

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### TRIBAL AND STATE RELATIONS COMMITTEE

Tuesday, October 10, 2006

Tribal Council Chamber, Mandan, Hidatsa, and Arikara (MHA) Nation Administration Building  
New Town, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 9:10 a.m.

**Members present:** Senators Bob Stenehjem, Stanley W. Lyson, David O'Connell; Representatives Duane DeKrey, Kenton Onstad

**Members absent:** Senator Randel Christmann; Representative Rick Berg

**Native American Tribal Citizens' Task Force members present:** Ken W. Davis, Chairman, Turtle Mountain Band of Chippewa Indians; Tex G. Hall, Chairman, Three Affiliated Tribes - Mandan, Hidatsa, and Arikara Nation; Cheryl Kulas, Executive Director, Indian Affairs Commission; Myra Pearson, Chairman, Spirit Lake Nation

**Native American Tribal Citizens' Task Force members absent:** Gerald Flute, Chairman, Sisseton-Wahpeton Oyate; Ron His-Horse-Is-Thunder, Chairman, Standing Rock Sioux Tribe

**Others present:** See Appendix A

Representative Dawn Marie Charging and Senator Dennis Bercier were also in attendance.

**It was moved by Senator Lyson, seconded by Senator O'Connell, and carried on a voice vote that the minutes of the May 8, 2006, meeting be approved as distributed.**

Chairman Stenehjem recognized Mr. Hall. Mr. Hall introduced Mr. Marcus D. Wells, Jr., Vice Chairman and Tribal Representative for the Four Bears District; Mr. Mervin Packineau, Tribal Representative for the Parshall, Lucky Mound District; and Mr. Nathan Hale, Tribal Secretary and Tribal Representative for the West Segment (Mandaree).

#### **DELIVERY OF SERVICES AND CASE MANAGEMENT SERVICES IN INDIAN COUNTRY**

Chairman Stenehjem recognized Ms. Barb Fischer, Manager of Hospital and Long-Term Care Services, Department of Human Services. Ms. Fischer discussed the status of licensing nursing facility and basic care beds on the Turtle Mountain Indian Reservation. A copy of her written comments is attached as Appendix B. She said 2005 House Bill Nos. 1190 and 1191 require basic care and nursing facility beds to be licensed within 48 months of acquisition. She said the beds acquired by the Turtle Mountain Band of Chippewa Indians will begin to reach this threshold in August 2007.

Chairman Stenehjem recognized Mr. Davis. Mr. Davis said the original financing package for the Turtle Mountain Band of Chippewa Indian facility was delayed when the tribe was unable to secure a grant from the United States Department of Agriculture for the facility. He said the tribe then had to put a new financing package together. He said a site has been selected, feasibility studies have been completed, and the design is complete. He said the tribe is confident the new financing package will be completed and construction will commence in 2007. However, he said, the facility will not be completed by August 1, 2007, when the 48-month expiration commences, and thus it will be necessary for the tribe to request an extension during the 60th Legislative Assembly.

In response to a question from Senator Lyson, Mr. Davis said it will take 12 to 18 months to construct the facility once construction commences. He said the tribe plans to work with the Indian Affairs Commission to draft legislation to provide for an extension which will be submitted to the 60th Legislative Assembly.

#### **CHILD SUPPORT ENFORCEMENT IN INDIAN COUNTRY**

Chairman Stenehjem recognized Mr. Mike R. Schwindt, Director, Child Support Enforcement Division, Department of Human Services. Mr. Schwindt provided an update of the interactions between the tribes and the state on child support enforcement services. He reviewed the current status of the relations between the tribes and the state, challenges faced by the state child support enforcement program, and examples of interactions that have been positive. A copy of his written comments is attached as Appendix C.

