

2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2053

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee
Missouri River Room, State Capitol

SB 2053

January 6, 2011

12626

Conference Committee

Committee Clerk Signature	
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Explanation or reason for introduction of bill/resolution:

Relating to extension and duties of the committee on tribal and state relations.

Minutes:

<i>No written testimony.</i>

Chairman Dever called the Senate Government and Veteran's Affairs Committee to order, roll was taken and all committee members were present.

Jeff Nelson: Staff attorney for Legislative Council and also serve as committee council for the Tribal and State Relations Committee, the legislative interim committee that is recommending SB 2053. At the outset, I would like to remind the committee that my comments should not be construed as in favor or in opposition of the proposal. My purpose this morning is to review the bill with you and answer any questions that the committee may have. The tribal and state relations com was created in 2005 and it is a statutory committee and is part of the law. There was an expiration date when it was created in 2005. To date the legislative assembly has extended the committee for 2 year terms. As you will see the interim committee is recommending that the committee be made permanent. Section 54-35-23 of the Century Code establishes the tribal and state relations committee and directs the committee to conduct joint meetings with the Native American Tribal Citizens Taskforce to study tribal/state issues including government to government relations, the delivery of services, case management services, child support enforcement and issues of economic development. The Native American Tribal Citizens Taskforce is composed of the Executive Director of the Indian Affairs Commission and the Chairman of each tribe in North Dakota. The bill itself relates to extension & duties of the committee. On page 1 line 6 the expiration date, providing that the committee was effective through July 31, 2011 is being over struck and the effect of that is to make the committee a permanent statutory interim committee. Line 18 & 19, under current law, Chairman of the legislative management or the Chairman's designee is the Chairman of the Tribal and State Relations Committee. The Committee this last interim felt it was more appropriate that the Chairman be designated by the Chairmen of legislative management, the same as other interim legislative management committees, so rather than the Chairman be designated as the Chairman of Tribal and State Relations, legislative management would pick a Chairman. The committee felt that it was more appropriate so that this committee operates the same as other interim management committees. The name of this entity is being replaced by

reflective of the actual composition of the taskforce but because it is composed of tribal government leaders if the term 'government' is in there rather than citizens that more accurately reflects the composition of the taskforce.

Senator Nelson: Is it because part of the land goes into South Dakota?

Jeff Nelson: It was just felt that rather than Native American Tribal Citizens Taskforce the term North Dakota Tribal Government's Taskforce was more appropriate.

Mr. Nelson then explained in detail the changes to SB 2053. After describing the changes that were proposed to the bill Mr. Nelson fielded questions from the committee. 12:30

Senator Cook: this bill comes to us from the tribal state relations committee I assume that 7 member committee was presented this bill and voted on it? And how many times did the committee meet?

Jeff Nelson: Yes the committee did vote on it. If memory serves the committee met 6 times during the interim.

Senator Cook: Roll calls were taken at all of these meetings? May I get copies of those?

Jeff Nelson: Yes.

Chairman Dever: The bill designates the makeup of the tribal task force.

Jeff Nelson: Right. Just to clarify the interim is composed of 7 legislators, 3 House, 3 Senate and the chairman. They hold joint meetings of the taskforce, which are not members of the committee, they are 2 separate entities.

Chairman Dever: Is there any discussion of the scope of the provision to educate all citizens of the state?

Jeff Nelson: Whatever the committee could do to further the education of Indian issues would benefit the citizens, both Indian and non Indian.

Chairman Dever: If we do spell it out and don't define the scope of it do we need to make space for many?

Jeff Nelson: What the committee envisioned is going to different reservations, going to different events and I think that the vision was that the committee makes a conscious attempt to make the public aware of Indian issues and tribal/state issues.

Senator Barry: Can you address the issue of continuity as it relates to the expansion of proxies at the meetings?

Jeff Nelson: That is exactly the concern. The committee carefully looked at that and felt it was a legitimate consideration but felt that that consideration was outweighed by increasing participation by allowing the members of the taskforce, the Executive Director and the Chairman to be limited to one designee and felt that broadening it would help to educate that person.

Scott Davis: Executive Director of the North Dakota Indian Affairs Office, I agree with the concern of the attendance. I know that it has been difficult for tribal chairs to balance the priorities at home and the issues that you are faced with as tribal chair is a daunting task

and it is hard to get their time. I don't mean that in a disrespectful way but a lot is on their plate and I am still trying to help them alleviate some of the pressure that they have sometimes. I see a huge opportunity to participate in the process, all the tribal chairs are in town today and I brought people to update them on the work we are doing with the tribes. I know that there are questions on what we are educating people about and I see it as a two-way street. I see the need for Tribal Chairs and leadership to be educated on the legislative process. With so many issues with juriScott Davis, healthcare, education, law enforcement and game and fish issues it is a process. My colleagues in other states wonder how we have such good communication and I tell them that it is a good dialogue. We have a place where the communication is flowing and if you allow me to work a little harder to get the tribal participation increased I would appreciate it. When I go back to tribal leadership I tell them that they need to be at these meetings to be in favor/opposition and I feel that they are realizing that and they are seeing. I need to be careful as to my support but I would have to say that I do support this bill, it is important to have a place to meet discuss debate the issues facing people in the state today. I'm always willing to come back and talk with you and the importance of this committee.

