

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1524

2005 HOUSE HUMAN SERVICES

HB 1524

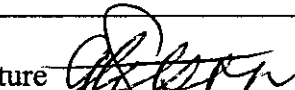
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1524

House Human Services Committee

☐ Conference Committee

Hearing Date March 9, 2005

Tape Number	Side A	Side B	Meter #
2	x		2186-6214
2		x	10-2766
Committee Clerk Signature 			

Minutes:

Chairman Price opened hearing on HB 1524.

Rep. Boucher, District 9.

This bill to address the relationship of relationship of tribes and state government, also the relationship and what exists in the communities around the state of ND in regards to tribes and Native American citizens in the state of North Dakota and how there are some indications that people that I don't think always clearly understand in term of how services are being delivered, responsibilities for the delivery of services and depending upon enrollment and or residency.

I want to bring this forward as part of this discussion. After I have presented that, I will leave the technical explanation to the various individuals that deal with this on a day to day basis.

The first thing we have to make very clear, this is an issue regarding services to Native American people that center around enrollment. Not every "indian" person, across the board - "indian".

There are issues with tribe/enrollment identification. Who is responsible to provide services, and they being able to access services, is based specific on enrollment in what tribe/reservation they are identified as a result of that. In the Turtle Mountains, over 1/2 of the native americians live off the reservations. The determination of receiving services is determined by residency. If the enrolled members of the tribe, go to and seek reservation and tribal operated BIA/Tribal services. Communitas that surround that, have large numbers of Native Americans. They are enrolled members of the tribe and receive services from the tribe, but as members of the communities, they seek and receive county services. Because the county receive Fed. funding, they are obligated to serve whoever comes through the door. Medicaid/Food services are also mandated to serve those individuals. I want to put everything on the table, you are going to hear heartburn from the county govt., and why I want to explain where the tribe is going. Mr. Zentner is here. When dollar allotments are determined in Washington, for all the services, is determined by poplulation/income levels are factored into it. From a tribal stand point, when we talk about converting and allowing this DHS to contract with the tribe directly, the delivery of these services, there is not a pot of money out there, that we are not accessing, that was set aside, specifically for tribes, in addition for what the state could receive. We are all a part of those numbers. The state will not receive anymore dollars as a result of any initiative. It is just a matter of where the state chooses to apply those dollars and who in turn would deliver the services as we provide the care related to the dollars. I want to make that very clear, that we as a state will receive the small amount of dollars. The only thing, the decision would be made, rather than directing them to counties/tribes, that is how it would be done.

From the county perspective and what they have difficulty with this, is that, that indeed contract with the tribe for services, and the tribes agree to provide those services, its still, would not, unless some agreement, whoever comes to their door, would receive services. This would not preclude anybody going to the county for services. The county may not be eliminated from the obligation. I see this as an ongoing basis. We have several clinics in an area. This would be a matter of choice, some hospitals, are operated with the direction, they are required to have 3rd party payment, if it would be Medicaid/ Blue Cross/Blue Shield. There would have to be an agreement between the tribes, county and state of ND, that as we deliver those systems, we would have to set up service areas, rather than go on a county by county basis. And with this delivery system, those tribes would have to agree to provide services/case management for all Native Americans enrolled in that service area. It becomes a very complicated issue. In putting this on the table, you will have an opportunity to hear those that are for/opposition. My purpose today is to assist in laying out this and hope I haven't made it more complicated, I have to be as frank and honest in trying to point out the tribal/county perspective. The time has come for the people of ND to have this discussion. There are 5 reservations in the state, 30,000 Native American citizens in the state and we have to understand that more than 1/2 of those live off of the reservations in communities around. 50% of the people that live in my town, are Native American. I would like to ask you to be open-minded and look at the sides of this issues.

Rep. Kaldor: Do I understand that this bill would let them go to the county and/or the tribe?

Rep. Boucher: That would not change, it would just be another place that the county could contract.

Rep. Porter: Would you see that the contract with a tribal entity, could be outside of their reservation boundaries?

Rep. Boucher: We want to make this work, would have to create service area. You could set up a clinic, but that would not mean they would access. You can not mandate that.

Rep. Porter: In case management services, powers retained by the dept./counties. Would the tribes in entering that agreement, be giving up some of their sovereignty?

Rep. Boucher: That is an issue I can't directly answer, I have some thoughts, but would prefer that you ask the tribal representatives. I imagine the state would set up guidelines, that the tribe would have to follow in terms of reporting and accountability. That would be in the mix.

Chairman Price: We have done some work with D. Muse and Assoc. and with HB 1459, we are looking harder at managed care under Medicaid. We are looking to expand that to other services. Do you see, whether it be county/enrolled members of the tribe, would serve their members. It would be like a managed care system where it would be the primary providers, regardless of what the assistance is. We are trying to get a handle on all of our costs, through the system, to say this is targeted case management, intense. If you need whatever, this needs to be accessed in this targeted area. Is that where you see this going/

Rep. Boucher: This bill doesn't address what you are talking about, it simply addresses the option of the dept. contracting with counties. Now, how you move forward, making a significant step like this, many things will come to the table. That is not part of the deliberations with this bill.

Chairman Price: How do you see the funding stream working then if the tribal member can go across tribal lines, a non tribal member can cross tribal lines. They may choose to get their services from the tribal entity also. How are we going to handle the funds.

Rep. Boucher: That is an interesting question, the access and who is the gate keeper will determine that.

Chairman Price: How do you think the funds should flow then?

Rep. Boucher: If the contract case management would go to the tribe, and wherever that enrolled member went for services, those funds should follow. That provider should be paid equally like all providers should be paid.. If the tribe make the decision to be the gate keeper, at their facilities on the reservation, which is their right under the concept of sovereignty, wouldn't be an issue, because services wouldn't be provided and the funds for that person option would not be available. I don't think it would be any problem because that is the way it works now. We also have the 3 party billing under those circumstances.

Chairman Price: When a tribal member goes to the tribal facility, those funds are available, but if that member goes to Bismarck for the same services, there are no funds for the Bismarck facility?

Rep. Boucher: I am sure that facility would be paid.

Chairman Price: Then that would be in the contract?

Rep. Boucher: It would have to be in the contract and I am inclined to believe that is the way it is now. I will now defer to Mr. Zentner for the accurate answer.

