

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**TRIBAL AND STATE RELATIONS COMMITTEE**

Tuesday, September 2, 2014  
 Roughrider Room, State Capitol  
 Bismarck, North Dakota

Representative Dennis Johnson, Chairman, called the meeting to order at 1:00 p.m.

**Members present:** Representatives Dennis Johnson, Marvin E. Nelson, Wayne Trottier; Senators Oley Larsen, Dave Oehlke, John M. Warner

**North Dakota Tribal Governments' Task Force members present:** Scott J. Davis, Executive Director, Indian Affairs Commission; Ken Hall, representing Tex G. Hall, Chairman, Three Affiliated Tribes of the Fort Berthold Reservation; Steve Sitting Bear, representing Dave Archambault II, Chairman, Standing Rock Sioux Tribe; Russell McDonald, Chairman, Spirit Lake Tribe; Richard McCloud, Chairman, Turtle Mountain Band of Chippewa Indians

**North Dakota Tribal Governments' Task Force members absent:** Robert Shepherd, Chairman, Sisseton Wahpeton Oyate of the Lake Traverse Reservation

**Others present:** Representative Jim Schmidt and Senator Joan Heckaman, members of the Legislative Management, were also in attendance.

See [Appendix A](#) for additional persons present.

**It was moved by Representative Trottier, seconded by Senator Oehlke, and carried on a voice vote that the minutes of the May 29, 2014, meeting be approved as distributed.**

### **YOUTH ASSESSMENT CENTER PROPOSAL AND SUPREME COURT COMMITTEE UPDATE**

Chairman Johnson called on Honorable Donovan J. Foughty, District Judge, Northeast Judicial District, for testimony ([Appendix B](#)) regarding the need for the establishment of a youth assessment center. Judge Foughty said his interest in a youth assessment center arose when he was made aware that three tribal nations--Spirit Lake Tribe, Turtle Mountain Band of Chippewa Indians, and Standing Rock Sioux Tribe--were housing delinquent juveniles in the regional jail in Devils Lake. He said the youth were subject to 60 or more days of incarceration without treatment, counseling, or educational services being provided even though there was a state human service center less than a block away from the jail. He said there is a disparity in the level of service provided to youth who are convicted of delinquent acts in state courts and for those who are convicted in tribal courts in the state. He said the state has a two-tiered system with services provided by the juvenile court, which is a part of the court system, and the Division of Juvenile Services (DJS), which falls under the Department of Corrections and Rehabilitation. He said DJS operates eight regional offices in eight cities across the state providing services to all counties in the state. He said DJS does not provide direct services to juvenile tribal courts. He said the Devils Lake region has experienced long-standing mental health care disparity challenges. He said one in four residents in Region III, which includes Rolette and Benson Counties, lives in poverty. He said Region III has 6 percent of the state's population, but has 38 percent of all families on the temporary assistance for needy families program. He said Region III does not have any adolescent psychiatric beds, substance abuse treatment beds, safe beds for "heightened but not imminent risk" adolescents, or detox services for adolescents, nor does it have any detention facilities for delinquency. He said tribal courts do not have access to DJS nor to Youth Correctional Center placements. He said a regional adolescent assessment and treatment center is needed in his region which could hold juveniles for up to 60 days for assessment to determine what services a child and family needs and could provide a safe place for runaways, for juveniles who blow out of foster care, and for juveniles waiting for court hearings. He said a second unit could be used to serve youth with severe behavioral and mental health needs, physical aggression, sexual behavior issues, or self-injury. He said the vision is that the facility would serve the Spirit Lake Tribe, the Turtle Mountain Band of Chippewa Indians, and the counties in Region III.

In response to a question from Representative Trottier, Judge Foughty said a more efficient juvenile system is possible if the state and tribes work together. He said he would like more services to be available locally. He said tribal court delinquents should be able to be a part of the DJS system.

In response to a question from Mr. McDonald, Judge Foughty said at some point, it is likely that each member of the native population will become subject to nontribal culture, rules, and laws. He said for this reason it might be beneficial to have a mixed population within the juvenile facilities. He said although American Indians make up 7 percent of the general population, they make up 19 percent of the current prison population. He said mixing the two groups may result in reduced percentages of American Indians in the prison population. He said it is important that all juveniles have the opportunity to be contributing members of society. To do this, he said, counseling, education, and treatment services must be made available to tribal youth.