Senator Barry: Before this committee how was communication handled?

Scott Davis: I'm not sure. I believe that every governor has an open-door policy but for some reason tribes & state have stayed away. Water and river rights there is an opportunity for both the state and the tribe to work this out, we are just on the verge of blooming on their full potential.

Senator Barry: This formalized and made it so people could get together and communicate?

Scott Davis: Yes when Jeff and I set these meetings up we make sure that we are covering all the bases on the issues. There are issues with urban tribe residents and we need to look at those things as well. Having a formalized venue is so important.

Chairman Dever: Does the fact that we spell the issues in the bill limit the dialogue?

Scott Davis: They all tie into each other. Those natural resource issues are important and lend themselves to the debate. I think that those things should be addressed at some time.

Chairman Dever: Is there any coordination that you are aware of with the other committees?

Scott Davis: They work together with the community & inmates with reentry into society the instance of work on the gang task force. When you talk about Human Health Services, Carol Olsen's department we have created a stakeholder's meeting where we have a tribal, state and county directors addressing social services needs. There are other issues that we deal with, suicide which is a larger problem in our state. I designate some of my staff to be on those.

Senator Marcellais: Some of the things that Scot is doing not we have been trying to do since I came in as a Senator and I recommended to the last commissioner that we have

orientation before the legislative session and that would be an opportunity for tribal state relations to come in and do an informative session to all the legislators.

Bob Marther: Assistant Super Intendment with the Department of Public Instruction. We do support the extension of this committee to make it permanent. It has provided for the department another avenue for us to focus on issues that are related to K-12 education.

There was no one else there to testify on SB 2053, Chairman Dever closed the public hearing.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2053
January 6, 2011
12636

Conference Committee

Committee Clerk Signature *Kate Oliver*

Explanation or reason for introduction of bill/resolution:

Relating to extension and duties of the committee on tribal and state relations.

Minutes:

Tribal/state relations attendance sheet attached.

Chairman Dever opened the floor to discussion on SB 2053.

Senator Cook: I think that we should think about it a little bit, maybe have some conversations. I can understand that it is tough for the tribal chairman with the schedules that they have to make all the meetings, but I think if they can't make any of them they would have designated somebody who could have.

Senator Barry: Wasn't there also an issue about voting? The bill that we see before us was put together by the people who were there and who have an interest in the committee in an effort to get the other people there. I was wondering if there was a way to get a commitment from those that weren't before we act on the bill.

Senator Nelson: It seems to me that the major discussion is over the deletion of line 27 thru the end of the bill. It seems like we are in agreement on everything else.

Senator Marcellais: If I remember right when we discussed the voting part of it the tribal chair thought why go to the meetings if you have no voting rights. That is why that came up as part of the study. It's a listening session, communication session but any time there was something to vote on the tribal chairmen didn't have a vote.

Chairman Dever: I serve on the commission on alternatives to incarceration and the feeling there is that we vote to put the legislation forward not to put it into law.

Senator Marcellais: Representative Bouche, who was the Vice Chairman of this committee last interim and he said he would be glad to come down and talk to the committee.

Senator Barry: Senator Marcellais, do you think that these meetings would have better attendance if they were granted voting rights?

Senator Marcellais: That was what I got out of the meeting that I was at, I was going to mention also that we serve on other committees also but it is not always the chairman. If we could designate an alternate for the chairperson you would probably get better attendance. I attended as many as I could but I had conflicting schedules with the ones that I didn't attend.

Senator Cook: Right now the bill allows a tribal chairman to appoint a designee but it has to be person to take his place, but it has to be only one designee through the entire interim? Are they reluctant to do that?

Senator Marcellais: I wouldn't be able to speak for other tribal chairman, but in my case that is what I wanted was a primary and a secondary for each one of these committees so at least someone could report back to the council. What could happen in this case is if we ask for a tribal resolution to designate the chairman and a designee they can do that. It wouldn't have to necessarily have to be the chairman.

Senator Cook: This is a good tool if it will work. It is important if they come out of the meeting and say that this is valuable and I don't know if we are there. The tax policy should be discussed as to how and why it is done that way.

Senator Marcellais: There is another Native American advisory with the Governor and that one doesn't meet as often as this committee.

Chairman Dever: It seems to me that there are 3 things that we could consider as amendments to this bill. Clarify the designee, do we want to spell out the issues that are going to be covered or leave it to the discretion of the committee and finally, if we think that the designees should be able to vote on the committee, then why study it?

Senator Marcellais: I agree with you in the expansion of the programs involved. I think that it should cover all the state programs because on the reservation we have all the same programs that the state has.

Senator Nelson: Mr. Chairman, wouldn't we be better off if on Line 23 we put a period after issues and deleted everything through the end of that sentence?

Senator Marcellais When I talked to Scot this morning he was hoping to have the tribal chairs come in this morning but most of them are not familiar w/ testifying.

Chairman Dever: I wonder if it would be a motivator to extend the sunset clause to extend it.

Senator Marcellais: When I talked to Mr. Davis he was hoping that the tribal chairman would have been here to testify on this bill but they are not familiar with the process.

