

2021 SENATE APPROPRIATIONS

SB 2005

Department 316 - Indian Affairs Commission
Senate Bill No. 2005

Executive Budget Comparison to Prior Biennium Appropriations

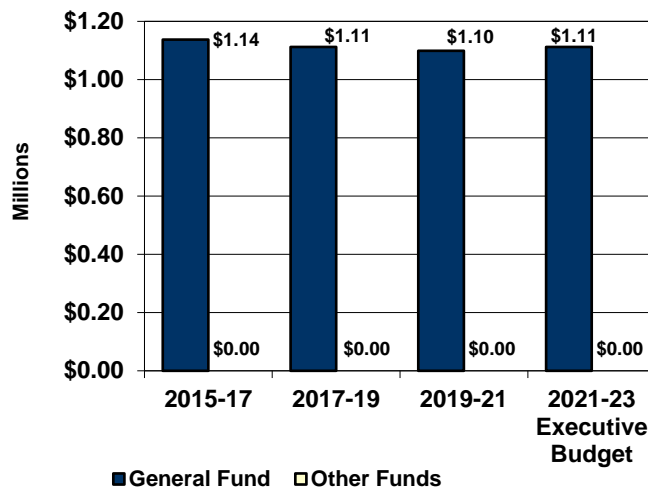
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	4.00	\$1,112,086	\$0	\$1,112,086
2019-21 Legislative Appropriations ¹	4.00	1,098,639	0	1,098,639
Increase (Decrease)	0.00	\$13,447	\$0	\$13,447

¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$20,915 resulting from Emergency Commission action during the 2019-21 biennium.

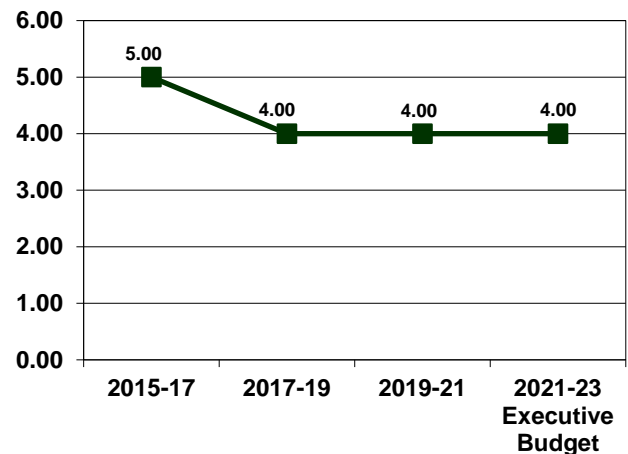
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$1,112,086	\$0	\$1,112,086
2019-21 Legislative Appropriations	1,098,639	0	1,098,639
Increase (Decrease)	\$13,447	\$0	\$13,447

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$1,112,086	\$0	\$1,112,086
2021-23 Base Level	1,098,639	0	1,098,639
Increase (Decrease)	\$13,447	\$0	\$13,447

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$21,687 is for salary increases, \$195 is for health insurance increases, and \$4,464 is for retirement contribution increases	\$26,346	\$0	\$26,346
2. Reduces funding for operating expenses as part of the agency's 5 percent general fund budget reduction	(\$54,722)	\$0	(\$54,722)
3. Adds funding for the proposed Capitol complex rent proposal	\$30,262	\$0	\$30,262
4. Adds funding for an Information Technology Department key customer management fee	\$6,000	\$0	\$6,000
5. Increases funding for the Youth Leadership Academy to provide a total of \$54,300	\$5,000	\$0	\$5,000
6. Adds funding for Microsoft Office 365 license expenses	\$771	\$0	\$771

January 22, 2021

**Other Sections Recommended to be Added in the Executive Budget
(As Detailed in the Attached Appendix)**

There are no other sections recommended to be added in the executive budget.

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.

Deficiency Appropriation

There are no deficiency appropriations for this agency.

Significant Audit Findings

The State Auditor's office operational audit of the Indian Affairs Commission for the period ending June 30, 2018, identified three deficiencies relating to improper use of state funds, lack of annual inventory of assets, and lack of fraud risk assessment.

Major Related Legislation

At this time, no major legislation has been introduced affecting this agency.

Indian Affairs Commission - Budget No. 316
Senate Bill No. 2005
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	4.00	\$1,098,639	\$0	\$1,098,639
2021-23 Ongoing Funding Changes				
Base payroll changes		(\$210)		(\$210)
Salary increase		21,687		21,687
Health insurance increase		195		195
Retirement contribution increase		4,464		4,464
Reduces operating expenses		(54,722)		(54,722)
Increases funding for Youth Leadership Academy		5,000		5,000
Adds funding for an ITD key customer management fee		6,000		6,000
Adds funding for Microsoft Office 365 license expenses		771		771
Adds funding for Capitol complex rent proposal		30,262		30,262
Total ongoing funding changes	0.00	\$13,447	\$0	\$13,447
One-time funding items				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$13,447	\$0	\$13,447
2021-23 Total Funding	4.00	\$1,112,086	\$0	\$1,112,086
<i>Total ongoing changes as a percentage of base level</i>	0.0%	1.2%		1.2%
<i>Total changes as a percentage of base level</i>	0.0%	1.2%		1.2%

Other Sections in Indian Affairs Commission - Budget No. 316

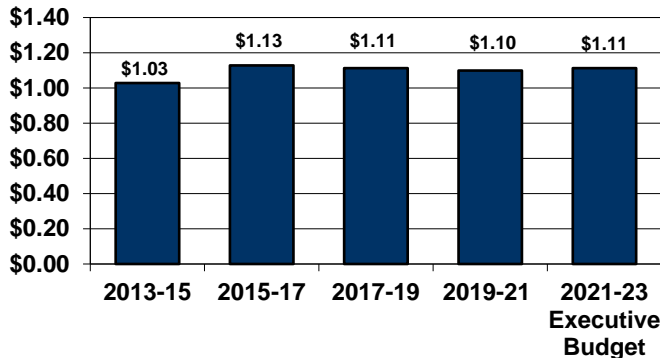
Executive Budget Recommendation
There are no other sections recommended to be added in the executive budget.

Department 316 - Indian Affairs Commission

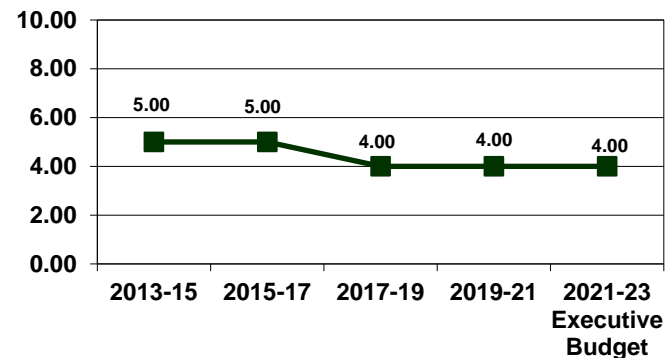
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$1,027,558	\$1,127,740	\$1,112,111	\$1,098,639	\$1,112,086
Increase (decrease) from previous biennium	N/A	\$100,182	(\$15,629)	(\$13,472)	\$13,447
Percentage increase (decrease) from previous biennium	N/A	9.7%	(1.4%)	(1.2%)	1.2%
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	9.7%	8.2%	6.9%	8.2%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

1. Added funding for desktop support services \$12,000
2. Added funding to transfer the North Dakota American Indian Business Development Office from the Department of Commerce to the Indian Affairs Commission \$100,000
3. Reduced operating expenses (\$3,831)

2017-19 Biennium

1. Removed 1 Indian education program administrator FTE position (\$109,850)
2. Restored funding for the Youth Leadership Academy that was removed as a result of the August 2016 general fund budget reductions \$10,572

2019-21 Biennium

1. Reduced funding for the North Dakota American Indian Business Development Office to provide total funding of \$64,856 (\$35,144)

2021-23 Biennium (Executive Budget Recommendation)

1. Reduces funding for operating expenses as part of the agency's 5 percent general fund budget reduction (\$54,722)
2. Adds funding for the Capitol complex rent proposal \$30,262
3. Adds funding for an Information Technology Department key customer management fee \$6,000
4. Increases funding for the Youth Leadership Academy to provide a total of \$54,300 \$5,000

GOVERNOR'S RECOMMENDATION FOR THE INDIAN AFFAIRS COMMISSION AS SUBMITTED BY THE OFFICE OF MANAGEMENT AND BUDGET

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2021 and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$ 870,079	\$26,136	\$ 896,215
Operating Expenses	<u>228,560</u>	<u>(12,689)</u>	<u>215,871</u>
Total General Fund	\$1,098,639	\$13,447	\$1,112,086
Full-time Equivalent Positions	4.00	0.00	4.00

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Roughrider Room, State Capitol

SB 2005
1/22/2021
Senate Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.
--

Chairman Holmberg opened the hearing at 10:14 a.m. **Senators Holmberg, Krebsbach, Wanzek, Bekkedahl, Poolman, Erbele, Dever, Oehlke, Rust, Davison, Hogue, Sorvaag, Mathern, and Heckaman** were present.

