

2015 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2240

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Missouri River Room, State Capitol

SB 2240
2/13/2015
Job # 23811

- Subcommittee
 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 and service flags at certain locations in the state capitol.

Minutes:

Attachments 1

Chairman Dever: Opened the hearing on SB 2240.

Senator Marcellais, District 9: See Attachment #1 for testimony as sponsor and in support of the bill.

(2:45)Chairman Dever: How many flags total are you looking at?

Senator Marcellais: It would be 5 tribal nation flags and then 6 military.

Chairman Dever: Do they all have flags?

Senator Marcellais: Yes they do. They are down in the commissioner's office.

Senator Nelson: Are you talking about full sized flags and I am wondering if we have the space?

Senator Marcellais: I feel the tribal nation flags should be in chambers but the military could be somewhere else. I believe there is room behind the President of the Senate and the Speaker in the House.

Senator Davison: Are the flags being donated then?

Senator Marcellais: I believe the tribes would donate the flags. I am trying to get them.

Chairman Dever: In each section of the bill it says they "must be" displayed.

Senator Marcellais: In the hallway of the judicial wing there is a US flag and a North Dakota flag and I thought it would be nice if we had the nation's flags in there also.

Chairman Dever: Would they need to be the same size as the US and state flag?

Senator Marcellais: They can be what you would want them to be.

Chairman Dever: In the Senate chambers they are large flags and they are mounted high.

Senator Marcellais: The nations flags are displayed in the Indian Commissioners office, and they are about the same size as the US and North Dakota flag.

Chairman Dever: I am wondering if you have had conversations with the capitol grounds planning commission?

Senator Marcellais: I did serve on that committee one session and I could not get this through to them either.

Chairman Dever: Was there a specific reason for their resistance?

Senator Marcellais: Their comment was that they are displayed at the Heritage Center.

(7:45) Carol Two Eagle, Resident: Testified in support of the bill. I believe it is a point of pride for native people but more than that it acknowledges the fact that native people volunteer for the United States military. I do not think the size of the flags would matter to the nations.

(10:00) Sally Holewa, State Court Administrator: Testified in opposition to the bill. We want to be very clear that we are only in opposition to the bill strictly because of the size of the Supreme Court courtroom. It would require us to put 10 additional flags in the courtroom and it is a very small room.

(11:00) Chairman Dever: So, in the design of the new facility, would that be able to be taken into account to be accommodated?

Sally Holewa: We would certainly accommodate it.

Chairman Dever: Closed the hearing on SB 2240.

2015 SENATE STANDING COMMITTEE MINUTES

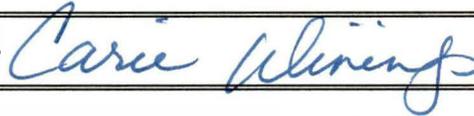
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

SB 2240
2/19/2015
Job # 24148

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2240 for committee discussion, and invited Allen Nygaard, at the request of Senator Marcellais, to make a few comments.

Allen Nygaard, Representing Mandan Hidatsa and Arikara Nation, Three Affiliated Tribes of North Dakota: I apologize that I did not make the original hearing. This bill seems very innocuous in its face value, but to us it speaks volumes. There is no doubt that trust is a big deal with us as native people. The MHA Nation currently produces 1/3 of all the oil in North Dakota. It happens on our reservation. We are an economic engine in our region. This legislative session 45 measures were introduced that directly deal with oil and gas and 32 of those measures directly or indirectly affected us and we were never consulted about any of them. We hear from leadership and we hear from the state about the spirit of partnership yet today I can stand before you and inform you that our government does not feel like a partner. We do not feel that we have been treated as one in this endeavor. We do not want that. Our government is trying the best that we can to reach out and to become a full partner with the state. This measure sends a tremendous message to the five native nations in North Dakota that we do matter. By displaying our flags, that is our symbol. I am a consultant in my real job and I get the great honor to travel around the country and work with native nations across the US and to work with organizations that consult with indigenous populations in Canada, India, Australia, Ecuador, and the UK. I am proud to tell them that I am from North Dakota. It would be really, really nice if the state and the legislature would do this very small thing and display our flags as a show of honor and respect. It is a big thing for native people. It is in our best interest to be partners with the state of North Dakota. Native people contribute \$57.5 million to the state's coffers in taxes and that does not include oil and gas. Our 5 tribal colleges contribute over \$160 million to the economy. Most of our nations are economic engines in our region. We do matter. It is not our government's intent to influence your government. It would be a start to build those deep meaningful relationships between our nations and the state.

