

**2013 SENATE GOVERNMENT AND VETERANS AFFAIRS**

**SB 2047**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2047  
01/18/2013  
Job Number 17386

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

Relating to extension of the committee on tribal and state relations

## Minutes:

**Chairman Dever:** Opened the hearing on SB 2047.

**Jeff Nelson, Attorney with Legislative Council, and Committee Counsel for Tribal and State Relations Committee:** I am here to review the proposal in a neutral position. Tribal and State Relations Committee is somewhat different than other interim committee in that it is a statutory committee created by the legislative assembly and its duties and responsibilities are placed in statute. It does operate as other interim committees do. The hearing process follows the same rules and it is also required to report to legislative management as other interim committees. The statute sets out the membership provides that the committee is to conduct joint meetings with North Dakota tribal governments task force. It is composed of the executive director of the Indian Affairs Commission and the chairman of each of the tribal nations in North Dakota. The jurisdiction of the committee extends to anything dealing with tribal state relation. It is very broad. The determinate matter is not the subject matter but rather it relates to a tribal issue. Specifically the statute states that the committee is to study government to government relations, human services, education, corrections, and issues related to the promotion of economic development.

Over the history of the committee we have dealt with education, transportation, to criminal justice, child support enforcement, economic development on the reservations, etc. This bill would amend the statutory codification of the tribal and state relations committee, and it extends the committee for another two years to 2015. It is set to expire July 31<sup>st</sup>, 2013.

(Referring to lines 22 to 24, page 1) During the past interim the committee was set to study whether members of the North Dakota tribal governments task force should be voting members of the committee and since that study was completed this past interim, that language is being removed. The remainder of the section will stay the same.

**(5:13) Chairman Dever:** Are there any other bills that came out of the tribal relations committee?

**Jeff Nelson:** Yes. There is one other bill that is before the house education committee; HB 1050. It would authorize the superintendent of public instruction to develop and implement a pilot grant program for at risk American Indian students and for the support of community based services.

**Chairman Dever:** Am I safe to assume that if they studied whether or not they should be voting members and did not bring a bill that the conclusion was that they should not be?

**Jeff Nelson:** Yes.

**Vice Chairman Berry:** When was this established? And is it subject to an every two year renewal? What brought it about?

**Jeff Nelson:** It was established in 2005 and I think at that time it was an experiment and it was done as a two year sunset. It has been extended from time to time. There have been proposals to make it a permanent statutory committee, but it was amended to extend at that time. It has been going two years at a time.

**Vice Chairman Berry:** So any attempt to make permanent has been met with continuing to reevaluate every two years?

**Jeff Nelson:** Yes

**Chairman Dever:** Legislative management could create it when they meet as well?

**Jeff Nelson:** Yes, I imagine legislative management could. However, legislative management usually reacts to study resolutions that are presented to the committee and that is how they base their composition or the structure of the interim committees based on the resolutions that are passed and second approved for prioritization by legislative management.

**Chairman Dever:** So other interim committees are restricted to studies assigned to them and this one can do whatever they want to?

**Jeff Nelson:** You are right. The responsibilities are set out in the statute for the jurisdiction of the committee. There have been from time to time specific studies given to this committee as well. Legislative management assigned the committee to receive a report from the Governor describing the negotiations and terms of any agreement between the Governor and three affiliated tribes on oil and gas taxation and exploration on the Fort Berthold Reservation.

**Senator Nelson:** Wasn't part of the problem last time the fact that with this task force, they were having problems getting a quorum?

**Jeff Nelson:** I don't know if I am the one to speak on that. It is certainly an issue. I think the committee is an attempt to enhance the relations between the state and the Indian nations. It is an effort for the legislative assembly to be involved in that. I don't want to speak out of turn. Some tribes are better represented than other. We made an attempt to visit each of the Indian nations in the state and if we go to Standing Rock for example, the

tribes in other locations might feel that the committee is only hearing issues pertaining to the tribe they are visiting. There is also some feeling the when we are talking about tribal state relations; tribes are more comfortable of working with the federal government than the state government. It is changing and partly because of this committee. When you look at the structure of the tribe and the structure of a state, a tribal chairman is the governor of that tribe. If he wants to have relations with the state, it should be Chairman to Governor, not tribal chairman to legislature. We have overcome some of that.

**Chairman Dever:** Are there any other factual questions?

**(14:29) Senator O'Connell, District 6:** Testifying in support. I would like to see the tribal representatives as voting members. It gives more input into the committee. Scott is an excellent resource. We had better attendance this them than we ever have. We tried to go from reservation to reservation because that has been the history. The see the people themselves and who they hosted. I learned a lot of their culture from Scott and Senator Marcellais. The committee had a vote on whether they should be voting members and it was a split decision. Jeff did an excellent job explaining the bill. If you want to do research, I have a book to recommend some reading.

**Senator Cook:** To the issue of voting or not, other discussions clouding that is that fact that many times there is a designee there. We had discussion on whether that would go to the designee.