Discussion Topics:

- North Dakota Indian Affairs Commission Overview
- Northern Tier BIA Academy

Scott Davis, Executive Director, North Dakota Indian Affairs Commission, testified in favor and submitted testimony #2233.

Vice-Chair Kresbach closed the hearing at 11:01 a.m.

Rose Laning, Committee Clerk

Senate Appropriations Budget Hearing
Senate Appropriations Committee
Chairman, Senator Ray Holmberg
North Dakota State Capital, Bismarck ND
January 22, 2021

Chairman Holmberg and members of the Committee,

For the record, my name is Scott J. Davis, and I serve the North Dakota Indian Affairs

Commission as the Executive Director. I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa. As Executive Director, I also serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today.

Thank you for this opportunity.

It has been a very busy biennium, in particular during the last 11 months, which has been very challenging. However, we remain optimistic as we are turning a corner regarding the COVID 19 pandemic. This year the North Dakota Indian Affairs Commission will commemorate its 72th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and three at-large members appointed by the Governor, two of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the Office of the Commission is coordinated and administered by a five-member staff.

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

"The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans".

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficiency of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee (now known as the Tribal-State Taxation Committee), state regulatory requirements, specific requests made in Commission meetings, or issues arising out of State Agency or tribal requests.

Our direct working relationship with 20+ state agencies and 5 Tribal Chairs and Councils has evolved exponentially in the past 11+ years. Our office has responded to this growth through numerous partnerships, appointments to committees, emergency response incidents, and state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/judicial systems, law enforcement, game and fish, transportation, public safety, data accumulation, child welfare/juvenile justice, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of our office has led us to continually track and maintain the numerous issues and projects established by those partnerships. The substantial

number of agreements and compacts made between the tribe and state are challenging at times but require consistent communication and good faith consultation in order for them to be sustainable.

Our Staff:

American Indian Health Systems Administrator – Brad Hawk

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Three sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. Brad Hawk is a member of the Crow Creek Sioux Tribe of South Dakota, completing his bachelor's degree in health administration from the University of South Dakota and his MBA from the University of Mary. The Indian Health Systems Administrator, Brad Hawk, is a huge part of COVID-19 testing and vaccine. Brad also performs various health care projects and participates in ongoing Medicaid Tribal Consultation. These meetings happen quarterly here in Bismarck to give the Tribes information on Medicaid system and other DHS related information.

Brad also works with Department of Human Services Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. He has held meetings with Indian Health Service leadership about performing coordinated care for Tribal patients. Brad also works with Tribal Leaders in order to educate how shared savings

of ND General Funds would be used in their communities if a bill is passed in the legislative session.

Brad attends and participates in discussions on a variety of health care issues with tribal communities. He works Tribal Health leaders about the work happening nationwide to address disparities in oral health for Tribal members. He assists with meetings with Tribal Leadership in ND to hear their concerns for not having mid-level providers available in their communities. He also assists and participates in various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic for our office, and Brad in his role. He participated in various meetings around community health assessments. Many of these discussions are around consolidating different assessments so the Tribal population is not asked various times for health data.

Behavioral Health issues continue to be an issue in Tribal communities. Brad has participated in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes. He has been active with the Justice and Mental Health Task Force. This group looks at the law enforcement and judicial side of addressing behavioral health needs.

Brad also serves on the Suicide Prevention Task Force, which has been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration. He has also helped select qualified applicants for grants to reduce suicides in ND.

Judicial Systems Administrator – Kyle Iron Lightning

Kyle Iron Lightning – Dakota citizen from the Spirit Lake Tribe. Served Active Duty in the United States Navy from 2000 to 2009. Honorably Discharged. Qualified Submarine Warfare (SS) onboard the USS Michigan (SSBN/SSGN-727) and Surface Warfare (SW) onboard the USS Emory S. Land (AS-39). Bachelor's Degree in Political Science from Seattle Pacific University. Juris Doctorate degree from William Mitchell College of Law (now Mitchell Hamline School of Law). Kyle serves as the Judicial Systems Administrator for NDIAC.

Under his role, he develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. He works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In his work with law enforcement, he has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna Clawsen Huibregste. These meetings have led to spearheading ongoing law enforcement MOU's between the State and the Tribes, which, will lead to better support for public safety.

Kyle has been integral to the reviewing of child welfare policies, while developing working relations with child welfare programs and issues. His background in Child Welfare has led him to assisting in reviewing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. This is an integral part to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Other duties of his include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal courts on public safety and legal issues.

Executive Administrative Assistant to the Executive Director – Marietta Kemmet

Marietta is an enrolled member of the Turtle Mountain Band of Chippewa. Degrees include a Legal Assistant and returned to school in 2005 to earn a Bachelor's Degree in Business Management from Mayville State University. She worked in Higher Education for 22 years and has been with the North Dakota Indian Affairs commission since 2017 as an Executive Assistant to the Director. Her role is to manage the office to ensure smooth operation on a daily basis. She has also taken on other duties and is currently involved with the committee, in cooperation with the North Dakota Army National Guard, to create the Woodrow Keeble award.

Marietta is married to Bruce Kemmet and has three children and five grandchildren.

North Dakota Indian Youth Leadership Academy (NDIYLA)

The Leadership Academy will now be incorporated into the Strengthening Tribal State Relations Conference. This year will mark the 12th annual Youth Leadership Academy.

Contract Appropriations American Indian Business Development Office

For the past 11 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. We have contracted this out for the past 10+ years. With the Governor's budget recommendation, that line item is \$50K.

North Dakota Native American Hall of Honor

The North Dakota Indian Affairs Commission partners with the State Historical Society of North Dakota and the State Historical Society Foundation in order to present its annual Native American Hall of Honor.

The Hall is an annual program recognizing Native Americans who have gone above and beyond in representing their tribe and culture. It is located in the North Dakota Heritage Center & State Museum in Bismarck. The program recognizes traditional and contemporary achievements in four categories: Arts and Culture, Athletics, Leadership and Veterans. Much work goes into the planning and preparations for the Hall, along with the application, board selection process, and ultimate Hall of Honor program, which includes dinner, in-depth video presentations of each new member, stories, entertainment, and words of inspiration from its newly received members and their families/friends/communities. It is a wonderful way for our office to contribute to the rich history of our State and the wonderful Tribal people it has produced, who have gone out and made extraordinary lives for themselves and serve as exemplary role models to us all. All funding for the Hall of Honor is raised by the ND State Historical Society Foundation.

Strengthening Government to Government Relations Conference

Mr. Chairman, this past January of 2020, our office hosted our 3rd conference directed towards improving Tribal, State and Federal partnerships. All three conferences had participation attendance at 300 people. I strongly feel that these two conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government relations for our State and Tribe. This conference will continue, hopefully we will host one this year, depending upon where COVID-19 is at.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, our office continues to demonstrate extraordinarily effective, efficient, productive, and reliable service, while producing heavy amounts of work, and with that large workload, maintaining very good relationships with all of those who we work alongside. The amount of work we produce on behalf of our tribes and our State with only 4 FTEs is unheard of at any other level of government. We as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 4 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

2021 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

SB 2005

2/5/2021

Senate Appropriations Committee

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

Chairman Holmberg opened the meeting at 8:41 a.m.

Senators present: **Holmberg, Krebsbach, Wanzek, Bekkedahl, Poolman, Erbele, Dever, Oehlke, Rust, Davison, Hogue, Sorvaag, Mathern, and Heckaman.**

Discussion Topics:

- Amendments

Chairman Holmberg passed out an amendment [LC 21.0287.01001]; testimony #5654

Senator Mathern made a motion for amendment [LC 21.0287.01002]; testimony #5655
Senator Heckaman seconded the motion.

<i>Senators</i>		<i>Senators</i>	
<i>Senator Holmberg</i>	N	<i>Senator Hogue</i>	N
<i>Senator Krebsbach</i>	N	<i>Senator Oehlke</i>	N
<i>Senator Wanzek</i>	N	<i>Senator Poolman</i>	N
<i>Senator Bekkedahl</i>	N	<i>Senator Rust</i>	N
<i>Senator Davison</i>	N	<i>Senator Sorvaag</i>	N
<i>Senator Dever</i>	N	<i>Senator Heckaman</i>	Y
<i>Senator Erbele</i>	N	<i>Senator Mathern</i>	Y

Motion Failed – 2-12-0

Vice-Chair Wanzek made a motion on amendment [LC 21.0287.01001]; testimony #5654
Vice-Chair Kresbach seconded the motion.

<i>Senators</i>		<i>Senators</i>	
<i>Senator Holmberg</i>	Y	<i>Senator Hogue</i>	Y
<i>Senator Krebsbach</i>	Y	<i>Senator Oehlke</i>	Y
<i>Senator Wanzek</i>	Y	<i>Senator Poolman</i>	Y
<i>Senator Bekkedahl</i>	Y	<i>Senator Rust</i>	Y
<i>Senator Davison</i>	Y	<i>Senator Sorvaag</i>	Y
<i>Senator Dever</i>	Y	<i>Senator Heckaman</i>	Y
<i>Senator Erbele</i>	Y	<i>Senator Mathern</i>	Y

Motion Passed – 14-0-0

Vice-Chair Kresbach moved DO PASS AS AMENDED
Vice-Chair Wanzek seconded the motion.

