

Senate Appropriations Budget Hearing
Senate Appropriations Committee
Chairman, Senator Ray Holmberg
North Dakota State Capital, Bismarck ND
January 22, 2021

Chairman Holmberg and members of the Committee,

For the record, my name is Scott J. Davis, and I serve the North Dakota Indian Affairs

Commission as the Executive Director. I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa. As Executive Director, I also serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today.

Thank you for this opportunity.

It has been a very busy biennium, in particular during the last 11 months, which has been very challenging. However, we remain optimistic as we are turning a corner regarding the COVID 19 pandemic. This year the North Dakota Indian Affairs Commission will commemorate its 72th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and three at-large members appointed by the Governor, two of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the Office of the Commission is coordinated and administered by a five-member staff.

Statutory Authority

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

Agency Description

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

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

Agency Mission Statement

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

The Commission's duties are:

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

Performance and Accountability

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

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

Our direct working relationship with 20+ state agencies and 5 Tribal Chairs and Councils has evolved exponentially in the past 11+ years. Our office has responded to this growth through numerous partnerships, appointments to committees, emergency response incidents, and state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/judicial systems, law enforcement, game and fish, transportation, public safety, data accumulation, child welfare/juvenile justice, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of our office has led us to continually track and maintain the numerous issues and projects established by those partnerships. The substantial

number of agreements and compacts made between the tribe and state are challenging at times but require consistent communication and good faith consultation in order for them to be sustainable.

Our Staff:

American Indian Health Systems Administrator – Brad Hawk

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Three sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. Brad Hawk is a member of the Crow Creek Sioux Tribe of South Dakota, completing his bachelor's degree in health administration from the University of South Dakota and his MBA from the University of Mary. The Indian Health Systems Administrator, Brad Hawk, is a huge part of COVID-19 testing and vaccine. Brad also performs various health care projects and participates in ongoing Medicaid Tribal Consultation. These meetings happen quarterly here in Bismarck to give the Tribes information on Medicaid system and other DHS related information.

Brad also works with Department of Human Services Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. He has held meetings with Indian Health Service leadership about performing coordinated care for Tribal patients. Brad also works with Tribal Leaders in order to educate how shared savings

of ND General Funds would be used in their communities if a bill is passed in the legislative session.

Brad attends and participates in discussions on a variety of health care issues with tribal communities. He works Tribal Health leaders about the work happening nationwide to address disparities in oral health for Tribal members. He assists with meetings with Tribal Leadership in ND to hear their concerns for not having mid-level providers available in their communities. He also assists and participates in various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic for our office, and Brad in his role. He participated in various meetings around community health assessments. Many of these discussions are around consolidating different assessments so the Tribal population is not asked various times for health data.

Behavioral Health issues continue to be an issue in Tribal communities. Brad has participated in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes. He has been active with the Justice and Mental Health Task Force. This group looks at the law enforcement and judicial side of addressing behavioral health needs.

Brad also serves on the Suicide Prevention Task Force, which has been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration. He has also helped select qualified applicants for grants to reduce suicides in ND.

Judicial Systems Administrator – Kyle Iron Lightning

Kyle Iron Lightning – Dakota citizen from the Spirit Lake Tribe. Served Active Duty in the United States Navy from 2000 to 2009. Honorably Discharged. Qualified Submarine Warfare (SS) onboard the USS Michigan (SSBN/SSGN-727) and Surface Warfare (SW) onboard the USS Emory S. Land (AS-39). Bachelor's Degree in Political Science from Seattle Pacific University. Juris Doctorate degree from William Mitchell College of Law (now Mitchell Hamline School of Law). Kyle serves as the Judicial Systems Administrator for NDIAC.

Under his role, he develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. He works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In his work with law enforcement, he has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna Clawsen Huibregste. These meetings have led to spearheading ongoing law enforcement MOU's between the State and the Tribes, which, will lead to better support for public safety.

Kyle has been integral to the reviewing of child welfare policies, while developing working relations with child welfare programs and issues. His background in Child Welfare has led him to assisting in reviewing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. This is an integral part to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Other duties of his include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal courts on public safety and legal issues.

Executive Administrative Assistant to the Executive Director – Marietta Kemmet

Marietta is an enrolled member of the Turtle Mountain Band of Chippewa. Degrees include a Legal Assistant and returned to school in 2005 to earn a Bachelor's Degree in Business Management from Mayville State University. She worked in Higher Education for 22 years and has been with the North Dakota Indian Affairs commission since 2017 as an Executive Assistant to the Director. Her role is to manage the office to ensure smooth operation on a daily basis. She has also taken on other duties and is currently involved with the committee, in cooperation with the North Dakota Army National Guard, to create the Woodrow Keeble award.

Marietta is married to Bruce Kemmet and has three children and five grandchildren.

North Dakota Indian Youth Leadership Academy (NDIYLA)

The Leadership Academy will now be incorporated into the Strengthening Tribal State Relations Conference. This year will mark the 12th annual Youth Leadership Academy.

Contract Appropriations American Indian Business Development Office

For the past 11 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. We have contracted this out for the past 10+ years. With the Governor's budget recommendation, that line item is \$50K.

North Dakota Native American Hall of Honor

The North Dakota Indian Affairs Commission partners with the State Historical Society of North Dakota and the State Historical Society Foundation in order to present its annual Native American Hall of Honor.

The Hall is an annual program recognizing Native Americans who have gone above and beyond in representing their tribe and culture. It is located in the North Dakota Heritage Center & State Museum in Bismarck. The program recognizes traditional and contemporary achievements in four categories: Arts and Culture, Athletics, Leadership and Veterans. Much work goes into the planning and preparations for the Hall, along with the application, board selection process, and ultimate Hall of Honor program, which includes dinner, in-depth video presentations of each new member, stories, entertainment, and words of inspiration from its newly received members and their families/friends/communities. It is a wonderful way for our office to contribute to the rich history of our State and the wonderful Tribal people it has produced, who have gone out and made extraordinary lives for themselves and serve as exemplary role models to us all. All funding for the Hall of Honor is raised by the ND State Historical Society Foundation.

Strengthening Government to Government Relations Conference

Mr. Chairman, this past January of 2020, our office hosted our 3rd conference directed towards improving Tribal, State and Federal partnerships. All three conferences had participation attendance at 300 people. I strongly feel that these two conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government relations for our State and Tribe. This conference will continue, hopefully we will host one this year, depending upon where COVID-19 is at.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, our office continues to demonstrate extraordinarily effective, efficient, productive, and reliable service, while producing heavy amounts of work, and with that large workload, maintaining very good relationships with all of those who we work alongside. The amount of work we produce on behalf of our tribes and our State with only 4 FTEs is unheard of at any other level of government. We as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 4 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

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