**Senator O'Connell:** You are right. Just about every meeting they sent someone else in their place and that was the holdup in the past.

**Chairman Dever:** Senator Marcellais was very helpful last session on explaining how that all works and the importance of having a designee.

**Senator O'Connell:** You are right. Not all of the tribes agree with each other. It is a little bit like the Senate and the House.

**(19:17) Scott Davis, Commissioner of Indian Affairs:** Testifying in support of the bill. My position is to be the reason between our Governor and the tribes, state agencies, and tribal agencies. We are into our 64<sup>th</sup> year as a commission. We are the longest standing commission in the nation as far as a tribal commission. I am proud of that fact and it says volumes of how we as a state and our Governor and a legislative body view our relationship with our tribes. When I look at my counterparts in other states across the country, it is night and day. Our relationship has evolved over a period of time. Since I took over 4 years ago, it has elevated from what it was years ago, I have my plate full and I like that. I utilized the tribal states committee as a venue for a lot of things from commerce, taxation, oil and gas, and education. It is a learning curve on both sides. There is a mixture of new leadership and long standing leadership that is there and it is interesting to see that process work; the evolution of the committee is a good thing. It has been a goal of mine to concentrate on three areas; jobs, economic development, and education/health. I look at how I set a venue for good relations and conversation. Two years ago I stood before you and committed to increase that attendance and we did that. We have had some good discussions and a lot of bills are talked about and discussed for example; tribal college, gas and tax, education, and social services. I think my chief might go for that. Once a tribe and the state come together to start the bill process, I think I accomplish my job. The tribe has to agree or disagree on those bills, I think that is the best I can do. There are bills that my boss, the Governor will support and I will do that. As far as this bill is concerned, I will go on record to support another 2 years. I have been looking at the history; I think there is a lingering gray area on sovereignty. That is a good question that we will look into more if

this committee is approved for the next two years, of how the pros and cons of tribal voting could occur. I see how busy tribal leadership is and how busy you folks are dedicating their time. Every tribe is different and I think I have been able to manage and find the people that know the tribal issues very well. I could be the tribal chair or it could be the CEO of the tribe, or it could be a council member. I think we have seen that this past committee session. It is a good thing and as this committee evolves it is going to definitely grow. My goal as an office is to really strengthen the process part of it. Some of the discussions we have had don't require a bill. It is really in-house policy or state/county policy. It may not require a fiscal note or change in the century code or tribal constitution. (Gives an example of Tax Commissioner and tribes working to get information and develop processes). I have a good handle of what I am involved in and what needs to be done. It is just a process of how we work together.

(28:29) **Chairman Dever:** One of the benefits of having a sunset and extending it is that we can have this conversation every session. This one sounds very positive.

**Scott Davis:** I agree and I support the two year process as it evolves over time. Maybe next biennium we can get tribal leadership here to present and talk about their views.

**Senator Nelson:** On the second page you list the issues, but on section 5 you talk about three tribes, a band, and an oyate. Could you explain the difference?

**Scott Davis:** Really "oyate" is a Lakota word. My wife is from that tribe. My brother in law is the chairman of that tribe. So I better get this one right. "Oyate" means tribe or community. "Band" is just another band, for example in the Sioux nation we have seven bands of the Lakota nation. The Chippewa side we have five bands. You see a lot of bands that fraction off from the whole nation.

**Senator Nelson:** It has nothing to do with federal recognition then?

**Scott Davis:** No.

**Chairman Dever:** In regards to Jeff's mention of the relation of Chairman to Governor, I appreciate that. I want you to know that we are co-equal branches of government.

**Scott Davis:** I totally agree.

**Chairman Dever:** I appreciate you do and it sound like this committee certainly has a reason to continue to exist and a more specific sense of purpose. I would imagine that there is benefit not just between the state and tribal, but intertribal get- together.

**(32:35)Senator Marcellais, District 9, and Member of Committee on Tribal and State Relations:** See Attached Testimony #1 in support. (Gives an example of time on the committee).

**(35:58)Chairman Dever:** I am sure we will have further conversation. Is there any further testimony on SB 2047? **Closed hearing.**

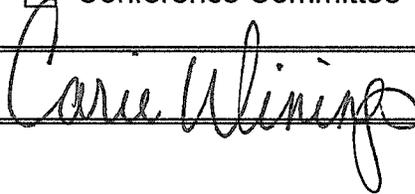
# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2047  
01/18/2013  
Job Number 17395

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Dever:** Opened SB 2047 for committee discussion.

**Senator Nelson:** Moved a DO PASS.

**Senator Cook:** Seconded.

**Senator Cook:** I would like to have a brief chat. Scott Davis mentioned some work he was doing on taxation issues with Commissioner Fong; we hear so many bills on the tax committee and at some point someone is going to ask how this is going to affect tribes. Just this week we had this one on tobacco rolling machine and we are trying to regulate them in the state so that fair taxes are collected and someone asked how it applies on tribes. Of course it doesn't. When you were Chairman of Turtle Mountain, to what degree did you have discussions on all of the different compacts you could enter in with the state over tax policy? It is a two way road as far as the problems that it creates. It creates changes on the tribe and it also affects what we can do with state citizens as they go into the tribe. Why don't you have some of these compacts?