Chairman Dever: Maybe we can ask Scott to communicate with the tribal chairman for their input on what would generate their involvement.

Senator Cook: It might be a good idea and well worth the effort but the challenge is re opening the hearing and that is a slippery slope.

Senator Marcellais: When I sat on the UTTC board we passed resolutions as tribes and maybe that may be something they could pass for all the tribes to agree on this tribal state relations.

Senator Cook: So we have a North Dakota Tribal Government's taskforce now, how often do they meet?

Senator Marcellais: once every 3 months with the Governor.

Chairman Dever: That is set up as it is in the bill?

Senator Cook: Do you have a committee of all the tribal governments that meets on a regular basis?

Senator Marcellais: It would be nice if you could dovetail the United Tribes Technical College Advisory board with the tribal state relations committee. Dr. Gibb or Wes Longfeather could provide that information.

Chairman Dever: Get that information and we can delay action on the bill until then. When we do take action we are going to want to look at extend the sunset clause two years and changing the issues language

Senator Marcellais: I think that Senator Nelson's recommendation would work.

Chairman Dever: The other issue that we talked about was the designee or the makeup of the taskforce.

Vice Chairman Sorvaag: Is it that the chairman doesn't feel comfortable designating the authority?

Senator Marcellais: What happens is it depends on what happens, if you have a family emergency you try to get someone else on the council to attend. When I was in office I asked which councilmen wanted to volunteer for which committee. It may not even be a council person it may be a program director who has knowledge of the topic. At United

Tribes Technical College we have to have a proxy; we have also have special meetings via conference calls when a resolution needs to get passed.

Chairman Dever then closed the committee discussion on SB 2053.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2053
January 20, 2011
13147

Conference Committee

Committee Clerk Signature

Kate Oisel

Explanation or reason for introduction of bill/resolution:

Committee on tribal and state relations committee.

Minutes:

No written testimony.

Chairman Dever opened the floor to conversation on SB 2053; there was discussion on amending the bill. The desire of the committee was to give the tribal chairman voting rights on the committee and to also give them the authority of appointing a designee in the case of their absence.

Senator Schaible: So Standing Rock, for instance, can designate only 1 person or can they change every meeting?

Chairman Dever: It is my understanding that the bill says that they may have a process in which the chairman of the tribe were to designate a proxy

Senator Marcellais: Once the resolution is in place it would be the same person.

Senator Nelson: With the vote it would change what the quorum would be.

Vice Chairman Sorvaag: In this bill it is being removed. P2 line 27-30 they are taking the language of EXD out

Chairman Dever: it is specifying that the same person will be at the meetings.

A motion was made to extend the sunset until July 31, 2013 by Senator Marcellais with a second by Senator Cook, roll was taken and the amendments were adopted 7-0. Senator Cook then made a motion to further amend the bill to remove the overstrike on the bottom of page 2, line 27 through the end of the bill with a second by Senator Marcellais, roll was taken and the motion to further amend the bill passed 7-0. A motion was then made by Senator Nelson for a do pass as twice amended with a second by Senator Marcellais, roll was taken and the motion passed 7-0 with Senator Marcellais caring the bill to the floor.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 1, line 6, after "~~2011~~" insert "**Effective through July 31, 2013**"

Page 2, line 27, remove the overstrike over "b."

Page 2, line 27, remove the overstrike over "~~If the executive director of the Indian affairs
commission or any of the tribal~~"

Page 2, remove the overstrike over lines 28 through 30

Page 3, remove the overstrike over lines 1 and 2

Renumber accordingly

Date: 1/20/11
Roll Call Vote #: 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adoption of Amendments

Motion Made By Marcellais Seconded By Cook

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	Y				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

January 20, 2011

JB
1-21-11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2053

Page 1, line 6, remove the overstrike over "~~Effective through July 31,~~"

Page 1, line 6, after "~~2014~~" insert "2013"

Page 1, line 6, remove the overstrike over the boldfaced closing parenthesis

Page 2, line 15, after the underscored period insert "a."

Page 2, line 17, remove the overstrike over "{1}"

Page 2, line 17, remove "a."

Page 2, line 19, remove the overstrike over "{2}"

Page 2, line 19, remove "b."

Page 2, line 20, remove the overstrike over "{3}"

Page 2, line 20, remove "c."

Page 2, line 21, remove the overstrike over "{4}"

Page 2, line 21, remove "d."

Page 2, line 23, remove the overstrike over "{5}"

Page 2, line 23, remove "e."

Page 2, line 25, remove the overstrike over "{6}"

Page 2, line 25, remove "f."

Page 2, line 27, remove the overstrike over "b."

Page 2, line 27, remove the overstrike over "~~If the executive director of the Indian affairs
commission or any of the tribal~~"

Page 2, remove the overstrike over lines 28 through 30

Page 3, remove the overstrike over lines 1 and 2

Renumber accordingly

Date: 1/20/11
Roll Call Vote #: 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Further Amend

Motion Made By Cook Seconded By Marcellais

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

2053

Date: 1/20/11
Roll Call Vote #: 3

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Government and Veteran's Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken De Pardo AS Amended

Motion Made By Nelson Seconded By Marcellais

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry	X				
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Marcellais

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

REPORT OF STANDING COMMITTEE

SB 2053: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~Effective through July 31,~~"

Page 1, line 6, after "~~2011~~" insert "2013"

Page 1, line 6, remove the overstrike over the boldfaced closing parenthesis

Page 2, line 15, after the underscored period insert "a."

