

2013 SENATE POLITICAL SUBDIVISIONS

SB 2280

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee Red River Room, State Capitol

SB 2280
February 1, 2013
18128

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide for the display of Indian nation flags at certain locations in the state capitol.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened the hearing for SB 2280. All senators were present.

Senator Mac Schneider District 42. I am handing out two sets of testimony. One is from me, and the other is from Senator Marcellais the prime sponsor of this bill. See written testimony #1.

Chairman Andrist When I looked at this bill I worried a little bit about diminishing the other flags in the clutter. Would you envision there would be a lesser display than the other flags or do you think it should be equal?

Senator Mac Schneider responded that this is a very important point to make. Obviously Old Glory unites everybody. I think there is some pretty strict protocol on how flags are displayed. The United States flag is displayed most prominently, then the State flag below that. I don't know where tribal flags fit into that but I am sure somebody is familiar with protocol and can ensure that the flags are posted properly. Obviously the symbol of our country is paramount.

Vice- Chairman Ron Sorvaag: I'm thinking a little bit like what Chairman Andrist stated. The U.S. flag is for everybody, the North Dakota flag is everybody in the state. This is parts of the state. Was there any thought putting instead of in every chamber maybe doing like some of the other states and finding an appropriate location on the capitol to put them in recognition or something or another?

Senator Mac Schneider replied I think that is an entirely appropriate consideration for the committee to undertake. The point is we want to honor these tribes and displaying the flags publically somewhere in the Grand Hall or outside the Governor's office or outside of the Supreme Court it would be more appropriate I think. The gesture is still the same.

Chairman Andrist: Senator Schneider if we wanted to do it another place in the capitol, we wouldn't necessarily need legislation to do it would we?

Senator Schneider responded that he didn't think we would need legislation but I think if you had a law on the books it would make sure it happens. I think the flags are displayed right now in Scott Davis's office which is obviously and entirely appropriate but not every member of the public is going to walk by that office every day to see those flags. **Chairman Andrist** asked what office did you say?

Senator Mac Schneider replied Scott Davis' office. Compared to what other states have done in terms of publically recognizing these flags we're a little behind the curve.

Senator John Grabinger asked Senator Schneider don't we have an Interim Committee or a standing committee that should be pursuing this and wouldn't we just let them take care of that?

Senator Mac Schneider replied I think the best way to get the capitol grounds committee to install tribal flags permanently is to have a law on the books that says they have too. There is another way to do, and I think Senator Marcellais has taken a run at that committee and tried to pursue it though informal channels previously and those efforts have fallen short. I think it probably makes it more meaningful to Mr. Chairman to have a law on the books saying that we will recognize tribal sovereignty and show our respect for tribes in this fashion by posting their flags. I think that is a little more meaningful than a decision by a respectful obscure committee in the capitol.

Chairman Andrist closed the hearing for SB 2280.

Senator Judy Lee made note there is a fiscal note and the cost is estimated to be less than \$5,000 for flags and stands if the bill were passed.

Senator Anderson asked about talking with whoever is in charge of the capitol and whether there must be some individual who is in charge and talk to them about what the implications might be and the difficulty for everybody keeping them up and all that.

Chairman Andrist replied I am pretty sure that would be the facilities manager wouldn't it? We will not take action until all of the committee gives me the sign on this on.

Senator Judy Lee: I would also be interested in hearing from one of the legislators is chair of the capitol grounds committee and the person who is hired to manage the building is not the one who makes the decisions about remodeling or anything else. We have a standing committee who oversaw the refurbishing of the brass for example.

Vice chairman Ron Sorvaag I know that Senator Laffen is on and we could consult with him and he would know who is chairing it. I know he is one of the members of it.

Chairman Andrist: I did close the hearing, but I think we could still invite those people to come in and visit with us.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2280-3
February 8, 2013
18461

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide for the display of Indian nation flags at certain locations in the state capitol.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist reopened the hearing on SB 2280. Senator Ron Sorvaag was giving a bill introduction in another committee; however, the other senators were present.