**Senator Marcellais:** During my Chairmanship as the Turtle Mountain band of the Chippewa I had an excellent working relation with the tax commissioner, Cory Fong. In fact we have had such a good working relationship. He is learning Chippewa right now. When we were doing the orientation for the tribes last week he

greeted in Chippewa. He surprised all the tribes. I know if I would have been re-elected as tribal chairman, my last session we went through the gas tax compact agreement. It really helped our economic development in Turtle Mountain. We got the biggest percentage of all the tribes in the state as far as our gas tax. (Gave example of a bill last session regarding a tax issue) As for my relationship it was good when I was tribal chairman. I cannot speak for the rest.

**(5:58) Senator Cook:** I think the role here is that there are conversations that have to happen here between the tribe and the executive branch and there are conversations that have to happen between the tribe and the legislative branch. There certainly is value to the continued conversations. At some point we have to get something done.

**Senator Marcellais:** I agree. Communication is the main thing; a lot of times miscommunication puts us in the wrong direction.

**Chairman Dever:** I think there is benefit to having that conversation every session. I could never say enough good about Scott Davis and the work that he does.

**A Roll Call Vote Was Taken: 7 yeas, 0 nays, 0 absent.**

**SB 2047 passed.**

**Senator Marcellais: Carrier.**

Date: 1/18

Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. : 2047

Senate Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Nelson Seconded By Senator Cook

| Senators                    | Yes | No | Senator                    | Yes | No |
|-----------------------------|-----|----|----------------------------|-----|----|
| Chairman Dick Dever         | ✓   |    | Senator Carolyn Nelson     | ✓   |    |
| Vice Chairman Spencer Berry | ✓   |    | Senator Richard Marcellais | ✓   |    |
| Senator Dwight Cook         | ✓   |    |                            |     |    |
| Senator Donald Schaible     | ✓   |    |                            |     |    |
| Senator Nicole Poolman      | ✓   |    |                            |     |    |
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Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Marcellais

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

**REPORT OF STANDING COMMITTEE**

**SB 2047: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2047 was placed on the Eleventh order on the calendar.

**2013 HOUSE INDUSTRY, BUSINESS AND LABOR**

**SB 2047**

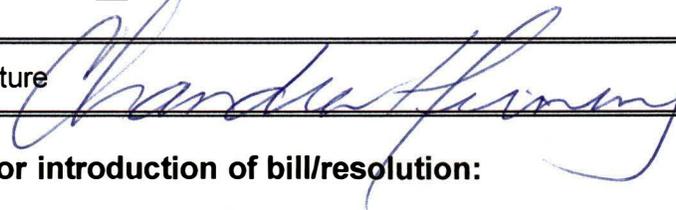
# 2013 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee  
Peace Garden Room, State Capitol

SB 2047  
March 6, 2013  
Job 19478

Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations.

## Minutes:

You may make reference to "attached testimony."

Committee called to order. Roll call taken.

**Hearing opened** on SB 2047

**Jeff Nelson, staff attorney with the Legislative Council and counsel for the Tribal and State Relations Committee:** Provided background on the bill, arising from the Tribal and State Relations statutory committee. Explained makeup of tribal governments' task force. The jurisdiction of the Tribal and State Relations committee is anything that deals with an Indian nation in the state. Walked through the bill. The bill would extend the tribal and state relations committee for an additional two years. Page 1, lines 22-24, removes mention of a study which has been completed.

5:30 **Representative Boschee:** If this is a statutory committee, why is there a sunset?

**Jeff Nelson:** That is a policy matter for the legislative assembly. When the committee was established in 2005, it had a sunset at that time; it has never been a permanent committee. It has been extended on occasion. Some statutory committees are permanent; others are set for a time period.

6:30 **Representative Vigesaa:** I was on the committee during previous interims. At that time, we would go to each tribe and have our meetings. The attendance on the tribes' behalf was usually very poor. Over the last few interims, has the attendance by the tribes improved?

**Jeff Nelson:** It has improved. The task force consists of the chairman or the chairman's designee, and the allowance of a designee has improved attendance. There are some tensions. In the past, chairmen of the committee have liked to travel to each of the Indian nations in the state. At times, locating the meeting in a specific tribal area may have impacted attendance by other tribes due to perception that the meeting will mostly pertain

to the tribe hosting the meeting. Scott Davis, the executive director of the Indian Affairs Commission, has made an excellent effort to improve attendance.

**Representative Vigesaa:** What were the results of the study whether or not tribal governments' task force should be voting members?

**Jeff Nelson:** That they should not be voting members.

8:55 **Representative Kasper:** I agree that attendance has improved. I think all the meetings should be in Bismarck rather than traveling. It is an unspoken rule that tribes do not like to tread on someone else's home area. With what we have going on with the need for a workforce and with high unemployment on reservations, I think matters are moving in the right direction. I think the bill is well structured and we can look for two more years.