Page 2, line 17, remove the overstrike over "{1}"

Page 2, line 17, remove "a."

Page 2, line 19, remove the overstrike over "{2}"

Page 2, line 19, remove "b."

Page 2, line 20, remove the overstrike over "{3}"

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Page 2, line 23, remove "e."

Page 2, line 25, remove the overstrike over "{6}"

Page 2, line 25, remove "f."

Page 2, line 27, remove the overstrike over "b."

Page 2, line 27, remove the overstrike over "~~If the executive director of the Indian affairs commission or any of the tribal~~"

Page 2, remove the overstrike over lines 28 through 30

Page 3, remove the overstrike over lines 1 and 2

Renumber accordingly

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2053

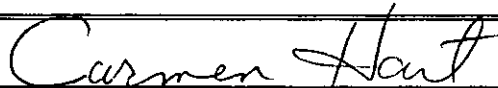
2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2053
March 4, 2011
14956

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Committee on Tribal and State Relations extension

Minutes:

Chairman Bette Grande opened the hearing on SB 2053. Rep. Sanford was absent, but there was a quorum.

Jeff Nelson, Legislative Council Staff Attorney and Committee Counsel for the Tribal and State Relations Committee, appeared to give information on this bill. SB 2053 is being recommended by the interim tribal and state relations committee. The tribal and state relations committee is an interim committee but it is a little bit different than other committees in that it is a statutory committee. It is established in law so rather than a committee that is set up as a result of the action of the legislative management, this committee is set up in statute, in law. Century code 54-35-23 establishes the committee and directs the committee to conduct joint meetings with the Native American tribal citizens' task force to study tribal state issues including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. The Native American tribal citizens' task force, the entity that the tribal and state relations committee holds joint meetings with is composed of six members including the executive director of the Indian affairs commission or the executive director's designee and the chairman or the designee of each of the five Indian tribes in North Dakota. The committee really has jurisdiction over any issue that affects tribal and state relations in this state. We have dealt with issues everything from crimes to education to human services, economic development, natural resources, so the committee really has wide ranging jurisdiction. The bottom line is anything that deals with tribal or state relations comes within the jurisdiction of the committee. This bill will amend Section 54-35-23, the statute that establishes the committee and relates to the extension and duties of the committee on tribal and state relations. In the past the committee has essentially run for two years and then been extended by the legislative assembly. This past interim the committee recommended that this committee be made a permanent statutory interim committee. You can see on Line 6 of Page 1 the bill as introduced would have eliminated the effective through July 31, 2011 and just made this permanent. The senate amended it to extend it for another two-year period. Line 9—unlike other interim committees the statute provided that the chairman of the tribal and state relations committee is the chairman of the legislative management or the chairman's

designee. The interim committee felt that the chairman of this committee should be designated by the chairman of legislative management, the same as other interim committees. Lines 18-19—we see that language being eliminated. The chairman of legislative management or the chairman's designee shall serve as chairman. That language is eliminated because of the change in Line 9. The Native American tribal citizens' task force is being changed to North Dakota tribal government's task force. The interim committee felt that change in designation better reflected the composition of the task force and is recommending that change. The jurisdiction of the committee, the duties of the committee is being broadened. Under current law beginning on Line 24, the committee has responsibility for the delivery of services, case management services, child support enforcement. That is being changed to just human services, more all encompassing. Also added were education and corrections to issues that were brought before the committee that the committee spent a great deal of time on. Beginning on Line 2, Page 2, language is being added that the committee also shall work to educate all citizens of this state native as well as nonnative on Indian issues and tribal sovereignty. The concept of Indian law is a very complex area of law and the primary basis of Indian law is tribal sovereignty. The interim committee felt that both native as well as nonnative citizens of the state could be better educated on the issue of tribal sovereignty and on Indian issues. Another issue that came up this past interim is whether the members of the tribal government's task force now should be full voting members of the committee. Right now the two entities meet jointly, but the members of the tribal government's task force really do not have a vote. There are some interim committees—I am thinking of the alternatives to incarceration, the ACIR, for example, do have citizen-voting members. The committee felt that to enhance participation perhaps for better relations, a better product that the committee should study whether the members of the task force should be voting members of the committee during this next interim. Page 2, Subdivision B under Subsection 5—if the executive director of the Indian affairs commission or any other tribal chairmen appoint a designee to serve on a task force, only one individual may serve as that designee during the biennium. A substitute designee may be appointed by the executive director or the tribal chairman in the event of death, incapacity, resignation, or refusal to serve. That language was recommended to be deleted. The senate reinserted that language. Again, the question came up, participation by the executive director and the chairman. There are really two views of thought on this is to promote continuity. If the executive director or the chairman appoints a designee, it should be the same individual to serve throughout the interim to maintain continuity. The other view is that is a noble goal and something to strive for but perhaps maybe it does limit the chairman and perhaps the chairman might want to employ other members, for example, the tribal council to broaden that experience to give other members that experience.

