from the gross production tax.

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##### 2. Gas

- a. The gross production tax on gas is an annually adjusted flat rate per thousand cubic feet (mcf) of

all nonexempt gas produced in the state.

- b. The annual adjustments are made according to the average producer price index for gas fuels.
- c. The following gas gross production tax rates apply to the periods below:
  - i. From July 1, 2008 through June 30, 2009, the tax rate was \$.1476 per mcf.
  - ii. From July 1, 2009 through June 30, 2010, the tax rate was \$.1831 per mcf.
  - iii. From July 1, 2010 through June 30, 2011, the tax rate was \$.0914 per mcf.
  - iv. From July 1, 2011 through June 30, 2012, the tax rate is \$.1112 per mcf.

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#### Exception

- Gas that is used on the lease for production purposes and the royalty interest in gas produced from a state, federal or municipal holding and from an interest held by an organized Indian tribe is exempt from the gross production tax.

## Revenue Sharing Agreement

- A. “The Governor, in consultation with the Tax Commissioner, is authorized to enter into agreements with the Three Affiliated Tribes relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation.” The Agreement was signed on June 10, 2008, and then resigned on January 13, 2010, after the provision requiring a yearly signing of the Agreement was removed.
1. The Agreement establishes a uniform taxation system for oil and gas production within the boundaries of the Fort Berthold Indian Reservation.
  2. Under the Agreement, the gross production tax rate on Trust Land for oil is 5% and the oil extraction tax rate is 6.5%.
    - a. A 60 month new well exemption will apply for those wells on non-Trust Land.
  3. For gas, the gross production tax rate will be the rate provided in N.D.C.C. § 57-51-02.2.
  4. Oil and gas revenue sharing for Trust Lands is as follows:
    - a. Fifty percent of the gross production and oil extraction taxes must be allocated and paid to the Tribes.
    - b. Fifty percent of the gross production and oil extraction taxes must be allocated and paid to the State and political subdivisions.
  5. Oil and gas revenue sharing for non-Trust Lands is as follows:
    - a. Twenty percent of the gross production taxes must be allocated and paid to the Tribes.
    - b. Eighty percent of the gross production and 100% of the oil extraction taxes must be allocated and paid to the State and political subdivisions.

### Contact Person:

Kevin Schatz, Supervisor  
Motor Fuels and Oil and Gas Tax  
Office of State Tax Commissioner  
701.328.3657  
oiltax@nd.gov

***Copies of this publication are available from  
the North Dakota Indian Affairs Commission  
and the North Dakota Office of State Tax  
Commissioner:***

**North Dakota Indian Affairs Commission  
600 E Blvd Ave  
1st Floor - J Wing - Room #117  
Bismarck ND 58505**

**[www.nd.gov/indianaffairs](http://www.nd.gov/indianaffairs)  
[ndiac@nd.gov](mailto:ndiac@nd.gov)  
701.328.2428**



**North Dakota Office of State Tax Commissioner  
600 E Blvd Ave  
8th Floor  
Bismarck ND 58505-0599**

**[www.nd.gov/tax](http://www.nd.gov/tax)  
[taxinfo@nd.gov](mailto:taxinfo@nd.gov)  
701.328.7088**



SB 2005  
3/14/13  
Attachment 2

**Operating Fees and Services**

Attorney General Legal Fees	93.00
Dakota Awards	2,067.00
Historical Society	400.00
Newspaper Association	581.00
Superior Silk Screen	1,859.00
TAT Energy Summit Sponsor	250.00
Traditional Fire	500.00
United Tribes Technical College	220.00
Youth Leadership Academy	680.00
Suicide Prevention Training	<u>1,500.00</u>
Total	8,150.00

**Fees - Professional Services**

Website Maintenance	200.00
Logo/Layout Design	600.00
Pure Country	318.00
Youth Leadership Academy	<u>1,560.00</u>
Total	2,678.00