Senator Howard Anderson You asked me to do a little research on this bill and so I did talk with John Boyle who is the facility supervisor. Off the top of his head, John did say that when this came up, to the Facilities Management Group on a previous occasion, they discussed it and at that time they wanted the flags in the atrium. What they decided to do was to display the flags over in the Heritage Center where they felt more people would come and see them and so forth. They are being displayed over in the Heritage Center. He also spoke with Drew Wrigley who is the chairman of this group and he's only served on it for two years. Senator Laffen is the same and he spoke with Representative Klein who has been on the committee for a long time. Rep Klein said that he had this same bill in GVA in 1997-1999, he said they killed the bill at that time, mainly because they wanted the flags outside at the time. When we look at the \$5,000 how many of these flags do you think are made in a year and what the cost of each flag is? If you put them outside with all the tassles, you are going to be replacing those often. There is no market for the flags so that means they have to be made for that particular purpose at the time. He said that it cost significantly. I mentioned to Mr. John Boyle, Senator Lee's idea about displaying them outside and he said that whatever the Legislature decides of course is what we'll do, but he said you're looking at a lot bigger fiscal note. If we display the flags outside and not only do you have to buy those flags periodically because they get ruined out in the wind, but, also he said in order to be consistent with the other flags you will need to put lights on. So that means you have to run electricity over and the lights and so forth. You are looking at a lot more than \$5,000. He thought maybe if you displayed them inside you could do it with the \$5000 but I don't think John Boyle was thinking of what Representative Klein said when they checked in to it about how much these flags would cost. Of course the other issue is you know it says the House Chambers, Senate Chambers and Supreme Court. The Supreme Court gets to decide what goes in the Court Chambers. Apparently whatever we

say here, we could recommend to the Court to look at it, but they get to decide what goes into the Court Chambers.

Chairman Andrist apologized to the committee because he also did the same research as Senator Anderson presented. Essentially I learned the same thing, but will add what Mr. John Boyle told me. He said they had plans to put the display in the atrium, and it was the Capitol Grounds Planning Commission who thought this was not the best thing to do. That is where they had come with the idea of putting it in the Heritage Center because that has more visitors than the capitol does. He also said that Senator Marcellais is on the Capitol Grounds Planning Commission and so he is aware of all this. Finally, the additional thing I did as a courtesy to Senator Marcellais I explained to him what I had learned from my discussion with John Boyle and he did not react period. He looked like he was...he didn't react. He may not be happy but.

Senator Howard Anderson When I asked Drew Wrigley about it, I always wondered why they weren't displayed in the capitol. From his perspective he thought maybe it wouldn't be that bad of an idea.

Senator John Grabinger I had a conversation with Senator Marcellais because he was the sponsor of the bill. One thing I suggested we could get, would the tribes be willing to donate these flags for this purpose? And he seemed to think that might be a workable solution. So the cost could be eliminated in that respect. And then I suggested because there was talk in committee about putting them out in the Great Hall and he didn't really say wanted that. (Senator Marcellais because he's patterning this after Montana and he says that they have them in the Montana Chambers). It doesn't mean we have too. But I think there was also some talk about the making sure of the cultural grounds that we do everything that we need to properly to do this. Personally I like the idea of putting them in the Great Hall and asking the tribes to donate a certain size flag and we can set the size; so that there not some huge flag or something, that they are presentable in a manner that would fit in the Great Hall. Then we can give them the recognition that some of think they should get as part of our heritage.

Chairman Andrist Even if we don't pass this bill, you could have a follow-up visit with Senator Marcellais since he's on the Capitol Grounds Planning Commission. He could do his own research as to whether the Tribes would be willing to donate a flag and he can bring it back to the Capitol Grounds Planning Commission and see if they would agree to it too.

Senator Judy Lee The Great Hall is busy all the time and I am just visualizing where they might go that they aren't going to be intruded upon. I forgot they were in the Heritage Center. I think that's a great place for them because there is going to be significant increases in traffic when that wonderful new facility is opened. I don't think that is relegating them, the flags to a less attractive spot. I think that is a significant spot because we have some exceptional collections that will be out of Native American art and artifacts, so it just seems to me that is a really good place for that to be. So I would rather see that the flags be there. Their sovereign and we don't have Canada's flag in our capitol.

Senator John Grabinger His point on having them at the Chamber, he said, if we're going to have the State flag, there and the United States flag, we should have the 5 Nations flag too.

Senator Judy Lee But, Mr. Chairman, we're all citizens of North Dakota and we're all citizens of the United States, but we aren't all citizen of the Tribes.

Chairman Andrist I should report that I visited with Senator Sorvaag so he's aware of our conversation. We will hold the bill when he returns.

Senator Judy Lee We may have a little latitude between some of the others and I think that it would be good for he could be a part of any discussion we might have on reaching a conclusion and not just on whatever the final motion might be if you are willing?

Chairman Andrist We'll hold this bill for further discussion.

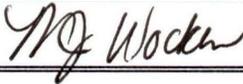
2013 SENATE STANDING COMMITTEE MINUTES

Senate Political Subdivisions Committee
Red River Room, State Capitol

SB 2280-4
February 14, 2013
18927

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A Bill for an Act to provide for the display of Indian nation flags at certain locations in the state capitol.