Senators		Senators	
<i>Senator Holmberg</i>	Y	<i>Senator Hogue</i>	Y
<i>Senator Krebsbach</i>	Y	<i>Senator Oehlke</i>	Y
<i>Senator Wanzek</i>	Y	<i>Senator Poolman</i>	Y
<i>Senator Bekkedahl</i>	Y	<i>Senator Rust</i>	Y
<i>Senator Davison</i>	Y	<i>Senator Sorvaag</i>	Y
<i>Senator Dever</i>	Y	<i>Senator Heckaman</i>	Y
<i>Senator Erbele</i>	Y	<i>Senator Mathern</i>	Y

Motion Passed 14-0-0.

Chairman Holmberg closed the meeting at 9:30 a.m.

Rose Laning, Committee Clerk

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 9 through 14 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$870,079	\$37,087	\$907,166
Operating expenses	228,560	(42,951)	185,609
Total general fund	\$1,098,639	(\$5,864)	\$1,092,775
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$870,079	\$37,087	\$907,166
Operating expenses	228,560	(42,951)	185,609
Total all funds	\$1,098,639	(\$5,864)	\$1,092,775
Less estimated income	0	0	0
General fund	\$1,098,639	(\$5,864)	\$1,092,775
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Reduces Funding for Operating Expenses ³	Increases Funding for the Youth Leadership Academy ⁴	Adds Funding for Information Technology Department Key Customer Management Fee ⁵	Adds Funding for Microsoft Office 365 License Expenses ⁶
Salaries and wages	(\$210)	\$37,297				
Operating expenses			(\$54,722)	\$5,000	\$6,000	\$771
Total all funds	(\$210)	\$37,297	(\$54,722)	\$5,000	\$6,000	\$771
Less estimated income	0	0	0	0	0	0
General fund	(\$210)	\$37,297	(\$54,722)	\$5,000	\$6,000	\$771
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$37,087
Operating expenses	(42,951)
Total all funds	(\$5,864)
Less estimated income	0
General fund	(\$5,864)
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 3 percent on July 1, 2021, with a minimum monthly increase of \$120 and a maximum monthly increase of \$300 and 3 percent on July 1, 2022; a 1 percent increase in the employer and 1 percent increase in the employee retirement contribution effective January 1, 2022; and increases in health insurance premiums from \$1,427 to \$1,429 per month:

<u>General Fund</u>	
Salary increase	\$32,638
Retirement increase	4,464
Health insurance increase	<u>195</u>
Total	\$37,297

³ Funding for operating expenses is reduced. The agency may determine the specific areas to reduce.

⁴ Funding for the Youth Leadership Academy is increased to provide a total of \$54,300.

⁵ Funding is added for an Information Technology Department key customer management fee.

⁶ Funding is added for Microsoft Office 365 license expenses.

CS
2/6
1843

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 9 through 14 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total general fund	\$1,098,639	(\$21,414)	\$1,077,225
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total all funds	\$1,098,639	(\$21,414)	\$1,077,225
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,098,639	(\$21,414)	\$1,077,225
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for Operating Expenses³</u>	<u>Increases Funding for the Youth Leadership Academy⁴</u>	<u>Adds Funding for Information Technology Department Key Customer Management Fee⁵</u>	<u>Adds Funding for Microsoft Office 365 License Expenses⁶</u>
Salaries and wages	(\$210)	\$21,747				
Operating expenses			(\$54,722)	\$5,000	\$6,000	\$771
Total all funds	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<u>Total Senate Changes</u>
Salaries and wages	\$21,537
Operating expenses	<u>(42,951)</u>
Total all funds	(\$21,414)
Less estimated income	<u>0</u>
General fund	(\$21,414)
FTE	0.00

¹ Funding is adjusted for base payroll changes.

2 of 3

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022; and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>
Salary increase	\$21,552
Health insurance increase	<u>195</u>
Total	\$21,747

³ Funding for operating expenses is reduced. The agency may determine the specific areas to reduce.

⁴ Funding for the Youth Leadership Academy is increased to provide a total of \$54,300.

⁵ Funding is added for an Information Technology Department key customer management fee.

⁶ Funding is added for Microsoft Office 365 license expenses.

Introduced by

Appropriations Committee

1 A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs
2 commission.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds
5 as may be necessary, are appropriated out of any moneys in the general fund in the state
6 treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of
7 defraying the expenses of the Indian affairs commission, for the biennium beginning July 1,
8 2021, and ending June 30, 2023, as follows:

9	Governor's		
10	<u>Base Level</u>	<u>Recommendation</u>	<u>Appropriation</u>
11	Salaries and wages	\$870,079	\$896,215
12	Operating expenses	228,560	215,871
13	Total general fund	\$1,098,639	\$1,112,086
14	Full-time equivalent positions	4.00	4.00
15	Adjustments or		
16	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
17	Salaries and wages	\$870,079	\$21,537
18	Operating expenses	228,560	(42,951)
19	Total general fund	\$1,098,639	(\$21,414)
20	Full-time equivalent positions	4.00	0.00

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 14 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	228,560	(42,951)	185,609
Total general fund	\$1,098,639	(\$21,414)	\$1,077,225
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	228,560	(42,951)	185,609
Total all funds	\$1,098,639	(\$21,414)	\$1,077,225
Less estimated income	0	0	0
General fund	\$1,098,639	(\$21,414)	\$1,077,225
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for Operating Expenses³</u>	<u>Increases Funding for the Youth Leadership Academy⁴</u>	<u>Adds Funding for Information Technology Department Key Customer Management Fee⁵</u>	<u>Adds Funding for Microsoft Office 365 License Expenses⁶</u>
Salaries and wages	(\$210)	\$21,747				
Operating expenses			(\$54,722)	\$5,000	\$6,000	\$771
Total all funds	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
Less estimated income	0	0	0	0	0	0
General fund	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<u>Total Senate Changes</u>
Salaries and wages	\$21,537
Operating expenses	(42,951)
Total all funds	(\$21,414)
Less estimated income	0
General fund	(\$21,414)
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022; and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>
Salary increase	\$21,552
Health insurance increase	<u>195</u>
Total	\$21,747

³ Funding for operating expenses is reduced. The agency may determine the specific areas to reduce.

⁴ Funding for the Youth Leadership Academy is increased to provide a total of \$54,300.

⁵ Funding is added for an Information Technology Department key customer management fee.

⁶ Funding is added for Microsoft Office 365 license expenses.

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 9 through 14 with:

"

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total general fund	\$1,098,639	(\$21,414)	\$1,077,225
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$870,079	\$21,537	\$891,616
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total all funds	\$1,098,639	(\$21,414)	\$1,077,225
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,098,639	(\$21,414)	\$1,077,225
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for Operating Expenses³</u>	<u>Increases Funding for the Youth Leadership Academy⁴</u>	<u>Adds Funding for Information Technology Department Key Customer Management Fee⁵</u>	<u>Adds Funding for Microsoft Office 365 License Expenses⁶</u>
Salaries and wages	(\$210)	\$21,747				
Operating expenses			(\$54,722)	\$5,000	\$6,000	\$771
Total all funds	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	(\$210)	\$21,747	(\$54,722)	\$5,000	\$6,000	\$771
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<u>Total Senate Changes</u>
Salaries and wages	\$21,537
Operating expenses	<u>(42,951)</u>
Total all funds	(\$21,414)
Less estimated income	<u>0</u>
General fund	(\$21,414)
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022; and increases in health insurance premiums from \$1,427 to \$1,429 per month:

	<u>General Fund</u>
Salary increase	\$21,552
Health insurance increase	<u>195</u>
Total	\$21,747

³ Funding for operating expenses is reduced. The agency may determine the specific areas to reduce.

⁴ Funding for the Youth Leadership Academy is increased to provide a total of \$54,300.

⁵ Funding is added for an Information Technology Department key customer management fee.

⁶ Funding is added for Microsoft Office 365 license expenses.