Subtracted  
Yellow Highlight

Payment	Description	Amount	Dept	Adjustments	Account		
Atty Gen Office	Legal Service	30.00	1015		621000		
Atty Gen Office	Legal Service	14.50	1015		621000		
Atty Gen Office	Legal Service	30.00	1015		621000		
Atty Gen Office	Legal Service	14.50	1015	5.00	621000	94.00	
Dakota Awards	Dakota Awards	1,530.00	1015		621000		
Dakota Awards	Dakota Awards	536.50	1015		621000	2,066.50	
Dakota Dust Tex	Pcard	200.40	1015		621000		
Dakota Dust Tex	Correction to Pcard	(200.40)	1015		621000		
Historical Society of ND	Tickets for recognition event	400.00	1015		621000		
ID Metryx	Fingerprinting	10.00	1015		621000		
Newspaper Assn	Expense Distribution	580.81	1015		621000		
Other operating fees	Correct ionto Pcard	200.40	1015		621000		
Other operating fees	Correction to Pcard	3.66	1015		621000	204.06	
Superior Silk Screen	Superior Silk Screen	1,859.00	1015		621000	5,209.37	5,000
Three Affiliated Tribes	TATEnergy Summit Sponsor	250.00	<del>1015</del>	1020	621000		
Traditional Fire	Expense Distribution	500.00	<del>1015</del>	1020	621000		
United Tribes Technical College	David Gipp Felowship	220.00	<del>1015</del>	1020	621000		
Dakota Awards	Archery Shoot Competition	200.00	1020		621000		
Rainer, Howard	NDIYLA - Posters	400.00	1020		621000		
Woodlands and High Plains Powwow	NDIYLA Advertisement	80.00	1020		621000	1,650.00	1,650
Cloudboy consulting	TM School Presentation	1,500.00	4000		621000		
Coffey, Donna	ASIST Training	500.00	4000		621000		
correct amount used	Correct coding	(500.00)	4000		621000		
Thiele, Larry	Assist Training	500.00	4000		621000	2,000.00	1,500
						<u>8,150</u>	

Operating Fees and Services

Attorney General Legal Fees	93.00
Dakota Awards	2,067.00
Historical Society	400.00
Newspaper Association	581.00
Superior Silk Screen	1,859.00
Youth Leadership Academy	1,650.00
Suicide Prevention Training	1,500.00
<b>Total</b>	<b>8,150.00</b>

Fees - Professional Services

Adjustments

Agency MABU	Website Maintenance	234.00	1015	(34.00)	623000	200.00	
Bullhead, Thomas	Star Quilt Donation	100.00	1015		623000		
Correct Account	correct error	(500.00)	1015		623000		
IFIVE LLC	Logo layout/design	600.00	1015		623000	600.00	
Lafromboise, Anthony	Letter of invoice - expense distr	500.00	1015		623000		
Pure Country	Pure Country	318.00	1015		623000	318.00	
Thiele, Larry	NDIYLA expense distribution	500.00	1015		623000		
Cain, Donald	NDIYLA Graduation Items	500.00	1020		623000		
KST Communications	NDIYLA website update	525.00	1020		623000		
Tadewald, Susan	NDIYLA t-shirt graphic	35.00	1020		623000	1,560.00	
						<u>2,678.00</u>	

Fees - Professional Services

Administration

Website Maintenance	200.00
Logo/Layout	600.00
Pure Country	318.00
Youth Leadership Academy	1,560.00
<b>Total</b>	<b>2,678.00</b>

Was this for website?  
What is this for?

Didn't include in First Year:

Boys and Girls Club of the Three Affil	Provide Suicide Prevention	56,955.30	4000		623000		
Coffey, Donna	ASSIST Training - TM	500.00	4000		623000		
Coffey, Donna	ASIST Training - SL	500.00	4000		623000		
Correct account used	correct coding	500.00	4000		623000		
Correct account used	correct coding	500.00	4000		623000		
Sitting Bull College	Suicide Prevention SBC Horse Therapy	11,200.00	4000		623000		
Thiele, Larry	ASSIST Training - Suicide Preven	500.00	4000		623000		
Thiele, Larry	ASSIST Training - Suicide Preven	500.00	4000		623000	71,155.30	