Judge Foughty said previously under the state court system, if a tribal juvenile committed a delinquent act off the reservation, the adjudication would be in Cass County and the juvenile would be returned to the reservation. Now, he said, the juvenile court requests the history for that juvenile from the tribal court. He said based upon that history, the juvenile may be turned over to DJS. He said the tribal court does not have the authority to send the juvenile to DJS. He said DJS could have agreements with the tribes to place delinquent tribal juveniles. He said the Three Affiliated Tribes of the Fort Berthold Reservation has agreements for detention. He said with agreements between the tribe and the state, tribal youth could get services from DJS.

In response to a question from Chairman Johnson, Judge Foughty said although the Spirit Lake tribal court and the state juvenile court have similar caseloads, there is great disparity in the juvenile services available to each. He said the Spirit Lake Tribe has one juvenile court officer. He said the judicial district has a juvenile supervisor, full-time juvenile probation officers, a part-time juvenile supervisor, and a drug court coordinator--all with extensive experience. He said DJS has three probation officers in Devils Lake.

In response to a question from Mr. Hall, Judge Foughty said about four to six weeks of assessment is conducted before a juvenile is returned to court for disposition.

Mr. McCloud said it is important to keep the populations together so the Native American population can receive services. He said he agrees with Judge Foughty on the need for an assessment center in the Spirit Lake region but said the other tribes need assessment centers as well. He said even though the tribes have more juvenile cases than the state, the state has more staff to deal with its juvenile cases.

In response to a question from Chairman Johnson, Mr. McCloud said agreements with the state for collaboration with the state on juvenile cases are still in the planning stages.

Judge Foughty said there is precedent for agreements between the federal government and DJS. He said a judge cannot enter an agreement with a tribal nation. He said the executive branch should work on agreements with tribal nations. He also said there are organizations that help draft agreements between the state and tribal nations.

In response to a question from Senator Warner, Judge Foughty said for a youth assessment center to become reality, funding will be needed. He said whether the Legislative Assembly appropriates funds or decides to study the issue, the court can help.

In response to a question from Representative Trottier, Judge Foughty said a youth assessment center would be used for short-term assessment rather than long-term care, such as that provided by the Life Skills and Transition Center in Grafton.

Chairman Johnson called on Mr. S. Davis for a Supreme Court committee update. Mr. S. Davis said it has been an honor working with Judge Foughty. He said the Tribal and State Court Affairs Committee is looking at crimes related to drugs. He said without diminishing sovereignty, law enforcement would like to be able to execute felony warrants on tribal land.

Mr. McCloud said he does not want hardened drug users and pushers to be able to hide on the reservation and think it is a safety net. He said he is willing to work with the state to get these "bad guys" off the streets.

### **TRIBAL-STATE DENTAL SERVICES**

Chairman Johnson called on Dr. Mary Williard, Director, Dental Health Aide Therapist Training Program, Anchorage, Alaska, for testimony ([Appendix C](#)) regarding tribal-state dental services and dental therapy. Dr. Williard said in the public health practice settings in which she has worked during her dental career, she has witnessed severe dental disease and lack of access to appropriate dental care. She said she has seen widespread problems in tribal communities as well as in inner cities. She said the reasons people give for difficulty in accessing care include cost, cultural barriers, geography, and lack of skilled providers. She said these common challenges led her predecessor in Alaska to integrate dental health aide therapists into the health delivery system in Alaska.

She said a comprehensive study of the implementation of dental health aide therapists found that these professionals were providing safe, appropriate, and competent care. She said the development of the Alaska-based program has not created a two-tiered system or a lower quality of care. She said the dental health aide therapists are evaluated in the program based on the same standards as dentists. She said the cost-effectiveness studies of including dental health aide therapists in the dental team has shown that the dental health aide therapists can produce as many billable services as a dentist, yet they are paid about half the salary of a dentist. She said the dental health aide therapists require only two years of training compared to eight years for most dentists. She said the available evaluations and evidence suggests that the mid-level dental providers like the Alaska dental health aide therapists deliver safe, competent, and appropriate oral health care. She said the median age of the dental health aide therapists is 34 years, about 80 percent are female and 20 percent are male, about 78 percent practice in their home villages, and about 88 percent are American Indian. She said state action is necessary to allow for the practice of dental therapy in a state.

In response to a question from Senator Warner, Dr. Williard said one third-party payer in Alaska has been willing to pay for services provided by dental health aide therapists. She said the primary issue for third-party payers was that the therapists were certified but not licensed. She said work is being done to educate people on the importance of diet, dental hygiene, dental varnish, and early intervention. She said she has seen some improvement although there is still a fair amount of dental disease.