Cheryl Kulas: See attached testimony

Carol Gourneau: We have problems in our area. If we refer an Elder in our area, it takes so long to get accepted into the process. We have so many that do need care, we do not have enough case managers. Do not have Indian health service through the tribe. For instance, if someone is mentally ill, if they are discharged from Jamestown. We have very limited staff/resources to assist. We try and network with other agencies, but are limited there too. We also do not have a food pantry available in some of those areas.

Carol Wright, Director of Aging Services, State of ND See attached Testimony.#2

Frederick Baker: MSW, See attached testimony.#3

Chairman Price: Do the bulk of the funds come from the tribe's funds or Fed. grants?

F. Baker: Not at this time.

Lawrin Hugh Baker MSW See attached testimony #4

Austin Gillette, Three Affiliated Tribes When I was elected to tribal council in 1974, there was no assistance for our Elders, no tribal funds available for education purposes, community improvement. But over time, we have now, tribal funds that are allocated annually to our various communities and organizations. I was off the tribal council last fall, we allocate over \$800,000.00 to our elders. They could do more, if this bill is passed, because we would like to supplement assistance to them. Because those are historians that can not be replaced, we have to be able to get their stories for history. I know there are some that may not agree, but I feel this would be an improvement of the current system that is available to help our relatives and some of yours, so we ask for a do pass.

Rep. Porter: In the bill it talks about the dept. supervising, I guess it sounds to me that the dept. would indicate that the dept. would have the final say as to how the funds would be allocated.

A. Gillette: Yes, it would work just as our Aging services agreement with the meal site program.

Rep. Porter: That doesn't affect your sovereignty?

A. Gillette: No, it is an enhancement, because we agree to work together.

Rep. Porter: Did you read Chrm. Howls testimony? In the 4th paragraph, he says" he is not certain that normally when the tribes provide services, provided by the state, they contract to provide those services. I am not certain that is what this bill intended unless the amendments by using the terms - delegate, supervise and direct. I believe the tribes would be more comfortable, if these amendments specifically authorized the state to contract with the tribes" It doesn't say that in the bill.

A. Gillette: I felt it would be under a contract basis.

Rep. Porter: This is basically the state to talk to any of the tribes, but there is no responsibility for any of them to enter into this agreements if they don't want to.

A. Gillette: Yes

Bryan Quigley: Director Montrail and Burke County Social Services. Testimony attached

Terry Traynor: Association of Counties

We feel that Section 1 of this bill, seems to be overly broad. If the purpose of this is to allow the dept. to enter into some agreement with the tribes. The addition of the language, that a state agency may delegate for any county agency, these duties. Sec. 1 deals with all the duties of the DHS. Right now, our relationship has been with the legislature, directing what duties the dept. will delegate to the counties so we can the discussion of how those will be funded. This seems to shift that responsibility to the dept. to delegate those duties to counties/tribes. The tribes have the

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House Human Services Committee
Bill/Resolution Number HB `1524
Hearing Date March 9, 2005

authority to not agree but I don't know that the counties would. It seems to be overly broad in that section. We hope that could be clarified.

Chairman Price closed the hearing on HB 1524.

MR#2752.


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1524**

House Human Services Committee

☐ Conference Committee

Hearing Date **16 March 2005**

Tape Number	Side A	Side B	Meter #
1	X		0 - 461
Committee Clerk Signature 			

Minutes:

Chairman Price opened discussion of HB 1524. The question that came from Representative Porter is, "Do we need to put in the first part, number 1 -5, that this Committee has the ability to bring forth bills to the legislature to be staffed by Legislative Council.

Melissa Hauer: Are you asking me if that needs to be in there? This appears to be slightly different from the regular interim process in the way it's been drafted. This is not quite an interim committee. It is a bit of a hybrid committee. Mary Rudd and I were talking about the staffing and the chairman of the Legislative Council is the chairman of this and he's our boss. He can tell us to staff it. It could be in there, but it probably would happen anyway. Regarding whether we should report to the 60th Legislative Assembly, that language probably should be in there. It should have an expiration date. Without that this could go on indefinitely. We have a number of permanent committees right now such as the employee benefits, utilities, and things like that. This is like a one interim.

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House Human Services Committee

Bill/Resolution Number **HB 1524**

Hearing Date **16 Mar 05**

Chairman Price: And that means?

Hauer: That it could be extended. Both of those are optional.

Chairman Price: Would the Committee be more comfortable with that being added?

Rep. Devlin: As long as she is going to redo something, in Section 4 could we add "government to government relations" as one more thing they should look at.

Chairman Price: This is a proposed amendment so we don't have to have a motion yet until we have the whole thing. Any objections to the amendment? Anything else on this. We will have to ask for another draft. I'm going to ask the Committee would you feel comfortable acting on this and then giving it to you. This is a delayed bill. We do need to get it going. I would like to take action on it and we can get it out to everybody once we get the copy back from Legislative Council and then you approve or disapprove.

Rep. Devlin: I move the printed amendment plus the three changes we just asked for.

Rep. Weisz: I second.

A voice vote was taken. The amendment carried.

Chairman Price: We have the amended bill in front of us, what are your wishes?

Rep. Devlin: I move a Do Pass as Amended.

Rep. Damschen: I second.

A roll call vote was taken.

Yes: 12 No: 0 Absent: 0 Passed

Rep Kaldor will carry the bill.

FISCAL NOTE
Requested by Legislative Council
03/22/2005

Amendment to: HB 1524

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$15,127	\$0	\$0	\$0
Appropriations	\$0	\$0	\$15,127	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

The engrossed bill creates a seven-member Legislative Council committee on tribal and state relations.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Legislative Council expenditures will increase by \$15,127 per biennium to pay per diem and travel expenses of the 7 legislative members of the commission for six meetings during the 2005-07 biennium.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

The amounts shown reflect the estimated cost of a seven-member legislative committee for the 2005-06 interim.

Name:	Jim W. Smith	Agency:	Legislative Council
Phone Number:	328-2916	Date Prepared:	03/23/2005

FISCAL NOTE
Requested by Legislative Council
03/03/2005

Bill/Resolution No.: HB 1524

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

This bill would enact a new section to chapter 50-24.1 of the NDCC which would direct that the department of human services may delegate to any county or tribal entity any case management services that may be provided and that the department should supervise and direct any case management services so delegated.

