

House Appropriations, Human Resources Division Budget Hearing
HB 1005 Indian Affairs Commission Appropriation
North Dakota State Capital, Bismarck ND
January 6, 2023

Chairman Nelson and members of the Committee,

My name is Nathan Davis, I am a member of the Turtle Mountain Band of Chippewa and a descendent of the Spirit Lake Tribe and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Executive Director, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

This year the North Dakota Indian Affairs Commission will commemorate its 74th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and 3 at-large members appointed by the Governor. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a four-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, legislative, and judicial branches and the five tribal nations that we share geography with here in the State of North Dakota. Duties include coordination and mediation services 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.

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 provide the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby tribal citizens may achieve a better quality of life.
- To work for greater understanding and improved relationships between natives and non-natives.
- To seek increased participation by tribal citizens in local and state affairs.
- To confer with and coordinate with officials and agencies of other governmental units and congressional committees with regard to tribal needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the five 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), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

The Indian Affairs Commissions' working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially over the years. This growth has forced the office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide 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 my office requires the office 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.

Strategic Initiatives

- Law enforcement agreements
Continue seeking input from tribes and adjust language to respond to each tribes concerns and needs.

- **Cybersecurity Agreements**

Address language in state century code to allow tribes and the state to engage in government-to-government agreements to protect vital data and operating systems.

- **Increase access to capital/industry**

Provide technical assistance to Tribal Nations/Citizens to increase access to capital and industry.

- **Eliminate Food Deserts**

Work with tribes to conduct community assessments and provide technical assistance to increase access to resources.

Our Staff

Deputy Director – Brad Hawk

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 deputy director performs various health care projects and participates in various health related committees. 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.

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. During the pandemic there were some agreements between state and Tribes to communicate on the pandemic specific information. This has shown the importance of sharing data and will continue to expand this work.

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. 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.

Economic and Workforce Development Administrator – vacant

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.

Contract Appropriations American Indian Business Development Office

For the past 13 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 in the sum of 100K. With the Governor's budget recommendation, we have cut that line item down to \$50K. Moving forward we will be utilizing the funds to meet legislative intent by directing the new agency FTE that will focus on economic and workforce development to complete a needs assessment with each tribal nation. This will be done through an RFP process with an outside consultant pursuant to state procurement guidelines. This report will be readily available for tribal nations along with state officials and agencies to identify how to best partner on a government-to-government level.

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

This past June of 2022, our office hosted our 4th annual conference directed towards improving Tribal, State and Federal partnerships. Previous conferences had participation attendance around 300 people. I strongly feel that these previous 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 Tribal partners. This conference was well attended and received by our Tribal, State, and Federal partners this past year as we look to the future.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, our office will strive to continue building partnerships to impact the over welfare of not only Tribal citizens but all citizens of North Dakota in a positive manner. 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