(5:40) Chairman Dever: I would like to share my concern not with the idea of displaying the flags, but with the process of coming to the decision. We have a capitol ground planning commission that decides everything that we do on the capitol ground. I am not sure that this proposal has gone to them. The other concern that I have is that the House

does what the House does and the Senate does what the Senate does. Neither is critical of the idea, but on who should be deciding it.

Allen Nygaard: We appreciate that your government functions in a certain way. Sometimes it works really good and sometimes not so much. Our government functions in a certain way as well so we appreciate the difference and we don't want to infringe on the operation in the way that your government functions. That is not our intent. Our intent is that it is a nice beginning gesture on behalf of the state. If our youth come into this building and they see their nation's flag, it sends a message to them that they matter. It would for the veterans as well.

Chairman Dever: I appreciate your comments. Closed the discussion on SB 2240.

2015 SENATE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2240
2/19/2015
Job # 24172

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

No Attachments

Chairman Dever: Opened SB 2240 for committee discussion.

Senator Nelson: The way that it is written, it says that you must put them in both chambers and the Supreme Court and the court is not big enough and I also looked up front in the chamber this morning and wondered where they were going to go. If we were to say that they would be displayed in a public area in the capitol, I think there are all sorts of places where they could be put and they would not have to all be in the same place. I don't like the flags to be cluttered and I want them to mean something.

Chairman Dever: I did visit with the majority leader and he believes that the House should not be telling the Senate what to do and the Senate should not be telling the House what it should do.

Senator Nelson: We can tell capitol grounds what we want to do.

Chairman Dever: If they are going to be displayed somewhere else on the capitol grounds, and then it should be their decision where to put them.

Senator Nelson: We have a ton of places for flag poles out in front and we only use them on the July 4th to put all of the American flags up. Maybe that could work.

Senator Cook: That is the same thought that went through my head. I think this is the second session that we have had this bill. Has anyone ever gone to capitol grounds with this request?

Senator Marcellais: When I was on that committee I brought it to them and I did not get an answer really. They said that they are at the heritage center but I have never seen them down there either. I have only seen them in the Indian Commissioners office.

Chairman Dever: If they were displayed at the heritage center, would that satisfy your interests?

Senator Marcellais: There is not as much traffic there I do not think. They should be some place in the capitol. It does not have to be in the chambers but in a public area.

Senator Nelson: Do you want me to put an amendment together.

Chairman Dever: If you would like to draft an amendment we can set it aside. Closed the discussion on SB 2240.

2015 SENATE STANDING COMMITTEE MINUTES

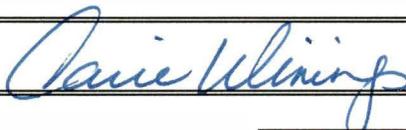
Government and Veterans Affairs Committee

Missouri River Room, State Capitol

SB 2240
2/20/2015
Job # 24199

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Attachments 1 - 2

Chairman Dever: Opened SB 2240 for committee discussion.

Senator Nelson: See Attachments #1 and #2 for proposed amendments.

(4:00)Committee Discussion: The committee discussed the options in the amendments and the options of where the flags can be displayed in the capitol. Various locations in the capitol were discussed from outside, the halls, the judicial wing, to outside of the Indian Commissioners office. The committee decided that one of the amendments would be an improvement on the bill but it should be a decision of the capitol grounds planning commission.

(6:20)Senator Nelson: Moved amendment 15.0812.02001.

Senator Marcellais: Seconded.

Chairman Dever: Discussion?

Committee Discussion: The committee discussed whether the flags could be a non-traditional size and what "prominently" means in the bill. It was suggested to insert "the capitol grounds shall consider" in order to let them decide all of these decisions on exactly how to do that was suggested and it was said that it could not be done in that manor but they could be directed to determine where to put them. The committee was reminded that was done with the smoking areas on the capitol ground.

(12:15)A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Davison: Can we have more discussion on the idea of inserting the capitol grounds planning commission in the bill? I think they are the ones that this needs to come from.

Committee Discussion: The committee discussed further amending to direct the capitol ground committee to do this and what that would mean. It was requested by Senator Flakoll to add "with advice and consent of an interim committee".