There would be no fiscal impact as a result of passing this bill.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name:	Brenda Weisz	Agency:	Human Services
Phone Number:	328-2397	Date Prepared:	03/03/2005

House Amendments to HB 1524 - Human Services Committee 03/18/2005

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a tribal and state relations committee; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Committee on tribal and state relations - Membership - Duties.

1. The committee on tribal and state relations is composed of seven members as follows:
 - a. The chairman of the legislative council or the chairman's designee;
 - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
 - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The chairman of the legislative council, or the chairman's designee, shall serve as chairman of the committee.
3. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
4. The committee, in consultation with the native American tribal citizens' task force, shall study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. The committee shall report its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative council.
5. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
6. The native American tribal citizens' task force is composed of six members as follows:
 - a. The executive director of the Indian affairs commission, or the executive director's designee;
 - b. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
 - c. The chairman of the Spirit Lake Tribe, or the chairman's designee;

- d. The chairman of the Three Affiliated Tribes, or the chairman's designee;
- e. The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
- f. The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective."

Renumber accordingly

Date: 3/14/09

Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1524

House Human Services Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken DP A Amd-

Motion Made By Rep Devlin

Seconded By Rep Damschen

Representatives	Yes	No	Representatives	Yes	No
Chairman C.S. Price	✓		Rep.L. Kaldor	✓	
V Chrm.G. Kreidt	✓		Rep.L. Potter	✓	
Rep. V. Pietsch	✓		Rep.S. Sandvig	✓	
Rep.J.O. Nelson	✓				
Rep.W.R. Devlin	✓				
Rep.T. Porter	✓				
Rep.G. Uglem	✓				
Rep C. Damschen	✓				
Rep.R. Weisz	✓				

Total () yes 12 No 0

Absent 0

Floor Assignment Rep Kaldor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1524: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1524 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a tribal and state relations committee; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Committee on tribal and state relations - Membership - Duties.

1. The committee on tribal and state relations is composed of seven members as follows:
 - a. The chairman of the legislative council or the chairman's designee;
 - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
 - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The chairman of the legislative council, or the chairman's designee, shall serve as chairman of the committee.
3. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
4. The committee, in consultation with the native American tribal citizens' task force, shall study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. The committee shall report its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative council.
5. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
6. The native American tribal citizens' task force is composed of six members as follows:
 - a. The executive director of the Indian affairs commission, or the executive director's designee;

- b. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
- c. The chairman of the Spirit Lake Tribe, or the chairman's designee;
- d. The chairman of the Three Affiliated Tribes, or the chairman's designee;
- e. The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
- f. The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective."

Renumber accordingly

2005 HOUSE APPROPRIATIONS

HB 1524

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1524

House Government Performance Division

☐ Conference Committee

Hearing Date March 24, 2005

Tape Number	Side A	Side B	Meter #
1		X	2750-3445
Committee Clerk Signature <i>Stephanie N. Thomas</i>			

Minutes: **Chair Carlson** opened hearing on HB 1524, relating to provide for a tribal and state relations committee, and to provide an expiration date.

Overview of HB 1524. (SEE HB 1524)

Rep. Skarphol: I move a do pass.

Rep. Glassheim: Second.

Roll call vote. HB 1524 is a do pass.

Closed Hearing on HB 1524.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1524
Tribal and State Relations Committee

House Appropriations Full Committee

☐ Conference Committee

Hearing Date March 24, 2005

Tape Number	Side A	Side B	Meter #
1	X		#12.8 - #17.1
Committee Clerk Signature <i>Chris Alexander</i>			

Minutes:

Rep. Ken Svedjan, Chairman opened the discussion on HB1524.

Rep. Bob Martinson moved a Do Pass motion for HB1524

Rep. Eliot Glassheim seconded

Rep Boucher explained that bill does not ask for an appropriation. The funding for this will come from the legislative council budget. This committee is made up of 7 legislators and they will function as an interim committee. The chair of the legislative council will chair this committee. Each chamber will appoint 2 majority representative and 1 minority representative. The tribal task force is made up of the Indian Affairs Commissioner and the 5 Tribal Chairs or representatives. There is no expense reimbursement for these folks because the function in their positions as full time employees who have their own travel expenses in their budgets. The fiscal note then accounts for the 7 legislators expenses.

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House Appropriations Committee

Bill/Resolution Number HB1524

Hearing Date March 24, 2005

Rep. Eliot Glassheim commented that the committee was assured that there was sufficient money in the legislative council budget for this.

Rep. Jeff Delzer asked if compensation was only for the legislators or for all the members.

Rep Boucher answered that it would be only for the legislators.

Rep. Ken Svedjan, Chairman called for a roll call vote on the Do Pass motion for HB1524.

Motion carried with a vote of 23 yeas, 0 neas and 0 absences. Rep Kaldor will carry the bill to the house floor.

Rep. Ken Svedjan, Chairman closed the discussion on HB1524.

Date: March 24, 2005
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1524

House Government Performance Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep. Skarphol Seconded By Rep. Glassheim

Representatives	Yes	No	Representatives	Yes	No
Chairman Carlson	X		Rep. Glassheim	X	
Vice Chairman Skarphol	X				
Rep. Monson	X				

Total (Yes) 21 No 0

Absent 0

Floor Assignment Rep. Glassheim

If the vote is on an amendment, briefly indicate intent:

Date: March 24, 2005
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB1524

House Appropriations - Full Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Rep Martinson Seconded By Rep Glassheim

Representatives	Yes	No	Representatives	Yes	No
Rep. Ken Svedjan, Chairman	X		Rep. Bob Skarphol	X	
Rep. Mike Timm, Vice Chairman	X		Rep. David Monson	X	
Rep. Bob Martinson	X		Rep. Eliot Glassheim	X	
Rep. Tom Brusegaard	X		Rep. Jeff Delzer	X	
Rep. Earl Rennerfeldt	X		Rep. Chet Pollert	X	
Rep. Francis J. Wald	X		Rep. Larry Bellew	X	
Rep. Ole Aarsvold	X		Rep. Alon C. Wieland	X	
Rep. Pam Gulleeson	X		Rep. James Kerzman	X	
Rep. Ron Carlisle	X		Rep. Ralph Metcalf	X	
Rep. Keith Kempenich	X				
Rep. Blair Thoreson	X				
Rep. Joe Kroeber	X				
Rep. Clark Williams	X				
Rep. Al Carlson	X				

Total Yes 23 No 0

Absent 0

Floor Assignment Rep Kaldor

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 25, 2005 10:31 a.m.