Chairman Bette Grande: On Page 1 where we are designated by the chairman isn't that how we are doing it already? Rep. Boucher was the chair and he wasn't the head of legislative council before so I think we have already been doing it that way. Is that correct?

Jeff Nelson: Yes.

Chairman Bette Grande: We are just making a clarification basically for those two points there. On Page 2, in the paragraph of Lines 2-6, the committee shall, which is pretty strong

language, and all citizens. How do you go about reaching all citizens? We don't reach all citizens on anything let alone education of something as difficult as tribal law.

Jeff Nelson: I think that when we say shall work to educate, it is going to make the attempt to do that. Anything that is developed should be designed or with the view of encompassing all citizens, native as well as nonnative.

Chairman Bette Grande: We are not talking about an advertising campaign of some sort or implementation into the full educational system or something that broad?

Jeff Nelson: No, I don't believe so.

Rep. Lonny Winrich: Is this broadening of the mission as you described it sort of a general philosophical change or have there been specific things that the committee wanted to do and felt they didn't have the authority to do?

Jeff Nelson: I think really what has happened is—I'll use the example of corrections. We really don't have jurisdiction over corrections. However, it was brought to the attention of the committee by the executive director of the Indian affairs commission, the tribal chairmen that really law enforcement in Indian country is a very important issue. The reintegration, if you will, of people that have served sentences in the state correction system back into the tribal community is a very difficult issue. We spent some time on that but we really didn't have that jurisdiction so we thought if we are spending that time on those issues, the jurisdiction of the committee should be perhaps revised to reflect what the committee is actually doing.

Rep. Lonny Winrich: The language at the bottom of Page 2 where you said the committee recommended be deleted and the senate put it back in. Why did the committee feel that should be deleted? What was the reasoning there?

Jeff Nelson: The two views of thought on that is the committee felt that if it was required that for example, I'll use a tribal chairman. As you know, tribal chairmen, in addition to dealing with the state government, spend a great deal of time dealing with federal issues as well as tribal issues. Some found it difficult to attend all of the meetings of the committee. The statute allows them to designate another individual. However, it restricts that point in that if the chairman does designate an individual, that individual has to essentially serve that interim. The committee felt that it, although it promoted continuity, limited the chairman. For example, if that individual also has a conflict and can't attend a meeting, maybe the chairman could appoint another member of the tribal council. That would serve two purposes in that it would enhance participation, someone from that tribe would be able to represent that tribe at the interim committee meeting, and second, it gives another individual experience in dealing with this committee.

Rep. Lonny Winrich: Are there other places where we restrict or require sort of a unique designee in this fashion to replace someone that is ex officio on a committee?

Jeff Nelson: Not off hand.

Rep. Lonny Winrich: I know in the case of some of the interim that essentially serve as interim committees but are statutorily established somehow, there is a prescribed meeting schedule in statute. They have to meet quarterly or something like that. Was any thought given to some sort of requirement like that to this committee?

Jeff Nelson: No, it really wasn't. This past interim the committee, for example, met at three of the five reservations. We met during the timeout in _ at the University of North Dakota. We met during the United Tribes Pow Wow in conjunction with that event. When we met in Indian country on the reservation, I would work with the tribal representatives to set up a meeting that worked into their schedule as well so we really didn't talk about that and really didn't find it to be a problem. Just speculating, I would think if may restrict the committee if it was required to meet quarterly or something like that.

Rep. Lisa Meier: How many times total did you meet then during the biennium?

Jeff Nelson: Probably six or seven.

Rep. Lisa Meier: Out of those times meeting how many pieces of legislation were directed at this session?

Jeff Nelson: I think the committee recommended five bills and one resolution.

Rep. Karen Rohr: It seems this committee has been in existence for quite awhile. Am I correct to assume that?

Jeff Nelson: I think the committee was established in 2005.

Rep. Karen Rohr: I want to know a little bit about the outcomes of this committee and what makes it successful that we want to continue to do that.

Jeff Nelson: Remember my comments should not be construed as being in favor of or being an advocate of the legislation. For example, six pieces of legislation. Some might view that as being quite a lot out of an interim committee. There are some committees that don't recommend any legislation. Some other people might say six pieces of legislation is not really significant. In addition to the legislation that was recommended, the thing that the committee found beneficial was the communication between the tribal governments and the Native Americans of North Dakota and the state of North Dakota and the nonnative citizens of North Dakota. It was very educational for the committee members, the members of the legislative assembly to travel to Indian country, to meet the citizens of North Dakota who live in Indian country, to hear their concerns, to see their issues, and also it is very beneficial for people living in Indian country, that really in our system they have much more dealing with the federal government than they do state government, to learn more about state government.

Rep. Karen Rohr: We added on Line 1, Page 2, education and corrections and then we also have already been looking at promotion of economic development. Do we have any outcomes or measurable outcomes that we are looking at to make sure that those things are followed through and someone is held accountable? For instance, corrections where

you are trying to decrease the number of correctional issues there. Are we trying to increase business and have we been successful in those realms?

