



TRIBAL AND STATE RELATIONS COMMITTEE

Monday, April 13, 2026

Event Center, Sky Dancer Casino and Resort, 3965 Sky Dancer Way NE
Belcourt, North Dakota

Representative Dawson Holle, Chairman, called the meeting to order at 1:16 p.m.

Members present: Representatives Dawson Holle, Collette Brown, Matthew Heilman, Jon O. Nelson; Senators Richard Marcellais, Tim Mathern

Member absent: Senator Scott Meyer

Others present: Representative Jayme Davis, Rolette Jamie Azure and Alysia LaCounte, Turtle Mountain Band of Chippewa Indians; Wendy Belgarde, Rolette County; Héctor Hernández-Delgado*, National Health Law Program
See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Senator Marcellais, seconded by Senator Mathern, and carried on a voice vote that the minutes of the October 24, 2025, meeting be approved as distributed.

TRIBAL-STATE RELATIONS

Ms. Stephanie Jay, Public Health Manager, Turtle Mountain Public Health Department, and Ms. Anita Frederick, President, Tribal Nations Research Group, provided information regarding tribal-state health care issues. They noted:

- During the COVID-19 pandemic, the state and the tribe had a public health data use-sharing agreement that aided in contact tracing.
- Following the conclusion of the pandemic, the agreement ended.

In response to questions from committee members, Ms. Jay and Ms. Frederick noted:

- Each tribal nation is required to have a separate data use agreement with the state.
- The Mandan, Hidatsa, and Arikara Nation and the Standing Rock Sioux Tribe have data use agreements with the state; however, jurisdictional issues are preventing the Turtle Mountain Band of Chippewa Indians from entering an agreement.

Ms. Erin Belgarde, Board President, Turtle Mountain Recovery Center, provided information ([Appendix B](#)) regarding the center. She noted:

- The center has five levels of care and can accommodate a maximum of 16 beds. The center would prefer to expand to 32 beds; however, expanding above 16 beds requires an Institutions for Mental Diseases (IMD) waiver.
- During the most recent count, 116 people were considered homeless on the Turtle Mountain Band of Chippewa Indians Reservation.

In response to questions from committee members, Ms. Belgarde noted in the first 2 years the center had 300 clients and a high success rate for clients maintaining their sobriety.

Committee members noted:

- Approaches vary on the use of outpatient and inpatient care when treating addiction and mental health.
- The time and cost of applying for an IMD waiver is a barrier to obtaining the waiver.

In response to questions from committee members, Ms. Alysia LaCounte, General Counsel, Turtle Mountain Band of Chippewa Indians, noted she is not aware of an IMD waiver that has been granted to a tribe.

INSTITUTIONS FOR MENTAL DISEASES WAIVER

Mr. Héctor Hernández-Delgado, Director, Services Practice Area, National Health Law Program, provided information ([Appendix C](#)) regarding IMD waivers and access to mental health services for individuals with substance abuse disorders.

In response to questions from committee members, Mr. Hernández-Delgado noted:

- His research covers the legal aspects of IMD waivers.
- There is a gap in the data related to the impact of the waivers on tribal communities.

Ms. E. Belgarde presented information regarding the impact of IMD waivers. She noted an increased number of beds from the waiver may not lead to an increase in residential treatment.

Committee members noted:

- The use by a provider of more beds than medically necessary may constitute malpractice.
- The intent of Congress in limiting the coverage under Medicaid for mental illnesses and substance abuse may have been to reduce the fiscal impact of Medicaid.

Mr. Casey Orvedal, Counsel, Legislative Council, presented a bill draft [[27.0101.01000](#)] relating to implementing Medicaid plan amendments and applying for Medicaid waivers.

Committee members noted:

- Interest in the bill draft addressing serious mental illness in addition to substance abuse.
- Conflicting views on whether additional funding would be required in the bill draft to address the cost of applying for IMD waivers.
- Interest in the interim Health Care Committee addressing the IMD waiver issue.

Ms. Veronica Zietz, Executive Director, Protection and Advocacy Project, submitted information ([Appendix D](#)) regarding the IMD waiver.

