

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2320

2005 SENATE POLITICAL SUBDIVISIONS

SB 2320

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2320

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date January 28, 2005

Tape Number	Side A	Side B	Meter #
1	X		705 - End
1		X	0 - 630
Committee Clerk Signature <i>Shirley Borg</i>			

Minutes:

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

Chairman Cook opened the hearing on SB 2320 relating to a legislative council state-tribal relations committee.

Phil Baird, At-Large Member, North Dakota Indian Affairs Commission testified in support of SB 2320. (See attachment # 1)

Senator Dennis Bercier, District 9, Rolette ND, Prime Sponsor, introduced SB 2320. The bill you see before you I have before legislative council for an overhaul mirroring another bill that is coming up in the house. The difference between this bill and that bill is that the house bill has tribal people listed as nonvoting members. I disagree with that. The other change in this bill would be the sunset date. My date of July 31, 2009 would reflect the other bills sunset date of December 31, 2008. If this bill is a good workable bill it will be brought back in the next

session. What this bill does would start addressing tribal relations in the committee. I will start talking about the areas where they overlap and distinctions between individual tribes and some common threads that bind us all. I will start with the binding thread, we are a sovereign government, each one of our tribal groups has a form of government, with the reorganization act of the thirties, our whole governing system changed. That brings into play a lot of different issues. We have been working directly with the federal government. What the tribes would like to do is come to the table and work out these issues at the local level rather than working all the issues through the federal level. (Hog house amendment provided by Legislative Council for Senator Bercier, Attachment # 2).

Senator Dever: Could we establish a focus for the committee so we could accomplish something.

Senator Bercier: We have to start some where. I think this committee can start establishing and laying out frame work in each of these agencies in fairness to everyone.

Senator Triplett: Looking at what is here now, I would see the goal of this committee as not being the group that solves the problem but defines the frame work for it.

Senator Bercier: Yes I do agree. Basically setting up the frame work.

Phyllis Howard, Executive Director of the North Dakota Association of Tribal Colleges, testified to clarify that this particular committee would only be a conduit for things to come between the state and the tribes. As I was looking at this bill it really doesn't say that it would be the final committee to do a lot of things. There are a lot of issues that come up between tribes and the state government and people who work at the state government just don't know where to send the native American people and I think this committee would be that committee where

hearings could be held and people could come in and talk about various kinds of issues. I recommend a Do Pass.

David Volk, Commissioner for Sioux County, Fort Yates, ND testified in support of SB 2320 and asked that Indian Counties be added to SB 2320. (See attachment # 3)

Vincent Gillette, Director of Sioux County Social Services testified in support of SB 2320. (See attachment # 4)

Carol Two Eagles stood in support of SB 2320. (See attachment #5)

Jason Pretty Boy, United Tribes Technical College Student, Citizen Sioux County and Citizen of North Dakota spoke in support of SB 2320. I am a student who returned to school late in life and I look at this bill as something that needs to be passed for the fact that we need to create relations between state, tribal government and local government that enables people to come to them with their thoughts and concerns and be accepted on the playing field as an equal.

No further testimony for or against SB 2320.

Chairman Cook closed the hearing on SB 2320.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2320

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1		X	904 - 1404
1		X	3908 - 4389
Committee Clerk Signature <i>Shirley Long</i>			

Minutes:

Chairman Cook opened the discussion SB 2320. All members (6) present.

Senator Hacker: I don't know what this bill will accomplish.

Chairman Cook: This bill would be similar to the intergovernmental relations interim committee. It is a statutory interim committee made up of not just legislators but non legislators who deal with intergovernmental issues. This particular one is to deal with state tribal relations. Certainly there should be an on going effort to address those relations. The way I look at it myself, is that virtually every committee we have whether it is dealing with taxes, education or whatever, they deal with tribal relations on that particular issue and I think they do.