Module No: HR-55-6190
Carrier: Kaldor
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1524, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)
recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1524 was placed on the Eleventh order on the calendar.

2005 SENATE POLITICAL SUBDIVISIONS

HB 1524


2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1524

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date April 1, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 1524
Committee Clerk Signature 			

Minutes:

Chairman Cook called the Senate Political Subdivisions committee to order. Five members present and one absent.

Chairman Cook opened the hearing on HB 1524 which is a Bill for an Act to provide for a tribal and state relations committee; and to provide an expiration date.

Representative Rick Berg District 45, Fargo, ND introduced HB 1524. This bill was brought to me as an issue after the bill introduction deadline for both the house and senate. HB 1524 in its original form basically said that the state agency may delegate to a county, human service, or tribal entity the duties in this section. The bill was introduced to try and have a public debate on that issue.

Representative Merle Boucher, District 9, Rollette, ND testified in support of HB 1524. The bill you have in front of you is to create a state and tribal relations committee within the legislature and a corresponding tribal citizens task force. It is very clear how the structure of the

two committees work. The process is explained in Section One of the bill. This bill has an effective date though July 31, 2007 and after that date is ineffective. We want to see how this operation works, revisit the issue and hopefully we will come back in the next legislative assembly and find that this is a very productive type of experience and that we could probably move on a more permanent basis to establish a state and tribal relations committee. In terms of membership, and I want to make it clear, that seven legislative members would be reimbursed and the per diem would operate just as they do at any ordinary interim committee. You will notice that all the tribal relations people are elected paid representatives and the Indian Affairs Commissioner is a paid state official so consequently they would fall under their pay and reimbursement process that they have for themselves. I think this issue is critical. I think when it comes to tribal and state relationships and the operations of tribal government and the issues of Native American citizens, I have a pretty good grasp of that aspect of North Dakota. Eighty percent of the folks that I represent are Native American people. I would encourage the committees support on this bill. It is very important that we get together and have dialog on numerous issues.

Senator Triplett: Can you explain to us why this is laid out the way it is. Having one committee made up of legislators and then a separate committee made up of folks from the Indian tribes opposed to just having one committee. Is it the intention that these groups will meet separately and then occasionally come together ?

Representative Boucher: There were a lot of factors that were involved, there are some folks in the legislature that believe that only legislators should serve on interim committees. I disagree with that particular approach but at the same time and more important and a higher priority to my

perspective was that we want to move forward with this particular process. I have every intention and believe that even though they are outlined as two separate entities that they will come to the same table and take action on the same bills. We can hash out some of the mechanical processes and protocols as we go along.

Senator Triplett: My next question is that there is no one specifically from county government representing the specific counties that are impacted by reservations that there should be one county commissioner from one of those counties at the same table, did you consider that?

Representative Boucher: I guess quite frankly, I did not make that a consideration as we developed this concept but I do feel that county government has the ability to be very well represented at interim meetings. They will always be notified and be aware of the issues that we are discussing.

Chairman Cook: How do you see the mechanics of this working when they start voting on issues that will be presented to the legislature?

Representative Boucher: The way the bill is drafted it is implied in the bill that the seven legislators would be the voting members of the committee. I have really thought about this. We do have some legislators that question whether or not non legislators be allowed to vote on these issues during interim committees. I think the parties that sit at the table should all be voting members but the seven legislators would make the final recommendation to the legislator.

Chairman Cook: My concern is it be important that we make it clear in the bill to clarify this.

Bob Stenejhem, District 30, Bismarck, ND, testified in support of HB 1524. Rep. Boucher explained the bill very well. We in the legislature have a process of who is going to sit on the committee and if something would happen that someone has to be replaced, the legislature has a

process to allow us to appoint some one else. If you amend the bill for some other reason, you might want to look at that to clarify it. I think continuity is very important. The other reason that I think HB 1524 is so important is that most of you are aware that in the process that the state has been in court with tribal governments. The latest issue has been over gasoline taxes on the reservation. I think we do need a form between tribal governments and state governments to come to a resolution to what we are going to do in the future. I think we could take care of this through this legislative process. We need to work more with the five tribes in the state.

Senator Gary Lee: So would the mechanics of this committee run just like an interim committee? The legislators on the committee would have the ability to vote on and issue and bring motions to the table where the task force would not have those opportunities.

Senator Stenejhem: My understanding of the way the bill is written there may be some discussion on who gets to vote. This committee will determine that.

No further testimony in support or opposed to HB 1524.

Chairman Cook closed the hearing on HB 1524.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1524

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date April 5, 2005

Tape Number	Side A	Side B	Meter #
1	X		0 - 377
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

Chairman Cook called the Political Subdivisions Committee to order. All members (6) present.

Senator Cook: We have HB 1524 . I had the amendments drafted with considerable conversation with Representative Boucher. He is in agreement with these amendments. What they address is, we have the interim committee and we have the tribal task force and the intent is to somehow have them sitting together and dialog together. Representative Boucher and I had one concern and that is to what degree are they all at the table together and when are they not. These amendments are meant to clarify this. It makes it clear that they can conduct joint meetings but that for the final decisions regarding committee recommendations it will be just the committees work.

Senator Triplett moved the amendments 0202.

Senator Fairfield seconded the motion.

Discussion: none.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number HB 1524

Hearing Date April 5, 2005

Roll call Vote: 6 Yes 0 No 0 Absent

Chairman Cook: Committee your wishes.

Senator Triplett moved a Do Pass as Amended.

Senator Gary Lee seconded the motion.

Discussion: None

Roll call vote: Yes 6 No 0 Absent 0

Carrier: **Senator Cook**

April 4, 2005

JB
4-5-5

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1524

Page 1, line 22, after the period insert "Except for those meetings or portions of meetings during which the committee is making final decisions regarding the committee's recommendations and proposed legislation, the committee may conduct joint meetings with the native American tribal citizens' task force."

