

2009 SENATE APPROPRIATIONS

SB 2005

2009 SENATE STANDING COMMITTEE MINUTES


Bill/Resolution No. SB 2005

Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 01-20-09

Recorder Job Number: 7346

Committee Clerk Signature 

Minutes:

V. Chair Bowman called the committee hearing back to order at 2:00 pm in regards to SB 2005 concerning the Indian Affairs Commission.

Cheryl Kulas, Executive Director, North Dakota Indian Affairs Commission

(Written testimony # 1)

Expressed the accomplishments and needs of the ND Indian Affairs Commission, and asked for additions to the governor's budget to assist with the Indian Youth Leadership program.

21:39

Senator Mathern had questions with the chart and budget.

V. Chair Bowman expressed a concern about the recidivism of the youth and wondered how to get a handle on it to see if it's possible to find a solution to the problem. He wondered if it is high school kids dropping out of school and getting in trouble; is it grade school kids that are in trouble or are do these kids happen to go to the correctional facilities because they don't have the interest in school or is there something missing in this formula that needs to be looked at.

Cheryl Kulas stated that one of the main challenges is infrastructure. When the youth are released to the community, they go back into the same environment that they've had. There are transitional facilities but once you go into that environment, the recidivism is back.

The infrastructure is not in the tribal community.

V. Chair Bowman: Would that come through their school as we see kids that are losing interest. Maybe the counseling could get them back on track. What is the solution?

Cheryl Kulas: I really can't answer that. That's probably for someone who works within the system. I used to rely heavily on the Department of Human Services, and once the kids get into the correctional facilities, they are very hard to retrieve. They need support structure.

V. Chair Bowman: The ultimate solution would be to get to the young children before they get in trouble. Maybe there is some kind of program that we could put together to get a handle on this with these young kids before they get into problems?

Cheryl Kulas stated that if we could catch them and create a career pathway, and an enriching environment. They have no knowledge of articulating their rights; they have a sense of hopelessness feeling they have no opportunities. Drug free schools programs are needed.

They need to be given a sense of hope and must educate parents as well as children.

28:32

Senator Lindaas: You mentioned infrastructure, could you elaborate more on what is missing?

Cheryl Kulas stated that suicide is a huge problem. In Standing Rock, they wanted to get a dormitory back because when the kids are diagnosed with suicide attempt and they only have a little time in hospital with counselors and there is no respite place for constant focused counseling.

Senator Robinson stated that even with all the support programs in place, it's an uphill battle. The absence of role models and strong family units, employment opportunities. It's a big challenge. He felt that dollars spent in these areas would be a positive thing and that it's heartbreaking to see extremely talented kids in these institutions. The cost that is seen in budget is only part of it because the real cost is the struggles the families go through.

35:30

Robert Parisien, Indian Education Program Administrator, ND Indian Affairs Commission

(Written testimony # 2) Testified in favor of SB 2005.

Worked with Gear Up grant. Visited schools and went on tour. Amazed at how little they have. Without schools, kids would have to spend hours on buses. Most schools don't have reading, science, math programs.

Senator Robinson asked if he's seen an opportunity while working with **Cheryl Kulas** as to identify the best practices that he's seen in other states that we could adopt in ND. What are the best practices, programs or initiatives that he feels may help?

Robert Parisien: They are out there. With technology today, a lot of my research I do online. There are a lot of schools trying different programs and different initiatives. I like to look to those types of programs and share them with some of our schools.

Scott Davis, ND Indian Youth Leadership Academy (testimony says Jim Davis)

(Written testimony # 3) Testified in favor of SB 2005

Spoke from testimony but also gave information about North Dakota Youth Leadership Academy (NDIYLA) saying he felt the academy gave him the tools he needed early in life.

Senator Mathern: What is the total cost of this academy and what is in this budget toward this cost?

Scott Davis – On back of handout – Asking for \$46,500.

53:40 – 56:10

Dolly Luger, Fort Yates, North Dakota – also known as "Dolly Dakota onY93"

(No written testimony) Testified in favor of SB 2005.

Erik Cutler - Multicultural Coordinator, BSC, ND Youth Leadership

(No written testimony) Testified in favor of SB 2005.

V. Chair Bowman: We went over time because this is so important to get a handle on this.

These are our future generations that we're trying to solve the problem with, and if we don't take time to listen, we'll never going to find an answer.

Senator Robinson: I appreciate taking the extra time. Are there programs out there in other states where we incentivize teachers who spend time in reservation schools where you develop that relationship and have some continuity? One in two years is just not going to get it done. If we could deal with that and have some role models over a period of time—even to the point of living in the community, I think we'd make a giant step forward.

Robert Parisien: We do have one school in state – in New Town, but it all comes with money.

V. Chair Bowman thanked everyone for their testimony and then closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2005

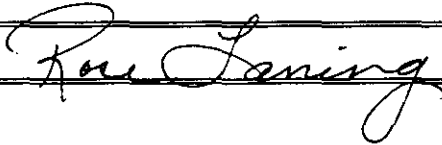
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: February 9, 2009

Recorder Job Number: 9050

Committee Clerk Signature



Minutes:

Chairman Holmberg opened discussion on SB 2005.

Senator Mathern moved Do Pass on SB 2005.

Senator Warner seconded.

A Roll Call vote was taken. Yea: 11 Nay: 0 Absent: 3

Senator Mathern will carry the bill on the floor.

Date: 2-9-09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2005

Senate _____ Committee _____

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Legislative Council Amendment Number _____

Action Taken DO Pass

Motion Made By Sen Mathern Seconded By Sen Warner

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|------------------|-----|----|
| Senator Wardner | ✓ | | Senator Robinson | ✓ | |
| Senator Fischer | | | Senator Lindaas | | |
| V. Chair Bowman | ✓ | | Senator Warner | ✓ | |
| Senator Krebsbach | ✓ | | Senator Krauter | ✓ | |
| Senator Christmann | | | Senator Seymour | ✓ | |
| Chairman Holmberg | ✓ | | Senator Mathern | ✓ | |
| Senator Kilzer | ✓ | | | | |
| V. Chair Grindberg | ✓ | | | | |
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Total Yes 11 No _____

Absent 3

Floor Assignment Mathern

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2009 4:14 p.m.

Module No: SR-25-2201
Carrier: Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2005 was placed on the
Eleventh order on the calendar.

2009 HOUSE APPROPRIATIONS

SB 2005

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2005

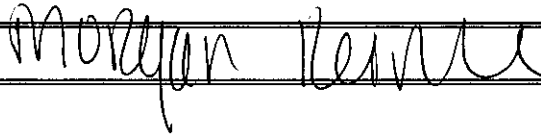
House Appropriations Committee
Human Resources Division

☐ Check here for Conference Committee

Hearing Date: 3/12/09

Recorder Job Number: 10793

Committee Clerk Signature



Minutes:

Cheryl Kulas: Testimony Handout (Attachment A) 1:00-11:35

Chairman Pollert: I'm going through your testimony and I want to have the most up due respect. You addressed on the 4th page Native American, and then talk about American Indian. Is there a difference there? Should we save Native American or American Indian? I see that some of the stuff says one way and then the other.

Cheryl Kulas: I agree. That is confusing and I'm sorry I didn't go through it and offer clarity on that issue. Nationally the term has been under discussion as well. The term has been used interchangeably. What has changed over the past 10 years has been the advent of other sovereign governments coming into the political arena such as the native Hawaiians. The native Hawaiians have aboriginal title to the land so the term Native Hawaiians has been used. Several years ago we adopted, with the intent of using the term American Indians here in the state of ND. Under the federal definition the terminology that is most accepted now is Native Americans. So we are going back the other way.

Chairman Pollert: But if the federal government says Native American what would you rather see?

Cheryl Kulas: I would prefer American Indian.

Representative Kerzman: Can you explain the corrections. Are we trying to address the problem about the way they are handing the institution? I don't know where you are coming from? Where do we want to address this at?

Cheryl Kulas: I think to do an effective job we have to focus on several areas. In terms of corrections we are already maintaining correspondence. I put that in my testimony because it is real difficult to get there. Once they are in the system and come out of there can we capture them at that point? We looked at various strategies and I don't think it is the most effective mechanism. At the prevention end of it, I think we really need to be focusing in on what efforts we can do in schools systems, communities, and so forth. In corrections, having been exposed to it first hand, I think there needs to be parole officers that better understand the native community. There needs to be several effective native based strategies in the system. During my work with the transition from prisons to communities there are staff at the corrections department that have said we really need to have someone represented there that can relate to the native community population incarceration. I would certainly be happy to get them here to provide testimony. They are aware of what the problems are in the correction system.

Representative Kerzman: Are there parole officers on the reservations or do they have to come to the Bismarck ones?

Cheryl Kulas: I'm not sure. I just know that they are needed.

Representative Kerzman: When this committee is looking at the budget they are all concerned about the growing population too at the institution. Anything that we can do to prevent it and be a vital member of society we would like to work with them on it.

Cheryl Kulas: I fully agree. I don't think we are looking at focus strategies. This is an issue as well as individuals that work in the DOCR. We have had discussions about how we can do that. I can ask those individuals to come and discuss the issues with the committee.

Representative Nelson: My question is very similar to Kerzman's. In the corrections system, my guess is in all the areas whether it is incarceration, treatment, transition, that there is a great need. I know the populations are higher in proportion in the American Indian population. You suggest that you want a seat at the table. I'm interested because you have referred to the fact that the department said it was needed. What exactly do we need to do in this committee or others? What are you actually asking for?

Cheryl Kulas: I think it is crucially important at this point to have a conversation with Leanne Bertsch talking about which strategies you can undertake. They are well aware of it. In August of this year they established a report. They wrote in the status report to the Governor's office that there is a need that they need to address in the DOCR.

Representative Nelson: I'm particularly interested in two areas. One in treatment. There are several treatment positions available in the state. If there is a treatment program that could be utilized at a higher level of practice for American Indian populations I think that is a practical solution. The other one is in transition. What they tell us is that they like to transition their inmates back to their local communities as much as possible. That means that you are being sprinkled in a number of different settings. Maybe there is something that can be gained in an area of transition whether it is work related or industry that would get people back to the skill levels where jobs are available. Whether that is back at home or the oil fields, wherever that is. That is an important part of the recidivism rate.

Cheryl Kulas: I fully agree with you. The recidivism back to the native community with all the structured programs and putting them back into the community where there continues to be old practices. That is probably the quickest vehicle for them to go back to the correction system because the community hasn't changed. To understand the strength that they need to be able to say no and be able to survive in that environment is extremely difficult without a structured

program. I know at one point a person who served as a parole officer was very effective in getting parolees placed within their communities.

Representative Nelson: If you have some specific ideas as to what role please let me know. We haven't added the amendments to that bill. We do have some time to prepare amendments. I'd be more than happy to help you with that.

Cheryl Kulas: Thank you.

Representative Ekstrom: My question comes up on every budget and yours more so than many of the others. We have asked Office of Management and Budget to give us a breakdown of the stimulus money. Can you give us a snapshot of those funds? Have you gotten any guidance from the feds about when those funds will arrive? I'm not suggesting you change your budget. I see an opportunity for you. I'm just wondering what you heard.

Cheryl Kulas: I have seen some of the appropriations that are coming to the Indian communities. The biggest increase that I'm aware of will go to Indian Schools and the expenditure of those schools. The schools have an opportunity to increase their capability of developing programming for their students in terms of academic achievement. That is a tremendous amount of money that those schools would have available. I know that there are potentially two areas that a school construction will have increases. Beyond that, it is an entitlement program to the school system. There is some in the judicial area that there could be potentially federal funds for corrections. Off the top of my head housing is something that is drastically needed.

Representative Ekstrom: The other question is will you be able to access any of that grant money for some of your efforts in regard to early intervention to prevent incarceration and that sort of thing?

Cheryl Kulas: Unfortunately we aren't a recipient. We aren't an eligible entity under that. If you look at the funding that is available they are just general stabilization funds and we aren't a real high priority. There are priority areas that can be expressed. We don't have access to any of the funds.

Representative Kreidt: Under your goal to create a native youth leadership academy there are some funds on the green sheet for that. At some point are you going to expand a bit more about what you are going to do there?

Cheryl Kulas: Exactly. If we go to page 7 would you like us to continue with the budget?
Continued testimony.

Representative Nelson: On the green sheet as far as salaries, the \$4,600 for equity of which \$1,200 is the second year of increase. Does that leave \$3,400 in your portion?

Cheryl Kulas: Yes. That is what our agency has been allocated based on the positions we have in the agency.

Representative Nelson: The other comment I would make is if they can do the youth academy for \$20,000 a year we should do it.

Robert Parisian: Handout testimony (Attachment B)

Representative Bellew: Could you tell me what AYP is?

Robert Parisian: Adequate Yearly Process – No child left behind. Continued testimony.

Representative Metcalf: I just have one question on page 3. You said they are eligible for school lunch. Are you talking about the poverty in needs?

Robert Parisian: Across the board. Continued testimony.

Representative Wieland: You are talking about the concerns and I want to listen to both staffing and so forth. Under the concerns, number 5, timing of tests is untimely. What do you mean by that?

Robert Parisian: Well the tests usually happen in the fall of the year. We help the kids go through the whole school year. That is when all the learning happens. Then they take the summer break and the tests happen so after they come back to the school system.

Representative Metcalf: I attended a meeting the other evening. There was a doctor of philosophy of education He held a lot of degrees and respect from people in the community as far as education concerning young children. His stress was that we should have one room schools. Have they ever thought of developing a one room school system every 10 miles away? In our area we had one every 6 miles. This is the best method of training our young people is what he stressed.

Robert Parisian: I haven't heard of that. There are some measures out there to try to help students. From the research they see that the problem area seems to be the transition from the middle school into the high school area. We tend to lose a lot of students after that point. There are initiatives in place where they are having freshman academies or alternative schools for freshman to get them more prepared for their high school years.

Representative Metcalf: I suggest you definitely look at this. I think it should be used in the public too.

Robert Parisian: The concept definitely sounds great but we will have to look back at no child left behind and is the state willing to have alternative assessments for those kinds of schools. Those are the issues that we would have to look into. I will look in to that.

Representative Nelson: I think the concepts that Representative Metcalf is talking about is early childhood development. My question is that in your visits to the schools either on or off reservations, do they also include like the head start programs and the early childhood development? Are you just going into the school settings and working from that standpoint forward?

Robert Parisian: At this point I'm just working at the elementary and high schools. Eventually I will be looking at kindergarten head start programs as well as the college level as I start to understand this whole process better.

Representative Nelson: Is there anyone in the Indian affairs commission now that has that portfolio? The link that was made at that meeting is that the development level is as important prior to the learning years. That is an important link to learning.

Robert Parisian: I think Cheryl could touch on that. Testimony continued.