Senator Gary Lee: I am not sure what I think about this either. There are so many issues that involve the tribal groups and we don't seem to get a lot of resolution on them. This seems like an area that may be an opportunity to focus some resolutions.

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number SB 2320

Hearing Date February 10, 2005

Senator Dever: Would it be a good idea to consider making a recommendation to legislative council and let them do it at their discetion?

Senator Fairfield: Are you saying making it into a study?

Senator Hacker: I guess the way I feel is that they are trying to open the door to begin targeting issues and concentrate their efforts. I don't think it is going to be a productive bill and I don't think it will change anything.

Chairman Cook suggested the committee formulate some ideas and come back.

Chairman Cook called the committee back to order. All members present.

Chairman Cook opened the discussion and asked for action on SB 2320.

Chairman Cook asked the wishes of the committee on SB 2320.

Senator Hacker moved a Do Not Pass

Senator Dever seconded the motion.

Roll Call Vote: Yes 6 No 0 Absent 0

Carrier: **Senator Hacker**

PROPOSED AMENDMENTS TO SENATE BILL NO. 2320

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the legislative council state-tribal relations committee; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

State-tribal relations committee - Duties.

1. The legislative council, during each biennium, shall appoint a state-tribal relations committee in the same manner as the council appoints other interim committees.
2. In addition to the legislative members appointed by the legislative council, the membership of the committee includes:
 - a. The executive director of the Indian affairs commission;
 - b. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
 - c. The chairman of the Spirit Lake Tribe, or the chairman's designee;
 - d. The chairman of the Three Affiliated Tribes, or the chairman's designee;
 - e. The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
 - f. The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.
3. The council shall designate the chairman of the committee.
4. The committee shall operate according to the statutes and procedures governing the operation of other legislative council interim committees.
5. The nonlegislative members of the committee are not entitled to compensation and reimbursement for expenses, except the executive director of the Indian affairs commission is entitled to mileage and expenses to be paid by the Indian affairs commission. The committee shall report to the legislative council in the same manner as do other interim legislative committees.
6. The duties of the state-tribal relations committee include:
 - a. Acting as a liaison with tribal governments;
 - b. Encouraging state-tribal and local government-tribal cooperation;

- c. Promoting economic development and promoting the establishment of partnerships and new tribal business entities on Indian reservations in the state;
- d. Studying federal and state rules regarding health care and water issues; and
- e. Identifying common bonds and proposing legislation for the mutual benefit of the state and the tribes.

SECTION 2. EXPIRATION DATE. This Act is effective through December 31, 2008, and after that date is ineffective."

Renumber accordingly

Date: 2-10-05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2320

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Senator Hacker Seconded By Senator Dever

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

Total Yes 6 No 0

Absent 0

Floor Assignment Senator Hacker

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

REPORT OF STANDING COMMITTEE (410)
February 10, 2005 4:21 p.m.

Module No: SR-27-2489
Carrier: Hacker
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2320: Political Subdivisions Committee (Sen. Cook, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Eleventh order on the calendar.

2005 TESTIMONY

SB 2320

**Public Testimony in Support of North Dakota
Senate Bill No. 2320**

**"A Bill for an Act to create and enact a new section
to chapter 54-35 of the North Dakota Century Code,
relating to a legislative state-Tribal relations committee."**

**Presented by Phil Baird, At-large Member
North Dakota Indian Affairs Commission**

January 28, 2005

Chairman Cook and members of the Senate Political Subdivisions
Committee:

Good morning, my name is Phil Baird. I currently serve as an at-large member of the North Dakota Indian Affairs Commission. I'm also the dean of vocational and academic programs at United Tribes Technical College. Thank you for this opportunity to present testimony before this committee.

For the record, I must state that I cannot and do not officially speak on behalf of any individual Tribal government among North Dakota's Indian Nations. Nor can I speak officially on behalf of the United Tribes of North Dakota, a task which historically has been fulfilled by the president of United Tribes Technical College, David M. Gipp.

