

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2179**

# 2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2179  
01/25/2013  
Job Number 17746

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened the hearing on SB 2179.

**Senator Larsen, District 3:** Testified as sponsor and to explain the bill. The purpose for this bill is for when funds or money is given to the tribes in North Dakota, a listing or receipt would be available to the state on expenditures.

**(1:22) Chairman Dever:** We are only talking about state and political sub division funds that go to a tribe and we are not talking about casino revenue or anything like that?

**Senator Larsen:** Just money from the state that is given to the tribes.

**Senator Nelson:** A lot of people ask for a lot of things from a lot of different departments and then they don't go anywhere. What are they going to do with this after they get it?

**Senator Larsen:** I cannot speak for them, but there is an interest of where that money is being spent and I think it has merit when the chair of the tribe is talking to the legislative body about transparency and that that is a step he is interested in giving.

**Chairman Dever:** Who would they report to?

**Senator Larsen:** I believe the Office of Management and Budget. (Example of a request that could happen or areas that might be requested)

**Chairman Dever:** I am wondering if we should spell out in the bill that the report should be made to legislative management or budget section.

**Senator Cook:** I have read all of the things that OMB is required to report on.

**Chairman Dever:** I am reading it right now.

**Senator Cook:** So there is going to be a report available just like all the rest of them.

**Senator Larsen:** When I was in education and we would build something and solicit funds from anyone, we had to have documentation of where the funds went. A lot of times entities that gave us large amounts of money never came to get it but it felt good to be able to have it available when they did come. That transparency really gives merit to other entities to continue funding us.

**Chairman Dever:** I see in that section that there are two reports, one of them is on tobacco settlement dollars that shall report to the budget section and the other one is actually obsolete now. I am wondering if it would be a good idea to do that.

**Senator Larsen:** I am open to any suggestions you might have to continue the transparency.

**Chairman Dever:** Indian tribes, Indian entities, but then enrolled members of Indian Tribes, would that refer to TANIF dollars?

**Senator Larsen:** I don't think we want to know what an individual is getting from an enrollment allotment check or something like that. I don't think that is interest. The interest is in if the state is giving funds to the tribe, we want to know what and where they are going. Are they going to roads, tobacco projects, and what are those?

**Chairman Dever:** Your interest might be the total amount of TANIF dollars not individual. I expected to see the director of OMB to be here.

**Senator Larsen:** I expected the person that had the idea to be here.

**Chairman Dever:** Have you had any discussions with OMB on this?

**Senator Larsen:** No I have not.

**Chairman Dever:** I would imagine if she had objection to this she would be here.

**(8:23)Chairman Dever:** No one else to testify. Closed hearing on SB 2179.

**Senator Cook:** Part of me that thinks this information is a question away from this being available right now. I think that it would be wise if we maybe contact OMB and find out how readily available this information is.

**Chairman Dever:** No reason we need to act on this.

**Senator Nelson:** A biennial report takes up a lot of time and if you just want the information, I agree we just call and ask.

**Senator Cook:** My wife works in finance for the Attorney General's office and it blows my mind the detail of what she has to do and there is only one reason she has to do that and that is because every two years 141 legislators come here and someone in an appropriations committee is going to ask the Attorney General to break down their budget. It is part of what we do here in government. It is all about transparency.

**Senator Nelson:** It doesn't need to be in code.

**Senator Marcellais:** I have been notified about this since Christmas and I still don't know what he wants.

**Chairman Dever:** I will send some e mails on this and see if we can get some answers.

Closed discussion on SB 2179.

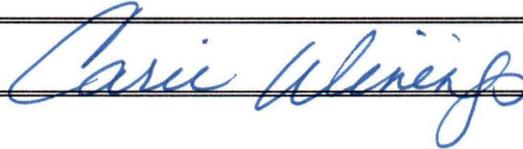
# 2013 SENATE STANDING COMMITTEE MINUTES

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

SB 2179  
02/21/2013  
Job Number 19309

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened SB 2179 for committee discussion. I had received an e-mail from Pam Sharp saying that they could do this and they did not come down and testify on it because they did not have strong feelings one way or the other about it. They did not see it as being necessary.

**Senator Nelson:** So they would just do it?

**Chairman Dever:** They would need to pull together some information from some different agencies. Reading from Pam Sharp e-mail: I saw that bill and I was not able to be there. We would have to go to the agencies that grant money to the tribes and get that information from them. The agencies that come to mind are; NDUS, Indian Affairs, Commerce, Health Department, but there may be more. I do not see a need for the bill either. If you ask us to put it together, we will be happy to do that.

**Vice Chairman Berry:** I see Senator Marcellais name on the bill and I would like him to comment as to the intent and the purpose.

**Senator Marcellais:** I was contacted by Senator Larson on this bill, but after doing research on it I do not think it is necessary either. I don't think the tribes would be required to report this back to the state being the state doesn't report back to the tribes. I don't think the bill is necessary. He had constituent in his district that requested this. It was not any of the tribes that requested it. The reports are there, all they have to do is ask for them.

**Vice Chairman Berry:** You are saying that there is no requirement for the tribes to report?

**Senator Marcellais:** I do not believe so. Just like there is not requirement for the state to report to the tribes.

**Vice Chairman Berry:** So how would that information be available to the state?

**Chairman Dever:** The bill says funds received by the Indian tribes.

**Senator Marcellais:** They are open to the public. I don't know why we would have to put it in law.

**Senator Nelson:** Moved a Do Not Pass.

**Senator Marcellais:** Seconded.

**Senator Cook:** I understand that the information is there. I think that you would have to go to multiple places to get it. If Mrs. Sharp said it was no problem compiling it, it is transparency from what I look at. I do not have a whole lot of interest in what they are looking to get but if someone wants to see something then it is just a matter of compiling it.

**Senator Nelson:** So often these divisions see this report and then they have to come up with this nice shinny printed book that we all get and don't use and end up in file 13 and it costs money. We don't need that. If Pam says that she has the stuff and all you have to do is ask for it, then I do not know why it has to be in Century Code.

**Chairman Dever:** Asks for further discussion.

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

**Senator Marcellais:** Carrier.

Date: 2/21

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 2179

Senate Government and Veterans 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 Senator Nelson Seconded By Senator Marcellais

Senators	Yes	No	Senator	Yes	No
Chairman Dick Dever	✓		Senator Carolyn Nelson	✓	
Vice Chairman Spencer Berry		✓	Senator Richard Marcellais	✓	
Senator Dwight Cook		✓			
Senator Donald Schaible		✓			
Senator Nicole Poolman	✓				

Total (Yes) 4 No 3

Absent 0

Floor Assignment Senator Marcellais

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

**REPORT OF STANDING COMMITTEE**

**SB 2179: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2179 was placed on the Eleventh order on the calendar.