Representative Metcalf: Can you tell me the percentage of American Indians that are attending non-American schools. How many are attending here in Bismarck, ND and Minot, ND at a ordinary school. What is the percentage of that?

Robert Parisian: Coming from the Bismarck Public School District I knew that was about 10%. As far as the other schools, I'm not real sure.

Representative Metcalf: And you would say that basically you are working with the Native Americans on their reservations and that is where you will get the most bang for your buck other than trying to work with the public schools. I noticed that you had very little reference to public schools in here. I think it would be very important for you to be visible in our public schools too. I know it is very limited with one person handling the whole state of ND. I think it is something that needs to be looked at.

Robert Parisian: Time does get limited. Coming from Bismarck I have a lot of support and a lot of people I still know. I do try to be involved in what goes on with the Indian Education Committee that they have. I do try to stay in contact with what happens in our school district as well.

Representative Metcalf: Do you have that same contact with other public schools around the state of ND.

Robert Parisian: From what I understand, Bismarck is the first to try this concept.

Representative Nelson: I'm guessing that it is the New Town school district that has met the AYP. You talked about an infusion of funding from casino gaming and the oil and gas. I'm interested how that works. I'm guessing that it is a bench marker that will be used. I know that most of the schools up there do not meet that. Is this strategy that they are using at New Town, something that you are going to take pieces from if not the entire package to some of the schools on the reservation? If my memory serves me right the schools like St. John and Dunseith that are off the reservation, they don't meet AYP too. Does that create problems with casino funding?

Robert Parisian: The program with New Town is what we call an exemplarily program that we feel because of the positive things that are happening. We would like to share with other schools though we understand that a lot of these other schools don't have those types of resources available to them. The concept is great and is doing some positive things but we have to look at other avenues to fund the resources to make it happen.

Representative Nelson: I would guess it is burdensome to use casino profits off the reservation. Would there be some political consequence if you would do that? Do you look at the funding levels for reservation schools as opposed to those public schools that are off the reservation? Do you have to find different sources of funding?

Robert Parisian: That would have to be the case. I don't know if those moneys can be extended that far.

Representative Nelson: I would guess that would be the case. Is that one of the things in your job that you try to develop some strategies for funding?

Jim Davis: Testimony Handout (Attachment B)

Eric Cutler: I am from the Standing Rock Sioux Tribe of ND and also an enrolled member of the Fort Hall tribes of Idaho. I serve as the multicultural coordinator at BSC. I'm also the adversary council chair for the ND University System. I'm also serving as the interim director for the college access college grant for the ND University System. I'm also a former alumni of the ND Youth Leadership Conference. I attended in 1987 and 1988. In my attendance there I built many quality leadership skills and it was a very good character builder. It helped build confidence and self esteem. I met a lot of good people in which I am still in contact with today. I think those resources are important as Indian people in ND who want to go to college and have those resources there to help. As they go to college and in the career paths also. They touched on a lot of the themes for the conference. We have been very busy building the schedule. We are about a year ahead in our planning. We have a goal of raising about \$5,000 for 2010. So far our overall expenses come out to about \$47,830 and that is for 2010. We also want this to carry on into 2011. We are requesting another \$50,000. Those funds are down to about half of what we need to raise. We really need that for our facility rentals for room and board for these students. We are going to try to get at least 75-80 students in this academy. These students won't be the high risk students. Many of them will be the ones showing mentorship and leadership, making the better grades, participating in student governments in their high schools, and they can be from there with the goals to help mentor other schools in the future.

Representative Ekstrom: Were you there at the leadership conference with Mike?

Eric Cutler: No.

Dolly Dakota: I am Dolly Dakota on Y93. I am also from the Standing Rock reservation. I too am an alum of the Indian Youth Leadership Academy. I started way back when and I have

gone to a lot of academies. Lots of them that focus on the Indian youth, business challenge, and have taken all those experience good and bad and put them into what makes me. Some of them I have gone to and been the lone Indian person there. We are all going through the same thing. It's tough sometimes. I have learned to share that with kids. Every young person has their worries. They are worried about schooling, family, what are they going to do, they are all confused nowadays. What I have found from talking is that coming from the reservation, in our culture, we are different in that there are things with extended families that people don't understand that. Young people, because family, friends, are crabs in a bucket. You start to do well and they want to pull you all down. If we can show young people, no matter what color, we are all going through the same things together. We all need to strive to be better. We all have our ups and downs. With the Indian youth leadership conference, hearing from other successful Indians that have gone through this. You feel that you have a chip on your shoulder, you feel the world is against you, you can make it. I feel and am willing to be one of the speakers. We all have it tough. If we can share with other young people and say they can be successful, it is hard. I failed Biology in college. Guess what, you go on. I hope that by bringing in youth from the different communities that maybe don't have it as well off. We can show them that we can survive. You can make a difference. It will benefit. I hope we can get this passed and get the funding we need. We get more funding that we start fundraising elsewhere and that this can be a positive thing.

Chairman Pollert: We will close the hearing on SB 2005.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2005

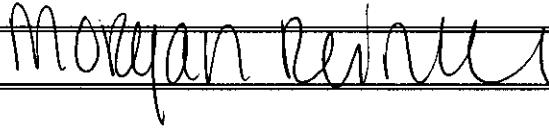
House Appropriations Committee
Human Resources Division

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Hearing Date: 3/24/09

Recorder Job Number: 11506

Committee Clerk Signature



Minutes:

Chairman Pollert: We will open our books to SB 2005. This is the appropriations for the Indians Affairs Commission. What I'm asking for is if there are any amendments. I'm not asking for them today. I would just want to act on the bill and move it out. With that I will open discussions. If we need to bring anyone forward to remind us of anything we will do that.

Representative Bellew: The funding for the addition to the youth leadership academy, I want it to go forward. If it can be funded with the stimulus money I want it to be funded that way.

Becky Keller: It appears that the youth leadership program, there is no specific funding available for that program because it is meant to be an ongoing program so there would be no stimulus money available for it.

Chairman Pollert: There is stimulus money floating around.

Becky Keller: There is some floating money but again that money is meant to be for onetime items and this is meant to be an ongoing program.

Representative Bellew: Can't we change it to a one time item? If it proves to be successful they can come and request it again for next biennium.

Chairman Pollert: You could do that and we can get a report on how well it is working. That is up to the committee if that motion wants to be made.

Representative Bellew: I would make that motion.

Representative Kreidt: I second that.

Chairman Pollert: If I'm correct your motion is to do the \$40,000 but you want to put a sunset on it so they can come back again next session and you can get a report on how it's doing.

Representative Bellew: Let's make it one time so stimulus dollars can be used for stimulus dollars.

Becky Keller: Do you want the contingent language then that if there is no stimulus money available that the general fund can be used?

Representative Bellew: Yes.

Chairman Pollert: So we are funding it this time just to see how it works then they would have to come back again. I will do a roll call vote.

Representative Kerzman: Since I've been involved with this committee we have looked at this budget a number of times. It's a relatively small budget. I don't think they are asking for too much to fund the \$40,000 general funds. When you look at the portion of population we have that are Native American's and all the good something like this is doing we should just fund it. They want to set something up with a little bit of longevity so they know it's available. I think as a state we should try to compliment them when they try to do something right to try to improve our conditions. I think it's going a long ways. They aren't asking for an arm and a leg.

Chairman Pollert: We will take the roll. It passes 5-2-1.

Representative Kreidt: I will request that the equity be withdrawn to provide \$4,600 but there is \$1,200 related to second year salary increases so that would be \$3,400.

Chairman Pollert: If you have seen the equity they have all been labeled or they have all been written that way.

Representative Bellew: I second that.

Representative Metcalf: What insurance do we have that they are going to get equity of that and it doesn't disappear. We build insurances for everybody else. What is your assurance that this is going to be here when we need it?

Chairman Pollert: I can't give that to you.

Cheryl Kulas: I am the executive director of Indian Affairs Commission.

Representative Nelson: The question that was just asked regarding equity, we would have this come up in every budget. The issue that we have been most concerned about is the compression that takes place in state government between the grades that exist. In your department what is the range of grades. I would imagine your office staff is at a lower grade. Do you feel that there is a compression situation in the Indian Affairs agency?

Cheryl Kulas: Of the 4 staff the research analysts/administrative officer position is a 10. The administrative assistant 3 is a 9, and the new person is an 11.

Representative Nelson: So you would be a 4th?

Chairman Pollert: Your question as far as is there going to be equity I would say yes. If you asked me how much I don't know. We moved over \$4 million over to the Senate side but who knows what they are doing. Yes there will be equity but I don't know what it is going to be. I know at least \$4 million. We will take a roll call vote. That passes 5-2-1.

Representative Nelson: In the event that general funds need to be used, will that be an ongoing expense?

Chairman Pollert: Doing it as one time funding that means that Cheryl and her group would come back next session and request a \$40,000. They would give us a report on how well it went and request that again. It's one time funding. I can't speak for Representative Bellew but I would say that we will find out how well it went and the success of it and see what happens.

Representative Kerzman: The big problem I see with that is you go in front of full appropriations and say it was funded with federal money and it is a program that got started. They will be in reluctance to do that next biennium.

Chairman Pollert: I would say that this was an amendment last time for one time funding I would mention that.

Representative Nelson: I would move a do pass as amended.

Representative Kreidt: I second that.

Chairman Pollert: Is there any discussion?

Representative Nelson: For whatever it's worth if we didn't have to do this equity exercise that we are doing every budget of all the budgets I've seen this is probably the most modest in relationship to any other state budget. I truly feel that if we were ever going to pass one without touching it that this would be the one.

Chairman Pollert: That doesn't mean that when it comes to whole appropriations that if you want to try to remove the language on the one time that is up to you. We will call the roll. IT passes 7-0-1.

Representative Nelson: I will carry the bill.

2009 HOUSE STANDING COMMITTEE MINUTES

SB 2005

House Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: April 1, 2009

Recorder Job Number: 11577

Committee Clerk Signature

Carmen Hart

Minutes:

Chm. Svedjan moved the committee work to SB 2005 – Indian Affairs Commission.

Amendment .0102 (Attachment A) was distributed.

Rep. Nelson explained amendment .0102. This amendment takes the equity out of the budget.

The Indian Affairs Commission is a small budget, only four FTEs in that budget. \$4,600 is the amount that is removed. The Commission asked to reinstitute the leadership program. That \$40,000 was added to their budget. Section 3 does make the general fund appropriation contingent on the lack of federal funds which would be in Section 4, the federal stimulus dollars, which I don't believe will be able to be used there.

Rep. Nelson moved amendment .0102. Rep. Wieland seconded the motion.

Chm. Svedjan: I think it's good the way you have the language for the stimulus funds.

A voice vote was taken. Motion carries.

Rep. Nelson moved a Do Pass as Amended on SB 2005. Rep. Pollert seconded the motion.

DO PASS AS AMENDED. 19 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING. Rep. Nelson is the carrier of the bill.

Roll Call Vote #: /

BILL/RESOLUTION NO. 2005

Committee

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Legislative Council Amendment Number

Action Taken Amend

Motion Made By Bell Seconded By Kreidt

[illegible]

Total (Yes) 5 No 2

Absent _____ / _____

Floor Assignment

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

- make one-time
- if no stimulus Φ is avail, then G.F.

Date: 3/24/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2005

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken amend

Motion Made By Kreidt Seconded By Bellew

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|------------------------|-----|----|
| Chairman Pollert | ✓ | | Representative Ekstrom | | |
| Vice Chairman Bellew | ✓ | | Representative Kerzman | | ✓ |
| Representative Kreidt | ✓ | | Representative Metcalf | | ✓ |
| Representative Nelson | ✓ | | | | |
| Representative Wieland | ✓ | | | | |
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Total (Yes) 5 No 2

Absent 1

Floor Assignment

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

- withdraw equity
- \$4600 total.

Date: 3/24/09
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2005

House Appropriations Human Resources Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Do Pass as Amended

Motion Made By

Nelson

Seconded By

Kreidt

| Representatives | Yes | No | Representatives | Yes | No |
|------------------------|-----|----|------------------------|-----|----|
| Chairman Pollert | ✓ | | Representative Ekstrom | ✓ | |
| Vice Chairman Bellew | ✓ | | Representative Kerzman | ✓ | |
| Representative Kreidt | ✓ | | Representative Metcalf | ✓ | |
| Representative Nelson | ✓ | | | | |
| Representative Wieland | ✓ | | | | |
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Total (Yes) 7 No 0

Absent

1

Floor Assignment

Rep. Nelson

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

VR
4/1/09
183

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, line 2, after "commission" insert "; to provide for a contingent appropriation; and to declare an emergency"

Page 1, line 11, replace "75,317" with "70,717" and replace "560,680" with "556,080"

Page 1, line 13, replace "115,927" with "111,327" and replace "687,185" with "682,585"

Page 1, line 15, replace "120,927" with "116,327" and replace "687,185" with "682,585"

Page 1, after line 16, insert:

"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

| <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
|-------------------------------------|----------------|----------------|
| Indian youth leadership program | \$0 | \$40,000 |
| Total general fund | \$0 | \$40,000 |

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The Indian affairs commission shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. CONTINGENT PROGRAM FUNDING. Section 1 of this Act includes \$40,000 from the general fund for an Indian youth leadership program which the Indian affairs commission may spend only to the extent that federal funds appropriated in section 4 of this Act are not available for these purposes.

SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the Indian affairs commission, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|---------------------------------|----------|
| Indian youth leadership program | \$40,000 |
| Total federal funds | \$40,000 |

The Indian affairs commission may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

283

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0102 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2005 - Indian Affairs Commission - House Action**

| | Executive Budget | Senate Version | House Changes | House Version |
|-------------------------------|-----------------------------|---------------------------|--------------------------|--------------------------|
| Salaries and wages | \$560,680 | \$560,680 | (\$4,600) | \$556,080 |
| Operating expenses | 126,505 | 126,505 | | 126,505 |
| Federal fiscal stimulus funds | | | 40,000 | 40,000 |
| Total all funds | \$687,185 | \$687,185 | \$35,400 | \$722,585 |
| Less estimated income | 0 | 0 | 40,000 | 40,000 |
| General fund | \$687,185 | \$687,185 | (\$4,600) | \$682,585 |
| FTE | 4.00 | 4.00 | 0.00 | 4.00 |

Department No. 316 - Indian Affairs Commission - Detail of House Changes

| | Removes Salary Equity Funding¹ | Appropriates Federal Fiscal Stimulus Funds² | Total House Changes |
|-------------------------------|--|---|--------------------------------|
| Salaries and wages | (\$4,600) | | (\$4,600) |
| Operating expenses | | | |
| Federal fiscal stimulus funds | | 40,000 | 40,000 |
| Total all funds | (\$4,600) | \$40,000 | \$35,400 |
| Less estimated income | 0 | 40,000 | 40,000 |
| General fund | (\$4,600) | \$0 | (\$4,600) |
| FTE | 0.00 | 0.00 | 0.00 |

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments.