As a member the state Indian Affairs Commission, I do take this opportunity to offer my perspectives in support of S.B. 2320 to establish a legislative state-Tribal relations committee. There are several important reasons why this should be considered.

1. Government-to-Government Relationships

As state legislators, you already know there are five sovereign Tribal entities with legal, political, social, and economic interests within the boundaries of the state. These are the Mandan/Hidatsa/Arikara Nations of the Fort Berthold Indian Reservation, the Sisseton-Wahpeton Sioux Tribe, the Spirit Lake Nation, the Standing Rock Sioux Tribe, and the Turtle Mountain Band of Chippewa. The cultural, historical, socio-economic, and geographic

characteristics of these Nations are diverse. Sisseton and Standing Rock Tribal Nations are particularly unique with Tribal lands and communities located in both North and South Dakota.

Creating a legislative committee for state-Tribal **relations would affirm and support the government-to-government relationships** between the state of North Dakota and the sovereign Indian Nations of North Dakota. There already is a mechanism for state-Tribal relations within the state's executive branch, this being the North Dakota Indian Affairs Commission. What is missing, however, is an interactive mechanism within the state's legislative branch.

A legislative committee on state-Tribal relations could, at minimum, serve as a central clearinghouse for important discussions among state and Tribal government policy-makers dealing with general issues related to economic development, education, hunting and fishing, health, law enforcement, and intergovernmental jurisdiction. These issues could be further broken down to more specific topics such as water rights, child support, diabetes, meth abuse, taxation, and the Indian inmate population in correctional institutions, to name but a few.

On a more proactive level, **a state-Tribal relations committee could identify policy options and solutions for those issues and problems facing state and Tribal governments.** Too many times in the past, the cross-jurisdictional interests of state and Tribal governments have taken on an adversarial flavor, leading to miscommunications, mistrust, and expensive litigation. Unfortunately, these outcomes have typically led to the utilization of limited taxpayer resources. A state-Tribal relations committee within the legislative arena could tap another pool of expertise and community representation in search of more productive outcomes rather than litigation.

While the perceived functions of the proposed state-Tribal relations committee would appear to be similar to the mission and work of the State Indian Affairs Commission, there would be major distinctions. The most distinctive feature would, in fact, be the authentic engagement of state and Tribal legislators, which does not occur at the governor's Commission level. The present composition of the Commission includes the governor, Tribal government chairpersons, and at-large American Indian representatives.

The focus of a legislative committee would be more on policy issues rather than on administrative services that are typically addressed by the Commission. Strengthening services for the state's Indian citizens is an important function of the Commission. And policy-related issues are in fact discussed as part of the Commission's agenda. But for a variety of reasons, these may not necessarily receive legislative attention nor translate into policy proposals for the state legislature that convenes every two years. A state-Tribal relations committee would provide a formal conduit for problem-solving within the policy-making arena of the legislature. To be fair and effective, this process must be carried out with active consultations involving Tribal government leadership.

2. Complexity of State/Tribal Citizen Issues

The needs and challenges of North Dakota's American Indian populations are diverse and complex. There is a tendency by state and federal government leadership to develop a common "one fits all" solution for Tribal issues. A legislative committee on state-Tribal relations would serve to nurture a better understanding that there are few common fixes to complex problems, and that more time and energy – yes, this means more work - to come up with effective approaches and solutions.

One of the biggest issues impacting Indian populations today is the question "What is an Indian?" The multi-faceted dimensions of this question continue to create confusion and misunderstanding about what governmental entity has responsibility for meeting the socio-economic needs of Tribal people in this state.