In response to a question from Mr. S. Davis, Dr. Williard said under a contract with Indian Health Service, all programs now fall under Public Law 93-638, the Indian Self-Determination and Education Assistance Act. She said the Alaska Native Tribal Health Consortium negotiates how much each will get in funding. She said 30 to 40 percent is funded by Indian Health Service, another 30 to 40 percent is from billing, and the remainder is funded by grants.

In response to a question from Representative Nelson, Dr. Williard said only anecdotal information is available on the effectiveness of their efforts but work is being done to gather more data. She said one dentist reported that the number of tooth extractions decreased from five per week to five per month.

In response to a question from Mr. S. Davis, Dr. Williard said the recruitment and retention of dentists continues to be a problem.

Chairman Johnson called on Dr. Brent Holman, Executive Director, North Dakota Dental Association, for testimony ([Appendix D](#)) regarding tribal-state dental services. Dr. Holman said dental decay, which is epidemic in Native American communities, is three times that of the general United States population. He said community-based preventive and educational strategies are critical to break the cycle of generational dental disease. He said the Indian Health Service dental program is chronically understaffed and underfunded. He said for fiscal year 2015, the federal Indian Health Service funding requested for dental allow only \$83 for each of the 2.1 million people served by Indian Health Service. He said while well-intentioned, the Indian Health Service system is dysfunctional and lacking in the resources to provide adequate comprehensive dental care for its patients. He said in North Dakota, this means that solutions to improve oral health must be collaborative and local. He said the North Dakota Dental Association has an ongoing collaborative program that networks tribal and dental leaders to identify barriers to care and to develop solutions. He said one of the frequent barriers expressed by the Indian Health Service staff was the inability to get the kids with the most extensive treatment needs to pediatric dentists in nearby cities to complete treatment.

Dr. Holman said in Spirit Lake in 2011 and in Standing Rock in 2013, the dental community built a collaborative partnership that created a volunteer network of 20 pediatric dental specialists and 75 dental team members to provide restorative treatment to the high-need children. At these events, he said, 600 children received treatment with an estimated donated value of \$260,000. He discussed other efforts, such as a collaboration with the Ronald McDonald Care Mobile, to provide care to tribal communities in western North Dakota.

Dr. Holman said North Dakota is in a different situation than Alaska. He said because of the surplus of licensed dentists in North Dakota, the relative proximity of tribal communities to larger North Dakota cities, and the dysfunction of the Indian Health Service dental services, adding another provider with half the training in Indian country would do little to reduce barriers to care and is not necessary. He said solutions to oral health problems for North Dakota's tribal communities should be directed to culturally relevant community prevention, efforts to improve dental delivery efficiency and Indian Health Service reform, and engagement with local dentists for specialty referral and targeted treatment initiatives.

Senator Oehlke said many of the children served at the dental treatment events had a traumatic experience.

In response to a question from Senator Oehlke, Dr. Holman said there are a multitude of factors as to why a child has dental disease. He said there are limitations in current dental delivery system and it will take time to earn the children's trust. He said the intent of the dental personnel that participate in these events is to leave a legacy and awareness of the importance of dental care. He said in partnership with Indian Health Service he hopes more dental events can be arranged. He said without regular visits, it can be difficult to develop a relationship with the patients. He said there is a need for collaborative solutions.

Mr. S. Davis said it will be up to Legislative Assembly to decide if the state wants to allow mid-level dental providers. He said the tribes need to get dental care on the reservations.

Mr. McDonald said tribal medical and dental services are inadequately funded. He said additional services from other entities are necessary to get the services to those who need them.

Mr. McCloud said the problem with the lack of Indian Health Service funding is that if funding is lacking, the debt collectors will come after the family.

Mr. Hall said the oil and gas revenue is being used to fund health and dental care on the Fort Berthold Indian Reservation. He said the tribe is working with Sanford Health to get specialty physicians and dentists to the reservation. He said the tribe has much work to do to provide access to quality health care to its members. He said although Three Affiliated Tribes has more flexibility, few medical professionals are attracted to remote rural areas.