<b>Agency</b>	Indian Affairs Commission
<b>Program</b>	316 North Dakotas Indian Affairs Commission
<b>Reporting Level</b>	00-316-000-00-00-00-00000000

1 Object/Revenue		2 2009-11 Biennium Expenditures	3 2011-13 Biennium Appropriation	4 2011-13 First Year Expenditures	5 2013-15 Total Changes	6 2013-15 Recommendation	7
Description	Code						

**EXPENDITURES**

Salaries - Permanent	511000	373,584	429,548	211,174	132,652	562,200	0
Salary Budget Adjustment	511900	0	0	0	47,610	47,610	0
Temporary Salaries	513000	9,393	9,428	6,336	10,572	20,000	0
Overtime	514000	390	100	89	(100)	0	0
Fringe Benefits	516000	141,093	164,625	80,166	55,316	219,941	0
Health Increase	599161	0	0	0	0	11,407	0
Retirement Increase	599162	0	0	0	0	6,056	0
<b>Salaries and Wages</b>	<b>10</b>	<b>524,460</b>	<b>603,701</b>	<b>297,765</b>	<b>246,050</b>	<b>867,214</b>	<b>0</b>

Travel	521000	26,246	50,000	26,246	(5,000)	45,000	0
Supplies - IT Software	531000	1,032	600	200	5,000	5,600	0
Supply/Material-Professional	532000	3,703	7,000	3,973	(6,000)	1,000	0
Food and Clothing	533000	1,193	10,000	5,895	(4,000)	6,000	0
Miscellaneous Supplies	535000	3,402	15,200	7,815	(10,000)	5,200	0
Office Supplies	536000	7,216	10,000	5,246	(500)	9,500	0
Postage	541000	674	2,000	466	(1,000)	1,000	0
Printing	542000	5,512	3,500	771	(2,500)	1,000	0
IT Equip Under \$5,000	551000	0	3,500	429	0	3,500	0
Other Equip Under \$5,000	552000	1,171	2,000	474	5,000	7,000	0
Office Equip & Furn Supplies	553000	7,065	11,000	7,610	(9,957)	1,043	0
Insurance	571000	1,405	1,000	342	0	1,000	0
Rentals/Leases-Equip & Other	581000	0	0	0	6,000	6,000	0
Rentals/Leases - Bldg/Land	582000	1,326	11,000	5,720	(7,000)	4,000	0
IT - Data Processing	601000	8,712	10,000	4,704	0	10,000	0
IT - Communications	602000	13,541	12,000	5,360	720	12,720	0
IT Contractual Svcs and Rprs	603000	1,234	705	228	0	705	0
Professional Development	611000	17,334	47,000	38,847	(23,500)	23,500	0
Operating Fees and Services	621000	5,909	20,000	8,150	(5,000)	15,000	0
Fees - Professional Services	623000	10,968	5,000	2,678	2,500	7,500	0
Medical, Dental and Optical	625000	16	0	0	0	0	0
<b>Operating Expenses</b>	<b>30</b>	<b>117,659</b>	<b>221,505</b>	<b>125,154</b>	<b>(55,237)</b>	<b>166,268</b>	<b>0</b>

Grants, Benefits & Claims	712000	18,000	0	0	0	0	0
<b>Federal Stimulus Funds-2009</b>	<b>70</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**MEANS OF FUNDING**

ARRA Fiscal Stimulus	H130	18,000	0	0	0	0	0
<b>Federal Funds</b>	<b>FED</b>	<b>18,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
State General Fund	001	642,119	825,206	422,919	190,813	1,033,482	0
<b>General Fund</b>	<b>GEN</b>	<b>642,119</b>	<b>825,206</b>	<b>422,919</b>	<b>190,813</b>	<b>1,033,482</b>	<b>0</b>

SB 2005  
 3/14/13  
 Attachment 2

**Agency** Indian Affairs Commission  
**Program** 316 North Dakotas Indian Affairs Commission  
**Reporting Level** 00-316-000-00-00-00-00000000