Renumber accordingly

Date: 4-5-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1524

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 50839.0202 ~~0202~~

Action Taken Do Pass on Amendments

Motion Made By Senator Triplett Seconded By Senator Fairfield

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent: Amendments passed

Date: 4-5-05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1524

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Senator Triplett Seconded By Senator Gary Lee

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator Nicholas P. Hacker, VC	X				
Senator Dick Dever	X				
Senator Gary A. Lee	X				
Senator April Fairfield	X				
Senator Constance Triplett	X				

Total Yes 6 No 0

Absent _____

Floor Assignment Senator Cook

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1524, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1524
was placed on the Sixth order on the calendar.

Page 1, line 22, after the period insert "Except for those meetings or portions of meetings
during which the committee is making final decisions regarding the committee's
recommendations and proposed legislation, the committee may conduct joint meetings
with the native American tribal citizens' task force."

Renumber accordingly

2005 HOUSE HUMAN SERVICES

CONFERENCE COMMITTEE

HB 1524

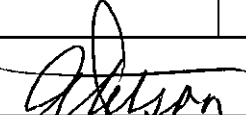
2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1524

House Human Services Committee

☒ Conference Committee

Hearing Date 4/12/05

Tape Number	Side A	Side B	Meter #
1		xx	31-41
Committee Clerk Signature 			

Minutes: 6 members present.

Rep. Devlin: Called the meeting to order. Attendance was taken. Does the Senate wish to explain their amendment. That's the only thing we're dealing with, this one amendment we didn't concur with.

Sen. Cook: When we had the hearing on this bill, we had two people testify, their names are at the top of the page, and as we listened to the testimony, and I think maybe, especially from Rep. Boucher, I think, in our mind, at least I know I did, questioned whether his interpretation, or the way he imagined these two committees working together was the way this bill was going to allow them to operate together and I had a discussion with him afterwards and I believe I was correct and so then we discussed some amendments to try to clarify the manner in which they would work together. He agreed with those amendment that they would be wise to put on them. We did, as well. Our concern, of course, is that we have a legislative interim committee, we have a tribal government task force, and the concern centered around to what degree are they all at the

table together, to what degree is the legislators sitting at the table, and the tribal task force in the room, with the ability to stand up and give testimony, and to what degree do they vote, or come to some sort of consensus. It was obvious that, I think at least to one of the prime sponsors of the bill, is the way he interpreted or imagined this working, is that they would all be at the table, voting and coming to some sort of an agreement. We had some concerns with that, we tried to clarify it, the way we have it now then, of course, is at the discretion of the chairman, whether or not they are at the table at all. I would hope that he would, in some cases, probably put them all at the table to have dialog back and forth, but when it comes time to take final action on anything that is going to be recommended to the legislature, that it be just those legislators elected serving on that interim committee that would be involved in that discussion and votes. That's why we added the amendments.

Rep. Price: We've also had conversations with Rep. Boucher, and as I've expressed to you, we're not disagreeing with some of the things you said. We just felt a little uncomfortable with the language. We just had some concerns that it could be perceived as a bit of an insult by the tribes and everybody reads things a little bit differently. We had more than one person take a look at it, and so that was our main concern; that we don't put out anything that could be perceived as a negative. We do certainly hope that this is something that can address a lot of issues, but also realizing that we can't make it too broad of an approach to start with. We need to concentrate on a couple of things, to make anything effective. The one concern that I did express to Rep. Boucher, is this legislative council works for us. We pay their bills, etc. I'm concerned about too many things being laid on the table, too many requests for staff time, resources, bill drafts, etc. We feel that could be handled fully by the chairman and the committee. But we just

wanted to focus a little bit, language, that we thought was a little bit friendlier. We've got that, and ran it past Rep. Boucher. Rep. Onstad just simply because he happened to come over to us, he had a little bit of concern too. So we've got some language that we'd like you to take a look at. We want to get to the same place, but we don't want to start out on the wrong foot on any of this.

Sen. Cook: For whatever it's worth, this was a delayed bill, we had a quick hearing, and we had instructions to get it out and get it out quick.

Rep. Devlin: I'll just walk through what this amendment does, essentially, I think it accomplishes exactly what the Senate wanted to, but just in a little different method. On line 19, we want them to have joint meetings with the Indian Task Force. We've added the word "also" in there, because up above the committee can meet by themselves, at whatever time the chairman calls, so we want them to maintain that right. We're talking without the Task Force, just the committee. They also will conduct joint meetings with the Task Force to discuss these issues. Then what we've added, that after the joint meetings have concluded, this committee, the legislative committee, shall meet again to prepare whatever needs to be done for Legislative Council for the final report. The way the Senate amendment read, there was some feeling that it would look like we were telling them, you can sit at the table, but we're going to vote, so now you have to leave or whatever. This way, we would have all the meetings, then the legislative committee would come together one more time, take any recommendations or anything they wanted to bring to Legislative Council, and go forward from there. We thought maybe, perhaps, that you would be open to that type of change.

Sen. Hacker: I'm looking at .0200 here.

Rep. Devlin: I'm sorry, here is the right copy.

Sen. Hacker: Found it.

Rep. Devlin: We had to go back to the version we were working from before the amendment, to get to this point.

Sen. Hacker: Is it in the joint meeting where they pull together their findings and recommendations, or that can be a separate meeting, correct.

Rep. Devlin: Yes, correct, that would be a separate meeting of just the legislators. The joint meeting, it is the House's intent that we would discuss any tribal issues, all of those things at the joint meeting, when the task force is there. But then when that is completed, then the legislative committee will come together to forward whatever recommendations they want to the next legislative session. That way, you don't have to ask somebody to essentially leave the table or leave the room, it is just a separate meeting that we thought was a little cleaner, nicer, whatever.

Sen. Cook: I know when I went up to Council, my concern was "in consultation", what does that mean. This certainly does, I think, clarify it a lot, it really does. It's a lot better than what it was. You said Rep. Boucher is happy with this.

Rep. Devlin: Yes.

Sen. Cook: I'm comfortable with it.

Sen. Triplett: I'm fine with it.

Sen. Hacker: With that I'll move that the Senate recede from its amendments and amend.

Sen. Cook: Seconded.