² This amendment appropriates federal fiscal stimulus funds from the American Recovery and Reinvestment Act of 2009 for an Indian youth leadership program.

This amendment also classifies funding for an Indian youth leadership program as one-time funding.

Date: 4/1/09
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2005

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number .0102

Action Taken Adopt Amendment .0102

Motion Made By Nelson Seconded By Wieland

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Svedjan | | | | | |
| Vice Chairman Kempenich | | | | | |
| | | | | | |
| Rep. Skarphol | | | Rep. Kroeber | | |
| Rep. Wald | | | Rep. Onstad | | |
| Rep. Hawken | | | Rep. Williams | | |
| Rep. Klein | | | | | |
| Rep. Martinson | | | | | |
| | | | | | |
| Rep. Delzer | | | Rep. Glassheim | | |
| Rep. Thoreson | | | Rep. Kaldor | | |
| Rep. Berg | | | Rep. Meyer | | |
| Rep. Dosch | | | | | |
| | | | | | |
| Rep. Pollert | | | Rep. Ekstrom | | |
| Rep. Bellew | | | Rep. Kerzman | | |
| Rep. Kreidt | | | Rep. Metcalf | | |
| Rep. Nelson | | | | | |
| Rep. Wieland | | | | | |
| | | | | | |

Total (Yes) _____ No _____

Absent _____

Floor Assignment Vote - carries

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

Date: 4/1/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2005

Full House Appropriations Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number . 0102

Action Taken No Pass or Amended

Motion Made By Nelson Seconded By Pollert

| Representatives | Yes | No | Representatives | Yes | No |
|-------------------------|-----|----|-----------------|-----|----|
| Chairman Svedjan | ✓ | | | | |
| Vice Chairman Kempenich | ✓ | | | | |
| | | | | | |
| Rep. Skarphol | ✓ | | Rep. Kroeber | ✓ | |
| Rep. Wald | ✓ | | Rep. Onstad | ✓ | |
| Rep. Hawken | ✓ | | Rep. Williams | ✓ | |
| Rep. Klein | ✓ | | | | |
| Rep. Martinson | ✓ | | | | |
| | | | | | |
| Rep. Delzer | | ✓ | Rep. Glassheim | ✓ | |
| Rep. Thoreson | ✓ | | Rep. Kaldor | ✓ | |
| Rep. Berg | ✓ | | Rep. Meyer | ✓ | |
| Rep. Dosch | ✓ | | | | |
| | | | | | |
| Rep. Pollert | ✓ | | Rep. Ekstrom | ✓ | |
| Rep. Bellew | ✓ | | Rep. Kerzman | ✓ | |
| Rep. Kreidt | ✓ | | Rep. Metcalf | ✓ | |
| Rep. Nelson | ✓ | | | | |
| Rep. Wieland | ✓ | | | | |

Total (Yes) 19 No 1

Absent 5

Floor Assignment Rep. Nelson

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

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to provide for a contingent appropriation; and to declare an emergency"

Page 1, line 11, replace "75,317" with "70,717" and replace "560,680" with "556,080"

Page 1, line 13, replace "115,927" with "111,327" and replace "687,185" with "682,585"

Page 1, line 15, replace "120,927" with "116,327" and replace "687,185" with "682,585"

Page 1, after line 16, insert:

"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

| <u>One-Time Funding Description</u> | <u>2007-09</u> | <u>2009-11</u> |
|-------------------------------------|----------------|----------------|
| Indian youth leadership program | \$0 | \$40,000 |
| Total general fund | \$0 | \$40,000 |

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The Indian affairs commission shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 3. CONTINGENT PROGRAM FUNDING. Section 1 of this Act includes \$40,000 from the general fund for an Indian youth leadership program which the Indian affairs commission may spend only to the extent that federal funds appropriated in section 4 of this Act are not available for these purposes.

SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the Indian affairs commission, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|---------------------------------|----------|
| Indian youth leadership program | \$40,000 |
| Total federal funds | \$40,000 |

The Indian affairs commission may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated under this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0102 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

2009 SENATE APPROPRIATIONS

CONFERENCE COMMITTEE

SB 2005

Weekend

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2005

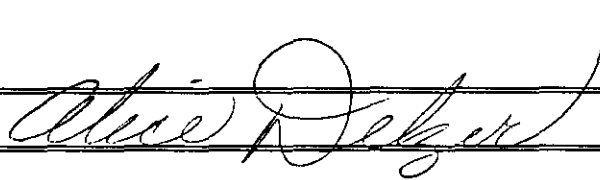
Senate Appropriations Committee

X Check here for Conference Committee

Hearing Date: 04-15-09

Recorder Job Number: 11858

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee to order at 9:30 am. **Senators Wardner, Holmberg, Mathern, Representatives J. Nelson, G Kreidt were present. Rep. Kerzman was absent.**

Senator Wardner We have one missing but we will continue on. Would you Rep Nelson and Rep. Kreidt talk about the changes that you made in the House to this bill?

Representative Nelson: What we did in the House just a couple of changes as I remember we've been doing it in all agencies budgets we removed all the equity funding which was \$4,600, then we added the Indian Youth Leadership Program and funded the money requested for that. We thought it was an appropriate use of federal stimulus money so we used that. In the event that it didn't meet the criteria for stimulus, we will fund it out of general fund.

Senator Wardner We are going to talk about that section and if we can come to consenses on that then we'll leave it and move to the equity pay. That is the way we will do it in that order. Was that in another bill, the leadership program?

Senator Mathern We heard it in this bill. We thought it was a good program and we had a fair amount of testimony from individuals in that regard.

Rep. Nelson I would agree. The director testified to that. I would agree with Senator Mathern that it is a good program. We were able to use federal stimulus money in this biennium .

Rep. Kreidt I am kind of along the same lines when they made the presentation. I was rather impressed when they explained the program to us and some of the individuals in prior years been a part of this program and the loss of funds, that section in full appropriations we believe this is something worthy to carry forward and we did agree with the amount and if it didn't come out of the stimulus we would be using general funds to keep the program going.

Senator Wardner I know it is an emergency, and it is suppose to be one time funding and not part of the base budget. Are there any other qualifications on that \$40,000.

Rep. Nelson I don't believe there are. I don't remember if there were any other qualifications. The assurance we put in our amendment is if it qualifies for federal stimulus this time, great, we can use that money to fund this program. If not, the money will come from the general fund. So the program will take place. I believe the commission would be confident with that. I don't remember the reason for the emergency measure other than the fact that they do raise some money from private sources for the Indian Youth Leadership Conferences as well. (5.25)

Rep. Kreidt I think the federal funding became available rather soon that they could access as it came forward and not have to wait until passage of the bill.

Senator Holmberg Within the federal stimulus money is this part of the 19 million general dollars or is this specific to an area within the fiscal stimulus pages.

Brady Larson, Legislative Council From any funding that is available.

Senator Holmberg Does it need to be more direct? Or are we saying we will spend 19 million from the stimulus package and then they're expected to go out and look for where they might legally fit in. Is it Title 1 money we are appropriating? Where is the money coming from specifically? (6.57)

Senator Wardner We may need to find out so we make sure that they have an avenue and they know where to go. Maybe they know.

Rep. Kreidt There may be some funds that are coming down for the tribes, I think there was some avenue that was appropriate, but I'm not sure.

Senator Holmberg That might be a piece of information that would be very important to have for the next meeting. Identify it. It won't come from health or transportation necessarily unless it qualifies but we need to know exactly.(8.00)

Rep. Nelson we will identify the source of the proposed stimulus money before the next meeting.

Brady I wasn't aware of any specific areas of the stimulus funding but I do believe there was some discussion regarding the possibility of receiving funding through competitive grants. We will check in to that area.

Senator Wardner I would like to make this assumption. If other than going in and finding out where the source of this money is, we are all in agreement that should stay in the bill. They all agreed. Alright, we are going to leave that and then we will come back to that next time we meet because we want to make sure that they have an avenue and it is one that is legitimate that they can get the money. Alright, the other issue that is on the plate would be the equity money and are there any comments.

Rep. Nelson That was a practice we did in every agency budget. Quite honestly that is a House position as of this point and we don't have the ability to change from that in this particular budget until we visit with leadership. I believe what will be the outcome is that an equity pool will be established at some point and time before the end of session and they would be able to access that pool but the current equity funding is not negotiable at this point and time.

Senator Holmberg This is one of those issues that appears. It does set the president. The senate has on numerous occasions passed equity unanimously. And in 1015, OMB, the sections that deal with an equity pool have been removed, or will have been removed, so it is an issue that at some point, if you look back what happens historically at some point neither side will negotiate until they are sure the other side's position is the majority of the body, which may mean at some time one of these budgets, this one or aeronautics commission is another one that falls into that category we will have to send them up to the floor and have the Senate, for example, reject again the committee report that says we are going to take the money out because that is what the focus would be and then the House would have the question of accepting the equity money that's in and see what the vote is in the entire House. That gives us a read where you are coming from and at the same time you get a read from us as to where we are coming from. And until that happens, you are right we are stuck in a position that each body has. There are a number of budgets that are pretty close once that issue is resolved. You have had to and we have to put every single budget bill into conference committee. Where it slows down the process is we can only do a few at a time because of the number of people we have. (12.48)

Rep. Nelson This is a perfect example of a budget that could be in this conference committee could be dissolved in one or two meetings very easily if equity wasn't an issue. As a suggestion to move some of these budgets along could we use a blanket statement that equity however it is compromised in other discussions, that it would be plugged into this bill as it would be in the other budgets. I am assuming there will be a settlement as to how equity is handled legislatively at some point and time and we could just use that formula within this budget and possibly move these budgets like this along and be done with this. That will be the only area of discourse.

Senator Holmberg I think you are right. There are many mechanisms that can be used but the resolution, at least our position, would be the resolution has to be at the body level, not the leadership level.

Senator Wardner What I would like to do is get the answer to that funding for the leadership program. And then I would like to move this bill back up and have both bodies vote on it. I think this is a key thing to get it keeping this session moving. This happens to be the first bill so we might as well find out. Otherwise, we're going to be sitting in all kinds of conference committees wasting time on this issue so we might as well send the flag up and let us know where we are at.

Senator Holmberg I think both bodies, you and us, have to determine because the leadership needs to maul it over. Everyone has their strategy. It might be too early, it might be just ripe for this so it would be helpful if they could visit with their folks over on that side and just see because in the end the bill will go up on the floor. This bill could very well send a message to everyone of those budgets. If that were to happen the mechanism would be very simple because then the direction would be to the council that in all these bills equity is out or in, there are other issues in a number of these budgets but not this one.

Senator Wardner Tell them we want another meeting Would you tell your leader that?

Senator Holmberg Have the Representatives set that.

Rep. Nelson We are scheduled for tomorrow morning. .

Senator Wardner We all need to go back to our leaders and tell them what we want. We will be in recess until we are called to action again. He closed the meeting on SB 2005.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2005

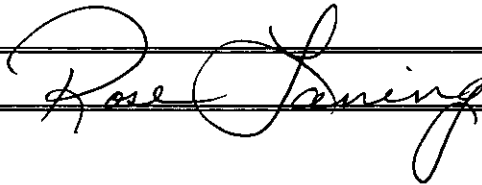
Senate Appropriations Committee

☒ Check here for Conference Committee

Hearing Date: April 23, 2009

Recorder Job Number: 12172

Committee Clerk Signature



Minutes:

Senator Wardner called the conference committee hearing to order on SB 2005 which concerns Indian Affairs. The minutes are to reflect that all committee members are present:

Senators Wardner, Holmberg, Mathern and Representatives Nelson, Kreidt and Kerzman.

Senator Wardner: What part of the stimulus does this come from? Does anyone have an answer to that?

Rep. Nelson: We checked on the availability of stimulus money and we think it's far enough of a reach that we'll just let that one go and fund that with general fund. We don't think it's an acceptable use of stimulus money.

Senator Wardner: Any further comments on that?

Senator Mathern: That would be acceptable to me.

Senator Wardner: Rep. Nelson, I appreciate you researching this and doing that, thank you. The other one on the equity funding, we closed up a conference committee this morning simply with the fact that the council will write the correct language and this will be addressed in HB1015.

Rep. Nelson: With that having been said, are you ready?

Senator Wardner: I'm ready for motion.

Rep. Nelson: Brady, help me with the motion. What would the correct motion be?

Brady Larson, Legislative Council: One motion the committee may consider making that the House recede from its amendments on SJ page number 1210 and HJ page number 1120 and that SB 2005 be amended \$4,600 and the salaries and wages line item designated for salary equity.

Rep. Nelson: I'll make that motion.

Rep. Kerzman seconded.

Senator Wardner: My only question – now that brings general fund dollars to replace the....

Brady Larson: Yes, that would remove all of the stimulus funds and the funding designated for that program was never taken out of the general fund. The general fund dollars were left in there and it's placed as a contingent.

Senator Mathern: I will be voting against conference committee report because of equity issue. I believe that this is the kind of agency that could lose out totally in any equity settlements in terms of the formula that was put together. I don't know what the final formula is. That's my concern and I appreciate all the work of the conference committee and moving this ahead in a positive way.

Senator Wardner: Thank you and we appreciate your comments. You've got to do what you've got to do.

A Roll Call vote was taken. Yea: 5 Nay: 1 Absent: 0

Senator Wardner: Thank you. Because the amendments are not very complicated, Brady will take care of that.

Brady Larson: I'll have a copy of the amendments sent to all the conferees for your review so you can make sure that they are exactly as you want prior to them being sent to the floor.

Senator Wardner: Rep. Nelson and I will double check and make sure everything is ok.

Senator Holmberg: This is the first one that I've been on that has been satisfied, so designate someone to go and tell Eric.

Rep. Nelson: We'll do that. We check in with him after every meeting.

Senator Wardner: If there's no further business, we're adjourned.