1 Object/Revenue  Description	2 2009-11 Biennium Expenditures	3 2011-13 Biennium Appropriation	4 2011-13 First Year Expenditures	5 2013-15 Total Changes	6 2013-15 Recommendation	7
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**AUTHORIZED EMPLOYEES**

Vacant	0.00	0.00	0.00	1.00	1.00	0.00
FTE	4.00	4.00	0.00	0.00	4.00	0.00

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$236,038	\$837,411
Accrued leave payments	0	8,421	8,421
Operating expenses	<u>221,505</u>	<u>(55,237)</u>	<u>166,268</u>
Total general fund	\$822,878	\$189,222	\$1,012,100"

Page 1, after line 14, insert:

**"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-second legislative assembly for the 2011-13 biennium and the 2013-15 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2011-13</u>	<u>2013-15</u>
Native American health system program administrator	\$0	\$184,284
Total general fund	\$0	\$184,284

The 2013-15 one-time funding amounts are not a part of the entity's base budget for the 2015-17 biennium. The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2013, and ending June 30, 2015."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - House Action**

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
Operating expenses	166,268	166,268		166,268
Accrued leave payments			8,421	8,421
Total all funds	<u>\$1,033,482</u>	<u>\$1,033,482</u>	<u>(\$21,382)</u>	<u>\$1,012,100</u>
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,033,482	\$1,033,482	(\$21,382)	\$1,012,100
FTE	5.00	5.00	0.00	5.00

**Department No. 316 - Indian Affairs Commission - Detail of House Changes**

	<u>Corrects Executive Compensation Package<sup>1</sup></u>	<u>Adjusts State Employee Compensation and Benefits Package<sup>2</sup></u>	<u>Provides Separate Line Item for Accrued Leave Payments<sup>3</sup></u>	<u>Total House Changes</u>
Salaries and wages	\$4,777	(\$26,159)	(\$8,421)	(\$29,803)
Operating expenses				

Accrued leave payments			8,421	8,421
Total all funds	\$4,777	(\$26,159)	\$0	(\$21,382)
Less estimated income	0	0	0	0
General fund	\$4,777	(\$26,159)	\$0	(\$21,382)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup>Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup>This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.
- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>3</sup>A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

This amendment adds a new section to designate the funding for the new Native American health system program administrator position as one-time funding.

Conf  
Com  
4-17-13

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Funding Summary**

	Executive Budget	Senate Version	House Changes	House Version
Indian Affairs Commission				
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
Operating expenses	166,268	166,268		166,268
Accrued leave payments			8,421	8,421
<b>Total all funds</b>	<b>\$1,033,482</b>	<b>\$1,033,482</b>	<b>(\$21,382)</b>	<b>\$1,012,100</b>
Less estimated income	0	0	0	0
<b>General fund</b>	<b>\$1,033,482</b>	<b>\$1,033,482</b>	<b>(\$21,382)</b>	<b>\$1,012,100</b>
FTE	5.00	5.00	0.00	5.00
<b>Bill Total</b>				
Total all funds	\$1,033,482	\$1,033,482	(\$21,382)	\$1,012,100
Less estimated income	0	0	0	0
<b>General fund</b>	<b>\$1,033,482</b>	<b>\$1,033,482</b>	<b>(\$21,382)</b>	<b>\$1,012,100</b>
FTE	5.00	5.00	0.00	5.00

**Senate Bill No. 2005 - Indian Affairs Commission - Senate Action**

The Senate did not change the executive recommendation for the Indian Affairs Commission.