(21:00)Senator Poolman: Moved to Further Amend by replacing Public Areas with Public Corridors and adding in both sections "as determined by the capitol grounds planning commission".

Senator Davison: Seconded.

A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.

Motion Carried.

Senator Flakoll: I would like to add under the advice and consent of legislative management.

Committee Discussion: The committee discussed that option and whether the committee could support it. Several committee members have served on the capitol grounds planning commission and there was a consensus that it took far too much time on that committee to get anything accomplished for a variety of reasons.

(28:55)Senator Flakoll: Moved to amend by adding a Section 3 to add "Capital Grounds Planning Commission shall submit with the advice and consent of legislative management".

Senator Davison: Seconded.

A Roll Call Vote Was Taken: 2 yeas, 5 nays, 0 absent.

Motion Failed.

Senator Nelson: Moved a Do Pass As Amended.

Senator Poolman: Seconded.

Chairman Dever: Is there any further discussion?

Senator Cook: I will be voting against the bill. Since this bill was introduced I have believed that this is a decision that should be made by the capitol grounds planning commission. As we have tried to make this thing better so that it can become a reality, we have had the discussion that should be happening in that commission as far as where they should go and what size they should be. I think in the discussions of moving the judicial branch over to the other building there will be options and they might come up with somewhere we have not even thought of to put them. Issues like this frustrated me on the committee. It has to be moved, discussed, and voted on. The issue needs to go to them and they have to be forced to make a decision.

Chairman Dever: I am inclined to agree with that.

A Roll Call Vote Was Taken: 3 yeas, 4 nays, 0 absent.

Motion Failed.

(34:34)Senator Flakoll: Would there be any value in requiring them to present us options where they would be located?

Chairman Dever: There are four members on the commission and they can make that motion. I think the two senators on it right now would be open to doing that.

Senator Flakoll: I would feel more comfortable in voting on something I knew an exact location and size.

Committee Discussion: The committee discussed where to go from this point. The discussion of coming up with options back to the committee was contemplated but there was not time for that. The idea of getting the media here and presenting the flags to the Governor in front of them was suggested in order to get this done.

Senator Cook: Moved a Do Not Pass as Amended.

Senator Flakoll: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 2 nays, 0 absent.

Motion Carried.

Senator Poolman will carry the bill.

February 19, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2240

Page 1, line 1, remove "at certain locations"

Page 1, line 2, after "in" insert "public areas of"

Page 1, line 6, after "displayed" insert "prominently"

Page 1, line 6, remove "the chamber of the"

Page 1, line 7, replace "house of representatives, the chamber of the senate, and the courtroom of the supreme court" with "public areas of the state capitol".

Page 1, line 10, after "States" insert "prisoners of war and missing in action."

Page 1, line 11, after "displayed" insert "prominently"

Page 1, line 11, remove "the chamber of the house of representatives, the chamber"

Page 1, line 12, replace "of the senate, and the courtroom of the supreme court" with "public areas of the state capitol"

Renumber accordingly

2/20/15
JWR

PROPOSED AMENDMENTS TO SENATE BILL NO. 2240

Page 1, line 1, remove "at certain locations"

Page 1, line 2, after "in" insert "public corridors of"

Page 1, line 6, after "displayed" insert "prominently"

Page 1, line 6, remove "the chamber of the"

Page 1, line 7, replace "house of representatives, the chamber of the senate, and the courtroom of the supreme court" with "public corridors of the state capitol, as determined by the capitol grounds planning commission"

Page 1, line 10, after "States" insert "prisoners of war and missing in action."

Page 1, line 11, after "displayed" insert "prominently"

Page 1, line 11, remove "the chamber of the house of representatives, the chamber"

Page 1, line 12, replace "of the senate, and the courtroom of the supreme court" with "public corridors of the state capitol, as determined by the capitol grounds planning commission"

Renumber accordingly

Date: 2/20
 Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2240

Senate Government and Veterans Affairs Committee

Subcommittee Replace "Public Areas w/ "Public corridors"

Amendment LC# or Description: Both Sections add "as determined by the capitol grounds planning commission"

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Place on Consent Calendar
 Reconsider Further Amend As Amended

Motion Made By Poolman Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Dever	✓		Senator Marcellais	✓	
Vice Chairman Poolman	✓		Senator Nelson	✓	
Senator Cook	✓				
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

Pg 1 line 2
Pg 1 line 7 Public Corridors
Pg 1 line 12
Pg 1 line 7
Pg 1 line 12
capitol ground planning commission