It is important to note that last year marked the anniversary of an important event in U.S. history. Eighty years ago, the U.S. Congress passed the American Citizenship Act of 1924, answering in part the question of "What is an Indian?" This country's indigenous peoples became recognized as United States citizens. Along with this action came state citizenship for Indian People. So it is important to understand that the creation of a state-Tribal relations committee is a response, in part, to addressing the needs and issues of **state citizens who are American Indians and who also may enjoy the privileges of citizenship status as enrolled members of Indian Nations.**

The multiple citizenship status of North Dakota's Tribal people has established the framework by which the needs of the state's Tribal citizens must be addressed. We understand that the federal government has obligations to Indian People because of treaties negotiated with Tribes. To regain the self-sufficiency of past life, contemporary Tribal government is involved with guiding the future of Tribal members by virtue of its inherent sovereign rights and responsibilities.

Part of the challenge in addressing Tribal needs is maneuvering around a "pedigree" system that was imposed upon Indian People. Services from both federal and Tribal governments are provided to Tribal people having a blood quantum of one-fourth degree Indian blood, the minimum established for eligibility of services. Because of this standard, a key problem emerges from this system – who addresses the needs of Tribal people, especially those who do not meet the blood quantum standard and those that reside outside of the reservation population? The most logical approach is a shared responsibility by Tribal and state governments.

Today's North Dakota Indian population is experiencing a unique trend. We keep hearing about the out-migration of young non-Indian people from the state. However, the fastest growing group in North Dakota is the reservation-based population. According to the 2000 U.S. Census, at least fifty percent of this population is 18 years of age and younger. This could conceivably represent the future workforce of North Dakota. The question for all of us should be – what are we doing to nurture and educate that population as an important facet of North Dakota's future?

One particular ingredient of this future is economic development. In our communities, all we have are basically two things – land and human resources. The challenge before us is cultivating both resources so that viable economic opportunities can be shaped, leading to an acceptable quality of life for all community members. This must be a high priority on the agenda for the proposed state-Tribal relations committee. While there may be in fact other legislative committees dealing with economic development, the broad scope of this topic warrants attention from different sources and different perspectives.

One example of an economic development issue shared by both state and Tribal governments is water rights and conservation. Water is the "gold standard" of the future. Life cannot exist without it. Historically, state and

Tribal governments have been on the opposite sides of the table when dealing with water-related issues. For the future, they must be on the same side because the most critical challenges are not from within the state but coming from outside the boundaries of the state. The proposed state-Tribal relations committee could bring together key stakeholders to strategize and plan for efficient use of water and land resources.

The other important ingredient of economic development is human resources. The state cannot continue to do business as in the past when dealing with Tribal human resources. We can no longer maintain the position that the development of our Tribal communities is the exclusive responsibility of federal and Tribal governments. Too much of what happens in our Tribal communities, both good things and not-so-good things, spill over into the other communities of the state.

Again, we must understand that the socio-economic needs and issues of Tribal communities are diverse and complex. We must be realistic about the agenda of the proposed state-Tribal relations committee. The issues and challenges are central to the most basic needs of both Indian and non-Indian communities of our state – human nutrition, housing, law and order, health, education, transportation, technology infrastructure development, and community leadership to name just a few areas. These socio-economic areas along with economic development are central to shaping a better quality of life here in North Dakota. That should be the goal of the proposed state-Tribal relations committee.

3. Educational Opportunities

There are two other perspectives I wish to offer concerning the potential opportunities that emerge with the establishment of a proposed state-Tribal relations committee. One is the opportunity of education - to be a student and a teacher at the same time. There is a need for state and Tribal government policy-makers to assume these roles while wearing the "hat" as legislator.

It has been my experience with state legislatures, and being involved with such entities as the state Indian Affairs Commission, that there is a tremendous need for education about the problems and challenges facing American Indian People and Tribal communities. There are just too many dynamics – ignorance, stereotypes, pre-conceived assumptions, racial

prejudice, governmental paternalism, and attitudes of "one upmanship" – that have served as barriers when it comes to addressing Tribal issues. I envision the proposed state-Tribal relations committee promoting opportunities for truthful communications via consultations and forums so that policy-makers can become educated and pursue informed decisions.