**Chairman Keiser:** Why not take the sunset off?

10:18 **Jeff Nelson:** That would be a policy decision for this committee. Last interim, the committee did recommend that it be made a permanent interim committee, and that bill was amended to extend it for another two years. Remembering that, this time the committee just extended it for two years.

**Chairman Keiser:** Does this committee have the same authority as any interim committee to bring forward model legislation?

**Jeff Nelson:** Yes, the responsibilities and duties are the same. It can develop legislation. It is also required to report to legislative management in November like any other interim committee.

**Support:**

11:27 **Scott J. Davis, executive director of the North Dakota Native Affairs Commission:** I feel this has been a very important committee which has gotten a lot of work done. It is true that attendance had been an issue. I made a commitment to you and to the senate to work harder to get attendance there from the tribal side, and I think I have accomplished that. It's part of my job that I keep a focus on how important it is that our tribal nations work with the state government. For a tribe, there are many federal government relations. I have always pressed the value of working with our local towns, county commissions, border towns, and with the state. This committee is the venue where these discussions take place. I look at it as a learning curve about how state government works and how tribal government works. That is very important. We need to have discussions and get to the core of the issues on reservations. I have challenged tribal councils to come up with a plan for the issues, and the committee is a place for those discussions and for the governments to ask each other questions. I will support the plans tribes suggest if the plans have tribal ownership in that we exercise a government-to-government relationship. If we come up with a collective plan that does not sacrifice tribal sovereignty or state jurisdiction, we can get a good handle on the issues tribal nations face. I utilize this committee for those discussions. I am adamant that our tribal leadership and members utilize this process. When I talk with my counterparts around the nation, they do

not have this type of committee, and they ask many questions about our committee and how and why it was created.

**17:53 Representative Boschee:** When you talk about long-term planning, do you feel the sunset limits some of the long-term planning of the committee and the task force?

**Scott Davis:** I look at it a couple of ways. The two-year work pushes me to work harder to get the tribes to the table. Gave example. I have been adamant about long-term sustainability plans with the tribes, one that outlives the rotating in our tribal leadership every two to four years. I think the sunset clause could be looked at. I would like to see the committee be long term. There could come a time that the government to government relations are so good that we do not need a committee like this, but I do not think we are there yet. I think the sunset clause needs to be revisited, but I think asking the tribal leadership on that would be important.

**Opposition:**

**Neutral:**

**Hearing closed.**

**Representative Sukut moved for a Do Pass recommendation. Seconded by Representative Kasper.**

**Chairman Keiser:** With a sunset clause, we are saying it is essentially a pilot project. Taking the sunset clause off puts us in a position of saying that we are committed. That is an important message, recognizing that everything which is statutory is only good for the next two years. Maybe it is time to fish or cut bait.

**21:38 Representative Kasper:** I agree with you. In the past, I think there has been reluctance on leadership to make it a permanent committee and take the sunset clause off. I noticed it had a pretty strong showing in the senate. Maybe it is time.

**Representative Boschee:** I would agree with those sentiments. With oil and gas developments on some of the tribal lands, that will be a long-term conversation. The idea that it is a two year thing limits opportunities. Without talking to the tribes, I would defer to people on the committee, but I would assume the tribes would have more long-term stability with it as well.

**Representative Gruchalla:** There are two sides to this. We may think it's a good idea. Scott mentioned checking with the tribal leaders to see what they think.

**22:50 Representative Ruby:** This bill came out of that committee, and they did not remove the sunset. So maybe it's a conversation they need to have.

**Representative Kasper:** I think the tribes are committed and have been reluctant to ask for it to be a permanent committee for fear that they would lose what they have. I think

that making it a permanent committee would help bring more involvement by the tribes into the process. We are committed, and you be committed.

23:50 **Chairman Keiser:** If the committee does decide to remove the sunset, there is time to check with the tribes because it will go back to the senate. The senate either will have to agree with it or go to conference committee. I assume that within the next two weeks, the tribes could have a discussion on this issue. If they do not support removing the sunset clause, we can go back to right where we are now.

**Representative Sukut:** I would like to hear Scott's opinion.

**Scott Davis:** Regarding the sunset clause, I can easily get quick feedback from the tribes within a day or two. My gut feeling is that they would support the removal of the sunset clause.

**Chairman Keiser:** What I would do is ask the mover and seconder to withdraw the motion, and we will hold this until Monday. If you could come back and give us a report on what you find out, we can make the motion again or consider alternatives.

**Scott Davis:** Would it be of value to bring a tribal leader, council, or chair to speak on whether they do or do not support this?

**Chairman Keiser:** That would be fine.

**Representative Sukut:** **Withdrew motion; Representative Kasper withdrew second.**

**Chairman Keiser:** We will hold SB 2047 until next week for action.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee  
Peace Garden Room, State Capitol

SB 2047  
March 13, 2013 afternoon  
Job 19875

Conference Committee



## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations.