In response to a question from Mr. Hall concerning a child support enforcement case involving an enrolled member of the Three Affiliated Tribes who was married and divorced from an enrolled member of a South Dakota tribe residing in South Dakota, Mr. Schwindt said many child support enforcement cases are extremely complex and child support enforcement cooperative agreements between the state and a tribe must be beneficial for both the tribe and the state to ultimately benefit the child beneficiary involved. He said if a tribe wishes to, the state and each tribe can craft a separate customized child support enforcement agreement.

In response to a question from Senator Lyson, Mr. Schwindt said even if a tribal court allocates child support payments between two enrolled members, the state may become involved under federal law because if one of the parties seeks public assistance such as temporary assistance for needy families (TANF), Medicaid, or foster care, that party's child support rights are assigned to the state and the state then becomes involved.

### **SOVEREIGN LANDS AND OIL AND GAS RESOURCE DEVELOPMENT IN INDIAN COUNTRY**

Chairman Stenehjem recognized Mr. Rick Larson, Director of Minerals Management, Land Department. Mr. Larson discussed the ownership of oil and gas mineral resources under the bed of Lake Sakakawea. He distributed a memorandum from Mr. Charles M. Carvell, Assistant Attorney General, Attorney General's office, concerning title to minerals under the Missouri River. A copy of the memorandum is attached as Appendix D. Mr. Larson said the state bases its title to the bed of the Missouri River under Lake Sakakawea on the equal footing doctrine and that the strong presumption of state title to land under navigable waters is the rationale under which the Land Department exercises jurisdiction over the minerals in question. He said this presumption may be overcome if intent to do so was definitely declared or otherwise made plain. He said a state can be deprived of title to navigable waters but only in the most unusual circumstances. He said it is possible that these circumstances may exist at Fort Berthold and if the Mandan, Hidatsa, and Arikara Nation were to present its view and such circumstances exist, state officials would carefully examine them and, if necessary, consider whether the current view of the title warrants review.

In response to Mr. Larson's comments, Mr. Hall said the Mandan, Hidatsa, and Arikara Nation disagrees with the state's position and asserts ownership of the bed of Lake Sakakawea because the reservation surrounds the lake. He said the Fort Laramie Treaty of 1851 clearly sets aside the lands of the Fort Berthold Indian Reservation for the tribe and this treaty has been supported by the United States Court of Claims. He said the general rule of interpreting treaty provisions is that if a provision is not mentioned or covered by a treaty, deference is usually given to the tribe.

### **WATER ISSUES IN INDIAN COUNTRY**

Chairman Stenehjem recognized Mr. Dale Frink, State Engineer, State Water Commission. Mr. Frink discussed tribal water rights and water issues. He said the Legislative Council assigned the study mandated by Section 1 of 2005 Senate Bill No. 2115 of the process to negotiate and quantify reserved water rights to the interim Agriculture and Natural Resources Committee. He said the committee is

recommending a bill draft to authorize the Governor or the Governor's designee to negotiate with any federally recognized Indian tribe claiming a reserved water right and representatives of the federal government as trustee for the tribe to define the scope and attributes of rights to water claimed by the tribe. He said the bill draft also establishes the process to negotiate Indian federal reserved water rights claims.

Mr. Frink said many western states have entered into negotiations with Indian tribes to settle Indian reserved water rights claims. He said the claims are usually adjudicated based upon one of two standards, the practicable irrigable acreage standard or the economic viability standard. Under the practicable irrigable acreage standard, he said, the tribe receives sufficient water to irrigate the reservation it occupies while under the economic viability standard, the tribe receives the amount of water necessary for economic viability or to fulfill the purposes of the reservation. Whichever standard is adopted, he said, the settlement of Indian reserved water rights claims would require a large amount of water. He said tribal reserved water rights have a priority date from the date the reservation was created and thus would be senior to any other water rights in the area. He said an agreement was negotiated recently between New Mexico and several tribes in that state which is awaiting congressional ratification. He said the agreement calls for over \$1 billion in water development in New Mexico. He said the cost of the settlement may be one reason it has not been ratified by Congress. He said negotiation is preferable to litigation and although North Dakota does not have much experience negotiating Indian reserved water rights, there is a lot of experience nationwide. He said there has not been any Indian reserved water rights settlement involving the Missouri River. Finally, he said, it is incumbent upon a tribe to determine if and when it wishes to quantify and adjudicate its reserved water rights claims. He said the only tribe in North Dakota that has expressed any interest in pursuing its reserved water rights claims is the Turtle Mountain Band of Chippewa Indians.