### TRIBAL-STATE TAX AGREEMENTS

Chairman Johnson called on Mr. Mark Fox, Director, Tax Commission, Three Affiliated Tribes of the Fort Berthold Reservation, for testimony ([Appendix E](#)) regarding tribal-state tax agreements. Mr. Fox discussed concerns regarding the collection of sales tax from enrolled members. He said even though it is established under federal case law that state taxation of sales to tribal members within reservation boundaries is prohibited, unlawful taxation is occurring daily. He said this is especially so with nontribal business owners. He said the end result of this unfair and impractical process by business on the Fort Berthold Indian Reservation is a windfall of tax revenue to the state which is a violation of federal and tribal law. He said another concern is the state assertion of civil jurisdiction on the reservation.

Chairman Johnson called on Mr. Joe Morrissette, Deputy Tax Commissioner, Tax Department, for testimony regarding tribal-state tax agreements. Mr. Morrissette provided data ([Appendix F](#)) on tax collection agreements with tribal governments. He said the Standing Rock Sioux Tribe cigarette and other tobacco products and the motor fuel and special fuel agreements are being renegotiated. He said under the new agreement, the proposed revenue distribution would be 87 percent to the tribe and 13 percent to the state. He said the current agreement calls for a 75/25 split. He said the administration fee for cigarette and other tobacco products would be reduced from 3 percent to 1 percent. He said the negotiations are in the comment period.

In response to a question from Chairman Johnson, Mr. Morrissette said agreements are without expiration dates.

In response to a question from Representative Trottier, Mr. Morrissette said the total revenue is subject to distribution.

In response to a question from Representative Nelson, Mr. Dan Rouse, Legal Counsel, Tax Department, said when an audit check is done, nonnative retailers are asked if they have any records to identify customers. He said it is rare for retailers to have such records. He said a tremendous amount of faith is placed on the retailer's word. He said an Indian retailer on a reservation cannot be required to collect state sales tax. He said if a delivery from an off-reservation retailer, such as furniture, is delivered to the reservation, the purchase is not subject to state sales tax.

Chairman Johnson called on Ms. Karol Two Bears, Director, Tax Department, Standing Rock Sioux Tribe, for testimony ([Appendix G](#)) regarding the issue of sales and use taxes collection on the Standing Rock Sioux Reservation. She said in order to avoid lengthy and expensive legal battles over which government has the right to tax which citizens, the tribe and the state have entered tax collection agreements. She said the Standing Rock Sioux Tribe currently has agreements in place with the state for the collection of taxes on motor fuels and tobacco products. She said in 2013 the tribe requested the state enter a new agreement for the collection and sharing of sales and use taxes on the Standing Rock Sioux Reservation. She said after receiving opinions from the Tax Commissioner's office, the Governor's office, and Mr. John Walstad, Director, Legal Division, Legislative Council, it appears that legislative approval is needed for the tribe and state to enter an agreement for the collection and

sharing of sales and use taxes on the reservation. She said the Standing Rock Sioux Tribe would like to engage the Legislative Assembly in creating a law that would delegate the authority to enter such an agreement.

Representative Schmidt discussed the memorandum prepared by Mr. Walstad entitled [State-Tribal Sales Tax Collection Agreement Authority](#).

## DEPARTMENT OF PUBLIC INSTRUCTION

At the request of Chairman Johnson, Mr. S. Davis distributed information ([Appendix H](#)) regarding an evaluation of the 2014 North Dakota Indian Education Summit. He said the information was prepared by Ms. Lucy Fredericks, Director, Indian Education, Department of Public Instruction, who was not available to attend the meeting.

## TRIBAL HOUSING

Mr. S. Davis said the Indian Affairs Commission has had several meetings with the North Dakota Housing Finance Agency to discuss the need to improve housing on the reservations.

Chairman Johnson called on Mr. Pete Davis, Executive Director, Turtle Mountain Housing Authority, for testimony ([Appendix I](#)) regarding tribal housing needs and current and proposed housing projects. Mr. P. Davis said there is a shortage of 660 housing units on the Turtle Mountain Reservation. He said in January 2013 a point-in-time survey revealed that the service area had 1,408 homeless people. He said the federal government has not increased the housing assistance allocation through the Indian housing block grant program since 1996. He said the grant has been funded at a level of \$650 million for the last 18 years. He reviewed the housing projects currently under construction on the reservation.

In response to a question from Senator Larson, Mr. P. Davis said the Federal Emergency Management Agency trailers were not built for North Dakota winters and are very expensive to heat and maintain. He said it was a quick fix but cannot be relied upon for long-term housing.

In response to a question from Chairman Johnson, Mr. P. Davis said they will have to prioritize as to who will receive the 30 units from the Grand Forks Air Force Base. He said regardless of the prioritization process, individuals must qualify to receive the housing.