## Minutes:

Attachments 1, 2

**Scott J. Davis: Executive Director of the ND Native Affairs Commission:** Sent letter to tribes on the question of whether or not to make this committee permanent and the feedback was yes. He summarized feedback he has received. Spoke about a letter he will be sending. Identified handouts, (**attachment 2**).

**Chairman Keiser:** A verbal statement is good but I would love to have it in writing.

**2:27 Tom Disselhorst, Legal counsel for United Tribes Technical College:** Distributed (**attachment 1**). It relates to issue of state tribal relations interim committee.

**Chairman Keiser:** The discussion has been about removing on page 1, line 6, the effective through July 31, 2015.

**Representative M. Nelson:** Move to remove the parentheses and the words within them on page 1, line 6.

**Representative Kasper:** Second

**Chairman Keiser:** A motion to strike the language on page 1, line 6, (effective through July 31, 2015 and 2013). Voice vote. We now have SB 2047 as amended before us, wishes of committee?

**Representative Kasper:** Move a do pass as amended.

**Chairman Keiser:** We have a do pass as amended, second by Rep. Nelson. Roll call vote on a do pass as amended on SB 2047. **The motion for a do pass as amended is carried 13-0-2. Carrier Rep. Amermann.**

March 13, 2013

VK  
3/13/13

PROPOSED AMENDMENTS TO SENATE BILL NO. 2047

Page 1, line 2, remove "extension of"

Page 1, line 6, overstrike "**(Effective through July 31, 2013)**"

Page 1, line 6, remove "2015"

Page 1, line 6, overstrike the boldfaced closing parenthesis

Renumber accordingly

Date: 3-13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2047**

**House Industry, Business, and Labor Committee**

Legislative Council Amendment Number \_\_\_\_\_

Action Taken:     Do Pass     Do Not Pass     Amended     Adopt Amendment  
                          Rerefer to Appropriations     Reconsider     Consent Calendar

Motion Made By Nelson                      Seconded By Kasper

| Representatives          | Yes | No | Representatives       | Yes | No |
|--------------------------|-----|----|-----------------------|-----|----|
| Chairman George Keiser   |     |    | Rep. Bill Amerman     |     |    |
| Vice Chairman Gary Sukut |     |    | Rep. Joshua Boschee   |     |    |
| Rep. Thomas Beadle       |     |    | Rep. Edmund Gruchalla |     |    |
| Rep. Rick Becker         |     |    | Rep. Marvin Nelson    |     |    |
| Rep. Robert Frantsvog    |     |    |                       |     |    |
| Rep. Nancy Johnson       |     |    |                       |     |    |
| Rep. Jim Kasper          |     |    |                       |     |    |
| Rep. Curtiss Kreun       |     |    |                       |     |    |
| Rep. Scott Louser        |     |    |                       |     |    |
| Rep. Dan Ruby            |     |    |                       |     |    |
| Rep. Don Vigesaa         |     |    |                       |     |    |
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*Votes*

Total    Yes \_\_\_\_\_    No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

*Remove ( — ) page  
page 1, line 6*

Date: 3-13-13pm

Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2047**

**House Industry, Business, and Labor Committee**

Legislative Council Amendment Number 13-0206-02001

Action Taken:  Do Pass  Do Not Pass  Amended  Adopt Amendment  
 Rerefer to Appropriations  Reconsider  Consent Calendar

Motion Made By Kasper Seconded By John Nelson

| Representatives          | Yes | No | Representatives       | Yes | No |
|--------------------------|-----|----|-----------------------|-----|----|
| Chairman George Keiser   | ✓   |    | Rep. Bill Amerman     | ✓   |    |
| Vice Chairman Gary Sukut | ✓   |    | Rep. Joshua Boschee   | ✓   |    |
| Rep. Thomas Beadle       | ✓   |    | Rep. Edmund Gruchalla | ✓   |    |
| Rep. Rick Becker         | ✓   |    | Rep. Marvin Nelson    | ✓   |    |
| Rep. Robert Frantsvog    |     | no |                       |     |    |
| Rep. Nancy Johnson       | ✓   |    |                       |     |    |
| Rep. Jim Kasper          | ✓   |    |                       |     |    |
| Rep. Curtiss Kreun       | ✓   |    |                       |     |    |
| Rep. Scott Louser        | ✓   |    |                       |     |    |
| Rep. Dan Ruby            | ✓   |    |                       |     |    |
| Rep. Don Vigesaa         | ✓   |    |                       |     |    |
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Total Yes 13 No 0

Absent 2

Floor Assignment Amerman

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

**REPORT OF STANDING COMMITTEE**

**SB 2047: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2047 was placed  
on the Sixth order on the calendar.

Page 1, line 2, remove "extension of"

Page 1, line 6, overstrike "**(Effective through July 31, 2013)**"

Page 1, line 6, remove "**2015**"