98024.0103
Title. 0300
Fiscal No. 2

Prepared by the Legislative Council staff for
Conference Committee
April 23, 2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

That the House recede from its amendments as printed on pages 1210 and 1211 of the Senate Journal and pages 1120 and 1121 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, line 11, replace "75,317" with "70,717" and replace "560,680" with "556,080"

Page 1, line 13, replace "115,927" with "111,327" and replace "687,185" with "682,585"

Page 1, line 15, replace "120,927" with "116,327" and replace "687,185" with "682,585"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0103 FN 2

A copy of the statement of purpose of amendment is attached.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2005 - Indian Affairs Commission - Conference Committee Action**

| | Executive Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-------------------------------|-----------------------------|---------------------------|---|---|--------------------------|--------------------------------|
| Salaries and wages | \$560,680 | \$560,680 | (\$4,600) | \$556,080 | \$556,080 | |
| Operating expenses | 126,505 | 126,505 | | 126,505 | 126,505 | |
| Federal fiscal stimulus funds | | | | | 40,000 | (40,000) |
| Total all funds | \$687,185 | \$687,185 | (\$4,600) | \$682,585 | \$722,585 | (\$40,000) |
| Less estimated income | 0 | 0 | 0 | 0 | 40,000 | (40,000) |
| General fund | \$687,185 | \$687,185 | (\$4,600) | \$682,585 | \$682,585 | \$0 |
| FTE | 4.00 | 4.00 | 0.00 | 4.00 | 4.00 | 0.00 |

Department No. 316 - Indian Affairs Commission - Detail of Conference Committee Changes

| | Removes Salary Equity Funding¹ | Total Conference Committee Changes |
|-------------------------------|--|---|
| Salaries and wages | (\$4,600) | (\$4,600) |
| Operating expenses | | |
| Federal fiscal stimulus funds | | |
| Total all funds | (\$4,600) | (\$4,600) |
| Less estimated income | 0 | 0 |
| General fund | (\$4,600) | (\$4,600) |
| FTE | 0.00 | 0.00 |

¹ This amendment removes funding added in the executive budget for state employee salary equity adjustments. This is the same amount of funding that was removed for state employee equity adjustments in the House version.

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

Bill Number SB 2005 (, as (re)engrossed):

Date: April 23, 2009

Your Conference Committee Senate Appropriations

For the Senate:

For the House:

| | YES / NO | | | YES / NO | |
|-----------------|-------------------------------------|-------------------------------------|----------------|-------------------------------------|--------------------------|
| <u>Wardner</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Nelson</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Holmberg</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Kreidt</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <u>Mathen</u> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Kerzman</u> | <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) 1210 - 1211
1210

and place _____ on the Seventh order.

☒ , adopt (further) amendments as follows, and place 2005 on the Seventh order:

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

((Re)Engrossed) SB 2005 was placed on the Seventh order of business on the calendar.

DATE: _____

CARRIER: _____

| | |
|-----------------------------------|----------------|
| LC NO. | of amendment |
| LC NO. | of engrossment |
| Emergency clause added or deleted | |
| Statement of purpose of amendment | |

MOTION MADE BY: Rep. Nelson

SECONDED BY: Rep. Kerzman

VOTE COUNT 5 YES 1 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

SB 2005: Your conference committee (Sens. Wardner, Holmberg, Mathern and Reps. Nelson, Kreidt, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1210-1211, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1210 and 1211 of the Senate Journal and pages 1120 and 1121 of the House Journal and that Senate Bill No. 2005 be amended as follows:

Page 1, line 11, replace "75,317" with "70,717" and replace "560,680" with "556,080"

Page 1, line 13, replace "115,927" with "111,327" and replace "687,185" with "682,585"

Page 1, line 15, replace "120,927" with "116,327" and replace "687,185" with "682,585"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0103 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

SB 2005 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

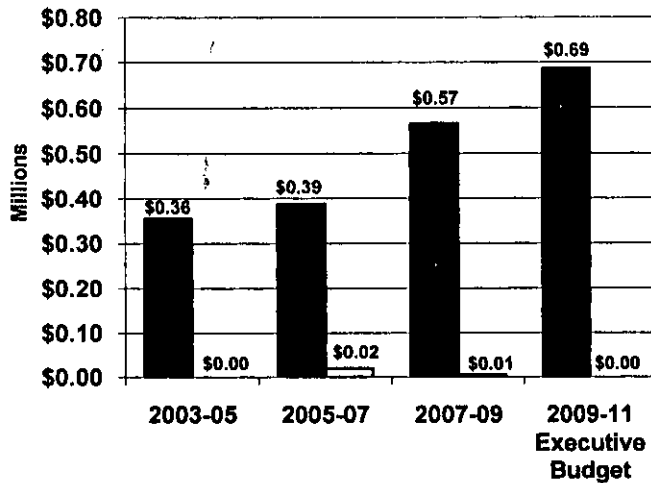
SB 2005

Department 316 - Indian Affairs Commission
Senate Bill No. 2005

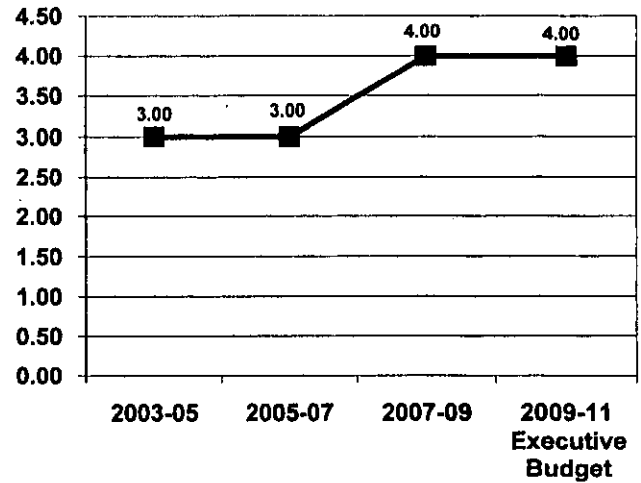
| | FTE Positions | General Fund | Other Funds | Total |
|------------------------------------|---------------|--------------|-------------|----------------------|
| 2009-11 Executive Budget | 4.00 | \$687,185 | \$0 | \$687,185 |
| 2007-09 Legislative Appropriations | 4.00 | 566,594 | 5,000 | 571,594 ¹ |
| Increase (Decrease) | 0.00 | \$120,591 | (\$5,000) | \$115,591 |

¹The 2007-09 appropriation amounts include \$336 from the general fund for the agency's share of the \$10 million funding pool appropriated to the Office of Management and Budget for special market equity adjustments for classified employees.

Agency Funding



FTE Positions



■ General Fund □ Other Funds

Ongoing and One-Time General Fund Appropriations

| | Ongoing General Fund Appropriation | One-Time General Fund Appropriation | Total General Fund Appropriation |
|------------------------------------|------------------------------------|-------------------------------------|----------------------------------|
| 2009-11 Executive Budget | \$687,185 | \$0 | \$687,185 |
| 2007-09 Legislative Appropriations | 566,594 | 0 | 566,594 |
| Increase (Decrease) | \$120,591 | \$0 | \$120,591 |

First House Action

The Senate did not change the executive budget recommendation for the Indian Affairs Commission. Attached is a summary of first house changes.

Executive Budget Highlights

| | General Fund | Other Funds | Total |
|--|--------------|-------------|----------|
| 1. Provides \$4,600 to address salary equity issues, including \$1,200 for the related second-year salary increase | \$4,600 | | \$4,600 |
| 2. Provides funding to allow the commission to develop an American Indian Youth Leadership Academy | \$40,000 | | \$40,000 |

Continuing Appropriations

Indian Affairs Commission printing fund - North Dakota Century Code Section 54-36-08 - Used to defray expenses incurred by the commission in producing and distributing publications and educational materials.

Major Related Legislation

House Bill No. 1059 - This bill corrects the names of the members of the Indian Affairs Commission and authorizes the commission to accept gifts, grants, donations, legacies, and devises from any source which are appropriate for the purposes of the commission.

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2005 - Funding Summary**

| | Executive Budget | Senate Changes | Senate Version |
|---------------------------|-----------------------------|---------------------------|---------------------------|
| Indian Affairs Commission | | | |
| Salaries and wages | \$560,680 | | \$560,680 |
| Operating expenses | <u>126,505</u> | <u></u> | <u>126,505</u> |
| Total all funds | \$687,185 | \$0 | \$687,185 |
| Less estimated income | <u>0</u> | <u>0</u> | <u>0</u> |
| General fund | \$687,185 | \$0 | \$687,185 |
| FTE | 4.00 | 0.00 | 4.00 |
| Bill Total | | | |
| Total all funds | \$687,185 | \$0 | \$687,185 |
| Less estimated income | <u>0</u> | <u>0</u> | <u>0</u> |
| General fund | \$687,185 | \$0 | \$687,185 |
| FTE | 4.00 | 0.00 | 4.00 |

Senate Bill No. 2005 - Indian Affairs Commission - Senate Action

The Senate did not change the executive recommendation for the Indian Affairs Commission.

(1)

**North Dakota Indian Affairs Commission Testimony
Senate Appropriations Committee
Harvest Room – State Capitol
Senator Ray Holmberg – Chairman
February 20, 2009**

Chairman Holmberg and members of the Senate Appropriations Committee, I am Cheryl Kulas, Director of the North Dakota Indian Affairs Commission. I am here today to testify in support of Senate Bill 2005.

The North Dakota Indian Affairs Commission, (NDIAC) in 2009 will celebrate 60 years of existence and its evolvement as a liaison agency between the State of North Dakota and its agencies and tribal governments and their agencies. The NDIAC nine-member Commission is comprised of the governor who serves as chair of the Commission, and the Tribal Chairpersons of the five North Dakota reservations, and three at-large members appointed by the Governor.

The work of the Commission is coordinated and administered by a four-person staff, a director, an administrative officer/research analyst, an administrative assistant, and an Indian education administrator. With much thanks to the 60th legislative assembly, we extend our gratitude to you for the addition of a forth member of the Commission staff, Mr. Robert Parisien who now occupies the position of Education Programs Administrator. He came to us with an education background and a working knowledge of the issues with which we work. He was a gift from Bismarck Public Schools. You will hear from him shortly.

The list of accomplishments of the Commission is delineated on the following pages and represents the on-going work of the Commission. The operational changes in the Agency during the 2007-2009 biennium occurred on two levels:

- The continuing need to seek additional fiscal and human resources to support the increasing demands and American Indian specific issues confronting North Dakota state agencies whose roles and responsibilities it is to help ameliorate those needs, and

- Continue to work toward the creation a systemic mechanism for greater state and tribal collaboration. The ever-increasing challenges of Native American youth – in education, state correctional system, and workforce issues is evidenced in the activities of the Commission in the 2007 – 2009 biennium.
- While health and human-service related needs drove the external work of the NDIAC Commission and staff in the 2005-2007 biennium (Tribal long-term care needs, and child-welfare, child-support enforcement issues) the 2007 -2009 biennium gave rise to requests for Commissions' representation on the Supreme Court Improvement Project, and the Indian Child Welfare Sub-Committee. In addition, the Commission staff has been a member in-absentia on the Corrections *Transition from Prison to Community Committee* after the first cycle of TPTC Committee. There is a critical need to focus the Commission efforts on addressing concerns articulated by the Department of Corrections.
- While the Native American population constitutes 5.5% of the statewide population, based on a Dept. of Corrections report in 2008, 25.1% of the adult population in the ND Correctional System is Native American, and Native American youth comprise 34.3% of the youth in the State Corrections System.

2007-2009 Major Accomplishments

The work of the Commission is driven by issues arising at the request of tribal leaders emanating from both NDIA Commission activity, as well as request from state and tribal agencies, and occasional federal government inquiries.

In 2007-2009 the Commission has been a partner in:

- Assisting the ND Department of health in the selection and hiring a Director of Health Disparities, an activities in keeping with the Commission's goals. Currently involved in assisting in forging a partnership between the ND Dept. of Health and the Regional American Indian Epidemiology Center, Rapid City, South Dakota.
- Served as member of presidential search committee for Bismarck State College in recommending now President Larry Skogen, Ph.D.
- Forged partnerships among the ND Dept. of Public Instruction, Bismarck State College, The Governors Office, Career & Technical Education, ND Workforce Development Council, ND Association of Tribal Colleges and other proprietary agencies in completion of a 5-year, \$3 million dollar GEAR-UP early college awareness and preparation Grant. While the grant was not funded, plans include re-submittal in subsequent cycle.
- Contributed to the work of the Legislative Council in recruiting the Native American Task Force, the Citizens component of the Interim Legislative Tribal State Relations Committee. Participated in all meetings of the Committee in the Interim session.
- Completed a successful transition and enhancement of the NDIAC website from the ND Dept. of Health to NDIAC, on time and within budget. New content is added as received. Implemented new software that enhances easier uploading of content to website. www.nd.gov/indianaffairs.
- Strengthened efforts to expand awareness and access to culture-based, curriculum content to all teachers in North Dakota and beyond by signing an articulation agreement with the North Dakota Center for Distance Education (ND CDE), formerly the Division of Independent Study, Fargo, ND. NDIAC agreed to the on-line uploading and use of the History and Culture Guides of each of the Four Tribes of North Dakota which will be completed by June of 2009. Curriculum-based materials will be developed.
- Developed a 2009-2011 budget request consistent with recommendations in the Governors' budget.
- Continued to support the work of the ND Workforce Development Council to strengthen the engagement of tribal workforce.

- Serve as an Advisory Board Member on the Native American Indian Business Development Office (NAIBDO) to support development of Native Businesses. As of December 10, 2008, the NAIBDO Office reported 101 jobs retained/created (of which 82 are Native American Jobs). 52 contracts worth \$80 million were obtained. To date, return on the \$400,000 USDA and \$200,000 N.D. Department of Commerce investments/commitments has been \$80 million in contracts secured. Self-disclosed information on clients include 90% are Native American owned, of which 5% are tribally owned entities.
- Worked with the ND Supreme Court Improvement Project, and the Indian Child Welfare Sub-Committee, to address the Chief Justices' commitment to addressing disparities in the Courts System.
- Participated at request of the Burleigh County Juvenile Justice System to work with multiple agencies to address the disproportional representation of Native American Youth in the system. Outcomes included securing initial funding and the hire of a Native American Outreach Worker.
- Contributed to the work of the State Longitudinal Data Systems gathering agency data needs.
- Continued work with the Department of Emergency Services on areas of tribal community needs, and agency training requirements.

Needs:

Much of the work of the Commission in the 2005-2007 biennium focused on a long-standing need to address the issues confronting the education of the American Indian children, i.e. the Higher Education Roundtable, and the P-16 Task Force. Throughout the 2007-2009 biennium, the State Legislative Assembly supported non-beneficiary students in tribal colleges, which was very well received by tribal leadership, as well as supporting the addition of a 1 FTE to the ND Indian Affairs Commission. Upwards of 80% of Indian children attend public schools that exist on-or-near reservations, and in public schools in the major urban cities of the state.

American Indian students consists of 9.9% of the total enrolled population in all schools in North Dakota. American Indian students still comprise the largest percentage of ethnically diverse students in the state. While gains have been made, the percentage of school leavers remains high, as does the rate of suicides of Native young people continue to climb.

When the academic bar is being raised higher and higher, so will the effort be needed to maintain gains already made particularly for high poverty, high minority children and schools serving American Indian students.

The continued focus on the negative aspect of the achievement and socio-economic issues of American Indian learners without supportive interventions is like throwing water in the air. These issues need to be countered by articulated interventions which demonstrate success in offering strong k-12 supportive culture-based initiatives to promote getting and keeping students engaged in the learning process, and by effecting supportive environments that allow students to not just survive but to thrive.