Concerning the Indian municipal, rural, and industrial water supply program, Mr. Frink said this program is administered by the Bureau of Reclamation. He said Garrison municipal, rural, and industrial water supply funds are essentially split 50/50 between the state and the tribes. One difference between the state program and the tribal program, he said, is that the federal government pays 100 percent of Indian municipal, rural, and industrial water supply operation and maintenance costs. Under the state municipal, rural, and industrial water supply program, he said, water users are responsible for 100 percent of the operation and maintenance costs. He said the state municipal, rural, and industrial water supply program is comprised of 75 percent federal funds and 25 percent nonfederal funds while Indian municipal, rural, and industrial

water supply program projects are 100 percent federally funded.

Mr. Frink said the municipal, rural, and industrial water supply program was authorized under two federal acts--the Garrison Reformulation Act of 1986 and the Dakota Water Resources Act of 2000. He said the Garrison Reformulation Act of 1986 authorized \$200 million in state municipal, rural, and industrial water supply projects and \$20 million in Indian municipal, rural, and industrial water supply projects. He said the Indian municipal, rural, and industrial water supply funds were indexed for inflation while the state funds were not. He said all of the money authorized in this Act has been expended. He said the Dakota Water Resources Act authorized \$200 million in state projects, \$200 million in Indian projects, and a \$200 million loan for the Red River water supply project. He said the 2000 authorizations were indexed for inflation. He said the state has not received any of the money authorized in 2000 and indexed for inflation, the total authorization is now \$260 million. He said tribes in North Dakota have spent \$48 million in tribal municipal, rural, and industrial water supply funds since 1986 and have approximately \$240 million in authorized funds remaining. He said both the state and Indian municipal, rural, and industrial water supply programs are excellent programs. He said the only problem associated with the programs is obtaining appropriations for the funds that have been authorized.

In response to Mr. Frink's comments, Mr. Davis said no tribe, including the Turtle Mountain Band of Chippewa Indians, is ready to undertake negotiation of its reserved water rights claims. He said Indian water rights negotiations are very complex and a number of technical studies must be done to quantify the reserved water rights claim.

Chairman Stenehjem recognized Mr. Wells. Mr. Wells said the Mandan, Hidatsa, and Arikara Nation would like to construct a pipeline from Lake Sakakawea to New Town and Parshall to supply municipal water to those cities. He said he would appreciate any support the committee and State Water Commission could provide for this project.

In response to Mr. Wells' comments, Mr. Frink said these projects are exactly the type that the Indian municipal, rural, and industrial water supply program is designed to fund and construct.

In response to a question from Representative Onstad, Mr. Frink agreed that the key to preserving North Dakota's right to Missouri River water is not only identifying specific water needs but putting the water to a beneficial use.

### **GAME AND FISH ISSUES IN INDIAN COUNTRY**

Chairman Stenehjem recognized Mr. Roger Rostvet, Deputy Director, Game and Fish Department. Mr. Rostvet discussed the implementation of 2005

Senate Bill No. 2041, which dealt with hunting on Indian land. In general, he said, the legislation is working very well and there have been fewer conflicts involving Indian and non-Indian hunters hunting on or off reservation. Also, he said, the bill has led to improved communication between the state Game and Fish Department and tribal Fish and Game Departments. Bright spots, he said, include the cooperative season on mountain lions, separate regulations implemented for North Dakota and South Dakota by the Wahpeton-Sisseton Oyate Tribe, and the similarity of seasons and bag limits between the state and the Mandan, Hidatsa, and Arikara Nation. However, he said, the state Game and Fish Department does have several concerns. He said concerns involve the Standing Rock Sioux Tribe which has adopted certain regulations counter to state law and there is a lack of coordination between state and tribal seasons.