Rep. Devlin: Motion by Sen. Hacker and seconded by Sen. Cook that the Senate recede from its amendment and adopt amendments. Further discussion. The clerk will take the vote.

Page 5
House Human Services Committee
Bill/Resolution Number HB 1524
Hearing Date 4/12/05

6 YES 0 NO 0 ABSENT

MOTION CARRIED

SENATE RECEDE FROM ITS AMENDMENTS AND ADOPT AMENDMENTS.

Rep. Devlin: I believe that is all the work that we have to do. Meeting adjourned.

Conference Committee Amendments to Engrossed HB 1524 (50839.0203) - 04/13/2005

That the Senate recede from its amendments as printed on page 1655 of the House Journal and page 1358 of the Senate Journal and that Engrossed House Bill No. 1524 be amended as follows:

Page 1, line 19, replace ", in consultation" with "shall conduct joint meetings" and remove the second comma

Page 1, line 20, replace "shall" with "to"

Page 1, line 22, replace "The" with "After the joint meetings have concluded, the" and after "shall" insert "meet to prepare a"

Page 1, line 23, after "report" insert "on"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1524 (, as (re)engrossed):

Date: 4/12/05

Your Conference Committee Human Services

For the Senate:

For the House:

	YES / NO			YES / NO	
Sen Cook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chm Rep Beulin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen Triplett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Price	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rep Sandberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 11655 --

 , and place on the Seventh order.

✓, adopt (further) amendments as follows, and place 7th on the Seventh order:

 , having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) was placed on the Seventh order of business on the calendar.

DATE: 4/12/05

CARRIER: Rep Beulin

LC NO. <u>50839.0200</u> of amendment <u>50839.0203</u>
LC NO. <u> </u> of engrossment <u> </u>
Emergency clause added or deleted <u> </u>
Statement of purpose of amendment <u> </u>

MOTION MADE BY: Sen Hacker

SECONDED BY: Sen Cook

VOTE COUNT 16 YES 0 NO 0 ABSENT

Revised 4/1/05

REPORT OF CONFERENCE COMMITTEE

HB 1524, as engrossed: Your conference committee (Sens. Cook, Hacker, Triplett and Reps. Devlin, Price, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1655, adopt amendments as follows, and place HB 1524 on the Seventh order:

That the Senate recede from its amendments as printed on page 1655 of the House Journal and page 1358 of the Senate Journal and that Engrossed House Bill No. 1524 be amended as follows:

Page 1, line 19, replace ", in consultation" with "shall conduct joint meetings" and remove the second comma

Page 1, line 20, replace "shall" with "to"

Page 1, line 22, replace "The" with "After the joint meetings have concluded, the" and after "shall" insert "meet to prepare a"

Page 1, line 23, after "report" insert "on"

Renumber accordingly

Engrossed HB 1524 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1524

#5

**North Dakota Indian Affairs Commission
Testimony before the
North Dakota House of Representatives
Human Services Committee
March 9, 2005**

Chairman Price and members of the Human Services Committee, my name is Cheryl Kulas, and I am the Executive Director of the North Dakota Indian Affairs Commission. I am here today to testify in support of House Bill 1524 – a bill relating to the duties of the Department of Human Services with respect to economic assistance case management services.

Real Choices Systems Change Grant

In September of 2003, the NDIAC applied for and received a grant from the ND Department of Human Services in the amount of \$85,000. Under the auspices of the Olmstead Commission the purpose of the grant is the development of a culturally-congruent model of Home and Community Based care for American Indians on the 4 North Dakota reservations.

Because of limited staffing, the majority of the work of the grant is outsourced to an independent contractor, the Native American Training Institute. As the grantee, the Commission provides both administrative leadership and oversight of subcontractor activities, and through a steering committee directs the work of the subcontractor.

The grant was formally awarded on December 5, 2003. The work over the biennium has included the creation of a steering committee including representatives from ND-Dept. of Human Services – various divisions within Aging Services, Vocational Rehabilitation, and the Commission. Activities in year one included the hosting of 3 partnership meetings attended by numerous service-provider agencies and tribal health-related agencies and advocates, as well as consumers and consumer advocates. Six focus group meetings have been held on each of the reservations among American Indian elders and the disabled, elder-advocates, service-provider agencies, state, private and tribal.

House Bill 1524 is the outgrowth of the various focus group meetings resulting from the field work of the ND Indian Affairs Commission's contractor. A summary of the primary issues arising out of the first year of work of the grant is attached to this testimony.

Consumers and consumer-advocates expressed concerns about the lack of ability to access quality service providers within various reservation areas. Further, the ability to manage and guide the services of the numerous Native elders and disabled within reservation communities is fragmented, with no single agency assuming the responsibility for providing comprehensive case management for Native elders and those who are disabled. There is a backlog of training of quality service providers for some of the reservations. In addition, the general American Indian population lacks an awareness of what services for which they are eligible for the aged and disabled.

American Indian people continue to believe that U.S. Dept. of Health, Indian Health Service (I.H.S.), the federal agency whose primary responsibility it is to offer health care services for the Native population, will be the only service provider they will need, because it is a treaty right and trust responsibility. This belief is also ascribed to by the general non-Indian population. In fact, I.H.S. is an agency whose federal budget has not increased proportionate to the both the increase in the Native population, nor is it keeping pace with the number of Native people who are living longer, and for which the agency does not provide for long-term care of Native individuals.

Native people, who have the good fortune to survive into their 60's and beyond, suffer more environmental diseases, and live longer with more complex health related problems. The Native aged population is reaching the longevity of that of the mainstream population.

Additionally, there is a cultural prerogative and desire of Native people to live in their homes and be cared for by their families. However, there is a very limited home or community based critical infrastructure, i.e. services, facilities to support their remaining

in their homes. The service programs that are available are limited in the scope or function by government mandate or budget limitations. Creative solutions are needed to address this growing issue.

Through this on-going dialogue between and among state, tribal and regional service-providers on or near reservations, we hope to establish partnerships to further advance the intent of the Olmstead Decision and the resulting work of the state of North Dakota in creating a greater home and community based care environment for our aged and disabled, as well as for our respected Native elders.