2009 -2011 Goals

American Indian leaders believe that in order to close the achievement gap of American Indian students within North Dakotas educational systems, it is imperative that:

- Changing school and organizational beliefs about what can work with American Indian students, including sharing programs that work
- Change must be systemic and philosophical
- Change must honor the language as a bearer of culture, crucial to the identity of American Indians.
- Engaging students, their families communities in different ways
- Forming partnerships around students to embrace responsibility in their learning, and
- Providing supportive school environments needed for learning, which may be different than the mainstream.
- Professionals working with children must put aside their own philosophical and experiential differences, and develop understanding of the learners' norm of experience (inclusive of exploring the students culture and acknowledging differences are brought to the classroom).
- Wrap social supports around students, and
- Having high expectations by teachers about students, and about themselves.

Goal 1:

In the 2009-2011, the Indian Affairs Commission seeks to continue the work of the Indian Education Administrator to forge partnerships with the ND education community and professionals so that a cadre of educators, Native and non-Native, can develop Native American specific focused initiatives designed to impact student achievement.

Goal 2

Pursue the establishment of a coordinated system between tribal governments and the State of North Dakota to address issues of education and workforce development of Native American Indians in North Dakota.

Goal 3

Through the Indian Affairs Commission, seek initiatives to address coordination and consultation between the State of North Dakota and Tribal Governments. This need is evidenced resulting from the work of the Interim Tribal and State Relations Committee.

Goal 4

To pursue an initiative between the state of North Dakota and the North Dakota Tribal Governments on the issues of Native Americans in the State Corrections System in North Dakota.

North Dakota Indian Affairs Commission Budget (07-09)

| Base Level Funding Appropriated -Sec. 3. | Present Budget 2005-2007 | Requested Budget 2007-09 | 2007-2009 Recommended Executive Budget | 2009-2011 Recommended Executive Budget |
|---|---|---|---|---|
| Salaries & Wages (3 FTE) | \$343,402 | 485,859 | | 506,601 |
| <i>Salaries Permanent</i> | 252,259 | 257,394 | 331,146 | |
| <i>Salaries – Temp</i> | 7,000 | 7,316 | 14,516 | |
| <i>Fringe Benefits</i> | 83,643 | 84,472 | 121,896 | |
| Salary Increase | -0- | -0- | 15,652 | |
| Benefit Increase | -0- | -0- | 2,649 | |
| Total Salaries & Wages | 343,402 | 349,182 | 485,859 | |
| Operating Expenses: | \$63,895 | \$48,895 | 85,895 | \$80,895 |
| Travel | 12,000 | 12,000 | 12,000 | |
| Supplies-IT Software | -0- | -0- | 1,500 | |
| Supply/Material-Prof. | 576 | 576 | 576 | |
| Office Supplies | 7,800 | 7,800 | 7,800 | |
| Postage | 1,000 | 1,000 | 1,000 | |
| Printing | 3,500 | 3,500 | 3,500 | |
| IT Equip under \$5,000 | 2,000 | 2,000 | 2,000 | |
| Office Equip & Furniture | 2,864 | 2,864 | 2,864 | |
| Insurance | 1,500 | 1,500 | 1,500 | |
| Rent/Leases-Bldg. | 630 | 630 | 630 | |
| It-Data Processing | 4,500 | 4,500 | 4,500 | |
| IT Communications | 3,025 | 3,025 | 3,025 | |
| Professional Development | 1,000 | 1,000 | 1,000 | |
| Operating Fees/Services | 3,500 | 3,500 | 28,500 | |
| Total | 63,895 | 48,895 | 85,895 | |
| | 20,000 | 5,000 | 5,000 | |
| Total Budget | \$407,297 | \$398,077 | \$566,754 | \$687,185 |

Budget Narrative

The present budget (2007-2009) for the North Dakota Indian Affairs Commission is \$566,754 of which \$4,504 is from other funds, and \$566,754 is from the General Fund. That budget supported the position of the Indian Affairs director, one administrative officer - research analyst, 1.0 administrative staff, and 1.0 Indian education administrator. We are not requesting any one-time expenditure for the upcoming biennium. For the proposed budget for the 2009-2011 budget, the Governor recommended a total general fund budget of \$687,185 which includes and inflationary increase of \$5,610. This budget also provides \$40,000 from the general fund to sponsor a Native American Youth Leadership Academy, and \$3,400 for equity increases.

Indian Affairs Commission Budget History

| BIENNIUM | F.T.E.'s & Salaries | Operating Expenses & Equipment | Indian Scholarship Program | Real Choices Grant | NAADAEP Grant | Indian Development Fund | TOTAL General Fund |
|------------|---------------------|--------------------------------|----------------------------|--------------------|---------------|-------------------------|--------------------|
| (30) 07-09 | (4) | 85,895 | -0- | 5,000 | -0- | -0- | 571,258 |
| (29) 05-07 | (3) 343,402 | 43,895 | | 20,000- 15,000 | | | 407,297 |
| (28) 03-05 | (3) 318,109 | 41,222 | | 85,000 | | | 359,331 |
| (27) 01-03 | (3) 300,037 | 36,022 | | | | | 336,059 |
| (26) 99-01 | (3) 273,507 | 39,275 | | | | | 312,782 |
| (25) 97-99 | (3) 230,410 | 33,888 | | | 200,000 | | 464,298 |
| (24) 95-97 | (2.5) 195,099 | 32,884 | | | 150,000 | | 377,983 |
| (23) 93-95 | (2.5) 184,754 | 44,632 | | | 385,000 | | 614,386 |
| (22) 91-93 | (2) 112,720 | 28,150 | Transferred | | 385,000 | | 526,997 |
| (21) 89-91 | (3) 169,099 | 39,350 | 168,000 | | 316,974 | | 693,423 |
| (20) 87-89 | (3) 169,727 | 39,350 | 168,000 | | 303,405 | Terminated | 680,482 |
| (19) 85-87 | (3) 169,540 | 35,345 | 175,000 | | 335,000 | 25,000 | 739,885 |
| (18) 83-85 | (3) 152,294 | 40,000 | 175,000 | | 300,000 | 25,000 | 688,448 |
| (17) 81-83 | (3) 150,314 | 38,170 | 145,000 | | (383,836) | 50,000 | 383,484 |
| (16) 79-81 | 107,333 | 20,901 | 85,000 | | | 10,000 | 223,880 |
| (15) 77-79 | 83,894 | 15,781 | 85,000 | | | 25,000 | 209,675 |
| (14) 75-77 | 51,711 | 11,318 | 75,000 | | | 20,000 | 158,029 |
| (13) 73-75 | 40,398 | 10,897 | 45,000 | | | 10,000 | 106,295 |
| (12) 71-73 | 35,905 | 7,320 | (12,600 - DPI) | | | (10,000 - IDD) | 43,225 |
| (11) 69-71 | 32,716 | 6,684 | (12,600 - DPI) | | | | 39,400 |
| (10) 67-69 | 26,225 | 3,775 | (12,600 - DPI) | | | | 30,000 |
| (9) 65-67 | 11,400 | 3,600 | (12,600 - DPI) | | | | 15,000 |
| (8) 63-65 | 15,000 | | (12,600 - DPI) | | | | 15,000 |
| (7) 61-63 | 20,000 | | | | | | 20,000 |
| (6) 59-61 | 20,000 | | | | | | 20,000 |
| (5) 57-59 | 20,000 | 5,000 - Study | | | | | 25,000 |
| (4) 55-57 | 25,000 | | | | | | 25,000 |
| (3) 53-55 | 20,000 | | | | | | 20,000 |
| (2) 51-53 | 20,000 | | | | | | 20,000 |
| (1) 49-51 | 20,000 | | | | | | 20,000 |

A

**North Dakota Indian Affairs Commission Testimony
House Appropriations Committee – Human Resources Division
Roughrider Room – State Capitol
Representative Chet Pollert – Chairman
March 12, 2009**

Chairman Pollert and members of the House Appropriations Committee, - I am Cheryl Kulas, Director of the North Dakota Indian Affairs Commission. I am here today to testify in support of Senate Bill 2005.

The North Dakota Indian Affairs Commission, (NDIAC) in 2009 will celebrate 60 years of existence and its involvement as a liaison agency between the State of North Dakota and its agencies and tribal governments and their agencies. The NDIAC nine-member Commission is comprised of the governor who serves as chair of the Commission, and the Tribal Chairpersons of the five North Dakota reservations, and three at-large members appointed by the Governor.

The work of the Commission is coordinated and administered by a four-person staff, a director, an administrative officer\research analyst, an administrative assistant, and an Indian education administrator. With much thanks to the 60th legislative assembly, we extend our gratitude to you for the addition of a forth member of the Commission staff, Mr. Robert Parisien who now occupies the position of Education Programs Administrator. He came to us with an education background and a working knowledge of the education and achievement issues of American Indian learners. He was a gift from Bismarck Public Schools, and you will hear from him shortly.

The list of accomplishments of the Commission is delineated on the following pages and represents the on-going work of the Commission. The operational changes in the Agency during the 2007-2009 biennium occurred on two levels:

- The continuing need to seek additional fiscal and human resources to support the increasing demands and American Indian specific issues confronting North Dakota state agencies whose shared roles and responsibilities are to assist in ameliorating those needs, and

- Continue to work toward the creation a systemic mechanism for greater state and tribal collaboration. The ever-increasing challenges of Native American youth – in education, state correctional system, and workforce issues is evidenced in the activities of the Commission in the 2007 – 2009 biennium.
- While health and human-service related needs drove the external work of the NDIAC Commission and staff in the 2005-2007 biennium (Tribal long-term care needs, and child-welfare, child-support enforcement issues) the 2007 -2009 biennium gave rise to requests for our representation on the Supreme Courts' Court Improvement Project, and the Indian Child Welfare Sub-Committee. In addition, the Commission staff has been a member in-absentia on the Corrections *Transition from Prison to Community Committee* after the first cycle of TPTC Committee. There is a critical need to focus the state's awareness and concerns articulated by the Department of Corrections relative to the increasing juvenile and adult American Indian population in the Department of Corrections.
- While the Native American population constitutes 5.5% of the statewide population, a Dept. of Corrections report in 2008, indicated that 25.1% of the adult population in the ND Correctional System is Native American, and Native American youth comprise 34.3% of the youth in the State Corrections System.
- With the resignation of the Tribal Liaison in the ND Department of Human Services, there is an increase in requests for Native American human services related representation on committees. Most recently, our office was requested to serve on an advisory committee on the SCHIPS Program.

2007-2009 Major Accomplishments

The work of the Commission is driven by issues arising at the request of tribal leaders emanating from both NDIA Commission activity, as well as request from state and tribal agencies, and occasional federal government inquiries.

In 2007-2009 the Commission has been a partner in:

- Assisting the ND Department of health in the selection and hiring a Director of Health Disparities, an activities in keeping with the Commission's goals. Currently involved in assisting in forging a partnership between the ND Dept. of Health and the Regional American Indian Epidemiology Center, Rapid City, South Dakota.
- Served as member of presidential search committee for Bismarck State College in recommending now President Larry Skogen, Ph.D.
- Forged partnerships among the ND Dept. of Public Instruction, Bismarck State College, The Governors Office, Career & Technical Education, ND Workforce Development Council, ND Association of Tribal Colleges and other proprietary agencies in completion of a 5-year, \$3 million dollar GEAR-UP early college awareness and preparation Grant. While the grant was not funded, plans include re-submittal in subsequent cycle.
- Contributed to the work of the Legislative Council in recruiting the Native American Task Force, the Citizens component of the Interim Legislative Tribal State Relations Committee. The director participated in all meetings of the Tribal State Relations Committee in the Interim session.
- Completed a successful transition and enhancement of the NDIAC website from the ND Dept. of Health to NDIAC, on time and within budget. New content is added as received. Implemented new software that enhances easier uploading of content to website. www.nd.gov/indianaffairs.
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- Serve as an Advisory Board Member on the Native American Indian Business Development Office (NAIBDO) to support development of Native Businesses. As of December 10, 2008, the NAIBDO Office reported 101 jobs retained/created (of which 82 are Native American Jobs). 52 contracts worth \$80 million were obtained. To date, return on the \$400,000 USDA and \$200,000 N.D. Department of Commerce investments/commitments has seen \$80 million in contracts secured. Self-disclosed information on clients include 90% are Native American owned, of which 5% are tribally owned entities.
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- Currently, at the request of the Burleigh County Juvenile Justice System, the NDIAC is one of multiple agencies to address the disproportional representation of Native American Youth in the juvenile detention system. Outcomes included securing initial funding and the hire of a Native American Outreach Worker for Burleigh County.
- Contributed to the work of the State Longitudinal Data Systems gathering agency data needs.
- Continued work with the Department of Emergency Services on areas of tribal community needs, and agency training requirements.

Needs:

Much of the work of the Commission in the 2005-2007 biennium focused on a long-standing need to address the issues confronting the education of the American Indian children, i.e. the Higher Education Roundtable, and the P-16 Task Force. Throughout the 2007-2009 biennium, the State Legislative Assembly supported non-beneficiary students in tribal colleges, which was very well received by tribal leadership, as well as supporting the addition of a 1 FTE to the ND Indian Affairs Commission. Upwards of 80% of Indian children attend public schools that exist on-or-near reservations, and in public schools in the major urban cities of the state.

American Indian students comprise 9.9% of the total enrolled population in all schools in North Dakota. American Indian students constitute the largest percentage of ethnically diverse students in the state. While gains have been made, the percentage of school leavers remains high, the rate of suicides among Native young people continues to rise.

As we see the academic bar being raised higher and higher, so will the need exist to increase efforts to maintain gains already made, particularly for high poverty, high minority schools also serving American Indian students.

The continued focus on the negative aspects of the achievement and socio-economic issues confronting American Indian learners without supportive interventions is like throwing water in the air. These issues need to be countered by articulated interventions which demonstrate success in offering strong k-12 supportive culture-based initiatives to promote getting and keeping students engaged in the learning process, and by effecting supportive environments that allow students to not just survive but to thrive.

2009 -2011 Goals

American Indian leaders believe that in order to close the achievement gap of American Indian students within North Dakotas educational systems, it is imperative that:

- Changing school and organizational beliefs about what can work with American Indian students, including sharing programs and practices that work
- Change must be systemic and philosophical
- Change must honor the understanding that language is the a bearer of culture, crucial to the identity of American Indians and ethnic minority children
- Engaging students, their families communities in different ways is a critical element of student success
- Forming partnerships around students to embrace responsibility in their learning, and
- Providing supportive school environments needed for learning, which may be different than the mainstream.
- Professionals working with children must put aside their own philosophical and experiential differences, and develop understanding of the learners' norm of experience (inclusive of exploring the students culture and acknowledging differences are brought to the classroom).
- Wrap social supports around students, and
- Having high expectations by teachers about students, and about themselves.