**Senate Bill No. 2005 - Indian Affairs Commission - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$867,214	\$867,214	(\$29,803)	\$837,411
Operating expenses	166,268	166,268		166,268
Accrued leave payments			8,421	8,421
<b>Total all funds</b>	<b>\$1,033,482</b>	<b>\$1,033,482</b>	<b>(\$21,382)</b>	<b>\$1,012,100</b>
Less estimated income	0	0	0	0
<b>General fund</b>	<b>\$1,033,482</b>	<b>\$1,033,482</b>	<b>(\$21,382)</b>	<b>\$1,012,100</b>
FTE	5.00	5.00	0.00	5.00

**Department 316 - Indian Affairs Commission - Detail of House Changes**

	Corrects Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Total House Changes
Salaries and wages	4,777	(26,159)	(8,421)	(29,803)
Operating expenses				
Accrued leave payments			8,421	8,421
<b>Total all funds</b>	<b>\$4,777</b>	<b>(\$26,159)</b>	<b>\$0</b>	<b>(\$21,382)</b>
Less estimated income	0	0	0	0
<b>General fund</b>	<b>\$4,777</b>	<b>(\$26,159)</b>	<b>\$0</b>	<b>(\$21,382)</b>
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

This amendment adjusts the state employee compensation and benefits package as follows:

Reduces the performance component from 3 to 5 percent per year to 2 to 4 percent per year.

- Reduces the market component from 2 to 4 percent per year for employees below the midpoint of their salary range to up to 2 percent for employees in the first quartile of their salary range for the first year of the biennium only.
- Removes funding for additional retirement contribution increases.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees' compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

This amendment adds a new section to designate the funding for the new Native American health system program administrator position as one-time funding.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

That the House recede from its amendments as printed on pages 1235 and 1236 of the Senate Journal and pages 1311-1313 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, line 2, after "commission" insert "; and to provide for a report"

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$601,373	\$251,496	\$852,869
Accrued leave payments	0	8,421	8,421
Operating expenses	<u>221,505</u>	<u>(55,237)</u>	<u>166,268</u>
Total general fund	\$822,878	\$204,680	\$1,027,558"

Page 1, after line 14, insert:

**"SECTION 2. REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY.** The Indian affairs commission shall report to the appropriations committees of the sixty-fourth legislative assembly regarding the activities of the Native American health system program administrator."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2005 - Indian Affairs Commission - Conference Committee Action**

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$867,214	\$867,214	(\$14,345)	\$852,869	\$837,411	\$15,458
Operating expenses	166,268	166,268		166,268	166,268	
Accrued leave payments			8,421	8,421	8,421	
Total all funds	\$1,033,482	\$1,033,482	(\$5,924)	\$1,027,558	\$1,012,100	\$15,458
Less estimated income	0	0	0	0	0	0
General fund	\$1,033,482	\$1,033,482	(\$5,924)	\$1,027,558	\$1,012,100	\$15,458
FTE	5.00	5.00	0.00	5.00	5.00	0.00

**Department No. 316 - Indian Affairs Commission - Detail of Conference Committee Changes**

	Corrects Executive Compensation Package <sup>1</sup>	Adjusts State Employee Compensation and Benefits Package <sup>2</sup>	Provides Separate Line Item for Accrued Leave Payments <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$4,777	(\$10,701)	(\$8,421)	(\$14,345)
Operating expenses				
Accrued leave payments			8,421	8,421
Total all funds	\$4,777	(\$10,701)	\$0	(\$5,924)
Less estimated income	0	0	0	0
General fund	\$4,777 0.00	(\$10,701) 0.00	\$0 0.00	(\$5,924) 0.00

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<sup>1</sup> Funding is added due to a calculation error in the executive compensation package.

<sup>2</sup> This amendment adjusts the state employee compensation and benefits package as follows:

- Reduces the performance component from 3 to 5 percent per year to 3 to 5 percent for the first year of the biennium and 2 to 4 percent for the second year of the biennium.
- Reduces the market component from 2 to 4 percent per year to 1 to 2 percent per year for employees below the midpoint of their salary range.
- Reduces funding for retirement contribution increases to provide for a 1 percent state and 1 percent employee increase beginning in January 2014 and no increase in January 2015.

<sup>3</sup> A portion of salaries and wages funding from the general fund (\$8,421) for permanent employees compensation and benefits is reallocated to an accrued leave payments line item for paying annual leave and sick leave for eligible employees.

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This amendment also adds a new section to provide for a report to the 64th Legislative Assembly on the activities of the Native American health system program administrator. The House added a section to designate funding for the Native American health system program administrator as one-time funding.