21.0287.01002
Title.
Fiscal No. 2

Prepared by the Legislative Council staff for
Senator Mathern
February 2, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2005

Page 1, replace lines 9 through 14 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$870,079	\$37,087	\$907,166
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total general fund	\$1,098,639	(\$5,864)	\$1,092,775
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$870,079	\$37,087	\$907,166
Operating expenses	<u>228,560</u>	<u>(42,951)</u>	<u>185,609</u>
Total all funds	\$1,098,639	(\$5,864)	\$1,092,775
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,098,639	(\$5,864)	\$1,092,775
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for Operating Expenses³</u>	<u>Increases Funding for the Youth Leadership Academy⁴</u>	<u>Adds Funding for Information Technology Department Key Customer Management Fee⁵</u>	<u>Adds Funding for Microsoft Office 365 License Expenses⁶</u>
Salaries and wages	(\$210)	\$37,297				
Operating expenses	<u></u>	<u></u>	<u>(\$54,722)</u>	<u>\$5,000</u>	<u>\$6,000</u>	<u>\$771</u>
Total all funds	(\$210)	\$37,297	(\$54,722)	\$5,000	\$6,000	\$771
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	(\$210)	\$37,297	(\$54,722)	\$5,000	\$6,000	\$771
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	<u>Total Senate Changes</u>
Salaries and wages	\$37,087
Operating expenses	<u>(42,951)</u>
Total all funds	(\$5,864)
Less estimated income	<u>0</u>
General fund	(\$5,864)
FTE	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2021-23 biennium salary adjustments of 3 percent on July 1, 2021, with a minimum monthly increase of \$120 and a maximum monthly increase of \$300 and 3 percent on July 1, 2022; a 1 percent increase in the employer and 1 percent increase in the employee retirement contribution effective January 1, 2022; and increases in health insurance premiums from \$1,427 to \$1,429 per month:

<u>General Fund</u>	
Salary increase	\$32,638
Retirement increase	4,464
Health insurance increase	<u>195</u>
Total	\$37,297

³ Funding for operating expenses is reduced. The agency may determine the specific areas to reduce.

⁴ Funding for the Youth Leadership Academy is increased to provide a total of \$54,300.

⁵ Funding is added for an Information Technology Department key customer management fee.

⁶ Funding is added for Microsoft Office 365 license expenses.



North Dakota Legislative Council

Prepared by the Legislative Council staff
LC# 21.9600.01000
January 2021

PUBLIC EMPLOYEES RETIREMENT SYSTEM MAIN SYSTEM FUNDING HISTORY

This memorandum provides information regarding the North Dakota Public Employees Retirement System (PERS) main system defined benefit retirement plan.

ORIGINAL MAIN SYSTEM DEFINED CONTRIBUTION PLAN

In Senate Bill No. 154 (1965), the Legislative Assembly created PERS, effective July 1, 1966, as a defined contribution plan. In Senate Bill No. 2068 (1977), the Legislative Assembly converted the main system retirement plan to a defined benefit plan.

MAIN SYSTEM DEFINED BENEFIT PLAN

The PERS main system defined benefit plan is funded from employer contributions, employee contributions, and investment earnings. Contributions are calculated based on a percentage of gross pay. From 1977 through 1989, the employer contribution was 5.12 percent of state employee salaries and the employee contribution was 4 percent. In lieu of state employee salary increases in 1983 and 1984, the state began to pay the 4 percent employee contribution. In 1989, the employer contribution was reduced by 1 percent and reallocated for a retiree health benefit credit. In January 2012, January 2013, and January 2014, the employer and employee contributions each increased by 1 percent annually. Senate Bill No. 2046 (2019) reallocated the 1.14 percent employer contribution for the retiree health insurance credit to the main system defined benefit retirement plan for employees hired after December 31, 2019. A history of employer and employee contribution rates for the main system defined benefit plan are shown below.

1989 Through December 31, 2011		Effective January 1, 2012		Effective January 1, 2013		Effective January 1, 2014	
Employer	Employee	Employer	Employee	Employer	Employee	Employer	Employee
4.12%	4.00% ¹	5.12%	5.00% ¹	6.12%	6.00% ¹	7.12% ²	7.00% ¹

¹The state pays 4 percent of the employee share of retirement contributions.

²Senate Bill No. 2046 (2019) reallocated the 1.14 percent employer contribution for the retiree health insurance credit to the main system defined benefit retirement plan for employees hired after December 31, 2019, resulting in a total employer contribution rate of 8.26 percent for employees hired after December 31, 2019.

Benefit Levels and Recent Changes in Benefit Calculations

Members of the main system retirement plan are eligible for a normal service retirement benefit at age 65. For employees hired prior to January 1, 2016, employees are also eligible for retirement when age plus years of service is equal to 85 (commonly known as the "Rule of 85"). For employees hired on or after January 1, 2016, employees are eligible for retirement when age plus years of service is equal to 90 (commonly known as the "Rule of 90").

Retirement benefits under the defined benefit plan are calculated using the following mathematical formula provided in North Dakota Century Code Section 54-52-17(4):

Final average salary¹ x benefit multiplier² x years of service credit³ = monthly single life retirement benefit.

¹For employees who retired prior to August 1, 2010, the final average salary was the average of an employee's highest salaries in 36 of the last 120 months worked. For employees who terminate employment on or after August 1, 2010, but before January 1, 2020, it is the average of the employee's highest salaries in 36 of the last 180 months worked. For employees who terminate employment on or after January 1, 2020, it is the average of the employee's highest three 12 consecutive month periods of the last 180 months worked.

²The benefit multiplier is the rate at which benefits are earned. For defined benefit members enrolled before January 1, 2020, the benefit multiplier is 2 percent. For members enrolled after December 31, 2019, the benefit multiplier is 1.75 percent.

³The service credit is the amount of public service an employee has accumulated under PERS for retirement purposes.

The following is a summary of benefit changes approved by the Legislative Assembly since 1977:

Year	Benefit Multiplier	Change in Retirement Rule Levels
July 1977	1.04%	Rule of 90 established as an alternative for retirement eligibility
July 1983	1.20%	
July 1985	1.30%	
July 1987	1.50%	
July 1989	1.65%	
July 1991	1.69%	Rule of 90 changed to Rule of 88
August 1993	1.725%	
January 1994	1.74%	Rule of 88 changed to Rule of 85
August 1997	1.77%	
August 1999	1.89%	
August 2001	2.00%	Rule of 85 changed to Rule of 90 for employees hired after December 31, 2015 Benefit multiplier of 1.75 percent for members enrolled after December 31, 2019, but remains 2 percent for members enrolled prior to January 1, 2020
January 2016	2.00%	
January 2020	1.75%	

Similar adjustments were made to the benefit calculations of members who retired prior to the above changes being made. Benefits were increased in amounts that equaled the benefit multiplier changes. In addition, retirees received a 13th check in 2006 and 2008. In 2006 the 13th check was equal to one-half of the retiree's normal monthly check and in 2008 the 13th check was equal to three-fourths of the retiree's normal monthly check.

Funded Ratio

The actuarial funded ratio is the percentage of the retirement fund's actuarial value of assets to its actuarial accrued liabilities. The actuarial value of assets is determined by spreading market appreciation or depreciation over 5 years. This procedure results in recognition of all changes in market value over 5 years.

The schedule below shows the actuarial assets and liabilities of the main system defined benefit plan since 2000.

Fiscal Year	Actuarial Assets	Actuarial Liabilities	Actuarial Surplus or (Unfunded Liability)	Actuarial Funded Ratio
2000	\$1,009,744,796	\$879,189,877	\$130,554,919	114.8%
2001	\$1,096,115,648	\$993,851,809	\$102,263,839	110.3%
2002	\$1,129,697,099	\$1,087,003,336	\$42,693,763	103.9%
2003	\$1,145,284,302	\$1,170,477,887	(\$25,193,585)	97.8%
2004	\$1,172,258,036	\$1,250,849,240	(\$78,591,204)	93.7%
2005	\$1,210,287,848	\$1,333,491,341	(\$123,203,493)	90.8%
2006	\$1,286,478,642	\$1,450,113,412	(\$163,634,770)	88.7%
2007	\$1,470,367,098	\$1,575,666,628	(\$105,299,530)	93.3%
2008	\$1,571,159,912	\$1,700,171,588	(\$129,011,676)	92.4%
2009	\$1,577,552,012	\$1,861,032,305	(\$283,480,293)	84.8%
2010	\$1,576,794,397	\$2,156,560,553	(\$579,766,156)	73.1%
2011	\$1,603,718,656	\$2,284,199,019	(\$680,480,363)	70.2%
2012	\$1,579,933,179	\$2,442,299,210	(\$862,366,031)	64.7%
2013	\$1,632,915,720	\$2,650,525,018	(\$1,017,609,298)	61.6%
2014	\$1,837,902,845	\$2,866,511,290	(\$1,028,608,445)	64.1%
2015	\$2,027,476,214	\$2,976,071,808	(\$948,595,594)	68.1%
2016	\$2,180,748,616	\$3,299,381,100	(\$1,118,632,484)	66.1%
2017	\$2,529,631,008	\$3,618,083,973	(\$1,088,452,965)	69.9%
2018	\$2,752,053,305	\$3,841,701,179	(\$1,089,647,874)	71.6%
2019	\$2,949,967,049	\$4,136,252,987	(\$1,186,285,938)	71.3%
2020	\$3,112,920,033	\$4,557,679,020	(\$1,444,758,987)	68.3%

The changes to the actuarial funded ratio of the PERS main system defined benefit plan is due to several factors, primarily from:

- Actual contributions to the plan being less than the actuarially determined contributions needed for the plan to reach 100 percent funded status; and
- A decrease in the assumed rate of investment returns on plan assets.