Jeff Nelson: I think so. The corrections issue, for example, it has been reported that the department of corrections rehabilitation really is working, concentrating on trying to reduce recidivism, trying to develop programs to reintegrate people that have served their sentences in the state corrections systems back into the tribal community. The legislative assembly has increased support for tribal colleges and the impetus for that came out of this committee. When the committee learned of the number of nonnative students attending tribal colleges that essentially tribal colleges were educating for the state of North Dakota, the committee became aware of that and the legislation that has been into the second biennium now to provide state support for tribal colleges is a product of this committee.

Rep. Gary Paur: You may have answered this for the chairman already. On Page 2, Lines 2-3, the committee shall work to educate all citizens of this state, native as well as etc. That appears to me to be a mandate for Indian studies from kindergarten through college.

Jeff Nelson: The interim committee didn't really feel so. It felt that the committee would just do what it could to whether by recommending programs or recommending legislation that provide education on those topics. I don't feel it is a mandate because the committee shall work to, shall strive or attempt to keep that goal in mind.

Rep. Karen Karls: We deal with these interim committees and really don't have any idea who is on them so if we would like to have a little visit with them. Could our intern print us a copy of who is on that committee?

Chairman Bette Grande: The legislative management report also has the names listed.

Jeff Nelson: This past interim the chairman was Merle Boucher. Other committee members were Kari Conrad, Jim Kasper, and Don Vigasaa. Senators were Stan Lyson, Tim Mathern, and Dave Oehlke. You can look at the membership and you can make the conclusion that the chairman of legislative management probably took into account members of the legislative assembly from Indian country may have gotten a preference in being selected for the committee.

Chairman Bette Grande: We have in here where they want to move this to voting membership of the six designees that are on Lines 17-26. What was the attendance like of these six throughout the hearings?

Jeff Nelson: The executive director I think was at all but one of the committee meetings. Among the tribal chairmen we probably averaged one or two at each committee meeting.

Chairman Bette Grande: As you spoke, you talked about going to the tribal lands for the hearings. What was the attendance like when you held a hearing on the tribal lands?

Jeff Nelson: Attendance of the committee members?

Chairman Bette Grande: Both, committee members and the citizens.

Jeff Nelson: When we would go to Indian country, usually we would have the chairman of that tribe there unless he was on business, out of state, or something like that. Then we would maybe have one other tribal chairman from around the state. However, I think the view in Indian country maybe is that if we were going to meet at Ft. Berthold for example that we concentrated on Ft. Berthold issues and maybe the chairman from Spirit Lake would feel that meeting is designed for them so I don't need to be at that one. When we met at Ft. Berthold, we would try to put issues on the agenda that were specific to that tribe. For example, oil and gas development in Indian country at Ft. Berthold. When we went to Spirit Lake nation, it was transportation because of the flooding in the Devils Lake basin, also some game and fish issues, and some human services issues up there. When we went to Turtle Mountain, one of the issues up there is child support enforcement. Certainly there are some issues that apply to all of the reservations, other issues that are reservation specific.

Chairman Bette Grande: I see what you are saying. It is nice to go to the tribal land and talk about specific issues, but if there is no increase in attendance, why wouldn't you just continue to just to have them say in Bismarck? Was there benefit to go to the various reservations?

Jeff Nelson: Perhaps I only answered half of your question. When we met in Standing Rock, for example, we probably had 50 tribal members there that wouldn't come to a meeting in Bismarck. When we talk about cost effective, bringing legislators into Bismarck or bringing them into Devils Lake, I think the cost of the meeting is probably the same.

Chairman Bette Grande: There was good attendance then of the tribal community.

Rep. Glen Froseth: Making the North Dakota tribal government task force voting members then they would have a vote in state legislation that is being forwarded, would it not?

Jeff Nelson: That is correct. The same as the alternatives to incarceration and the ACIR. I know that has been controversial in the past. That is a policy question for the legislative assembly because whether non legislators have a vote on an interim committee to recommend that a bill go forward, of course the legislative assembly itself has the final say on that legislation.

Rep. Glen Froseth: Are the members of the tribal task force reimbursed on the same level as the state legislators that serve?

Jeff Nelson: No. There is no provision in there for reimbursement of these members. I assume that is handled--for example, the executive director of the Indian affairs commission, that is part of his duties. He is a state employee and the tribes would pick up the expenses of the tribal representative.

Rep. Bill Amerman: As I read this, we are not actually making them voting members but we will study over the interim whether it should be and next session come up with something?

Jeff Nelson: That is exactly correct.

Rep. Lonny Winrich: Does the North Dakota tribal government's task force ever meet independently of the committee on tribal and state relations?

Jeff Nelson: No, not as that entity. However, you have to remember that the Indian affairs commission, another entity that really all of these individuals are a member of, does meet.

Rep. Vicky Steiner: When you talk about studying the opportunity to have a vote in this interim committee, did they also talk about having nonnative voting on their tribal council as an exchange? They do have dual citizenship under the law.

Jeff Nelson: No.

Rep. Karen Rohr: I too have a little concern about the studying of the voting privileges because if there isn't appropriate attendance, would that hinder the ability of the committee to do their work?