Minutes:

You may make reference to "attached testimony."

Chairman Andrist opened for committee work on SB 2280. All senators were present.

Chairman Andrist When we discussed this before, we did not quite feel that this was an inappropriate thing. We talked about a possible solution and I didn't come up with one, but we discussed it.

Senator Judy Lee I recognize the importance of the Indian nations in our history, I am not discounting that at all. But I would really prefer to allow the Capitol Grounds Planning Commission to have another go at this. We can ask them to do that without it being in statute and they could determine whether or not to the display in the Heritage Center is most appropriate, and frankly that's where all the people will be or if an outside or inside place is best. If it's inside which inside place might be best because I am not comfortable with the places recommended in this bill because I think Senator Dotzenrod has talked about its really crowded.

Senator Judy Lee made a motion for Do Not Pass
2nd Vice Chairman Ron Sorvaag

Committee Discussion

Chairman Andrist I think both Senator Anderson and I visited with Mr. Boyle. We both learned that they already have taken this issue up and this was the solution that they came up with was to put the flags in the Heritage Center. He said it actually has more visitors than the Capitol building does, so it would actually have more exposure. He expects the new Heritage Center will be even more so. They did not like the idea, which was suggested that the display could be outside the capitol because the flags can be very expensive. There are so few of them made and they would have to have a regular replacement, they would need lighting and they would have a significant fiscal note if they were to try that.

They had addressed the issue of inside the Capitol, the planning commission did and thought that wasn't a good solution either.

Senator John Grabinger I like the idea of putting them in the Hall and I think as far as we talked, the cost. I think we could get them donated by the tribes to put in there if we told them what size and everything. I am going to have to vote against the motion for that reason. I think there we could do something in the Great Hall is my opinion.

Senator Jim Dotzenrod The concerns I have about it is since we've had this in front of us I've sat in my seat in the Senate and looking up at the front, trying to figure out how could this be done in such a way that we wouldn't end up being cluttered. There isn't a lot of extra room for flags on either side of the flags already displayed. I think it's pretty impressive for visitors to come into the Senate and look at what we have there. It looks clean. That is one concern mechanically how to get the flags in there behind the Senate chairs. The other concern is the size of the flags; the U.S. flag is that theme that unites all of us as citizens of the country and the North Dakota flag. Within North Dakota you can identify a lot of traditions; and a lot of ethnic heritage in the Indian heritage by looking at our city names, a lot of our geography is related to our heritage we got from them. I can see some difficulties if we were to try to pass this bill. On the other hand, this Senator Marcellais has been working on this for some time and it's become a big issue with him. You can see what other states have done some things and I am not sure how they did it in Montana. Evidently in Montana the governor there has gotten flags. It's done if he's there.

Chairman Andrist I also thought about the possibility for displaying the flags in a smaller size. I found out that that feel that is demeaning as if their other flags that they should be of equal size and they can't be any larger than the U. S. flag of course, so much etiquette is involved here too.

Senator John Grabinger And that is exactly it. I agree with Senator Dotzenrods' conclusion that you cannot put them up in the Chambers because there just isn't room. It would be a cluttered mess. But that's why the suggestion to put them out in the Great Hall and if the planning committee can do that, wonderful. I would like to honor them and respect them in the capitol. I know it's great to have them over at the Heritage Center, but the respect I think is more out there for the public when they see them right here in the Capitol. I just think the Great Hall if we had them, develop them, and we tell them the size they have to be, they can't be any larger and I think it could be done. But we can leave it up to the Planning Commission.

Discussion Closed.
Roll Call Vote 4 Yea 2 No 0 Absent
Carrier Senator Howard Anderson

FISCAL NOTE
Requested by Legislative Council
01/21/2013

Bill/Resolution No.: SB 2280

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2011-2013 Biennium		2013-2015 Biennium		2015-2017 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2011-2013 Biennium	2013-2015 Biennium	2015-2017 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill requires the flag of each Indian nation in the state to be displayed in the House and Senate chambers and the Supreme Court.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The bill requires the flag of each Indian nation in the state to be displayed in the House and Senate chambers and the Supreme Court. The cost of the flags and stands is estimated to be less than \$5,000.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*
- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*
- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*



Name: Allen Knudson

Agency: Legislative Council

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Date Prepared: 01/25/2013



REPORT OF STANDING COMMITTEE

SB 2280: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was placed on the Eleventh order on the calendar.