As of July 1, 2020, the actuarially determined contribution rate for the main system defined benefit plan to reach 100 percent funded status within 30 years was 19.94 percent, an increase of 5.82 percent from the current total contribution rate of 14.12 percent.

As of July 1, 2020, the actuarially assumed rate of investment return was 7 percent, a decrease of 0.5 percent from the July 1, 2019 actuarially assumed rate of investment return of 7.5 percent. The actuarially assumed rate of investment return was 7.75 percent as of July 1, 2018, 7.75 percent as of July 1, 2017, and 8 percent as of July 1, 2016.

2021-23 BIENNIUM EXECUTIVE RECOMMENDATIONS

The 2021-23 executive budget recommendation includes increasing contributions to the retirement plan by 2 percent, 1 percent paid by the employee and 1 percent paid by the state, beginning January 1, 2022. The estimated cost of the retirement plan increase for the 2021-23 biennium is \$9.4 million, of which approximately \$4.2 million is from the general fund.

The total retirement contribution recommended is 16.12 percent, including 8.12 percent from state contributions and 8 percent from employee contributions, for employees hired before January 1, 2020. For employees hired after December 31, 2019, the total retirement contribution recommended is 17.26 percent, including 9.26 percent from state contributions and 8 percent from employee contributions, due to the passage of Senate Bill No. 2046 (2019), which reallocated the 1.14 percent employer contribution for the retiree health insurance credit to the main system defined benefit retirement plan for employees hired after December 31, 2019. The 2021-23 executive budget recommendation continues the state paying 4 percent of the employee share of retirement contributions.

2021 HOUSE APPROPRIATIONS

SB 2005

Department 316 - Indian Affairs Commission
Senate Bill No. 2005

Executive Budget Comparison to Prior Biennium Appropriations

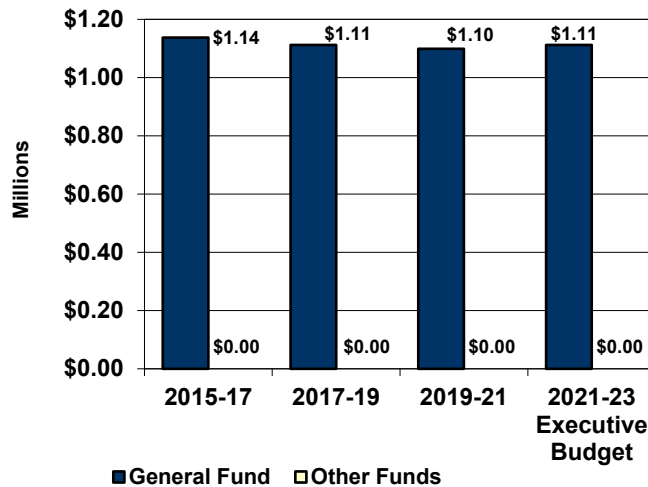
	FTE Positions	General Fund	Other Funds	Total
2021-23 Executive Budget	4.00	\$1,112,086	\$0	\$1,112,086
2019-21 Legislative Appropriations ¹	4.00	1,098,639	0	1,098,639
Increase (Decrease)	0.00	\$13,447	\$0	\$13,447

¹The 2019-21 biennium agency appropriation amounts have not been adjusted for additional federal Coronavirus (COVID-19) funds authority of \$20,915 resulting from Emergency Commission action during the 2019-21 biennium.

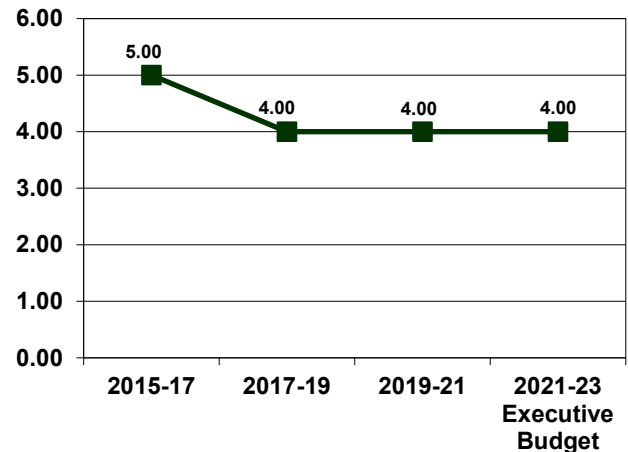
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2021-23 Executive Budget	\$1,112,086	\$0	\$1,112,086
2019-21 Legislative Appropriations	1,098,639	0	1,098,639
Increase (Decrease)	\$13,447	\$0	\$13,447

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2021-23 Executive Budget	\$1,112,086	\$0	\$1,112,086
2021-23 Base Level	1,098,639	0	1,098,639
Increase (Decrease)	\$13,447	\$0	\$13,447

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

**Executive Budget Highlights
 (With First House Changes in Bold)**

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$21,687 is for salary increases, \$195 is for health insurance increases, and \$4,464 is for retirement contribution increases. The Senate added funding for salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 and 2 percent on July 1, 2022, and increases in health insurance premiums from \$1,427 to \$1,429 per month. The Senate did not add funding for retirement contribution increases.	\$26,346	\$0	\$26,346

2. Reduces funding for operating expenses as part of the agency's 5 percent general fund budget reduction	(\$54,722)	\$0	(\$54,722)
3. Adds funding for the proposed Capitol complex rent proposal. The Senate did not add funding for the Capitol complex rent proposal.	\$30,262	\$0	\$30,262
4. Adds funding for an Information Technology Department key customer management fee	\$6,000	\$0	\$6,000
5. Increases funding for the Youth Leadership Academy to provide a total of \$54,300	\$5,000	\$0	\$5,000
6. Adds funding for Microsoft Office 365 license expenses	\$771	\$0	\$771

Other Sections in Senate Bill No. 2005

There are no other sections included in the bill.

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.

Deficiency Appropriation

There are no deficiency appropriations for this agency.

Significant Audit Findings

The State Auditor's office operational audit of the Indian Affairs Commission for the period ending June 30, 2018, identified three deficiencies relating to improper use of state funds, lack of annual inventory of assets, and lack of fraud risk assessment.

Major Related Legislation

At this time, no major legislation is under consideration affecting this agency.

Indian Affairs Commission - Budget No. 316
Senate Bill No. 2005
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	4.00	\$1,098,639	\$0	\$1,098,639	4.00	\$1,098,639	\$0	\$1,098,639
2021-23 Ongoing Funding Changes								
Base payroll changes		(\$210)		(\$210)		(\$210)		(\$210)
Salary increase		21,687		21,687		21,552		21,552
Health insurance increase		195		195		195		195
Retirement contribution increase		4,464		4,464				0
Reduces operating expenses		(54,722)		(54,722)		(54,722)		(54,722)
Increases funding for Youth Leadership Academy		5,000		5,000		5,000		5,000
Adds funding for an ITD key customer management fee		6,000		6,000		6,000		6,000
Adds funding for Microsoft Office 365 license expenses		771		771		771		771
Adds funding for Capitol complex rent proposal		30,262		30,262				0
Total ongoing funding changes	0.00	\$13,447	\$0	\$13,447	0.00	(\$21,414)	\$0	(\$21,414)
One-time funding items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$13,447	\$0	\$13,447	0.00	(\$21,414)	\$0	(\$21,414)
2021-23 Total Funding	4.00	\$1,112,086	\$0	\$1,112,086	4.00	\$1,077,225	\$0	\$1,077,225
<i>Total ongoing changes as a percentage of base level</i>	0.0%	1.2%		1.2%	0.0%	(1.9%)		(1.9%)
<i>Total changes as a percentage of base level</i>	0.0%	1.2%		1.2%	0.0%	(1.9%)		(1.9%)

Other Sections in Indian Affairs Commission - Budget No. 316

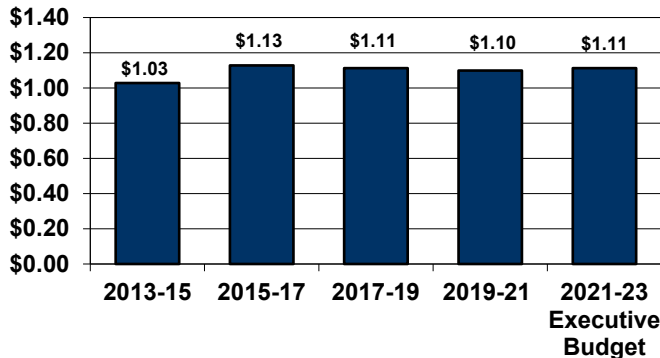
Executive Budget Recommendation	Senate Version
There are no other sections recommended to be added in the executive budget.	There are no other sections added in the Senate version.