Jeff Nelson: That certainly would be a consideration that will probably be taken in if this study remains in here. If the committee didn't have a quorum I suppose that it could not continue, but a quorum is 50% plus one. Even if we would have included the members of the task force, we would have always had a quorum. We almost always had 100% legislative attendance. The executive director was always there and then one or two tribal chairmen.

Chairman Bette Grande: You can tell this is a new subject for the committee so we appreciate you taking time to explain so many things to us.

There was no one opposed or neutral to this bill.

The hearing was closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2053
March 10, 2011
15251

Conference Committee

Committee Clerk Signature

Carmen Hart

Explanation or reason for introduction of bill/resolution:

Committee on Tribal and State Relations extension

Minutes:

Chairman Bette Grande opened discussion on SB 2053. I do have it noted the shall and the all on Page 2, Lines 2-3. It seems extremely broad to me, daunting. The committee also shall, meaning this is a mandate, work to educate all citizens of the state. I am not quite sure if there is a better way to word something like that. I understand the intent and I think the intent is all good and well, but that is daunting on an interim committee that doesn't tend to meet all that often.

Rep. Karen Rohr: My other concern too was there were going to change some nonvoting members to voting members and their attendance is not consistent.

Chairman Bette Grande: I think that is why the senate moved it to a study portion. They are going to study whether these members should become part of the task force voting members.

Rep. Gary Paur: Instead of shall and may, would will be appropriate? Would that still be too demanding?

Chairman Bette Grande: You would either say shall or may. May meaning that it is not a mandate which would probably be easier to work off of.

Rep. Gary Paur: I agree I don't like the shall.

Rep. Lonny Winrich: It seems to me that it is softened a great deal by saying they shall work to. There is no specific designation of responsibility there. I suppose you might say shall study programs to educate all citizens or something like that. I don't see shall work to as a specific mandate to do something but rather to try to find ways to accomplish it.

Chairman Bette Grande: I agree maybe something shall look to ways of educating all citizens. They already have taken on quite a bit by adding education and corrections to this committee.

Rep. Vicky Steiner: I think they are already doing this. They are trying to educate. Since I have known of that committee they have been always doing that. You could just say the committee also may continue their work to educate.

Chairman Bette Grande: I am just curious as to why as it has to be stated in law.

Rep. Vicky Steiner: I have a problem with shall because I don't want to dictate to them that they have to do this.

Rep. Karen Rohr: My other concern would be that would that go over into curriculum and all that kind of thing? Would we have to do it? I think it should be area specific then too. I don't really like the word shall either.

Rep. Glen Froseth: Maybe we could change it to the committee is encouraged to work towards educating the citizens of the state, native as well as nonnative.

Chairman Bette Grande: I keep going back to why do we want to spell any of this out in statute. Why would they want to be limited to? Why are we trying to limit the scope of this committee?

Rep. Glen Froseth: Why don't we just amend it out then? If the senate doesn't like it, it will go to conference committee.

Chairman Bette Grande: You are talking about amending out just that sentence?

Rep. Glen Froseth: From Line 2 through the word committee on Line 6.

Rep. Roscoe Streyle: That is exactly what I was going to say.

Chairman Bette Grande: Is that a motion, Rep. Froseth?

Rep. Glen Froseth: Yes.

Chairman Bette Grande: Is that a second, Rep. Streyle?

Rep. Roscoe Streyle: Yes, it was.

Rep. Lonny Winrich: Do you want to take out the study as well or just the direction to work on education?

Rep. Glen Froseth: I think we would take out the study also because I kind of question sometimes the value of this committee altogether. They have a tough time of getting the tribes to cooperate in their part. It seems like they have a problem on getting the tribes to work together. The committee has a meeting in one of the tribal areas and nobody else shows up. I think it is worthwhile to keep the committee going, but sometimes you wonder how much they accomplish.

Chairman Bette Grande: I don't know the need for the study. I think we have an issue of quorum. I think it stifles the legislative aspect of the committee when you are not going to have a true count of the vote in the understanding if they choose to put any legislation out on a quorum when you have at least five of the members not necessarily going to be present.

Rep. Gary Paur: I would like to go back to your earlier statement about restricting it. In my notes Jeff Nelson, the staff attorney, said the committee has jurisdiction over anything that deals with tribal and state relations. I think it would be prudent to let them set the agenda.

Rep. Lonny Winrich: I don't have a great objection to amending out the first sentence of that, but as I look at this bill I realize there are some concerns about the fact that we don't get a lot of participation from the tribal members. We are appointing a legislative committee. The members of the committee are the seven legislators. They are the only ones who have a vote. Then we designate six other people, one of whom is an officer of the state of North Dakota. The other five are officers of independent sovereign nations separate from the state of North Dakota. They are not given a vote on the committee. What is the great motivation to participate? I think the study is very appropriate. I have served on interim committees where legislators had been appointed to the committee and didn't show up for a single meeting during the whole interim. They could get paid and their expenses paid. Are we going to kick them out of the legislature too? I think the study has some value and it might have the beneficial effect of encouraging more participation by the tribes.

Rep. Glen Froseth: I will withdraw my motion for the amendment.

Rep. Roscoe Streyle: I will withdraw my second. Why do we need to study? Either you want them to vote or not. What is a study going to benefit from a yes, they can or no, they can't?