Goal 1:

In the 2009-2011, the Indian Affairs Commission seeks to continue the work of the Indian Education Administrator to forge partnerships with the ND Department of Public Instruction and the North Dakota education community through the creation of an Native American Indian Education Advisory Committee to the State Superintendent so that a cadre of educators, Native and non-Native, can develop Native American specific focused initiatives designed to impact Indian student achievement. This initiative is included within HB 1013.

Goal 2

Create a Native Youth Leadership Academy, whose purpose is to nurture future Native leaders in North Dakota.

Goal 3

Support the work of the Tribal and State Relations Committee as a vehicle to addressing the needs of both tribal governments and communities.

Goal 4

To pursue an initiative to address the growing number of Native Americans in the State Corrections System in North Dakota.

**Budget Narrative
ND Indian Affairs Commission
SB 2005**

| | 2005-07 | 2007-09 | 2009-11 | 2009-11 |
|---------------------------------|-------------------|------------------------|----------------------------|------------------|
| | Actual Expend. | Appropriated Budget | Req. Budget w/Optionals | Exec. Recomm. |
| SALARY & WAGES | | | | |
| Salaries & Temp | 258,076 | 360,827 | 385,016 | 402,371 |
| Fringe Benefits | 83,490 | 124,872 | 128,085 | 158,309 |
| Total Salaries | 341,566 | 485,699 | 513,101 | 560,680 |
| OPERATING | | | | |
| Travel | 11,031 | 23,000 | 28,000 | 28,000 |
| IT Software & Supplies | 0 | 2,000 | 2,000 | 2,000 |
| Supply/Materials-Professional | 330 | 895 | 895 | 895 |
| Miscellaneous Supplies | 0 | 500 | 500 | 500 |
| Office Supplies | 8,360 | 2,500 | 2,660 | 2,660 |
| Postage | 473 | 1,000 | 1,000 | 1,000 |
| Printing | 1,959 | 5,000 | 5,450 | 5,450 |
| IT Equipment Under \$5,000 | 0 | 6,000 | 6,000 | 6,000 |
| Office Equip/Furn Under \$5,000 | 4,952 | 5,000 | 5,000 | 5,000 |
| Insurance | 905 | 2,000 | 2,000 | 2,000 |
| Lease/Rent-Equip-Bldg. | 319 | 0 | 0 | 0 |
| IT Data Processing | 4,245 | 6,000 | 6,000 | 6,000 |
| IT Communications-Telephone | 3,359 | 12,000 | 12,000 | 12,000 |
| Dues & Prof Development | 700 | 5,000 | 5,000 | 5,000 |
| Operating Fees & Service | 4,778 | 2,000 | 2,000 | 2,000 |
| Professional Services | 2,876 | 13,000 | 8,000 | 8,000 |
| Operating-Indian Youth Academy | | | 40,000 | 40,000 |
| Total Operating | 44,287 | 85,895 | 126,505 | 126,505 |
| Total Budget | 385,853 | 571,594 | 639,606 | 687,185 |
| Funding Source: | | | | |
| General Funds | 384,760 | 566,594 | 639,606 | 687,185 |
| Federal/Special Funds | 1,093 | 5,000 | 0 | 0 |
| Total | 385,853 | 571,594 | 639,606 | 687,185 |
| FTE: | 3.00 | 4.00 | 4.00 | 4.00 |

The present budget (2007-2009) for the North Dakota Indian Affairs Commission is \$571,594 all of which is from the General Fund. Salaries and wages make up 81.59% of the budget, and supports a staff of four: an Indian Affairs director, one administrative officer - research analyst, 1.0 administrative staff, and 1.0 Indian education administrator. No one-time expenditures are requested for the upcoming biennium. The 2009-2011 request as recommended by the Governor includes a total general fund amount of \$687,185 of which \$40,000 is for the sponsorship of a Native American Youth Leadership Academy, and \$3,400 for staff equity increases.

The 2007-2009 amount for the cost-to-continue salaries is higher than normal because it includes the difference in the budgeted salary of \$36,876 for the Education Program Administrator and the actual salary of \$43,000 that is paid for this position. We were unable to find qualified applicants to take the job at the budgeted salary, so it was increased to \$42,000 per year and the difference is considered the cost-to-continue.

Mr. Chairman and members of the Committee, this concludes my portion of the testimony. Last biennium, you requested a report on the work of the Indian Education Program Administrator, and Mr. Robert Parisien, will present the next segment of our agency's presentation. I urge your favorable support of SB 2005, and stand ready to respond to any questions you may have following his testimony.

A copy of the budget history of the North Dakota Indian Affairs Commission is attached.

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Native American Students in North Dakota: Educational needs for the future

Robert J. Parisien
Indian Education Program Administrator
North Dakota Indian Affairs Commission
January 20, 2009

Overview

My position as Indian Education Program Administrator was approved the last Legislative session for the 2007-2009 biennium. I started work for the North Dakota Indian Affairs Commission Under the direction of Executive Director Cheryl Kulas on January 2, 2008.

Initially, I was hired under the premise that we would receive the U. S. Department of Education's Gaining Early Awareness and Readiness for Undergraduate Programs Grant (GEAR-UP) that the state applied for the fall of 2007. I spent the approximately five to six months of my job developing relationship with schools and tribal entities as well as organized and gathered data that would be crucial in the implementation stages if we were to receive the grant, but the Grant was not awarded.

Over the last six months I have spent considerable amount of time researching and trying to understand the educational issues and programs that are taking place on Indian reservation across the nation, and found that many of the same educational issues are happening to our tribes here in North Dakota.

My testimonial document will attempt to give you a better understanding of what is happening across the state; discuss some of the issues and concerns I learned about during a recent school tour; discuss some of the things I have been working on over the last year and finish with some goals I would like to work at accomplishing over the next biennium.

State Demographic Data

Across the United States and in many native cultures, education has long been viewed as the gateway to the American dream and a better quality of life. Unfortunately, for many students—primarily those from low-income, minority homes, there tend to be many road blocks, and these roadblocks are more substantial for our native students.

2007-2008 North Dakota Enrollment Data:

A breakdown of student ethnic groups in our state shows that the largest ethnic minority in our classrooms is Native American. Indian students are, in fact, growing at a greater rate than any other ethnic group in our state. Ten years ago Indian students comprised of 5% of the total school enrollment. Currently they are 10% of the total enrollment.

- 10,247/ total students in ND = 102,112/ % Indian students = 10%
- There are 30 schools with 50% or greater Indian student enrollment
- Only 100 of the 434 schools without Indian students = $434/100 = 24\%$
- 9 schools with 50% or greater Indian student enrollment off a reservation
- 12 BIE schools: Standing Rock Community Schools, Tate Topa Tribal School in Ft. Totten, Dunseith Day School, Mandaree School, Ojibwa Indian School, Trenton School, Turtle Mountain Community Elementary, Middle and High Schools, Twin Buttes School and White Shield School (Theodore Jamison, and Circle of Nations schools are off reservations)
- 15 public schools on the reservations
- 2 of the 30 schools with 50% or more Indian student enrollment is making AYP
- 24 of these schools are not making AYP
- 4 schools without data
- 20 of these schools are on school improvement

Achievement Gaps: It is important to understand the definition of an achievement gap. Although differences in achievement between individuals are important and expected, the differences in achievement between entire groups of individuals, i.e.; boys and girls, poor and non-poor, Native and Non-native, are an indication of educational harm for the group that is disadvantaged by the comparison.

To close the achievement gap between native students and their non-native peers will require us to reach out to many partners; tribal councils, education boards, state education agencies, education advocates and legislators in the hope that we can double our efforts to support our goal of higher educational achievement. Collaborative efforts will be required!

School Visits and Findings:

I spent some time traveling to the different Schools on the reservations to try and understand and experience some of the issues that these schools face on a daily basis. It was very worthwhile and beneficial in the fact that I was able to see first hand how schools operate, how they deal with everyday issues and how some operate with little financial and human resources. I felt that in order for me to be able to discuss our Indian school issues I needed to understand them and felt the visits were the best way to accomplish that task. I was able to sit down with the Superintendents of these schools and discuss issues they felt strongly about and how we might collaborate with them.

Many of these schools are in very remote areas of the state and require families and school buses to travel many miles to make school possible for these remotely located families. The great thing about these schools from this standpoint is that families are not subjected to travel even longer distances if the schools weren't where they are today.

I developed a series of questions that related to No Child Left Behind, teacher issues and basic program issue questions and asked each Superintendent these same questions. I have evaluated and dissected a few of the questions I felt deserve attention and have listed them below:

NCLB/AYP Concerns:

1. Most of the schools do not have any special reading, math, or science programs in place to help them move closer to AYP.
2. While basic core courses exist, schools do not have the financial resources to purchase special programs to assist in these important areas.
3. A belief that NCLB does not make concessions for high poverty, at risk students.
4. Requires schools to implement different unfunded mandates, but has no money attached.
5. Timing of tests is untimely.
6. The state assessment does not implement or consider at-risk factors.

A positive factor cited by schools affirmed that there are some good things to come out of NCLB, most notably: accountability, school improvement programs and teams and assessment tools.

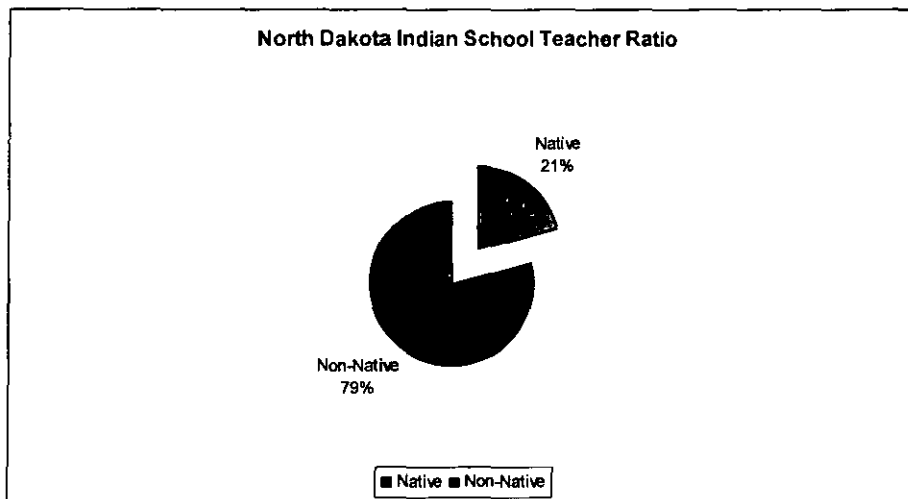
Staffing Concerns:

1. Recruitment and retention is a critical need.
2. Rural/Indian schools are challenged by hard to fill positions in the areas of Math, Science and English, core areas of concern with NCLB.
3. Rural/Indian Schools hire recent college graduates who come to their schools for a year or two and acquire the needed skills and experience to move to more lucrative school districts, or they hire seasoned unproductive teachers who make the circuit around to the different reservations because schools get in a bind and need to hire someone.

4. Superintendents understand that if they had adequate housing or updated facilities the school could see staffing issues improve.
5. Many felt that having quality teachers would give them some promise.

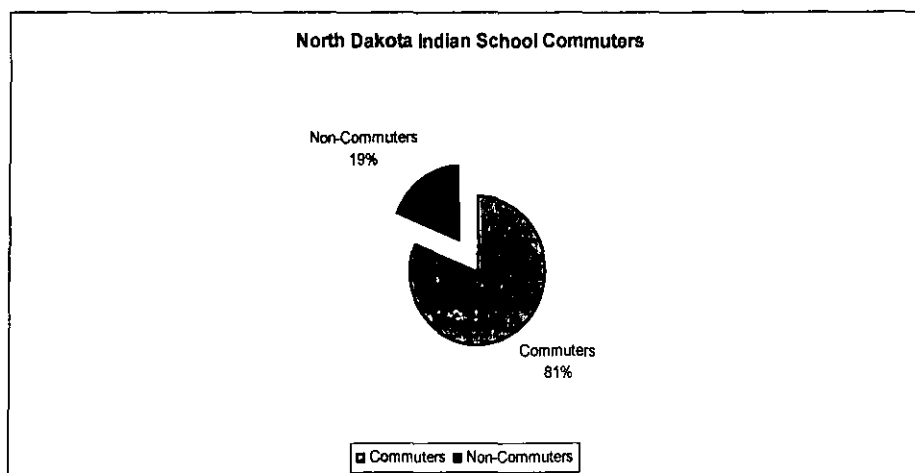
As you can see below there is a definite need to train, recruit and retain more Native teachers to fill this void at our Indian serving schools:

North Dakota Native Teacher Ratio:



Another issue with teacher effectiveness is their ability to relate to their students and the home life in which they live. If they are commuting from other communities then there is a disconnect:

North Dakota Indian School Teacher Commuters:



Another area of concern would be that of the safety of their students; some of our more rural schools have a safety concern because of the rural location of their schools. The problem is that even though they may have safety plans in place, it could take the authorities up to an hour if not more to get to their schools. If there ever were a shooter, major disaster or natural disaster the school would not be in a desirable position and more importantly would not be able to keep their kids safe. Along with this, some of these same schools are so old and outdated that they may not have adequate facilities to administer the master safety plan the way it is designed. What I am talking about here is the accessibility into buildings and classrooms. Some of the doors don't lock from the inside or don't have locks where they can carry the plan out the way it is designed. These are just a few problems that relate to the safety of our students and the cause of great concern.

A few of the reservation communities have a number of schools within their reservations boundaries that may be different in regards to administrating them. They may have a public school, tribal school and BIE school and have different school boards that oversee different schools. This tends to weaken the overall structure of maintaining curriculum consistency, reporting requirements, hierarchy battles and other issues because of the different oversight groups. Standing Rock schools have developed a consortium of their entire reservation of schools including the BIE, Tribal and public schools and have made great strides in assuring that their students are getting the opportunities they deserve.

Meetings or Conferences attended:

Committee on Education, State/Tribal Relations Committee, Higher Education Resource Organization and Services (HEROS), Standing Rock Education Consortium, North Dakota Education and Standards Board, North Dakota DPI Special Education, National Indian Education Association Conference, National Bureau of Indian Education Conference, National GEAR-UP Conference, Tribal Education Directors National Association, North Dakota Association of Tribal Colleges, Northwest Foundation, Scholastic Inc., North Dakota Indian Education Association, Regional State Indian Education Directors.

Active Meeting Groups/Committee Memberships:

The North Central Comprehensive Center (NCCC) is a U.S. Department of Education-funded program that provides research-based services to state education agencies in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota to implement No Child Left Behind (NCLB). The North Central Comprehensive Center (NCCC) is one of 16 regional centers serving as an outreach arm of the U.S. Department of Education. The mission of the NCCC is to help the states within our region to increase their capacity to support schools and districts in meeting the requirements of NCLB and other federal programs.