Page 1, line 6, overstrike the boldfaced closing parenthesis

Renumber accordingly

**2013 CONFERENCE COMMITTEE**

**SB 2047**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veterans Affairs Committee  
Missouri River Room, State Capitol

SB 2047  
04/12/2013  
Job Number 21130

Conference Committee

Committee Clerk Signature



## Minutes:

**Chairman Schaible:** Opened the conference committee on SB 2047. We are only discussion the sunset date here.

**Representative Kasper:** The tribal and state relations committee has been sort of on a merry-go-round for the last four or five interims and we keep renewing it for two years. We are trying from the legislative perspective and certainly from a lot of individuals in the legislature, to engage the tribes to help themselves. One of the ways our IBL committee felt would be a good way would be to send a message to the tribal members around the state of North Dakota that we are going to make this a permanent committee. I have served on the tribal and state relations committee three or four times and frankly sometimes it is frustrating. We have rotated the meetings around the various reservations and there is reluctance in many times were one tribe does not want to go to the other tribes home base. I think that we are in a situation now with the unemployment rates on the reservations with the tribal colleges engaging and wanting to make a difference and some of the tribal leaders are feeling that way - that we need to send a message to the tribes that the state of North Dakota is making a commitment to an ongoing relationship.

**Chairman Schaible:** I don't disagree with anything you have said. I think the reason that the Senate left it on there is because two years ago in GVA committee when this came up, it was to get rid of the committee and we did what we did because of the tribal

representation. The discussions that we had at that time was to put the sunset on there again and see if the participation of the tribes would have a better result. I apologized for not bringing that list of the enrollments that we had of the meetings we had two years ago. I don't have a problem with the date staying on or coming off. Two years ago the focus was whether we were going to continue the committee to force the issue of if we don't see better participation that we would let it sunset. I think that message needs to be there as well. If we don't have participation and don't see the support from the tribes, that maybe it is not as important to them as it was to us. The attendance from the legislators that showed up there was good, and it was the tribes that had trouble with that. I understand the rotation of the meetings and I thought that was good because it gave the legislators an opportunity to visit the tribes and get to know them better, but I also understand the reluctance that they don't like to do that. I was surprised to find out that different tribes don't trust each other. The concern the Senate has is whether or not we are sending the wrong message.

**Representative Kasper:** The address that the tribal chairman from Belcourt gave to the joint session of the House and the Senate and I have not forgotten what he said. He is newly elected and he said that they want to have a hand up not a hand out. I think there are other new tribal chairman being in place or coming in place and I think the attitudes have begun to change. The attendance has been better over the past two years. The question is do we want to send a message to the tribes that the state of North Dakota is making a commitment to this relationship and to build it. We have a bill in the House that we are working on right now, SB 2218, that started out in the Senate with \$10 million funding for the tribal colleges to train workforce and the Senate cut it down to \$5 million but you passed it 47 to 0, and it will be on the floor next week. Appropriations committee cut

that to \$3 million. I think we are going to overturn that one the floor and get it back to \$5 million. We need to make a decision as a state and decide if we are going to stay engaged and are we going to stay at the table and work. If the tribal representation is not there we can work with Scott Davis to be sure that we reach out to the tribal representatives and get them there and have some meaningful sustentative dialogue. I think the way to send the message is to take the sunset off.

**Senator Marcellais:** I see things that need improvement on both sides. It is a government to government relationship. Every session it is a chore to keep coming in and re-approving this. Why is it only tribal/state relations that we have to keep coming back to approve this. I realized the participation but I think we are working on that. The locations make a big difference. I have recommendations for the tribal/state relations and I talked to the chairman about doing it in conjunction with events where Native Americans are all going to be. We tried to go out to the reservations but we get the participation there but not the others. I am thinking about some events and we should take a look at the schedule and set up the interim committee for that schedule. I would like to make this thing permanent. It was a big issue in our committee. We are moving in the right direction. There are some bills that are passing and some are not. How many bills come out of these tribal state relations? There are very few. Maybe we need to change the objectives and the mission of the tribal state relations committee and come up with some new ideas and plans.

**Chairman Schaible:** I don't disagree with any of this. The concern I have is that two years ago in GVA, the bill came to dispose of the tribal/state relations interim committee. That was the discussion we had. The reason was because of the participation of the tribes. If the participation factor is fixed and we can see that, but I am suggesting that leaving the date in there forces that issue a little bit. Maybe we should look at that in two years. If we

take the date off and we get complacent then we will be looking at the same bill we had two years ago. I don't have a big concern either way. I do feel that the date was put on two years ago to send a message and I think that same message would be ok for another two years.

**Senator Marcellais:** Why not set up a summit and have a round table discussion with the legislators and the tribal chairmen. There are things on both sides that need ironed out.

**Chairman Schaible:** That is probably a good discussion for the next interim state/tribal committee that will be happening for sure.