Department 316 - Indian Affairs Commission

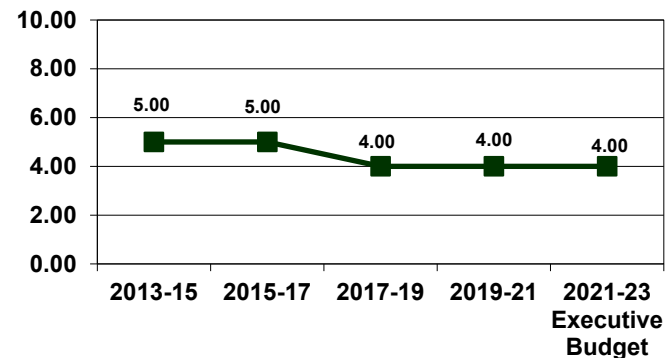
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2013-15

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2013-15	2015-17	2017-19	2019-21	2021-23 Executive Budget
Ongoing general fund appropriations	\$1,027,558	\$1,127,740	\$1,112,111	\$1,098,639	\$1,112,086
Increase (decrease) from previous biennium	N/A	\$100,182	(\$15,629)	(\$13,472)	\$13,447
Percentage increase (decrease) from previous biennium	N/A	9.7%	(1.4%)	(1.2%)	1.2%
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	9.7%	8.2%	6.9%	8.2%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2015-17 Biennium

1. Added funding for desktop support services \$12,000
2. Added funding to transfer the North Dakota American Indian Business Development Office from the Department of Commerce to the Indian Affairs Commission \$100,000
3. Reduced operating expenses (\$3,831)

2017-19 Biennium

1. Removed 1 Indian education program administrator FTE position (\$109,850)
2. Restored funding for the Youth Leadership Academy that was removed as a result of the August 2016 general fund budget reductions \$10,572

2019-21 Biennium

1. Reduced funding for the North Dakota American Indian Business Development Office to provide total funding of \$64,856 (\$35,144)

2021-23 Biennium (Executive Budget Recommendation)

1. Reduces funding for operating expenses as part of the agency's 5 percent general fund budget reduction (\$54,722)
2. Adds funding for the Capitol complex rent proposal. **The Senate did not add funding for the Capitol complex rent proposal.** \$30,262
3. Adds funding for an Information Technology Department key customer management fee \$6,000
4. Increases funding for the Youth Leadership Academy to provide a total of \$54,300 \$5,000

GOVERNOR'S RECOMMENDATION FOR THE INDIAN AFFAIRS COMMISSION AS SUBMITTED BY THE OFFICE OF MANAGEMENT AND BUDGET

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2021 and ending June 30, 2023, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and Wages	\$ 870,079	\$26,136	\$ 896,215
Operating Expenses	<u>228,560</u>	<u>(12,689)</u>	<u>215,871</u>
Total General Fund	\$1,098,639	\$13,447	\$1,112,086
Full-time Equivalent Positions	4.00	0.00	4.00

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2005

3/8/2021

am

House Appropriations Human Resources

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

Chair Nelson Opened the meeting at 9:00 a.m.

Representative	Present	Absent
Nelson	P	
Kreidt	P	
Andersen	P	
Mitskog	P	
Schobinger	P	
Strinden	P	

Discussion Topics:

- Indian Affairs Commission
- Mission Statement
- Performance and Accountability
- Staff

Scott Davis, Dir, Indian Affairs Commission (9:02 am) testified #7886

Chair Nelson closed the meeting at 9:48 a.m.

Cole Fleck, Committee Clerk

House Appropriations Budget Hearing
House Appropriations Committee
Chairman, Jon O. Nelson
North Dakota State Capital, Bismarck ND
March 8, 2021 #7886

Chairman Nelson and members of the Committee,

My name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Executive Director, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

It has been a very busy biennium and in the last 12 months it has been very challenging, as we are turning a corner regarding the COVID 19 pandemic. This year the North Dakota Indian Affairs Commission will commemorate its 72th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a five-member staff.

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues.

Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

“The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans”.

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.

- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficiency of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee (now known as the Tribal-State Taxation Committee), for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially in the past 11+ years. This growth has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/judicial systems, law enforcement, game and fish, transportation, public safety, data accumulation, child welfare/juvenile justice, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the

numerous issues and projects established by those partnerships. The substantial number of agreements and compacts made between the tribe and state are challenging at times but require consistent communication and good faith consultation in order for them to be sustainable.

Our Staff:

American Indian Health Systems Administrator – Brad Hawk

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Three sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. Brad Hawk is a member of the Crow Creek Sioux Tribe of South Dakota, completing his bachelor's degree in health administration from the University of South Dakota and his MBA from the University of Mary. The Indian Health Systems Administrator, Brad Hawk, is a huge part of COVID-19 testing events and preparing for vaccinations. Worked with other stakeholders to develop information for our website and to offer to the Tribes of North Dakota. Assisted with the delivery of PPE for any of the Tribes that requested.

Brad has continued the participation with the DHS Tribal Medicaid Consultation quarterly meetings. These meetings happen in Bismarck to give the Tribes information on Medicaid system and other Department of Human Services (DHS) related information. Brad also works with DHS Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. Brad also works with Tribal Leaders to educate how shared savings of ND General Funds would be used for health care purposes in their communities if a bill is passed in this legislative session. Brad attends and participates in discussions on a variety of health care issues with tribal communities. He works Tribal Health leaders about the work happening nationwide to address disparities in oral

health for Tribal members. He also assists and participates in various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic for our office, and Brad in his role. He participated in various meetings around use of data to combat health care disparities. We have worked on agreements for the Covid-19 pandemic to allow for sharing of data to create a dashboard for addressing the spread of this disease. This has shown great benefit for working together and could become a roadmap on how to collaborate more in the future.

Behavioral Health issues continue to be an issue in Tribal communities. Brad has participated in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes.

Brad also serves on the Suicide Prevention Task Force, which has been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration.

Judicial Systems Administrator – Kyle Iron Lightning

Kyle Iron Lightning – Dakota citizen from the Spirit Lake Tribe. Served Active Duty in the United States Navy from 2000 to 2009. Honorably Discharged. Qualified Submarine Warfare (SS) onboard the USS Michigan (SSBN/SSGN-727) and Surface Warfare (SW) onboard the USS Emory S. Land (AS-39). Bachelor's Degree in Political Science from Seattle Pacific University. Juris Doctorate degree from William Mitchell College of Law (now Mitchell Hamline School of Law). Kyle serves as the Judicial Systems Administrator for NDIAC.

Under his role, he develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. He works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In his work with law enforcement, he has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna

Clawson Huibregste. These meetings have led to spearheading ongoing law enforcement MOU's between the State and the Tribes, which, will lead to better support for public safety.

Kyle has been integral to the reviewing of child welfare policies, while developing working relations with child welfare programs and issues. His background in Child Welfare has led him to assisting in reviewing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. This is an integral part to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Other duties of his include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal courts on public safety and legal issues.

Executive Administrative Assistant to the Executive Director – Marietta Kemmet

Marietta is an enrolled member of the Turtle Mountain Band of Chippewa. Degrees include a Legal Assistant and returned to school in 2005 to earn a Bachelor's Degree in Business Management from Mayville State University. She worked in Higher Education for 22 years and has been with the North Dakota Indian Affairs commission since 2017 as an Executive Assistant to the Director. Her role is to manage the office to ensure smooth operation on a daily basis. She has also taken on other duties and is currently involved with the committee, in cooperation with the North Dakota Army National Guard, to create the Woodrow Keeble award.

Marietta is married to Bruce Kemmet and has three children and five grandchildren.

North Dakota Indian Youth Leadership Academy (NDIYLA)

The Leadership Academy will now be incorporated into the Strengthening Tribal State Relations Conference. This year will mark the 12th annual Youth Leadership Academy.

Contract Appropriations American Indian Business Development Office

For the past 11 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. We have contracted this out for the past 10+ years in the sum of 100K. With the Governor's budget recommendation, we have cut that line item down to \$50K.

North Dakota Native American Hall of Honor

The North Dakota Indian Affairs Commission partners with the State Historical Society of North Dakota and the State Historical Society Foundation in order to present its annual Native American Hall of Honor. The Hall is an annual program recognizing Native Americans who have gone above and beyond in representing their tribe and culture. It is located in the North Dakota Heritage Center & State Museum in Bismarck. The program recognizes traditional and contemporary achievements in four categories: Arts and Culture, Athletics, Leadership and Veterans. Much work goes into the planning and preparations for the Hall, along with the application, board selection process, and ultimate Hall of Honor program, which includes dinner, in-depth video presentations of each new member, stories, entertainment, and words of inspiration from its newly received members and their families/friends/communities. It is a wonderful way for our office to contribute to the rich history of our State and the wonderful Tribal people it has produced, who have gone out and made extraordinary lives for themselves and serve as exemplary role models to us all. All funding for the Hall of Honor is raised by the ND State Historical Society Foundation.

