



North Dakota House of Representatives

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Chairman Longmuir and Committee members, for the record my name is Collette Brown, District 9 Representative which encompasses the TMBCI and the Spirit Lake Tribe. Today I have the honor of introducing my fourth bill before you, HB1455, to advocate for a crucial step in ensuring fairness, respect, and collaboration within the legislative process – a step that will profoundly impact the relationship between the state and the tribal nations that we are so fortunate to have within our borders. This is the step of tribal consultation.

Tribal consultation, as outlined in the proposed measure, serves as a bridge between the state legislature and the sovereign tribal governments of North Dakota. In each legislative session, the office of the Indian Affairs Commission will review every bill introduced to determine if it pertains to matters that may have tribal implications. If the bill has any direct effect on a tribal nation within the state's borders, a consultation will take place before any hearing in the standing committee. This process ensures that tribal governments are not merely informed after decisions are made but are actively and directly involved in the policy-making process.

So why is this important?

First, tribal nations are sovereign governments. Just as the state has its own legislative authority, so too do tribal nations. Their input is not just valuable – it is essential. When a measure has a direct impact on their communities, economies, or cultures, it is not just a courtesy to consult with them – it is a moral and legal obligation. This consultation ensures that the voices of tribal governments are heard, their concerns addressed, and their contributions recognized. It provides a forum for dialogue, collaboration, and compromise that respects the authority of tribal leaders and their right to participate in the decisions that affect their people.

Second, the impact of legislation on tribal nations is significant. Whether we are discussing healthcare, education, environmental protections, or economic development, the decisions made here often have far-reaching consequences for tribal communities. Many bills, if passed without consultation, could inadvertently harm or overlook the needs of our tribal neighbors. This consultation process guarantees that tribal nations could provide their expertise and experiences, helping us craft better, more effective policies that benefit everyone in North Dakota.

Now, let us consider the benefits of tribal consultation

It improves the quality of our legislation. By actively engaging tribal governments early in the process, we can avoid potential missteps and create policies that are both more informed and more inclusive. It builds trust between the state and tribal nations.

Consultation fosters an atmosphere of respect, understanding, and cooperation. It creates an environment where both governments – state and tribal – can work toward common goals and mutual benefits.

It honors the federal government's recognition of tribal sovereignty. The United States government has acknowledged the sovereignty of tribal nations, and by consulting with tribal governments, we follow the spirit of those federal policies that promote self-determination and partnership.

Moreover, let's take a moment to clarify what direct impact means. This term refers to a bill or measure that would have a significant and tangible impact on tribal nations. If a legislative measure directly affects a tribe's people, governance, resources, or cultural practices in a meaningful way, it qualifies as having a substantial direct effect. For example, a law that changes how tribal lands are managed or alters access to healthcare for tribal communities would likely have a substantial direct effect. This is why it is vital that such bills are reviewed, and tribal consultation is triggered before any decisions are made in the legislative process.

The importance of matters with tribal implications cannot be overstated. We are not simply talking about laws that affect a small group of people. These are measures that directly impact the cultural, economic, and social fabric of our tribal communities. These measures may alter the distribution of power between the state and tribal governments or affect the well-being of tribal citizens. It is only right that we include those most affected in the conversation.

In conclusion, tribal consultation is not just a good practice – it is an essential element in the pursuit of fairness, respect, and justice. It ensures that we honor the sovereignty of tribal governments and empowers tribal nations to have a seat at the table where decisions that affect their future are made. By adopting this process, we will move closer to a truly inclusive government – one where the voices of all people, including tribal nations, are heard and valued.

Let us commit to this process, send a do pass on HB1455 to let us strengthen our relationship with the tribal nations of North Dakota, and let us lead by example in fostering collaboration and mutual respect.