**Representative Kasper:** I agree with your observation about sending a message, but what is the message we want to send? Do we want to send a message that the state of North Dakota is still not committed, so we put a date on there or do we want to send a message that the state of North Dakota is committed to this relationship and enhancing it? The tribes are not going away. Their needs and problems are not going away. I like the positive message that this legislative body is behind that. Climates and attitudes are changing and I want to send a message that we are committed and then we work to find ways to continue to engage.

**Representative Becker:** I have a tendency to agree with both of you in the sense of what the goal is. It is simply a matter of what the message is to try and accomplish the goal. Representative Kasper and others were fairly convincing in committee that to remove the date would give a message of a greater commitment and it seemed reasonable. I do not know if that will have an effect on the participation of the tribes. If they don't show up then maybe the committee should be dissolved.

**Senator Schaible:** Any other discussion?

**Senator Poolman:** Moved that the Senate Accede to House Amendments.

Senate Government and Veterans Affairs Committee  
SB 2047  
04/12/2013  
Page 5

**Senator Marcellais:** Seconded.

**A Roll Call Vote Was Taken:** 5 yeas, 1 nay (Senator Schaible), 0 absent.

Date 4/12/2013

Roll Call Vote # 1

**2013 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2047 as (re) engrossed

Senate GVA Committee

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Sen. Poolman Seconded by: Sen. Marcellais

| Senators           | 4/12 | Yes | No | Representatives | 4/12 | Yes | No |
|--------------------|------|-----|----|-----------------|------|-----|----|
| Senator Schaible   | ✓    |     | ✓  | Rep. Kasper     | ✓    | ✓   |    |
| Senator Poolman    | ✓    | ✓   |    | Rep. Becker     | ✓    | ✓   |    |
| Senator Marcellais | ✓    | ✓   |    | Rep. Amerman    | ✓    | ✓   |    |
|                    |      |     |    |                 |      |     |    |
|                    |      |     |    |                 |      |     |    |
| Total Senate Vote  |      | 2   | 1  | Total Rep. Vote |      | 3   | 0  |

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Sen. Marcellais House Carrier Rep. Amerman

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

**REPORT OF CONFERENCE COMMITTEE**

**SB 2047:** Your conference committee (Sens. Schaible, Poolman, Marcellais and Reps. Kasper, Becker, Amerman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 782 and place SB 2047 on the Seventh order.

SB 2047 was placed on the Seventh order of business on the calendar.

**2013 TESTIMONY**

**SB 2047**

Testimony  
SB 2047 - relating to extension of the Tribal/State Relation  
Committee  
Government Veterans Affairs Committee  
Senator Dever, Chairman  
January 18, 2013

Senate Bill 2047 introduced by the Tribal/State Relations Committee would allow for the Tribal/State Relations Committee to continue for the next two years.

The Native American population in North Dakota is comprised of five reservation, seven tribes, approximately 55,000 tribal members and over 3.8 million acres of land.

The makeup of the Tribal/State Relations Committee consists of state legislatures, North Dakota Affair Commissioner, the North Dakota tribal governments task force which consists of the Tribal Chairman's or their designees.

Currently, the expiration of the committee is July 31, 2013 therefore we are requesting an extension effective through July 31, 2015.

Therefore I am here today to support Senate Bill 2047.

Thank You Chairman Dever & Government Veteran Affairs Committee.

① 3-13-2013 pm  
SB 2047



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

**63rd Legislative Assembly  
State of North Dakota  
House Committee on Industry, Business and Labor**

**Testimony of United Tribes Technical College  
and United Tribes of North Dakota  
David M. Gipp, President  
in Support of SB 2047**

**Continuation of Tribal-state Relations Interim Committee**

**March 13, 2013**

Mr. Chairman and members of the Committee: This testimony is in support of SB 2047, which would seek to continue for another two years the Interim Committee on State and Tribal Relations. As you may know, United Tribes Technical College, and United Tribes of North Dakota, have on their board of directors the Chairperson and one additional representative, usually a member of the Tribal Council, from each of the five tribes in North Dakota.

We believe that the Interim Committee on State and Tribal Relations should continue to be a Legislative Council Committee, and, as we have said in past years, hopefully become a permanent committee, for a number of reasons.

First, the Committee serves to educate state legislators about common issues facing the Indian Tribes and Indian citizens within North Dakota. These issues do not remain static. The populations of the Indian tribes are increasing in North Dakota, and as populations grow, services must be increased to serve those populations. Increasingly, those services are, or can be, provided with some kind of assistance provided by the state, whether it is education, social services, transportation, economic development or other matters. Tribal citizens do pay state taxes that contribute to these services, such as sales and motor fuel taxes, and when they work off the reservation, state income taxes. More than one-half of all Indian people within the state of North Dakota live off the reservations.

Second, the Committee will have a better chance to think carefully about and develop appropriate policy and legislation regarding issues affecting Indian citizens than it has during the rush of a legislative session. There are many issues yet to be resolved where the legislature can be helpful – improving achievement levels of Indian students in the public schools, continuing to improve cooperation and coordination in economic development, water rights, welfare reform, assisting in implementing the Indian Child Welfare Act, improving understanding and enforcement of civil rights under state law, creation of mechanisms for appropriate conflict resolution, and many others.