Amelioration of any issue today lies in the willingness to be a partner in the solution. The American Indian population in North Dakota continues to grow and its communities constitute a growing segment of North Dakota's economic sector. The healthier they are, the greater capacity to be a contributing member of North Dakota society. We urge your support of HB 1524. Thank you for your consideration.

Attachment A.

**Summary of Focus Group Issues
for inclusion in a culture-based model of service**

Information:

- Would be coordinated with all other services in a written format
- Would be distributed
- Would delineate services/help available (as opposed to generic "provide services for elderly"
- Would be provided in a one-stop location sensitive to the needs of the aged and disabled population.
- Provided in Native languages as well as English.
- Targeted to Native people (e.g. photos, layout, delivered in a communication manner applicable to the community served).

Intake Process:

- Would be respectful and helpful at all times.
- Organizations have expectation of cultural competency skill in workers.
- Service area would be entire state/region (not just off-reservation/on-reservation).

Funding:

- Use of a flex-fund approach based on needs
- A system for transportation spending and availability of funding.
- Tribal funding for elders to help elders.

Provision of services

- Redefine outreach by providing transportation to go to the elders instead of them coming to the service provider.
- Holistic approach to health as opposed to just physical, medication, etc.
- "Elders Day Out" concept.
- Reciprocity: community concept of keeping good things going, giving. For example, elders work with youth in teaching language and traditions.
- Simplify language of service promotion materials. Don't use acronyms
- Need to build in time for relationship-building between consumers and providers.
- Need to have "cultural-brokers" to speak for, translate and introduce consumer to provider.
- Need consistency in staff.

Inter-Agency

- Indian Health Service needs to have a central role in improving services.
- Deliberate networking with other providers to reduce duplication of services.
- To coordinate services and to maximize resources to fill gaps in service
- Need to have opportunities for people to meet people.

Staff Training

- Medicaid
- Culturally responsive training of the population served

Advocacy

- Elder groups established and supported on every reservation
- Change state legislation to allow for greater number of qualified service providers.

Changes in the prior year are reflected in the projected timeline for project completion are identified in the following timelines.

#2

TESTIMONY
HB 1524 – HOUSE HUMAN SERVICES
REPRESENTATIVE PRICE, CHAIRMAN
MARCH 9, 2005

Chairman Price and members of the House Human Services Committee, I am Linda Wright, Director of the Aging Services Division, Department of Human Services. I am here today to testify in support of House Bill 1524.

Case management for Home and Community Based Services (HCBS) is defined as "the process within the framework of generic social work practice of providing specialized assistance to aged and disabled individuals desiring and needing help in selecting and/or obtaining resources and services, and in coordinating the delivery of the services in order to assist functionally impaired persons remain in the community in the most cost-effective manner. The specialized assistance is based on the results of a comprehensive assessment."

The provision of HCBS case management is currently limited to county agencies (i.e. the County Social Service Boards). House Bill 1524 would provide the opportunity for tribal entities to provide HCBS case management.

The Department of Human Services supports this change in state law because it provides greater consumer choice. Home and Community Based Services recipients currently have the right to choose who will provide their services for all service categories except case management.

Consumer choice and consumer direction are concepts increasingly supported by the federal and state governments. As part of President

Bush's New Freedom Initiative, the State of North Dakota has applied for and received 2 Real Choice Systems Change grants. One of the projects funded by the first grant, through the Olmstead Commission, was to the Indian Affairs Commission to increase the cultural appropriateness of home and community based services. The Department of Human Services has been very involved in this project, with both myself and Theresa Snyder, DHS Tribal Liaison, serving on the steering committee. This piece of legislation is a direct outcome of the Real Choice Systems Change project.

Reimbursement for HCBS case management is already included in the Department of Human Services Long-Term Care budget through the various funding sources of Service Payments for Aged and Disabled (SPED); Expanded SPED, Medicaid Waiver for Aged and Disabled; Medicaid Waiver for Traumatic Brain Injury, and Targeted Case Management. Therefore, there is no anticipated fiscal impact associated with House Bill 1524.

I would be happy to answer any questions you have at this time.

3

**TESTIMONY OF FREDERICK P. BAKER, EXECUTIVE
DIRECTOR OF THE MANDAN, HIDATSA, ARIKARA ELDERS
ORGANIZATION ON HOUSE BILL NO. 1524**

Chairman Price and members of the House Human Services Committee, I am Frederick P. Baker, an enrolled member, and an elder of the Three Affiliated Tribes of the Ft. Berthold Indian Reservation. I am the Executive Director of the Mandan, Hidatsa, Arikara Elders Organization, a chartered tribal entity whose purpose is to provide programs and services, funded by the Three Affiliated Tribes Business Council, to the over 684 enrolled members who are 60 years or older. Our intent is to provide and coordinate services and programs for our elders so that they will be able to remain independent and able to live in their homes for as long as possible. We have 2 staff members, all certified nurse assistants, in each of our six districts, who provide various services to our elders. I am here today to testify in support of House Bill 1524.

At the present time, there are 46 Indian elders receiving QSP services out of a total of 296 service recipients in the 6 counties that comprise the Ft. Berthold Indian Reservation. These service recipients through the QSP program are able to receive the assistance that allows them to remain in their homes. This is a large savings for everyone involved, when compared to the costs of some type of institutional care. Further North Dakota elders, whether Indian or non-Indian all want to remain in their homes as long as they possibly can do so. If we, as a tribal entity were able to provide case management services to our People, we, because of our familiarity and contacts, feel that we would increase the numbers and improve the services. Many Indian elders, because they were brought up in a different culture, respond better to service providers who are Indian, whether they be case managers, home health care providers, qualified service providers, or other service providers.

Our program has been in existence since 1999. The major portion of our funding comes from Tribal funds, however, we need to expand our services and search for additional programs and resources in order to appropriately serve our People. We have offices in each of our six districts with two staff assigned to provide services. We have a licensed social worker on staff, and all of our other staff are Certified Nursing Assistants. We work closely and cooperatively with the community health nurses of the Indian Health Service, the community health representatives, the Tribal and County social services staff, and anyone else who might be in a position to improve the lives of those who we are charged with assisting. Further, our Tribal social services program is headed up by a Tribal member, who has an MSW from the University of North Dakota. In addition, they also have six licensed social workers on their staff. From a technical standpoint, we have adequate resources to do case management at a professional level.