Mr. S. Davis said the 200 homes that will be funded through the Section 184 Housing and Urban Development loan program, which will be affordable homes built in North Dakota, will help ease Turtle Mountain's housing shortage.

Mr. McCloud said the Turtle Mountain Reservation is limited in size. He said there are about 17 school sections abandoned by the state which could be turned over to the tribe for housing use.

Mr. McDonald said housing affordability is an issue. He said affordable housing is considered to be three times median income. He said it would be difficult to build new housing for \$97,500, which is three times the median income in Benson County. He said to address his tribe's housing needs, a number of programs are underway, including a Title 6 loan program to build 20 new units for home ownership. He said the Housing and Urban Development community block grant can be used for residential rehabilitation. He said a \$3 million grant requires \$900,000 in matching funds.

Mr. Hall said Three Affiliated Tribes has a need for 300 to 400 homes. He said in recent years the reservation's population has doubled. He said new housing is being geared to the industry and not the tribes. He said one 20-unit complex has been completed with another one in progress. He said the key is that the housing must be affordable.

Mr. Sitting Bear said the Standing Rock Sioux Tribe has 500 families in need of housing. He said there is a project in the works but it will not be enough to cover the need. He said the reservation has 2.3 million acres of land. He said it is difficult to get bank funding because the banks are not comfortable loaning money for building structures on trust property. He said the question becomes how to recoup that value of that home. He said the tribe has passed the first tribal Uniform Commercial Code. He said the new code applies to North Dakota and South Dakota and is similar to the state commercial transaction law. He said the tribe will be asking for assistance in the next legislative session.

Mr. S. Davis said tribal leadership and federal lawsuits indicated that converting tribal lands into trust is the wrong approach. He said that puts tribal lands at a disadvantage when it comes to funding. He said it also puts the control of land with the Bureau of Indian Affairs. He said if the land is kept in fee, the tribe is a taxpayer. He said fee land is the key for economic development while trust land takes away tribal control.

Senator Heckaman said she has discussed the housing needs issues with Mr. McDonald. She said the state and the tribes have to work together. She said the maintenance and repair of existing housing is also an issue. She said there are many problems with black mold because of rising Devils Lake. She said federal money is being cut back and costs are increasing. She said tribal people, who are North Dakota citizens as well, are helping, not just asking for a handout.

### **NORTH DAKOTA INDIAN BUSINESS ALLIANCE**

Chairman Johnson called on Mr. Al Nygard and Mr. Mike Mabin, North Dakota Indian Business Alliance, for testimony ([Appendix J](#)) regarding native-owned private businesses in the state. Mr. Nygard said the North Dakota Indian Business Alliance was incorporated as a nonprofit organization in April 2013 and recently received approval as a 501(c)(3) entity. He said the alliance received a two-year grant of \$50,000 per year through the Department of Commerce. He said the alliance also has other pending grant applications. He said the alliance provides advisory services and referrals to technical assistance providers, has an interactive website, a series of educational webinars under production, an email list serve with quarterly newsletters and regular news posts, a database of several hundred tribal-owned businesses in the state, micro-grants of \$500 to \$1,000 for startups and marketing support, and mentorships and internships through the University of Mary.

Mr. Mabin said some significant outcomes of the alliance include the Turtle Mountain manufacturing plant contract to resume operation in producing modular buildings, a Uniform Commercial Code passed by the Standing Rock Sioux tribal council in June 2014, the securing of a \$100,000 grant to support the alliance's economic summit, Uniform Commercial Code development, micro-grants, and education offerings. He said future considerations include the strengthening of connections with the Association of Tribal Colleges and the transfer of Native American economic and community development oversight from the Department of Commerce to the Indian Affairs Commission.

Mr. McCloud said he is starting an incubator project for financing.

Mr. Nygard said the alliance is trying to connect people with existing resources. He said the more connections a business has the better.

Mr. Hall said state officials have been invited to attend the Economic Sovereignty Summit next month. He said it would be good for legislators to attend as well. Mr. S. Davis said he will provide information on the summit to legislators.

Mr. Nygard said there is an emerging home health care industry on the Spirit Lake Reservation. He said there is a large child care industry on the Turtle Mountain Reservation. He said there are many amazing tribal business stories out there.