Strengthening Government to Government Relations Conference

Mr. Chairman, this past January of 2020, our office hosted our 3rd conference directed towards improving Tribal, State and Federal partnerships. All three conferences had participation attendance at 300 people. I strongly feel that these three conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government

relations for our State and Tribe. This conference will continue, hopefully we will host one this year, depending upon where COVID-19 is at. We will also be adding a Youth Leadership Tract to the conference.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, I believe our office and my position have been extraordinarily effective, efficient, productive, and reliable, while producing heavy amounts of work, and with that large workload, maintaining very good relationships with all of those who we work alongside. The amount of work we produce for this state with 4 FTE employees is unheard of at any other level of government. I believe that we as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 4 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2005
3/18/2021 am
House Appropriations Human Resources

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

Chair Nelson Opened the meeting at 8:30 a.m.

Representative	Present	Absent
Nelson	P	
Kreidt	P	
Andersen	P	
Mitskog	P	
Schobinger	P	
Strinden	P	

Discussion Topics:

- Indian Affairs Commission
- Budget Detail

Scott Davis, Dir, Indian Affairs Commission (8:32 am) testified #7886

Chair Nelson closed the meeting at 8:50 a.m.

Cole Fleck, Committee Clerk

House Appropriations Budget Hearing #7886
House Appropriations Committee
Chairman, Jon O. Nelson
North Dakota State Capital, Bismarck ND
March 8, 2021

Chairman Nelson and members of the Committee,

My name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Executive Director, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

It has been a very busy biennium and in the last 12 months it has been very challenging, as we are turning a corner regarding the COVID 19 pandemic. This year the North Dakota Indian Affairs Commission will commemorate its 72th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a five-member staff.

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues.

Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

“The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans”.

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.

- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficiency of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee (now known as the Tribal-State Taxation Committee), for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially in the past 11+ years. This growth has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/judicial systems, law enforcement, game and fish, transportation, public safety, data accumulation, child welfare/juvenile justice, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the

numerous issues and projects established by those partnerships. The substantial number of agreements and compacts made between the tribe and state are challenging at times but require consistent communication and good faith consultation in order for them to be sustainable.

Our Staff:

American Indian Health Systems Administrator – Brad Hawk

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Three sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. Brad Hawk is a member of the Crow Creek Sioux Tribe of South Dakota, completing his bachelor's degree in health administration from the University of South Dakota and his MBA from the University of Mary. The Indian Health Systems Administrator, Brad Hawk, is a huge part of COVID-19 testing events and preparing for vaccinations. Worked with other stakeholders to develop information for our website and to offer to the Tribes of North Dakota. Assisted with the delivery of PPE for any of the Tribes that requested.

Brad has continued the participation with the DHS Tribal Medicaid Consultation quarterly meetings. These meetings happen in Bismarck to give the Tribes information on Medicaid system and other Department of Human Services (DHS) related information. Brad also works with DHS Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. Brad also works with Tribal Leaders to educate how shared savings of ND General Funds would be used for health care purposes in their communities if a bill is passed in this legislative session. Brad attends and participates in discussions on a variety of health care issues with tribal communities. He works Tribal Health leaders about the work happening nationwide to address disparities in oral

health for Tribal members. He also assists and participates in various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic for our office, and Brad in his role. He participated in various meetings around use of data to combat health care disparities. We have worked on agreements for the Covid-19 pandemic to allow for sharing of data to create a dashboard for addressing the spread of this disease. This has shown great benefit for working together and could become a roadmap on how to collaborate more in the future.

Behavioral Health issues continue to be an issue in Tribal communities. Brad has participated in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes.

Brad also serves on the Suicide Prevention Task Force, which has been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration.

Judicial Systems Administrator – Kyle Iron Lightning

Kyle Iron Lightning – Dakota citizen from the Spirit Lake Tribe. Served Active Duty in the United States Navy from 2000 to 2009. Honorably Discharged. Qualified Submarine Warfare (SS) onboard the USS Michigan (SSBN/SSGN-727) and Surface Warfare (SW) onboard the USS Emory S. Land (AS-39). Bachelor's Degree in Political Science from Seattle Pacific University. Juris Doctorate degree from William Mitchell College of Law (now Mitchell Hamline School of Law). Kyle serves as the Judicial Systems Administrator for NDIAC.

Under his role, he develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. He works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In his work with law enforcement, he has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna

Clawson Huibregste. These meetings have led to spearheading ongoing law enforcement MOU's between the State and the Tribes, which, will lead to better support for public safety.

Kyle has been integral to the reviewing of child welfare policies, while developing working relations with child welfare programs and issues. His background in Child Welfare has led him to assisting in reviewing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. This is an integral part to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Other duties of his include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal courts on public safety and legal issues.

Executive Administrative Assistant to the Executive Director – Marietta Kemmet

Marietta is an enrolled member of the Turtle Mountain Band of Chippewa. Degrees include a Legal Assistant and returned to school in 2005 to earn a Bachelor's Degree in Business Management from Mayville State University. She worked in Higher Education for 22 years and has been with the North Dakota Indian Affairs commission since 2017 as an Executive Assistant to the Director. Her role is to manage the office to ensure smooth operation on a daily basis. She has also taken on other duties and is currently involved with the committee, in cooperation with the North Dakota Army National Guard, to create the Woodrow Keeble award.

Marietta is married to Bruce Kemmet and has three children and five grandchildren.

North Dakota Indian Youth Leadership Academy (NDIYLA)

The Leadership Academy will now be incorporated into the Strengthening Tribal State Relations Conference. This year will mark the 12th annual Youth Leadership Academy.

Contract Appropriations American Indian Business Development Office

For the past 11 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. We have contracted this out for the past 10+ years in the sum of 100K. With the Governor's budget recommendation, we have cut that line item down to \$50K.

North Dakota Native American Hall of Honor

The North Dakota Indian Affairs Commission partners with the State Historical Society of North Dakota and the State Historical Society Foundation in order to present its annual Native American Hall of Honor. The Hall is an annual program recognizing Native Americans who have gone above and beyond in representing their tribe and culture. It is located in the North Dakota Heritage Center & State Museum in Bismarck. The program recognizes traditional and contemporary achievements in four categories: Arts and Culture, Athletics, Leadership and Veterans. Much work goes into the planning and preparations for the Hall, along with the application, board selection process, and ultimate Hall of Honor program, which includes dinner, in-depth video presentations of each new member, stories, entertainment, and words of inspiration from its newly received members and their families/friends/communities. It is a wonderful way for our office to contribute to the rich history of our State and the wonderful Tribal people it has produced, who have gone out and made extraordinary lives for themselves and serve as exemplary role models to us all. All funding for the Hall of Honor is raised by the ND State Historical Society Foundation.

Strengthening Government to Government Relations Conference

Mr. Chairman, this past January of 2020, our office hosted our 3rd conference directed towards improving Tribal, State and Federal partnerships. All three conferences had participation attendance at 300 people. I strongly feel that these three conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government

relations for our State and Tribe. This conference will continue, hopefully we will host one this year, depending upon where COVID-19 is at. We will also be adding a Youth Leadership Tract to the conference.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, I believe our office and my position have been extraordinarily effective, efficient, productive, and reliable, while producing heavy amounts of work, and with that large workload, maintaining very good relationships with all of those who we work alongside. The amount of work we produce for this state with 4 FTE employees is unheard of at any other level of government. I believe that we as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 4 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations - Human Resources Division Harvest Room, State Capitol

SB 2005
3/29/2021 pm
House Appropriations Human Resources

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.
--

Chair Nelson Opened the meeting at 2:44 p.m.

Representative	Present	Absent
Nelson	P	
Kreidt	P	
Andersen	P	
Mitskog	P	
Schobinger	P	
Strinden	P	

Discussion Topics:

- **Review and Approval**

Chair Nelson introduced the bill (2:45 pm) general discussion

Rep Kreidt Move to amend salary changes

Rep Mitskog seconded

Roll Call Vote:

Representative	Yea	Nay	Absent
Nelson	x		
Kreidt	x		
Anderson	x		
Mitskog	x		
Schobinger	x		
Strinden	x		

Motion Carries 6-0-0

Rep Mitskog (2:50) Move to amend by transferring from operating line to the salary line 15 thousand dollars with an emergency clause.

Rep Strinden seconded

Roll Call Vote:

Representative	Yea	Nay	Absent
Nelson	x		
Kreidt	x		
Anderson	x		
Mitskog	x		
Schobinger	x		
Strinden	x		

Motion Carries 6-0-0

Rep Nelson proposed amendment 21.0287.02004 for salary changes in the Indians Affairs

Rep Strinden seconded

Roll Call Vote:

Representative	Yea	Nay	Absent
Nelson	x		
Kreidt	x		
Anderson	x		
Mitskog	x		
Schobinger	x		
Strinden	x		

Motion Carries 6-0-0

Rep Mitskog motioned for a do pass as amended

Rep Kreidt seconded

Roll Call Vote:

Representative	Yea	Nay	Absent
Nelson	x		
Kreidt	x		
Anderson	x		
Mitskog	x		
Schobinger	x		
Strinden	x		

Motion Carries 6-0-0

Chair Nelson closed the meeting at 3:00 p.m.