I also see opportunities to make good use of people with knowledge, insights, and expertise about the place of American Indian People in this state, in this nation, and throughout the world. Some of these people will come from educational institutions such as our Tribal colleges and universities. I envision not only an educational process for policy-makers, but an introduction to "lessons learned" about coping with the dynamics of cross-cultural diversity. State and Tribal government legislators could become the role models in this state for demonstrating leadership behavior that embraces and positively deals with the diversity among people.

The educational process does not flow in one direction to the benefit of non-Indian stakeholders. The proposed state-Tribal relations committee could provide opportunities for Tribal people to better understand and participate in state government. For example, a legislative internship program for Tribal college students could evolve through the committee. Reservation-based schools could tap into committee forums through the state's interactive video network system. The educational opportunities are only limited by the commitment to make things happen.

4. Proactive Leadership in State-Tribal Relations

Lastly, the establishment of the proposed state-Tribal relations committee would provide an opportunity for state and Tribal government policy-makers to assume a proactive leadership role in the state. History will show that more times than not, policy-makers have been in "reactive" mode when it comes to Tribal issues, and the outcomes have been less than desirable. We need to turn this approach around so that our state leaders – both Indian and non-Indian - become proactive and forward-thinking.

In his North Dakota "State of the Tribes" address on January 6, 2005, Standing Rock Tribal Chairman Charles W. Murphy cited examples of past and current cooperative efforts between state and Tribal governments. He talked about authentic partnerships, and the need to continue on this path. The establishment of a state-Tribal relations committee proposed by S.B.

2320 is a good step in that direction. I encourage and recommend your consideration to support this important legislation of the future.

Again, thank you for this opportunity to share my thoughts and perspectives. If there are any questions, I will try to answer these.

Phil Baird, At-large Member
N.D. Indian Affairs Commission
Mandan, N.D. 58554
701-255-3285 Ext. 1201 (O)
Email: pbaird@uttc.edu

9 am, Jan 28, 2005

Political Subdivisions Committee, Sen D. Cook, Chair

Red River Room

SB 2320

My Name is David Volk and I am a Commissioner for Sioux County, Fort Yates, ND. Sioux County is unique in the nation and in ND. We are one of only 8 counties, nationwide, that are totally encompassed on an Indian Reservation and we are the only county in the ND. Sioux County has the lowest per capita income in the state of ND, the lowest mill levy value in the state of ND, second lowest mill value in the nation and was determined to be the 15th poorest county in the nation by a study done by Harvard University a few years ago.

I believe that SB 2320 has left out a vital player in tribal relations and that would be the Indian Counties in ND. Sioux County must and has coordinated services with the Tribe and the BIA for decades. Just about every service that is provided by Sioux County is duplicated by the Standing Rock Sioux Tribe and the BIA so lots of coordination must take place to make sure that no one falls through the cracks. Almost daily contact occurs in the area's of law enforcement, roads, courts, jurisdiction, child protection, social services to name a few.

We would ask that Sioux county and other Indian Counties be included as a possible interim studies because of the unique relationship we have the tribes and with the State. Indian counties in ND are treated the same as other counties in ND and we are not. We have unique issues with taxation, tax base, jurisdiction, land valuation, child support enforcement to name a few, yet our issues are treated the same as other counties and we have no avenue to bring our problems to anyone's attention.

We would ask that Indian Counties be added to SB 2320.

Thank you, I would try and answer any questions the committee might have.

Testimony to the Political Subdivisions

Good Morning, My name is Vincent Gillette and I am the Director of Sioux County Social Services and I am here representing Sioux County. I am here in favor of 2320, with an amendment. I would like Indian Counties added to the reservations as potential interim studies. Indian counties are the middle man between the State and the reservations and we have worked with and made agreements with the tribes for decades and understand the problems on a first hand basis because we must deal with these issues daily.