### **TRIBAL COLLEGE GRANT PROGRAM UPDATE**

Chairman Johnson called on Dr. Jim Davis, President, Turtle Mountain Community College, for an update ([Appendix K](#)) on the status of the workforce development grants to tribally controlled community colleges in the state. Dr. Davis said Turtle Mountain Community College is ahead of schedule with regard to its goals for its programs. He said the programs for commercial driver's license and oilfield operations are new programs to the college. He said the college has been working with oil companies and others to discuss the kinds of training needed. He said the college's electrical and welding programs have been expanded and are doing very well. He said recruitment, training, and placement are all important parts of the process. He said there are five students in the oilfield operations program, 12 students in the electrical program, and 12 students in the welding program. He said courses are being shortened to nine months, a change that attracts male students. He said only one-third of the students are male. He said placement continues to be a struggle. He said many graduates would prefer to remain on the reservation but some are choosing to leave for employment. He said the college continues to work on marketing strategies for its programs.

In response to a question from Chairman Johnson, Dr. Davis said the majority of the graduates are staying with their jobs. He said the college's electrical and welding students are being placed throughout the state.

In response to a question from Senator Larson, Dr. Davis said the college actively recruits at the local high schools. He said career fairs and recruiting trips are conducted.

Mr. McCloud said after students graduate from the tribal colleges, they often lack the upfront funds needed for relocating. He said additional funding for relocation costs would be helpful.

Dr. Davis said they had a campaign to recruit labor from out of state and out of the country. He said those efforts should include the recruitment of tribal people to fill jobs. He said the committee should pursue a solution to address the need for student relocation costs.

In response to a question from Representative Trottier, Dr. Davis said work programs are available to help students reimburse the college for the cost of tuition.

Mr. McDonald said Cankdeska Cikana Community College has a similar program that allows students to work to repay their tuition.

Mr. Hall said the tribal council has worked with oil and gas companies to determine the industry's employment needs and has hired a workforce development coordinator.

### **FOSTER CARE**

Chairman Johnson called on Ms. Michelle Zaun, Cooperstown, for testimony ([Appendix L](#)) regarding foster care issues. Ms. Zaun said the state should amend the 4E plan to allow affidavit foster care homes outside the reservation. She said this would allow for more flexible placement options and allow easier placement of sibling groups. She said the administrative rule that limits placements to four should be amended. She said licenses should be issued on a per household basis and be based upon experience, capability of the foster parents, and available space. She said many states set that limit at eight. She said the system needs better checks and balances to keep agencies behaving in a professional manner and to keep relationships between foster parents and agencies positive. She also discussed permanency needs of children. She said the 15-month policy is not followed consistently.

Mr. S. Davis said he gets many questions about the Indian Child Welfare Act, foster care, and adoption. He said the Department of Human Services has been a valuable resource for him.

Senator Warner said it would be helpful if Ms. Zaun would provide to the committee the statutory language that would be necessary to address her concerns.

Mr. McDonald said the tribes want to be able to create affidavit homes off the reservation.

Chairman Johnson called on Mr. Dean Sturn, Foster Care Administrator, Children and Family Services, Department of Human Services, for testimony. Mr. Sturn said North Dakota Century Code Chapter 50-11 and the related administrative rules provide that approved affidavit homes can be created with an affidavit that the home meets the requirements. He said if the state has jurisdiction, the state licenses the homes.

Mr. McDonald said he would support more children in a home if it meant not splitting up family groups. He said the change was made to allow for four children for the purpose of not splitting up a family group. He said consideration also must be given to the number of other children in the home and the home situation. Mr. Sturn said that factors are included in Chapter 50-11.

In response to a question from Senator Larson, Mr. Sturn said a licensing entity must go through all the necessary steps and provide an affidavit to the state as the licensing entity.

In response to a question from Mr. McDonald, Mr. Sturn said the issues being raised are primarily jurisdictional.

In response to a question from Representative Nelson, Mr. Sturn said tribal affidavit homes are being used by the tribes. He said 86 youth have been placed out of state; however, 32 of the 86 have been placed with licensed relatives. He said others may be in medical foster homes or are placed in homes that are just over the border, such as in East Grand Forks or Moorhead, Minnesota. He said medical foster homes deal with medically fragile children. He said because North Dakota does not have high demand for medical foster homes and the homes require extra training, the children in need of that type of care have been placed out of state.

### **GOVERNMENT-TO-GOVERNMENT DISCUSSION**

Chairman Johnson said the committee will receive information at the next meeting from the Department of Transportation regarding a priority list of road projects on the Turtle Mountain Reservation.

No further business appearing, Chairman Johnson adjourned the meeting at 5:20 p.m.

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Vonette J. Richter  
Counsel

ATTACH:12