ASSIST is the American Indian Student Special Issues Strategic Team. The team is an ad hoc task force developed primarily to address the achievement scores of Native American students in the Bismarck Public Schools. The ASSIST is made up of school personnel and community individuals who are interested in these issues and is open to anyone.

The ASSIST is working to address the various needs of American Indian students, whether it is academic, social/behavioral, cultural or other. There are several initiatives that comprise an overall strategy that include tutoring, parent/community liaisons, essential understandings and others. This website is one such strategy that seeks to accomplish several goals:

- To assist teaching professionals in connecting with Native American students in order to increase student motivation and achievement.
- To assist teaching professionals in accessing Native American content to incorporate into classroom subject matter and learning outcomes in order to increase Native American student interest, motivation and achievement.
- To better connect parents, schools, students and communities in order to strengthen support systems for Native American students, enabling them to achieve scholastically.
- To provide a forum for culturally appropriate and accurate information about Native American populations, challenges and resources in the school district.

I would have to say that the networking relationships that are developed from these groups are one of the best assets for this particular job. I am talking about people networking, I am talking about connecting with people and listening to and learning from what that they say. Some of these people are experts in their fields and have great knowledge to share and are willing to share, but you must develop a relationship that shows you care about what they are saying, and this to me is too valuable to let pass by.

Projects:

1. Recently a group of young native leaders got together and talked about the Leadership camp they attended when they were in high school. From many discussions and meeting they are attempting to revitalize this concept and see if they could put a similar leadership academy together. As of today, they will be testifying the need in hopes of securing some seed funds from the state to get this greatly needed Native Youth Leadership Academy of the ground.
2. Research different reading, math, science, English and other curriculum for best practical usage and then share that information with schools. Currently working with the North Central Comprehensive Centers on the possibility of getting a state wide Reading is Fundamental (RIF) program organized and implemented with the Native serving schools within the state. Have also distributed information related to other reading programs that the native serving schools may find of interest and compatible to their needs. In many of the schools I visited they really do not have much in terms of special reading programs, primarily because of the lack of financial resources to get these programs in their school.
3. Share National and state Indian Education News, State Committee Meeting schedules and important topics of interest. The Indian Affairs Commission office recently updated their web-site which will also include a section for Indian Education. This site will be utilized to not only share information but also to keep administrators and other Indian education advocates informed about the latest news, issues or information that could be crucial to their schools. There will be Indian student data, state data, calendar of events as well as links and resources for teachers and administrators to take advantage of.
4. Disproportionate Minority Count (DMC) In May, 2007, the North Dakota Division of Juvenile Services (DJS) contracted with MJ Martin, Inc. to conduct a case file review and analysis to examine the factors contributing to disproportionate contact of Native American Youth in the Burleigh County juvenile justice system. The analysis was prompted by the Federal Juvenile Justice and Delinquency Prevention Act requirement that states address any overrepresentation of minority youth in their juvenile justice system, and follows up to a previous study in which the recommendation was made that a sampling of cases be reviewed to more closely examine arrests and case processing decisions. Burleigh County was selected to be the focus of the analysis, as in the previous study, because it continues to be one of the larger non-reservation counties with the highest rate of disproportionate minority contact. I currently sit on the selection committee for case referrals for this committee.

5. In late October I submitted a proposal for a state wide Indian Education Advisory Council to the Department of Public Instruction. After many meeting and phone conversations with state Indian education directors from Montana and South Dakota I decided to put this proposal together and submit it to DPI to see what their interest would be. They really liked the idea, not necessarily the format but the concept was something they have been discussing for a while. This proposal will also be discussed today under DPI's optional budget for approval of funds to cover cost of per diem and a facilitator for this advisory council.
6. I have also been working diligently to develop relationships and networking pathways with many tribal, state and national education organizations that could be of assistance in many regards as I move forward in my work to accomplish some of the following goals.

Goals:

- Assist in the development of culturally relevant curriculum that prepares our Indian students for the rigors of post secondary education and the workforce. Encourage state agencies to seek the advice of local tribes to develop meaningful consultation to meet the unique cultural, linguistic and educational needs of Indian students.
 - Increase awareness on the issue of American Indian student achievement by sharing best practices and research on Indian students.
 - Assist in the development of highly qualified teachers for our Indian student serving schools. Many education advocacy groups believe that creating equity in staffing patterns—in other words, ensuring that poor children are as likely to be taught by a qualified professional as other students—is the key to improving educational performance. Bringing equally qualified teachers to unequally prepared students will not be enough to close the achievement gap. The only way to rely on teacher quality to close the gap is to ensure that our Indian students have access to the best teachers.
 - Demand greater parental involvement and participation in our Indian serving schools and help them make these schools more culturally relevant for our Indian students. Schools across Indian country have experienced success when a firm commitment is made to strategies that encourage teaching and learning from and for all. Some schools bring in grandparents or other elders into the school. Other schools promote events at a community center or park with barbecues or celebrations of accomplishments along with meaningful time for input and understanding of the challenges schools and communities face.
 - Monitor and ensure adequate distribution of financial resources to our Indian students and the schools they attend. Ensure adequate financial support to high-need k-12 Indian schools to meet the increased expectations, realizing that Indian students will likely need more resources.
 - Support increased career education and workforce readiness programs in schools so that students see the connection between school and careers after graduation.
 - Support dropout prevention research and initiatives with community and tribal collaboration.
- ~~Annually review “adequate yearly progress” status for North Dakota schools and districts towards achieving state standards for the purpose of identifying Title I schools and districts in need of improvement.~~
- Continue the efforts to strengthen past proposal and submit grant request for the GEAR-UP grant starting the fall of 2009.

If you have a problem, don't ignore it or the problem will stay around, but if you engage the problem you will understand it better and will be better able to deal with it.



History of the North Dakota Indian Youth Leadership Conference:

In the early and mid 1980's, Jim Davis, Ph. D was the Director of Indian Education within the ND Department of Public Instruction. With the assistance of the Department of Public Instruction, he designed, planned, and implemented the week long North Dakota Indian Youth Leadership conference that was held annually for 10 years on the campuses of the University of North Dakota, North Dakota State University, and United Tribes Technical College. In the late 80's and early 90's the conference continued under the Jim's successor, Cheryl Kulas.

The conference attracted over 100 native youth, grades 7-12, from throughout the state. While most attendees came from our four Indian Reservation communities in ND, some students did attend from non-reservation communities. Many of these students had never been off the reservation for this length of time and the conference allowed students to experience college campuses and build peer relationships across the state.

Many of these students went on to receive advanced degrees and they attribute a large part of their success to their attendance of these conferences. Many of these former attendees are now architects, educators, doctors, as well as other professionals, living in the State of North Dakota.

Vision:

The North Dakota Indian Youth Leadership Academy (NDIYLA) creates and fosters an environment for native youth to learn and enhance leadership skills and create opportunities that are used in their respective local communities, throughout the State of North Dakota, and the nation.

Mission:

The Mission of NDIYLA is to design, develop, and implement a wide range of leadership programs, opportunities that will advance one's spiritual, intellectual, emotional, and physical attributes.

Goals:

- To begin and sustain a process of developing future leaders amongst Indian youth in North Dakota.
- To build positive interaction between students to experience and learn from each other, as well as learn about various tribal cultures.
- To build knowledge regarding Tribal issues and topics covered during the week-long session including, education, environmental issues, water, land and realty, tribal constitutions, the ND constitution, public speaking, participation in plays, group dynamics, leadership, teamwork, cultural events participation and much more.
- To invite NDIYLA alumni and Native American speakers to mentor youth and serve as role models for developing future Native American Leaders for tomorrow.

Overview of NDIYLA Topics:

- Culture and Wellness
- College and Career
- Native American Issues
- Tribal, State and Federal Relations
- Leadership Skills and Character Development

Partnerships already in place to support 2010 NDIYLA:

- Attendees of past ND Indian Youth Leadership conferences
- Bismarck Police Youth Bureau
- Bismarck Youthworks
- Bismarck Younglife
- Bismarck Public Schools
- Bismarck State College
- United Tribes Technical College
- ND Indian Affairs Commission

Proposed Budget:

| | |
|---|------------------|
| Room & Board (facilities fees included) | \$ 20,000 |
| Administration & Staff (chaperones) | \$ 10,000 |
| Speakers (3 major speakers) | \$ 7,500 |
| Transportation (5 trips at \$600) | \$ 3,000 |
| Activities (5 activities at \$1,000) | \$ 5,000 |
| Misc. (mailing, printing, snacks, awards) | \$ 1,000 |
| <u>TOTAL</u> | <u>\$ 46,500</u> |

Attachments:

Senator Conrad support letter
Senator Dorgan support letter
Former UND President Kupchella support letter
Michael Laverdure testimony
Dr. Jim Davis testimony

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United States Senate

COMMITTEE ON INDIAN AFFAIRS

WASHINGTON, DC 20510-6450

<http://indian.senate.gov>

January 10, 2008

Michael Laverdure
818 18th Avenue South, Apartment 4
Grand Forks, ND 58201

Dear Michael:

Thank you for sending me a copy of your letter to UND President Charles Kupchella about Indian leadership programs and a news story about programs for American Indians at UND.

I am a strong believer in leadership training opportunities and programs aimed at developing Indian professionals, which play an important role in helping youth to become productive and successful members of society. For example, the Indians Into Medicine program at UND has graduated nearly 200 medical doctors and many more health professionals over the years. Many of these graduates have moved back to their communities to help address the major problems with health care on the reservations.

I am pleased to hear about your interest in expanding Indian youth leadership and summer programs at UND. I support your goal of working with students to encourage leadership roles in their communities, and I wish you luck with this endeavor.

Thank you again for keeping me updated on your efforts.

Sincerely,



Byron L. Dorgan
U.S. Senator

BLD:kej

KENT CONRAD
NORTH DAKOTA

website: <http://conrad.senate.gov>

COMMITTEES:
BUDGET, CHAIRMAN
AGRICULTURE, NUTRITION, AND FORESTRY
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United States Senate

January 15, 2008

1-800-223-4467

530 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-3403
(202) 224-2043

220 EAST ROBERT AVENUE, ROOM 228
BEMARCK, ND 58501-3808
(701) 258-4648

657 2ND AVENUE NORTH, ROOM 308
FARGO, ND 58102-4727
(701) 232-8030

102 NORTH 4TH STREET, SUITE 104
GRAND FORKS, ND 58203-4738
(701) 775-9601

100 1ST STREET, S.W., ROOM 109
MINOT, ND 58701-3846
(701) 852-0703

Michael Laverdure
818 18th Avenue South, Apartment 4
Grand Forks, ND 58201-6812

Dear Michael:

Thank you for contacting me about Native American issues. It was good to hear from you.

I appreciate you sending me a copy of your letter to University of North Dakota President Charles Kupchella regarding the North Dakota Indian Youth Leadership Institute. Like you, I am appreciative of UND's academic efforts, such as the Native Americans Into Law and Indians Into Medicine programs, that work to increase opportunities for Native American students in North Dakota. I am particularly pleased to learn about the positive experience you had with the leadership institute and your desire to restart it. Please feel free to keep me updated on the progress you are making with UND on this matter.

Again, Michael, thank you for contacting me.

Sincerely,



KENT CONRAD
United States Senate

KC:wjwf

UNIVERSITY OF  NORTH DAKOTA

OFFICE OF THE PRESIDENT
TWAMLEY HALL ROOM 300
264 CENTENNIAL DRIVE STOP 8193
GRAND FORKS ND 58202-8193
(701) 777-2121
FAX (701) 777-3866

January 7, 2008

Michael Laverdure
818 18th Avenue South #4
Grand Forks ND 58201

Dear Michael,

Thank you for your very nice letter. I appreciate your having taken the time to write very much. I think you ought to pursue your idea of an institute, and maybe it's one of the things that we, through our American Indian Programs Council, would consider connecting with and supporting here in some way. We certainly have lots of people who are effective grant writers, and perhaps one of them would be willing to work with you on this project. In any case, I would invite you to come visit with me, and ask that you arrange this with my Executive Assistant, Patricia Bohnet, at 777-2122.

I look forward to the discussion.

Sincerely,



Charles E. Kupchella
President

CEK/cw
c/enc: William Goetz, Chancellor
Members of State Board of Higher Education
President's Cabinet

1/19/2009

Boozhoo,

I am pleased to submit this letter of testimony regarding the North Dakota Indian Youth Leadership Academy.

From 1986 to 1990, I attended the Indian Youth Leadership summer program at the University of North Dakota. The first year, of course, was a new experience for me, but being with other Native kids from around the state helped. Each year after that, I began to look forward to my time spent at Youth Leadership and each year I became more outspoken and an eager participant in the activities we had each session. During my final year at Youth Leadership, I was voted Indian Youth Leader of the Year; I still have the trophy sitting on the shelf at my house.

I thought the program was very beneficial to me as I grew into a young man. It gave me the tools I needed to succeed as a college student and a professional. The keynote speakers, Tribal council members, elders and Youth Leadership volunteers were good role models and inspired me to be more, and do more for Native peoples.

Also at Youth Leadership, I met other kids my age from different tribes throughout North Dakota. When I sometimes catch up with some of my Youth Leadership classmates, I find out that they are Doctors, Tribal Council members or, in my case, soon-to-be Architects. Youth leadership was a pre-professional networking activity that exists to this day. Many of the people you will hear from that support the re-establishment of the program are alumnus from Youth Leadership.

I was saddened to hear that the program was cancelled in the mid-90's due to lack of funding from the state.

In 2003, I attended a North Dakota Democratic Party retreat hosted by our representatives in Washington D.C., Senators Dorgan & Conrad and Congressmen Pomeroy. At closing, we were asked to stand up and state what we were going to go out and do for our communities, our party and our state. I stood up and talked about Youth Leadership and stated that I would like to get it going again. Afterward, I received words of encouragement from our representatives and others attending.

Since that day, I have been working trying to get the Youth Leadership Academy going again. Cheryl Kulas has been helpful in my efforts as well as Chadwick Kramer from her office. Recently, I started a project management website that helps all the current volunteers communicate and coordinate our activities, in regards to re-instituting Youth Leadership.

I had to move out of state and currently am employed at DSGW Architects in Duluth, Minnesota; but am still a strong supporter of this effort. Nothing would be more satisfying than seeing Native youth in North Dakota attending Youth Leadership Academy in the near future. Thank you for your time and support.

Sincerely & Gigaawaabaamin Minowa,



Michael Richard Lee Laverdure, Assoc. AIA

2307 W 7th Street, Duluth, MN 55806 • 218.791.0827 • mike_laverdure@hotmail.com

MICHAEL RICHARD LEE LAVERDURE, ASSOC. AIA

Senate Appropriations Committee
Sen. Ray Holmberg, Chair
Senate Bill 2005
January 20, 2009

Good afternoon! Chairman Holmberg and members of Senate Appropriations Committee, my name is Jim Davis, and currently I am the President of the Turtle Mountain Community College in Belcourt, ND. Thank you for affording me the time to present this testimony in support of Senate Bill 2005 and the North Dakota Indian Youth Leadership Academy. The Academy is being proposed by the ND Indian Affairs Commission and other supporters from throughout the state.