We can and want to do the job as case managers, and feel that this is a win-win situation for all concerned. I respectfully urge this committee to recommend a DO PASS on House Bill 1524.

#4

**TESTIMONY OF LAWRIN HUGH BAKER, MSW
ON HOUSE BILL NO. 1524**

Good afternoon, my name is Lawrin Hugh Baker and I am an enrolled tribal member of the Three Affiliated Tribes, New Town, North Dakota. I am a professional social worker who received my Bachelors Degree in Social Work from the University of Mary here in Bismarck and my Masters Degree in Social Work from the University of North Dakota in Grand Forks. I have worked in several human services programs in North Dakota and other states during my career. I have, in the past, worked for the Three Affiliated Tribes as a social worker. I am in support of HB 1524 for the following reasons:

- Indian tribes have always held children and families in high regard. Traditionally, children are considered to be sacred and the elderly are held in high esteem. The elderly are often called on to provide advice and give direction in matters that are important to the tribe and its members.
- As most of you know, nearly all Indian tribes in this country lack sufficient resources, particularly resources that provide human services to their people. The populations that suffer the most because of underprovided services are the children and of course, the elderly.
- In recent years Indian tribes have had opportunities to provide direct services to their own people. Much of this opportunity came into being with the passage of Public Law 93-638, the Indian Self-determination and Indian Education Assistance Act. This law allowed tribes to contract with the Bureau of Indian Affairs and the Indian Health Services and other federal agencies to provide direct services. This law and subsequent similar laws have encouraged tribes to create and develop their own infrastructures and provide services in a manner that remains respectful of tribal tradition, custom and culture. These laws opened the door to self-sufficiency for tribes.
- These opportunities must not be taken away. In fact the opposite must occur, the opportunities must increase.
- The State of North Dakota has proven time and time again that it supports efforts that North Dakota tribes have made to develop and manage programs, particularly programs that provide human services.
- Indian tribes and Indian people must be empowered to determine their own destinies. Indian tribes and Indian people must be allowed to develop their own systems of care, and in order to do so they must have full access to available resources.
- The case management that is mentioned in this piece of legislation will allow tribal agencies to become more directly involved in the delivery of services. It will also allow tribes to access more of the available financial resources to pay for these services. It will allow tribal agencies to become more accountable to their clients.

In closing, please support the passage of House Bill No. 1524 because it not only represents true empowerment of Indian tribes and Indian people in North Dakota but it also represents a commitment of good faith and well-being.

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**Testimony before the House Human Services Committee
Regarding HB 1524
March 9, 2005**

Chairperson Price and members of the committee, I am Bryan Quigley, Director of Mountrail and Burke County Social Services and I'm here today representing the North Dakota County Social Service Directors Association.

The County Social Service Directors Association has not taken a position on HB 1524 primarily because we do not fully understand the intent of the legislation. However, we do have several questions that might clarify the intent of this bill and its potential impact on the counties and the people we serve. Those questions include:

1. What is the intent of this bill? Does it allow for the delegation and expansion of Home and Community Based case management services as well as, Medical Assistance eligibility determination (see Section 3 -1), and medical assistance case management for Developmentally Disabled or SMI, etc. to tribal entities? What are the case management services the department may delegate to counties, human service centers and tribal entities as outlined in Section 2 of the bill?
2. Will this bill allow the department to delegate new and unfunded case management responsibilities to the counties or tribal entities and extend those costs accordingly?
3. Who could or would a tribal entity provide services to? Will they serve non-native clients that live on the reservation?
4. How will the non-federal/state match that is required for services such as Home and Community Based Services be paid? Does this bill imply that

tribal entities accept the reimbursements for programs such as HCBS and participate, as counties do, in the non-federal/state share of costs?

5. Would there be different rules and policies for how this work is provided? For example, HCBS case managers must be licensed social workers? Will the same standards apply?
6. A delivery system for Home and Community Based Services is already in place that serves native and non-native county residents. Does this bill attempt to fix something?
7. As written, it appears that this bill will allow the state to supervise all human services provided by tribal entities. Is this correct?

In closing, the counties are concerned that this bill is vague and not clear in many areas and we would like further clarification before we take a position. Thank you.

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MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes • Ft. Berthold Reservation
404 Frontage Road • New Town, ND 58763-9402

**59th LEGISLATIVE ASSEMBLY
HOUSE HUMAN SERVICES COMMITTEE
HONORABLE CLARA PRICE, CHAIR & COMMITTEE MEMBERS**

**TESTIMONY OF TEX G. HALL, CHAIRMAN
MANDAN, HIDATSA & ARIKARA NATION
ON HOUSE BILL 1524**

Madam Chairwoman Price and Committee Members my name is Tex Hall and I am the Chairman of the Mandan, Hidatsa & Arikara Nation. I apologize for not being able to testify in person before you today but preexisting commitments prohibit me from being here. I just ask that this written testimony be submitted for the record on behalf of the Mandan, Hidatsa & Arikara Nation.

House Bill 1524 amends the North Dakota Century Code to allow the North Dakota Department of Human Services to delegate to a tribal entity the case management services for the elderly normally provided by the county. Under present law, each county provides these case management services to our tribal members and the individuals that work for the county are normally non-Indian. House Bill 1524 would allow tribes to provide these services to its members and other Indians residing on the Fort Berthold Reservation.

The Mandan, Hidatsa & Arikara Nation supports this bill. Our elders are more comfortable dealing with our own tribal members when it comes to their care. This Bill will allow us to take care of our own. As I understand it, tribes that provide case management services to our elderly will be reimbursed by the Department of Human Services. There should not be any cost increases incurred as a result of this Bill it simply just shifts case management from the counties to the tribes if the tribes elect to undertake these responsibilities.

I would like to mention one potential problem with the Bill. The Bill indicates that the Department of Human Services would "supervise and direct" any duties delegated under the statute. Normally, when Tribes provide services normally provided by the State, they contract with the State to provide the services. I am not certain if that is what is intended under these amendments by using the terms "delegate" and "supervise and direct". I believe that North Dakota's tribes would be more comfortable if these amendments specifically authorized the State to "contract" with tribes or tribal entities to provide case management services.

For all of these reasons and with this exception, I respectfully urge this Human Services committee to recommend a DO PASS on House Bill 1524.