Indian counties also need a vehicle with which to bring forth our unique issues, such as taxation, jurisdiction, tax levies, lack of a tax base just to name a few. Indian counties and Sioux County in particular have no way to make anyone aware of our issues. We get caught in the good of the many out weigh the good of the few. By that I mean, what is good for most of the counties, the Indian counties need to go along with, even though it isn't in our best interests. The SWAP legislation is the best recent example of this. Indian counties were forced to trade away our reimbursements for program costs. We weren't paying much for program costs prior to swap and ended up the huge child support costs, in the process. Sioux County was paying 1% of a 17% of the non federal share, which amounted to nothing because incentives covered the costs. Now we should be paying 10% of a million plus budget, which is a considerably more. Jurisdiction is a major issue in Child Support. We must pay child support for them to tell them that they lack jurisdiction because it involves Indian's on the reservation. Something we knew to start with but are required to refer our clients to child support. 99% of our clients are Native American and live on the reservation where the state lack jurisdiction. We need a legislative body to take a look at our unique situations. Sioux County is one of only eight counties NATIONWIDE that is totally encompassed on an Indian Reservation. Of those eight only two have county funded services. We believe that needs some kind of special consideration, financially or otherwise, but in order to accomplish this the issue must be studied by an interim committee, to identify our special issues. I have been trying to get our issues addressed but our concerns always get lost in the issues of all the counties as a whole.

We support 2320 and would like an amendment to include Indian counties because of our unique circumstances so that our unique issues can be addressed.

Testimony on SB 2320 and Proposed Amendment

Hau Chairman Cook and members of the Committee. For the record, my name is Carol Two Eagle, and I am here in support of SB 2320, with an amendment.

This bill is a good step toward helping improve the relations between state government and our various Indian Nations here in North Dakota.

The amendment I would ask for is to include language about help for establishing and growing *all* Indian businesses, not just those on Indian Reservations, because the great majority of us Indians want to go back to our Reservations and take our businesses with us. In my language, the word is o'kiciyapi (oh! KeecheeAHpee) - it means, "helping each other". Building culturally appropriate businesses off the Reservation and taking them home to help our People have economic self-sufficiency "in a good way" - that is, via *culturally appropriate* businesses - is important to us. An example of a culturally inappropriate business would be the Five Nations Co-operative, which sells Channunpa. This is sacrilege and is an attack on our Traditional spiritual Ways. It is wrong.

I am the founder and CEO of a micro-corporation, Indian Maid Products, Inc. It began as Indian Maid Foods, Inc., but has grown to include non-food products. I decided to establish off the Reservation because of easier access to assistance, or so I and my Board of Directors thought.

My Board of Directors consists of three Republicans and one Democrat, so it crosses Party lines; 3 of my Directors are agricultural producers while the other is a "business" Republican; and all are former Legislators. We have had considerable helpful input from business leaders in ND, as well. They all thought it would be "a shoo-in", as one of them put it, if I presented a grant application to APUC - the Agricultural Products Utilization Commission for money to build the business. The markets already exist and are large; demand does not have to be built, it has to be met; the profit margin is good; the products are value-added agricultural products; and we had everything we needed except some cash.

In the first application, I was accused of having lied, in so many words - in the *official* (& *public*) hearing on the grant application - about having a Board of Directors, about its makeup, about Indian Maid being a real corporation ("Everyone knows Indians wouldn't know enough to incorporate, let alone how."); and about the Board Members' enthusiastic support of the venture.

In the second application, I was told, "No Indian, let alone an Indian female, could have the quality, variety, and kind of qualifications you claim.", "No Indian, let alone an Indian female, could ever have bossed a crew of 17 men.", and "Your belief that paying a living wage, should you get public monies to build the company, shows that you don't know anything about business." The first two were easily verified, had they tried, which they admitted they had not; and the third remark runs directly counter to the best business teachings in use in the past 30 years, and this is also easily verified.