Additional testimony #11729

Cole Fleck, Committee Clerk

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005

Page 1, line 2, after "commission" insert "; to provide an exemption; and to declare an emergency"

Page 1, replace line 11 with:

"Salaries and wages \$870,079 \$40,027 \$910,106"

Page 1, replace line 13 with:

"Total general fund \$1,098,639 (\$2,924) \$1,095,715"

Page 1, after line 14, insert:

"SECTION 2. EXEMPTION - LINE ITEM TRANSFERS - 2019-21 BIENNIUM.

Notwithstanding section 54-16-04, the office of management and budget may transfer up to \$15,000 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of chapter 5 of the 2019 Session Laws as requested by the Indian affairs commission.

SECTION 3. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$870,079	\$891,616	\$18,490	\$910,106
Operating expenses	228,560	185,609		185,609
Total all funds	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
Less estimated income	0	0	0	0
General fund	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
FTE	4.00	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Adds Salary Equity Funding ²	Total House Changes
Salaries and wages	(\$1,510)	\$20,000	\$18,490
Operating expenses			
Total all funds	(\$1,510)	\$20,000	\$18,490
Less estimated income	0	0	0
General fund	(\$1,510)	\$20,000	\$18,490
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding is added for salary equity adjustments.

This amendment also authorizes up to \$15,000 to be transferred from the operating expenses line item to the salaries and wages line item in the agency's 2019-21 biennium appropriation for accrued leave payments.

Indian Affairs Commission - Budget No. 316
Senate Bill No. 2005
Base Level Funding Changes

	Executive Budget Recommendation				Senate Version				Senate Changes to Executive Budget Increase (Decrease) - Executive Budget			
	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2021-23 Biennium Base Level	4.00	\$1,098,639	\$0	\$1,098,639	4.00	\$1,098,639	\$0	\$1,098,639	0.00	\$0	\$0	\$0
2021-23 Ongoing Funding Changes												
Base payroll changes		(\$210)		(\$210)		(\$210)		(\$210)				\$0
Salary increase		21,687		21,687		21,552		21,552		(\$135)		(135)
Health insurance increase		195		195		195		195				0
Retirement contribution increase		4,464		4,464				0		(4,464)		(4,464)
Reduces operating expenses		(54,722)		(54,722)		(54,722)		(54,722)				0
Increases funding for Youth Leadership Academy		5,000		5,000		5,000		5,000				0
Adds funding for an ITD key customer management fee		6,000		6,000		6,000		6,000				0
Adds funding for Microsoft Office 365 license expenses		771		771		771		771				0
Adds funding for Capitol complex rent proposal		30,262		30,262				0		(30,262)		(30,262)
Total ongoing funding changes	0.00	\$13,447	\$0	\$13,447	0.00	(\$21,414)	\$0	(\$21,414)	0.00	(\$34,861)	\$0	(\$34,861)
One-time funding items												
No one-time funding items				\$0				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	\$13,447	\$0	\$13,447	0.00	(\$21,414)	\$0	(\$21,414)	0.00	(\$34,861)	\$0	(\$34,861)
2021-23 Total Funding	4.00	\$1,112,086	\$0	\$1,112,086	4.00	\$1,077,225	\$0	\$1,077,225	0.00	(\$34,861)	\$0	(\$34,861)
Total ongoing changes as a percentage of base level	0.0%	1.2%		1.2%	0.0%	(1.9%)		(1.9%)				
Total changes as a percentage of base level	0.0%	1.2%		1.2%	0.0%	(1.9%)		(1.9%)				

Other Sections in Indian Affairs Commission - Budget No. 316

Executive Budget Recommendation	Senate Version
There are no other sections recommended to be added in the executive budget.	There are no other sections added in the Senate version.

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

SB 2005
3/31/2021

BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; to provide an exemption; and to declare an emergency.

8:40 Chairman Delzer- Opened the meeting for SB 2005

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	P
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	A
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	P
Representative Bob Martinson	P
Representative Lisa Meier	P
Representative Alisa Mitskog	P
Representative Corey Mock	P
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	P
Representative Michelle Strinden	P
Representative Don Vigasaa	P

Discussion Topics:

- Budget Changes
- Amendment

8:42 Representative Mitskog – Introduces the budget and the amendment 21.0287.02004

8:45 Representative Mitskog - Makes a motion to adopt the amendment

Representative Schobinger -Second

Further discussion

8:46 Voice Vote- Motion Carries

8:46 Representative Bellew- Makes a motion to remove the 20 thousand equity

Representative Schatz- Second

Further Discussion

8:50 Roll Call Vote was Taken;

Representatives	Vote
Representative Jeff Delzer	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Tracy Boe	A
Representative Mike Brandenburg	N
Representative Michael Howe	N
Representative Gary Kreidt	N
Representative Bob Martinson	N
Representative Lisa Meier	N
Representative Alisa Mitskog	N
Representative Corey Mock	N
Representative David Monson	N
Representative Mike Nathe	N
Representative Jon O. Nelson	N
Representative Mark Sanford	N
Representative Mike Schatz	Y
Representative Jim Schmidt	N
Representative Randy A. Schobinger	N
Representative Michelle Strinden	N
Representative Don Vigesaa	N

Motion Fails 5-15-1

8:52 Representative Mitskog Makes a motion for a Do Pass as Amended

Representative Jon O. Nelson Second

Further discussion

Roll Call Vote was Taken;

Representatives	Vote
Representative Jeff Delzer	N
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	N
Representative Tracy Boe	A

Representative Mike Brandenburg	Y
Representative Michael Howe	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative Corey Mock	Y
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Mark Sanford	Y
Representative Mike Schatz	N
Representative Jim Schmidt	Y
Representative Randy A. Schobinger	Y
Representative Michelle Strinden	Y
Representative Don Vigesaa	Y

Motion Carries 17-3-1 Representative Mitskog will carry the bill

Additional written testimony: No Additional Testimony

8:54 Chairman Delzer- Closes the meeting for SB 2005

Risa Berube,

House Appropriations Committee Clerk

21.0287.02004
Title.03000

Prepared by the Legislative Council staff for
the House Appropriations - Human Resources
Division Committee

Fiscal No. 1

March 30, 2021

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005

Page 1, line 2, after "commission" insert "; to provide an exemption; and to declare an emergency"

Page 1, replace line 11 with:

"Salaries and wages \$870,079 \$40,027 \$910,106"

Page 1, replace line 13 with:

"Total general fund \$1,098,639 (\$2,924) \$1,095,715"

Page 1, after line 14, insert:

"SECTION 2. EXEMPTION - LINE ITEM TRANSFERS - 2019-21 BIENNIUM.

Notwithstanding section 54-16-04, the office of management and budget may transfer up to \$15,000 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of chapter 5 of the 2019 Session Laws as requested by the Indian affairs commission.

SECTION 3. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$870,079	\$891,616	\$18,490	\$910,106
Operating expenses	228,560	185,609		185,609
Total all funds	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
Less estimated income	0	0	0	0
General fund	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
FTE	4.00	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Adds Salary Equity Funding ²	Total House Changes
Salaries and wages	(\$1,510)	\$20,000	\$18,490
Operating expenses			
Total all funds	(\$1,510)	\$20,000	\$18,490
Less estimated income	0	0	0
General fund	(\$1,510)	\$20,000	\$18,490
FTE	0.00	0.00	0.00

UP 5/31/21
2022

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding is added for salary equity adjustments.

This amendment also authorizes up to \$15,000 to be transferred from the operating expenses line item to the salaries and wages line item in the agency's 2019-21 biennium appropriation for accrued leave payments.

REPORT OF STANDING COMMITTEE

SB 2005, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2005 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to provide an exemption; and to declare an emergency"

Page 1, replace line 11 with:

"Salaries and wages	\$870,079	\$40,027	\$910,106"
---------------------	-----------	----------	------------

Page 1, replace line 13 with:

"Total general fund	\$1,098,639	(\$2,924)	\$1,095,715"
---------------------	-------------	-----------	--------------

Page 1, after line 14, insert:

"SECTION 2. EXEMPTION - LINE ITEM TRANSFERS - 2019-21 BIENNium. Notwithstanding section 54-16-04, the office of management and budget may transfer up to \$15,000 of appropriation authority from the operating expenses line item to the salaries and wages line item in section 1 of chapter 5 of the 2019 Session Laws as requested by the Indian affairs commission.

SECTION 3. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$870,079	\$891,616	\$18,490	\$910,106
Operating expenses	228,560	185,609		185,609
Total all funds	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
Less estimated income	0	0	0	0
General fund	\$1,098,639	\$1,077,225	\$18,490	\$1,095,715
FTE	4.00	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Adds Salary Equity Funding ²	Total House Changes
Salaries and wages	(\$1,510)	\$20,000	\$18,490
Operating expenses			
Total all funds	(\$1,510)	\$20,000	\$18,490
Less estimated income	0	0	0
General fund	(\$1,510)	\$20,000	\$18,490
FTE	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding is added for salary equity adjustments.

This amendment also authorizes up to \$15,000 to be transferred from the operating expenses line item to the salaries and wages line item in the agency's 2019-21 biennium appropriation for accrued leave payments.