

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2343

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2343

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/06/09

Recorder Job Number: 8954

Committee Clerk Signature *Kate Oivela*

Minutes:

Senator Marcellais: See attached testimony #1.

Senator Dever: In what form would you envision the format?

Senator Marcellais: Tribal state visits, with that information shared with the legislature.

Senator Dever: In chamber during session or via computer?

Senator Marcellais: With your computer training.

Senator Oehlke: I was on the tribal and state relationship interim committee, as I understand it that committee is not always done. Would that committee do more in-depth presentation?

Senator Marcellais: I believe some of the information would come from the interim committee. Experts in Native American land would give the information.

Senator Dever: Go beyond the report that is given?

Senator Horne: The goals of the presentation of the organizational session.

Senator Marcellais: Part of the tribal state relation interim committee and also Indian commission with input from the 5 Native American tribes.

Senator Nelson: Would you also include the Indian gaming commission?

Senator Marcellais: Yes

Senator Dever: Has there an attempt to have a forum in the past? I am wondering because any legislator can ask to utilize any room in the legislative wing of the Capitol at any time, in this bill we are saying it must happen.

Senator Marcellais: Not scheduled right now.

Senator Dever: Schedule if you wanted to but not make it required.

Senator Mathern: Tim Mathern Senator from Fargo I would suggest that we would do this similar how we do the presentation on ethics. Certain topics that we all need information on, which will be beneficial in decision making process; it is fascinating in terms of new people of learning ethical procedures. I believe there are a number of reasons; we have a totally different government within the tribes. We have a unique federal relationship, I believe it is complicated enough to need more general information to come with knowledge. Next issue if there are dramatic needs on part of Native Americans. Over 25% of people in our prisons are Native American when less than 5% of our people are Native. The unemployment rate on reservation is more than 50%, to me those are opportunities for us to partner with the tribes and address the situations that are not just beneficial to those on the reservation but to all of us. I believe a short education piece is good for us, just like the ethics session.

Senator Dever: With the organization session there is flexibility with how they arrange the agenda.

Senator Mathern: Yes, everybody gets the information.

Senator Dever: Presentation reports by legislative interim committees and it seems to me that for the most part that happens in November.

Senator Mathern: I am on a major national foundation and we provide funding to national groups and one of the decisions that we made is that we would have a staff for fund for tribes. Many people in our region said why do that? We came to the conclusion that there are treaties

and different forms of government that are unique to this group of people and not to other members of minorities. Tribes are government body, association for people with disabilities and mental health are not unique separate political entities.

Cheryl Kulas: Director Indian Affairs Commission as we look at the legislative sessions that I have been acting DIAC head we have had proposal for a series of forums that relate to state and tribal relations. Federal Indian policy has changed over the last 20 years. Direct connection of the need for state and tribal government continue to uphold trust relationship that tribes should have with state government. Critical because there are elements that impact tribes in which Indian citizens, as dual citizens, have a legal right to be funded under those programs. In our office we deal with a wide spectrum of issues, I think that federal, state and legal responsibility to look at a sovereign issue. Difficult to do by committee, we tend to not look at whole and treaty rights and responsibility, each committee has a slice of the pie.

Subsequent tribal state relationship it is important discussion and forum to be held. One of the things that we try to create through 1st Nations Day we try and bring in both native taskforce and the committee members. However this legislative body chooses to create knowledge and awareness of these issues is a challenge to the commission office. I think that it would forward capacity to get info out there.

Senator Horne: As DIA do you work for ND? What is your major responsibility?

Cheryl Kulas: The commission role is liaison office; we work with 37 agencies on different issues. Indian affairs address issues that are between chairman and state.

Senator Dever: It occurs to me that it could have a broad range of issues that too long for joint meeting.

Cheryl Kulas: Correct, if we can highlight within an orientation session we could broaden out to address other issues, we have had water issues, pending issues that will need in depth discussion. That can't be done in a day, and we need to be a vehicle for this.

Senator Dever: Rather than putting in agenda you might be better off to have a separate but concurrent session hosted by Native Americans.

Cheryl Kulas: I think as we go forward in sessions, the content of issues, we monitor issues, dealing with FAS, education and many of bills are being deferred to a study bill. It is those bills that are getting attention. All of those issues are human service related. Those incidental ones are ones that need discussion, crucial to provide orientation to cover main topics that come out of last interim.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.2343

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: 02/06/09

Recorder Job Number: 9447

Committee Clerk Signature

Kathleen O'Leary

Minutes:

A motion was made by Senator Cook for a Do Not Pass with a second by Senator Oehlke. Having no discussion the vote was taken and the motion passed 4-1 with Senator Oehlke carrying the bill.

REPORT OF STANDING COMMITTEE (410)
February 13, 2009 1:59 p.m.

Module No: SR-29-2686
Carrier: Oehlke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2343: Government and Veterans Affairs Committee (Sen. Dever, Chairman)
recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).
SB 2343 was placed on the Eleventh order on the calendar.

2009 TESTIMONY

SB 2343

Testimony

Senate Bill No. 2343 – relating to requiring the presentation of information during the organizational session of the legislative assembly which relates to Native Americans

Government Veterans Affairs (GVA) Committee

Senator Dever, Chairman

February 6, 2009

Chairman Dever, members of the GVA Committee, for the record my name is Richard Marcellais, Senator from District 9, Rolette County and Turtle Mountain Band of Chippewa Tribal Chairman.

Goals of this presentation during the organization session to develop a presentation of information addressing issues & concerns including jurisdiction, employment, economic development, welfare, discrimination, research, self-determination and gaming for tribes to legislative assembly.

Increase and maximize educational opportunities, increase the economic self-sufficiency, maximize economic development initiatives, achieve employment, improve the health status, increase public awareness, provide for the state and/or federal recognition, promote recognition of and the right to pursue cultural and religious traditions.

Thank you very much for the opportunity to appear in support of Senate Bill # 2343. I will try an answer any questions the committee may have.