2013 TESTIMONY

SB 2280

TESTIMONY OF SENATOR MAC SCHNEIDER IN SUPPORT OF SENATE BILL 2280
SENATE POLITICAL SUBDIVISIONS COMMITTEE
FEBRUARY 1, 2013

Chairman Andrist, members of the committee, my name is Mac Schneider and I represent District 42 in the North Dakota Senate. I am presenting Senate Bill 2280 to this committee on behalf of its prime sponsor, Senator Richard Marcellais, and would ask for your favorable consideration of this legislation.

The bill, at no virtually no cost to the state, would show respect and a spirit of togetherness by requiring the flag of each tribal nation in North Dakota to be displayed in the House and Senate chambers and the Supreme Court.

As the members of the committee are aware, there are five federally recognized tribes located at least partially within the state: The Mandan, Hidatsa, & Arikara Nation (Three Affiliated Tribes), the Spirit Lake Nation, the Standing Rock Sioux Tribe, the Turtle Mountain Band of Chippewa Indians, and the Sisseton-Wahpeton Oyate Nation.

While our country's flag rightly serves to unite all Americans, the flags of federally recognized tribes are a demonstration of sovereignty and a source of pride for enrolled members. Recognizing this sovereignty by posting tribal flags in the state capitol would be a meaningful tribute to those who have called our prairies home long before this building was constructed.

Other states have taken similar approaches to honoring tribal nations in recent years. Just west of us, Governor Brian Schweitzer flew the flags of Montana's eight federally recognized tribes in his offices for the entire duration of his term. Last year, Colorado permanently installed the flags of its two tribal nations in its state capitol. In Oregon, the flags of nine tribal nations now fly alongside those of all 50 states on the "Walk of Flags" near that state's capitol mall.

Oklahoma, a state that is home to thirty-six tribal nations, arguably has the boldest and most beautiful display in its "Tribal Flag Plaza." I have included with this testimony a picture of the Oklahoma capitol building with tribal flags unfurled in the foreground.

Given our proud tribal heritage, North Dakota should follow suit. Mr. Chairman, members of the committee, the word "dakota" in the Lakota language is loosely translated as "friend." This bill is a simple, but meaningful, way for North Dakota to show respect for our friends.

###

Testimony
Senate Bill No. 2280 – to provide for the display of Indian
nation flags at certain locations in the state capitol
Political Subdivisions Committee
Senator Andrist, Chairman
February 1, 2013

Chairman Andrist, members of the Political Subdivisions Committee, for the record is my name is Richard Marcellais, Senator from District 9, Rolette County.

Senate Bill 2280 is a bill to display our North Dakota Native American Flags (Standing Rock Sioux Tribe, Spirit Lake Tribe, Three Affiliated Tribes, Turtle Mountain Band of Chippewa Indians Tribe and Sisseton-Wahpeton Oyate Tribe in the House Chambers, Senate Chambers and Judiciary Wing of the North Dakota state Capitol to show a better relationship with the North Dakota Native American tribes.

Thank you very much for the opportunity to appear in support of Senate Bill # 2280. I will try an answer any questions the committee may have.





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STATE CAPITOL

Tribal Flags Installed at Colorado Capitol

By [Kirk Siegler](#) ([people/kirk-siegler](#))

1 of 3



[Enlarge image \(http://mediad.publicbroadcasting.net/p/kunc/files/Governor-](http://mediad.publicbroadcasting.net/p/kunc/files/Governor-Hickenlooper_crop.jpg)

[Hickenlooper_crop.jpg](#))

Credit Photo by Kirk Siegler

Colorado's two federally recognized Indian tribes now have permanent flags on display in the state capitol.

Governor John Hickenlooper joined tribal council leaders from the Southern Ute and Ute Mountain Ute tribes for the ceremony Thursday, saying it's a symbolic step toward improving a government-to-government relationship.

In a short speech, the Governor called on the state to do more to work with the two tribes on economic development and other issues. Both are now one of the largest employers in the Four Corners region; casinos and a ramp up in energy development have been key in boosting the economy in one of the state's traditionally poorest areas.

Bradley Height, vice chairman of the Ute Mountain Ute tribe, said the tribes are important economic engines for southwest Colorado.

"We're doing a lot of things that are good," Height said. "We're moving along, so with our flags being represented here in the state capitol, it shows that they respect us, we're well represented."

Ute Mountain Ute Tribal councilman Manual Heart also made the 7 hour drive up to Denver for the ceremony – which he called historic.

"Today we heard thunder come from the southwest from the two tribes that are recognized in the state of Colorado – Ute Mountain and Southern Ute," Heart said. "So in the halls of the capitol of Denver there was thunder from the two tribes and it was a really good feeling."

Heart wishes the flags could have been installed sooner. But he says the state of Colorado has come a long way, noting its first territorial Governor prominently called for the eradication of Native Americans from this part of the country in the late 1800's.

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