TAXATION

Mr. Brian Kroshus, Tax Commissioner, provided information regarding state taxation issues related to the taxation of land owned by an enrolled tribal member. He noted:

- The state's role in property tax is to administer the primary residence tax credit program, homestead tax credit, and disabled veterans tax credit. The state also equalizes property tax.
- Property tax is administered at the local level and is a primary funding source for local governments.
- Land owned by a recognized tribal entity is not subject to property tax in the state.
- Around 21 percent of property in the state is exempt from property tax.

Ms. Wendy Belgarde, Tax Director, Rolette County, provided information regarding property taxation in Rolette county. She noted:

- The county uses property tax revenue for services throughout the county, including services provided on the Turtle Mountain Band of Chippewa Indians Reservation.
- The county could use in lieu of tax payments to make up for lost property tax revenue.
- When considering tax issues, the county must take into account federal regulations and regulations by state and tribal governments.

Mr. Henry LaRocque, County Commissioner, Rolette County, provided information regarding county taxation issues related to the taxation of land owned by an enrolled tribal member. He noted:

- In 2023, he sent a letter to North Dakota congressional representatives on behalf of the county requesting the federal government seek a solution for the reduction to county revenues as a result of the presence of tax exempt land in the county.
- When land is converted from fee to trust land, the land becomes tax exempt resulting in a loss of county revenue.
- From 2020 to 2025, nearly 2,800 acres were converted from fee to trust land in Rolette County, resulting in a loss of \$3,386,826 of taxable value.

In response to questions from committee members, Mr. LaRocque noted if land is converted from fee to trust land, the county still is required to maintain roads and provide emergency services despite reduced tax revenue.

In response to questions from committee members, Mr. Allen Schlenvogt, Chairman, Rolette County Commission, noted the federal government provides in lieu of taxation payment for fish and wildlife land, and provides in lieu of taxation payments for other land removed from a taxable status.

Committee members noted:

- Interest in exploring the potential for the provision of in lieu of taxation payments by the federal government to counties for land held in trust.
- The 2021 Legislative Assembly amended the state aid distribution formula to provide \$500,000 of additional aid to Rolette County.
- A bill draft could be prepared to extend the sunset clause on the additional state aid distribution formula payment.

In response to questions from committee members, Mr. Schlenvogt noted he is not certain of the number of acres pending approval for a change from fee to trust land.

In response to questions from committee members, Mr. Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians, noted:

- The tribe intends to seek approval for converting from fee to trust land all land that rightfully belongs to the Turtle Mountain Band of Chippewa Indians.
- The tribe pays a significant amount of taxes each year.

Ms. E. Belgarde provided information regarding the taxation of tribal land. She noted many tribal members pay taxes, in particular if they own taxable land.

In response to questions from committee members, Mr. Schlenvogt noted Rolette County does not impose a sales tax and the largest sources of funds from sources other than property tax are from allocations from the County and Township Infrastructure Fund, highway funding, flexible transportation funding, law enforcement grants, and public health funds.

In response to questions from committee members, Mr. Kroshus noted:

- The majority of counties do not impose a county sales tax.
- If a county imposes a sales tax, the tax is collected by the state and the funds are remitted to the county.

Committee members noted the imposition of a large amount of sales tax can be harmful to businesses.

In response to questions from committee members, Mr. Schlenvogt noted Rolette County does not maintain roads within the boundaries of the reservation.

Mr. Orvedal presented a report ([Appendix E](#)) from the Governor regarding the negotiations and terms of any agreement between the Governor and the Three Affiliated Tribes of the Fort Berthold Reservation relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation.

COMMITTEE DISCUSSION

It was moved by Senator Marcellais, seconded by Senator Mathern, and carried on a roll call vote that the Legislative Council staff be requested to gather information from Rolette County and forward a letter to the Chairman of the Legislative Management requesting committee authorization to draft, publish, and distribute a statement supporting the creation of an in lieu of tax program to support counties containing trust land. Representatives Holle, Brown, Heilman, and Nelson and Senators Marcellais and Mathern voted "aye." No negative votes were cast.

No further business appearing, Chairman Holle adjourned the meeting at 4:45 p.m.

Casey Orvedal
Counsel

ATTACH:5