Chairman Bette Grande: I think for this committee to have the opportunity to have that discussion with the tribes would be beneficial to them. It might offer the opportunity to participate.

Rep. Glen Froseth: It is only a study within the committee. I would further amend that starting on Line 2, the committee also shall work.

Vice Chairman Randy Boehning: Would we need to change language where it says during the 2011-12 interim, the committee also shall?

Chairman Bette Grande: Take out the word also?

Vice Chairman Randy Boehning: Yes. I was wondering if we have to clean that up a little bit too?

Rep. Glen Froseth: I will include that in my motion to remove the word also on Line 4.

Chairman Bette Grande: Talking to the intern, Steven Podoll. You don't think we need to? You will just make sure we have the proper language there with the understanding that is what we are trying to do.

Rep. Mark Sanford: Those of us on education committee heard a bill that called for a study of tribal education and its relationship to the department of public instruction and to the state. How do these all get coordinated when there are all these studies are out there?

Chairman Bette Grande: Had it passed, it probably would have been assigned to this particular committee especially since we added education in here. Since that bill didn't pass, it is being addressed right here.

Rep. Karen Rohr: Just for clarification then, we are taking that first statement out. The second one basically says that the committee itself will ask about the possibility of the tribal governments being voting members. It could just be as simple as them taking a vote within the committee.

Chairman Bette Grande: Then they would present it for legislation in the next session.

Rep. Gary Paur: Is it legal to have representatives of a foreign government on our committee?

Chairman Bette Grande: That is a very good question.

Rep. Glen Froseth: I believe there are a couple committees.

Chairman Bette Grande: That committee will solve and bring that information forward in their interim study. They will have to have that decided.

A voice vote was taken to accept amendment. Motion carried.

Chairman Bette Grande: I still have a note here saying need continuity and consistency. I am looking at the bottom of Page 2. I have circled Letter B. This was something that I know came up for discussion, but I think for myself I am saying I think we should keep that in that we have consistency. I know at one time there was discussion that they would have a different person coming to each meeting for educational purposes. Then by the time you get done to this, how are you going to vote on any issues if you don't have that continuity?

Rep. Gary Paur: I have no opinion on that. My note on B is that this language was recommended to be deleted and then was reinserted by the senate.

Rep. Lonny Winrich: That was my comment as well. As I understand it, the recommendation of the committee on intertribal relations was to delete that language from the law but that it was amended back in by the senate.

Rep. Lonny Winrich moved a Do Pass as amended.

Rep. Roscoe Streyle seconded the motion.

DO PASS AS AMENDED, 13 YEAS, 0 NAYS. Rep. Gary Paur is the carrier of this bill.

Date: 3-10-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2053

House GOVERNMENT AND VETERAN AFFAIRS 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 Froseth Seconded By Streyle

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Later motion was withdrawn

11.0265.03001
Title.04000

Adopted by the Government and Veterans
Affairs Committee

March 10, 2011

VR
3/10/11

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2053

Page 2, line 2, remove "The committee also shall work to"

Page 2, remove line 3

Page 2, line 4, remove "tribal sovereignty."

Renumber accordingly

Date: 3-16-11
 Roll Call Vote #: 2

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2053

House GOVERNMENT AND VETERAN AFFAIRS 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 Froseth Seconded By Streyle

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande			Bill Amerman		
Vice Chairman Randy Boehning			Ron Guggisberg		
Glen Froseth			Lonny Winrich		
Karen Karls					
Lisa Meier					
Gary Paur					
Karen Rohr					
Mark Sanford					
Vicky Steiner					
Roscoe Streyle					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

Vote to accept proposed amendment motion carried

Date: 3-10-11
 Roll Call Vote #: 3

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. 2053

House GOVERNMENT AND VETERAN AFFAIRS 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 Winrich Seconded By Streyle

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg	✓	
Glen Froseth	✓		Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier	✓				
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Paur

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

REPORT OF STANDING COMMITTEE

SB 2053, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "The committee also shall work to"

Page 2, remove line 3

Page 2, line 4, remove "tribal sovereignty."

Renumber accordingly

2011 TESTIMONY

SB 2053

ROLL CALL
(Attendance)

**TRIBAL AND
STATE RELATIONS
2009-10**

10/22/09

1/21/10

4/16/10

7/27/10

9/9/10

10/21/10

Representatives

Boucher, Merle (Chairman)

✓ ✓ ✓ ✓ ✓ ✓

Conrad, Kari L.

✓ ✓ ✓ ✓ ✓ ✓

Kasper, Jim

✓ ✓ ✓ ✓ ✓ ✓

Vigesaa, Don

✓ ✓ ✓ ✓ ✓ ✓

Senators

Mathern, Tim (Vice Chairman)

✓ ✓ ✓ ✓ ✓ ✓

Lyson, Stanley W.

✓ ✓ ✓ ✓ ✓ ✓

Oehlke, Dave

✓ ✓ ✓ ✓ ✓ ✓

Task Force

Davis, Scott J.

✓ ✓ ✓ ✓

Levings, Marcus

Marcellais, Richard

✓ ✓ ✓

Murphy, Charles

✓

Pearson, Myra

Selvage, Michael, Sr.