By this time, my Directors were pretty unhappy. When they went to the Commission to get this bigoted attitude straightened out, we were told, "The grant was so powerfully written, 'everyone' on the Commission 'knew' it couldn't have been written by an Indian, and we wondered why Carol didn't put the grant writer's name on it."

In the third application's public hearing, Linda Butts, ND's Deputy Director of Economic Development and Finance, said, "I don't ever want to make a grant to any company whose mission statement says it means to provide jobs for Indians." There were 15 people there, along with two tape recorders - the Commission's and mine. When my Directors went to get a copy of the Commission's tape, they were told it had been 'lost'. Yet, they managed to make a very complete-appearing report to the Legislature and the Governor on their hearings.

When I asked Linda Butts for the bases of her objections during that third hearing, including that we are citizens of the US & of ND courtesy of the Snyder Act of 1924 & so have a perfect & equal right to grant monies, the same as any white male, in every case she replied, "Because you're Indians!" Emphasis hers. When I finally asked if she was familiar with the words "racism, discrimination, illegal, and lawsuit", Dan Kalile, who was running the meeting, suddenly said, "Oh! We're out of time!" and ended the hearing before she could answer. Isn't serendipity amazing? I editorialize that it seems appropriate that this meeting was held in Jamestown, ND.

This time, the Board went to the Governor about this. He said he "had to allow his Deputy Director to manifest her vision of ND's economic future and development as she best saw fit." Either he didn't read their letter or he wasn't paying attention. Not to mention that his response was illegal.

This did nothing to improve relations between the Tribes or any part of them, and the state government. A Committee such as is proposed in this bill would have done much to prevent such a stupid set of remarks from ever being expressed as official government policy, I think, and could have done much to aid the establishment of Indian Maid and companies like it. It still could.

So I hope that you will give this bill a unanimous Do Pass recommendation, preferably as amended to include 'all' Indian businesses, and take one more step toward making North Dakota's government one that automatically shows respect to Indian Nations, our Sovereignty, and our People. Thank you for hearing me in a good way now. Mitakuye oiasin. We are all related. (MeeTAHkooyeh oheeAHseenh)

[<< Since I am trying to print this testimony after I gave it verbally on January 28, I am going to insert here that, after the hearing, someone remarked to me about 'needing' to bring proof of such as the Linda Butts remarks with me when I testify to such things; and about 'how would I feel if someone made such remarks about me or something I said'.

[<< I do not have to bring any such proof, for at least 3 reasons. First, the remarks were made during an Open Hearing. They are official government activities, and subject to the Open Meetings law. They were illegal, they were blatant, they were heard by everyone who was there, and they were taped. Second, I have a Constitutional Right & Duty to give specific instances of such remarks when I testify. Everyone does. They are never to be struck from the tape of the hearings or disregarded. As I recall, that would be illegal and a violation of a citizen's Right to be heard. And third, I am the woman who Carries The Pipe of The Four Winds. Anything I say in such a serious case is automatically to be assumed to be the truth. It's a rare instance when someone can't tell if I am joking, and when I joke during testimony, it would not be about something so serious as bigotry.

When testifying to such remarks, it is automatic to assume that I would not be joking. It is never to be assumed that I would be lying. That shows massive disrespect to my Channunpa, to me, to my obagi (sacred commitment), and to my sacrifices on behalf of my obagi, my Channunpa, & my vows. (Pronunciation guide - ChahNOONHpah (nh = nasalized n); ohBAHghi (gh = glottalized 'g' sound)).

[<< As for how I would feel if someone repeated such remarks had I made them - I would not make such remarks. Stupid remarks are occasionally attributed to me & to others who strive to Carry our Pipes in a good way, in a sad effort to discredit me / them. This has come to be so since the advent of missionaries among our People, who have tried everything imaginable to destroy the Traditional Ways. If you ever have a question, you are welcome to ask me for the truth, & have confidence that I will give it to you, regardless of how unpleasant it may be for you to hear it. As this testimony no doubt has been. Thank you for hearing me in a good way now. >>]