I support this Academy in large part due to my involvement in a similar initiative in the early and mid 1980's. During that period of time I was the Director of Indian Education within the ND Department of Public Instruction. With the assistance of others, I designed, planned, and implemented a ND Indian Youth Leadership Conference that was held annually for a few years. The conference attracted over 100 Native Youth from throughout the state, most who came from our Indian Reservation communities and others who came from non-reservation communities. Students in grades 7-12 attended the week long conference. Many of these students had never been off the reservation for this length of time. The conference was usually held on the campus of United Tribes Technical College or the University of North Dakota campus.

The primary objective of the Youth Conference was to begin a process of developing future leaders amongst young Native Americans in North Dakota. Today, as I look around the state, I see a number of individuals who are in leadership roles and who attended at least one of the summer sessions. A large number of the students attended more than one summer session. Of course, the large majority of these young individuals went on to receive degrees in education, law, medical school, architecture, higher education, nursing, teaching, etc. Another by-product of the conference was the positive interaction students experienced learning from each other, getting to know other tribal cultures, and creating long term friendships from other ND communities. Not long ago, this comment was made to me by a former conference attendee and who is now an architect in Minnesota: "I would not be who I am today and I would not have gotten over the fear of speaking in front of others had it not been for the experiences I had attending the Indian Youth Leadership Conference."

As I recall, the topics covered during the week-long session included education, environmental issues, water, land and realty, tribal constitutions, the ND constitution, public speaking, participation in plays, group dynamics, leadership, teamwork, cultural events participation and much more. Most of the presenters were Native Americans with backgrounds in specialized areas. The main purpose for using Native American speakers was to let the youth know and understand that there are "role models" out there and should be recognized and appreciated for who they are, their knowledge, and what they can bring to the Native Youth of North Dakota.

Approximately 20-25 chaperones and workers were needed to actively and successfully manage the week long conference. Not all chaperones were Native American. If this annual conference can once again become a reality, I envision some of our Tribal College students becoming involved as planners, workers, and chaperones for this event. The knowledge gained from planning and organizing such an event is something tribal college students can experience; and thereafter be able to transfer that knowledge to other activities as they pursue their education.

Funding for this event came, in part, from the ND Department of Public Instruction but mostly from outside resources that had a strong interest in seeing this event take place. I fully support Senate Bill 2005 as a means of providing seed money to re-establish this as an annual Youth Conference for Native Americans in North Dakota. I believe that if this is re-established and continues for years to come, it will have a positive impact and influence on the overall and long term leadership of our respective Indian Reservations in ND. Thank you and I ask your affirmative vote and support for this Bill.

Jim Davis



History of the North Dakota Indian Youth Leadership Conference:

In the early and mid 1980's, Jim Davis, Ph. D was the Director of Indian Education within the ND Department of Public Instruction. With the assistance of the Department of Public Instruction, he designed, planned, and implemented the week long North Dakota Indian Youth Leadership conference that was held annually for 10 years on the campuses of the University of North Dakota, North Dakota State University, and United Tribes Technical College. In the late 80's and early 90's the conference continued under the Jim's successor, Cheryl Kulas.

The conference attracted over 100 native youth, grades 7-12, from throughout the state. While most attendees came from our four Indian Reservation communities in ND, some students did attend from non-reservation communities. Many of these students had never been off the reservation for this length of time and the conference allowed students to experience college campuses and build peer relationships across the state.

Many of these students went on to receive advanced degrees and they attribute a large part of their success to their attendance of these conferences. Many of these former attendees are now architects, educators, doctors, as well as other professionals, living in the State of North Dakota.

Vision:

The North Dakota Indian Youth Leadership Academy (NDIYLA) creates and fosters an environment for native youth to learn and enhance leadership skills and create opportunities that are used in their respective local communities, throughout the State of North Dakota, and the nation.

Mission:

The Mission of NDIYLA is to design, develop, and implement a wide range of leadership programs, opportunities that will advance one's spiritual, intellectual, emotional, and physical attributes.

Goals:

- To begin and sustain a process of developing future leaders amongst Indian youth in North Dakota.
- To build positive interaction between students to experience and learn from each other, as well as learn about various tribal cultures.
- To build knowledge regarding Tribal issues and topics covered during the week-long session including, education, environmental issues, water, land and realty, tribal constitutions, the ND constitution, public speaking, participation in plays, group dynamics, leadership, teamwork, cultural events participation and much more.
- To invite NDIYLA alumni and Native American speakers to mentor youth and serve as role models for developing future Native American Leaders for tomorrow.

Overview of NDIYLA Topics:

- Culture and Wellness
- College and Career
- Native American Issues
- Tribal, State and Federal Relations
- Leadership Skills and Character Development

Partnerships already in place to support 2010 NDIYLA:

- Attendees of past ND Indian Youth Leadership conferences (4 on the planning committee)
- Coach Dale Brown Enterprises
- Know Your Strengths - Phil Olsen (former NFL player)
- Bismarck Police Youth Bureau
- Bismarck YouthWorks
- Bismarck YoungLife
- Bismarck Public Schools
- Bismarck State College
- United Tribes Technical College
- University of Mary
- ND Indian Affairs Commission

Proposed Budget:

See Attachment

Attachments:

Senator Conrad support letter
Senator Dorgan support letter
Former UND President Kupchella support letter
Michael Laverdure testimony
Dr. Jim Davis testimony
UTTC President Gipp support letter
University of Mary President Welder support letter
Bismarck Tribune article (March 4, 2009)
Budget for 2010 Academy



Office of the President
7500 University Drive
Bismarck, ND 58504-9652
(701) 255-7500

March 10, 2009

Scott Davis
Development Officer
United Tribes Technical College
3315 University Drive
Bismarck, ND 58504

To Whom It May Concern:


The University of Mary is more convinced than ever that leadership development is our distinctive role in the 21st century. It is with that conviction that I write in support of the plans for the revitalization of the North Dakota Indian Youth Leadership Academy beginning 2010. This support is based on the proven experience that combining academics, creating networking opportunities and facilitating mentorships fosters the development of authentic leadership for future generations. The plans for revitalization of the North Dakota Indian Youth Leadership Academy demonstrate a desire to identify and serve Native American teens who have the desire to move forward as mentors, role models and leaders in their own communities.

The University of Mary is honored to partner with United Tribes Technical College in support of the ND Indian Youth Leadership Academy. It is a unique opportunity in which to build the confidence and competence of Indian youth across the state of North Dakota. It is a unique opportunity to act on the University of Mary's belief that every student can become a leader through service. We appreciate this opportunity to collaborate with the partners committed to a program that holds great promise for North Dakota's future Indian leaders.

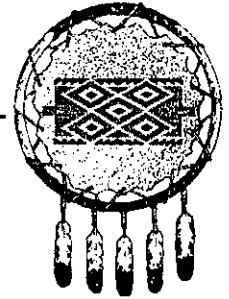
Sincerely,

Sister Thomas Welder
President

STW:sjz



UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



March 11, 2009

ND House Appropriations Committee

Human Resource Division:

North Dakota and its Tribal Nations have a shared responsibility when it comes to enabling tribal youth to develop the skills necessary for future leadership.

As President of United Tribes Technical College, I support the request for resources that will provide training and educational opportunities through the North Dakota Indian Youth Leadership Academy (NDIYLA) contained in Senate Bill 2005.

I speak from experience. As a young man, I was provided an opportunity by leaders at Standing Rock and the State of North Dakota to become involved in the second North Dakota Constitutional Convention. I became the youngest delegate to that body in 1971 and the only Native American. The experience helped shape my strong conviction that tribal young people need to learn about the world around them. They need to know about contemporary state and tribal issues, study the laws, and become active in public service in their communities and around the state and nation.

The NDIYLA promises to provide the kind of learning that helps tribal young people become the leaders of tomorrow.

United Tribes Technical College is proud to partner with the University of Mary and Bismarck State College on making the NDILYA a meaningful opportunity.

As a tribal member and a citizen of the great state of North Dakota, I urge you to support this effort at building an educational service that will ultimately benefit all citizens of the state.

Pilamayapelo (thank you).

Sincerely,

David M. Gipp
President

Grads want to revive leadership program

By SARA KINCAID
Bismarck Tribune

A defunct leadership program for American Indian youth in North Dakota could be revitalized.

The leadership program ceased in the 1990s, and now some of its graduates want to bring it back. Preliminary plans are under way for 2010.

"There's a lot of success stories," said Scott Davis, one of the organizers. "They are doing pretty well and in a capacity of leadership."

Davis works at United Tribes Technical College and participated in the leadership academy in high school. His father, Jim Davis, helped start the original program.

The program gave North Dakota's American Indian teens a place to exhibit and learn leadership skills. For a week, about 100 students would go to one of the state college campuses or UTTC, where they learned about issues that were relevant to their lives and future.

A similar program is planned to serve American Indian teens who show signs of leadership. Students from the reservations, Bismarck and Mandan would spend a week at UTTC. A lineup of guest speakers to talk on different daily topics will be finalized in the coming months.

"It's all about balancing the kids out," Davis said.

Topics will cover culture and wellness, college and career, American Indian issues, tribal relationships with state and federal government, and leadership and character development.

Student selection for the program will begin next school year. Organizers are looking for students who volunteer and participate in clubs. Grades should be good, but it's not the most important criteria.

"We want more rounded students," said Erik Cutler, Bismarck State College multicultural program coordinator. He is one of the leadership academy graduates and an organizer of the revitalization effort.

After the academy is done, the organizers hope to keep the participants connected through technology. Some of the members of the original leadership academies kept in touch, and it created a networking opportunity later in life. The organizers want to foster this aspect.

The program needs funding. A bill to fund the Indian Affairs Commission would appropriate

Continued on 6B

Leadership academy

Continued from 1B

\$40,000 over the biennium for the leadership academy. This would cover about half the annual expenses of the program, which are estimated at about \$47,000 for the first year.

The bill, SB2005, passed the Senate, and was referred by the House Appropriations Committee.

Davis has great hopes for the leadership academy. During the planning process, he was reminded of something Sitting Bull said: "Let us put our minds together and see what life we can make for our children."

"It dawned on me that when we began this effort, little did we know we were fulfilling one of Sitting Bull's visions for his people," Davis wrote in an e-mail. "I know this quote has a huge meaning to our people, but



Submitted photo

Organizers of the North Dakota Indian Youth Leadership Academy met at Bismarck State College in late February. Organizers include, from left, Blaise Reagle, Bob Parisien, Karla Davis, Royce Irwin, Chadwick Kramer, Erik Cutler and Scott Davis.

when you start to actually follow through on those ideas, you then feel the strength of what Sitting Bull meant. His vision for our children not only resonates

to our Native children, but to all children of the four colors/races."

(Reach reporter Sara Kincaid at 250-8251 or sara.kincaid@bismarcktribune.com.)

| INCOME | | | TOTALS |
|--------------------|---|----------|----------|
| | ND State Appropriation (yr. 2010) | \$20,000 | |
| | Participant Registration (70 @ \$99) | \$6,930 | |
| | Corporate Sponsor (20 @ \$500) | \$10,000 | |
| | Vendor (20@\$250) | \$5,000 | |
| | Raffle/Donations (\$25 @ 200) | \$5,000 | |
| | TOTAL | \$46,930 | \$46,930 |
| EXPENSES | | | |
| Room and Board | UTTC (5 Days and 15 meals per participant) | | |
| | \$3x3 meals @ 5 days x 100 (Staff Included) | \$4,500 | |
| | \$30/room (sleeps 2) @ 5 nights x 50 rooms | \$7,500 | |
| | TOTAL | \$12,000 | \$12,000 |
| Facilities Rental | 5 days @ \$200 per day | \$1,000 | \$1,000 |
| Staff | 4 paid Staff - (4)\$100 per day @ 5 days | \$2,000 | |
| | 2 Activities Coordinators - (2)\$150 @ 5 days | \$1,500 | |
| | TOTAL | \$3,500 | \$3,500 |
| National Speakers | DJ Vanas - Native Discovery | \$4,500 | |
| | Dave Jones - Turtle Concepts | \$4,500 | |
| | Coach Dale Brown | \$2,000 | |
| | Howard Rainer | \$4,500 | |
| | TOTAL | \$15,500 | \$15,500 |
| Travel and lodging | DJ Vanas | \$1,000 | |
| | Dave Jones | \$1,000 | |
| | Coach Dale Brown | \$1,000 | |
| | Howard Rainer | \$1,000 | |
| | Total | \$4,000 | \$4,000 |
| Regional Speakers | Dr. Ramona Klein (Welcome and 2 Sessions) | 1000 | |
| | Jeff and Betty Davis (2 sessions) | 1000 | |

| | | | |
|----------------------------|---|----------|----------|
| | Mark Lomery | 400 | |
| | Dakotah Goodhouse | 400 | |
| | Dr. Jen Janecek | 400 | |
| | Dr. Phil Baird | 400 | |
| | TOTAL | \$3,600 | \$3,600 |
| Activities | | | |
| | Raging Rivers | \$1,500 | |
| | River Boat | \$600 | |
| | Fort Lincoln | \$500 | |
| | TOTAL | \$2,600 | \$2,600 |
| Native Drum Group | 2 sessions | \$600 | |
| F.B. American Legion/Flags | 2 Sessions | \$400 | |
| Prayer - Lakota | 2 Sessions | \$200 | |
| | TOTAL | \$1,200 | \$1,200 |
| | | | |
| Printing | Invitations, T-shirts, Conference-bags etc. | \$2,000 | \$2,000 |
| | | | |
| Postage | | \$200 | \$200 |
| | | | |
| Supplies/Promo Items | | \$130 | \$130 |
| | | | |
| Rentals | DJ / Equipment | \$500 | \$500 |
| | | | |
| Transportation | UTTC - | \$600 | \$600 |
| | | | |
| Misc. Exp. | | \$1,000 | \$1,000 |
| | | | |
| TOTAL EXPENSES | | | \$47,830 |
| | | | |
| TOTAL INCOME | | | |
| | ND State Appropriation | \$20,000 | |
| | Participant Registration (70 @ \$99) | \$6,930 | |

| | | | |
|----------------|--------------------------------|---------------------|----------|
| | Corporate Sponsor (20 @ \$500) | \$10,000 | |
| | Vendor (20@\$250) | \$5,000 | |
| | Raffle/Donations (\$25 @ 200) | \$5,000 | |
| | TOTAL | \$46,930 | \$46,930 |
| | | (Subtract Expenses) | \$47,830 |
| Conference Net | | | (\$900) |