Date: 2/20
 Roll Call Vote #: 3

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2240**

Senate Government and Veterans Affairs Committee

Amendment LC# or Description: Subcommittee
Add Section 3
with advice and consent of
legislative management

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Flakoll Seconded By Davison

Senators	Yes	No	Senators	Yes	No
Chairman Dever		✓	Senator Marcellais		✓
Vice Chairman Poolman		✓	Senator Nelson		✓
Senator Cook		✓			
Senator Davison	✓				
Senator Flakoll	✓				

Total (Yes) 2 No 5

Absent _____

Floor Assignment _____

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

Date: 7/20
 Roll Call Vote #: 4

**2015 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2240**

Senate Government and Veterans Affairs Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Nelson Seconded By Poolman

Senators	Yes	No	Senators	Yes	No
Chairman Dever		<input checked="" type="checkbox"/>	Senator Marcellais	<input checked="" type="checkbox"/>	
Vice Chairman Poolman		<input checked="" type="checkbox"/>	Senator Nelson	<input checked="" type="checkbox"/>	
Senator Cook		<input checked="" type="checkbox"/>			
Senator Davison	<input checked="" type="checkbox"/>				
Senator Flakoll		<input checked="" type="checkbox"/>			

Total (Yes) 3 No 4

Absent _____

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE

SB 2240: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "at certain locations"

Page 1, line 2, after "in" insert "public corridors of"

Page 1, line 6, after "displayed" insert "prominently"

Page 1, line 6, remove "the chamber of the"

Page 1, line 7, replace "house of representatives, the chamber of the senate, and the courtroom of the supreme court" with "public corridors of the state capitol, as determined by the capitol grounds planning commission"

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Page 1, line 11, after "displayed" insert "prominently"

Page 1, line 11, remove "the chamber of the house of representatives, the chamber"

Page 1, line 12, replace "of the senate, and the courtroom of the supreme court" with "public corridors of the state capitol, as determined by the capitol grounds planning commission"

Renumber accordingly

2015 TESTIMONY

SB 2240



NORTH DAKOTA SENATE

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



COMMITTEES:

Education
Government and Veterans Affairs

Senator Richard Marcellais
District 9
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Belcourt, ND 58316-9787
marcellais@nd.gov

Testimony

Senate Bill No. 2240 – to provide for the display our North Dakota of Native American Flags and Military Flags in the State Capitol

Government Veteran Affairs Committee

Senator Dever, Chairman

February 13, 2013 @ 9:00 am

Chairman Dever, members of the Government Veterans Affairs Committee, for the record is my name is Richard Marcellais, Senator from District 9, Rolette County.

Senate Bill 2240 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.

Display our official military flags of the United States Army, Navy, Marine Corps, Air Force, Coast Guard and National Guard in the House Chambers, Senate Chambers and Judiciary Wing of the North Dakota State Capitol to show our dedication for our military.

Thank you very much for the opportunity to appear in support of Senate Bill # 2240. I will try an answer any questions the committee may have.

February 19, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2240

Page 1, line 1, remove "at certain locations"

Page 1, line 2, after "in" insert "public areas of"

Page 1, line 6, after "displayed" insert "prominently"

Page 1, line 6, remove "the chamber of the"

Page 1, line 7, replace "house of representatives, the chamber of the senate, and the courtroom of the supreme court" with "public areas of the state capitol"

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Page 1, line 11, after "displayed" insert "prominently"

Page 1, line 11, remove "the chamber of the house of representatives, the chamber"

Page 1, line 12, replace "of the senate, and the courtroom of the supreme court" with "public areas of the state capitol"

Re-number accordingly

February 19, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2240

Page 1, line 1, remove "at certain locations"

Page 1, line 2, replace "in" with "outside"

Page 1, line 6, remove "in the chamber of the"

Page 1, line 7, replace "house of representatives, the chamber of the senate, and the courtroom of the supreme court" with "prominently outside the state capitol between the hours of nine o'clock a.m. and four o'clock p.m. of each day, weather permitting"

Page 1, line 10, after "States" insert "prisoners of war and missing in action,"

Page 1, line 11, remove "in the chamber of the house of representatives, the chamber"

Page 1, line 12, replace "of the senate, and the courtroom of the supreme court" with "prominently outside the state capitol between the hours of nine o'clock a.m. and four o'clock p.m. of each day, weather permitting"

Renumber accordingly