Third, for too long both our American Indian citizens and state institutions, including the legislature, have assumed that there are few reasons for American Indian citizens to be concerned about what the state government does. But as I mentioned before, more than half of our Indian citizens live off the reservation, and they represent the largest minority population in the state by far. That should be reason enough to continue the Tribal and State Relations Committee. There is also a common

**Testimony of David Gipp**  
**President United Tribes Technical College**  
**SB 2047**  
**March 13, 2013**

misunderstanding that the federal government is solely responsible for Indian citizens in our state. While the federal government provides many of the fundamental resources and some of the administration of Indian affairs, the interaction between Indian Tribes and the state of North Dakota is a daily event that needs to be carefully reviewed so that the long-term interests of both the Tribes and the state can be realized.

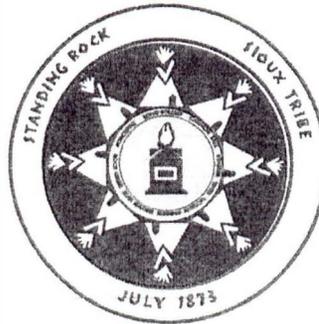
Some might ask whether the Indian Affairs Commission can fill the role of the Tribal and state relations committee. The Indian Affairs Commission is an executive branch agency that helps resolve issues within the administration of state government. It does not answer to the legislature, nor does it have legislators as members. Only a Tribal and State Relations Committee can truly provide the interaction between the Indian citizens of North Dakota and the legislature needed to create long term solutions for the issues facing the state and its Indian Tribes.

The long term goals of the state and its Indian tribes are often very similar – Tribes want solid and meaningful economic development, a sound infrastructure for their economies, good education for their children and recognition of their rights as Indian nations. The state, through its elected officials, has often recognized and stated similar goals. Rather than have issues that result in litigation, often protracted, the Interim Tribal and State Relations Committee can provide a real opportunity for resolution of areas of mutual concern between the Indian Tribes and the state.

For these reasons, I urge the House Industry, Business and Labor Committee to give a DO PASS recommendation to SB 2047.

(2) 3-13-2013 p  
SB 2047

Charles W. Murphy  
Chairman



**TRIBAL COUNCIL  
(AT LARGE)**

- Jesse "Jay" Taken Alive
- Ronald C. Brownotter
- Avis Little Eagle
- Paul Archanbault
- Phyllis Young
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**Errol D. Crow Ghost**  
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**Milton Brown Otter**  
Rock Creek District

**Frank Jamerson Jr.**  
Running Antelope District

**Samuel B. Harrison**  
Porcupine District

**March 8, 2013**

Chairman George Keiser and Members of the House Industry, Business and Labor Committee  
North Dakota Legislative Assembly  
600 E. Boulevard Avenue  
Bismarck, ND 58505

Dear Chairman Keiser and Members of the House Industry, Business and Labor Committee:

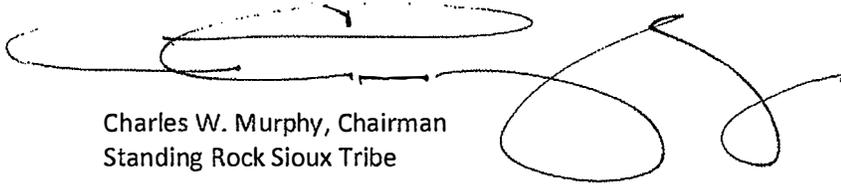
I submit this letter on behalf of the Standing Rock Sioux Tribe to provide you the Tribe's comments on SB 2047 which is currently before the Committee. As currently drafted, SB 2047 would amend N.D.C.C. § 54-35-23 to extend the sunset clause for the Tribal and State Relations Committee from July 31, 2013 to July 31, 2015.

The Tribe feels that it is important for the Tribal and State Relations Committee to continue, as it provides an important opportunity for communication and collaboration between members of the North Dakota Legislative Assembly and representatives from the five Tribes with Reservation land located within the State. The Committee is important for government-to-government relations, and has provided a worthy and productive dialogue between the State and the Tribes, allowing the separate sovereigns to work together and be heard on issues affecting Tribal members throughout North Dakota.

The Tribe generally supports the extension provided for in the current Bill language. However, we would urge that the Committee amend the Bill to not only provide for an additional two year extension, but to make the Tribal and State Relations Committee a permanent committee. The issues facing the Tribes and Tribal members, and the need for the State and Tribes to work together on these issues, do not themselves come with an expiration date, but rather will require our relationship to continue into the future. Therefore, while the Standing Rock Sioux Tribe does support any extension of the Committee over allowing the Committee to expire, the Tribe believes the Committee should be made a permanent committee.

Thank you for your time and consideration of this Bill, and the important matters facing the Standing Rock Sioux Tribe.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke that ends in a small arrowhead pointing to the right.

Charles W. Murphy, Chairman  
Standing Rock Sioux Tribe