In response to Mr. Rostvet's presentation, Mr. Hall said enactment of 2005 Senate Bill No. 2041 was a huge success and emphasizes state and tribal cooperation in the game and fish area. He said North Dakota is a leader among the states in relations between the state and tribes on game and fish issues.

In response to Mr. Hall's comments, Senator Stenehjem said he was also pleased with the implementation of 2005 Senate Bill No. 2041 and the cooperation between the state and the Mandan, Hidatsa, and Arikara Nation has fulfilled his vision for the bill.

In response to Mr. Rostvet's presentation, Mr. Davis said it must be remembered the primary purpose of Senate Bill No. 2041 was to regulate hunting by non-Indians on tribal trust land and Indian-owned land. He said the Turtle Mountain Band of Chippewa Indians agreed to the removal of trust and Indian-owned land located off the reservation from the bill as a conciliatory gesture to other tribes. However, he said, the Turtle Mountain Band of Chippewa Indians believes it still has the right to regulate hunting on tribal trust land and Indian-owned land located outside the exterior boundaries of its reservation.

In response to Mr. Davis' comment, Senator Stenehjem said there may still be areas of disagreement between the state and the tribes, but any area in which the state and tribes can agree on game and fish issues is still positive.

Chairman Stenehjem recognized Mr. Todd Hall, Fish and Game Director, Mandan, Hidatsa, and Arikara Nation. Mr. Hall said Senate Bill No. 2041 is everything the tribe had hoped it would be. He said it has fostered clear and concise regulations, good communication with the state Game and Fish Department, and led to cooperative game management efforts.

Chairman Stenehjem recognized Representative Charging. Representative Charging agreed that 2005 Senate Bill No. 2041 is working very well and has led to more cooperation between state and tribal game and fish authorities.

## METHAMPHETAMINE ISSUES

Chairman Stenehjem recognized Mr. Jerry Kemmet, Director, Bureau of Criminal Investigation, Attorney General's office. Mr. Kemmet discussed the methamphetamine problem and how the state and tribes can work together to confront the methamphetamine epidemic in North Dakota. From January 1, 2003, through October 10, 2003, he said, the state discovered 254 methamphetamine laboratories. He said the state discovered 175 during the same period in 2004 and 184 during the same period in 2005. He said only 38 laboratories have been discovered during the same period in 2006. He said the reason for the decline in methamphetamine laboratories in North Dakota is the work the Legislative Assembly and the Attorney General have done to control the distribution of psuedophedrine. He said methamphetamine laboratories are toxic and very time-consuming to eradicate. However, he said, the majority of methamphetamine present in North Dakota is not produced in North Dakota but is being brought in from out-of-state producers. He said drug traffickers are using the state's highways to traffic the drug and 40 percent of the state's Highway Patrol officers have been specially trained to identify drug couriers. He said the Bureau of Criminal Investigation has grant money available to train tribal and Bureau of Indian Affairs officers to interdict methamphetamine traffickers.

Mr. Kemmet said the Safe Trails Task Force has recently been established. He said the task force is composed of 10 members, including tribal and Federal Bureau of Investigation officers, and is headquartered in Bismarck. He said the task force is establishing contacts on each of the state's reservations to combat the methamphetamine problem. Also, he said, the Bureau of Indian Affairs and the Indian Affairs Commission assisted the United Tribes Technical College in applying for and receiving a grant to fund a program to develop information-sharing techniques between state, federal, and tribal law enforcement agencies. He said the grant is designed to reduce alcohol and drug-related crimes in a borderless environment. He said it is clear the state cannot arrest its way out of the methamphetamine problem and that education and treatment are essential tools in combating this problem.

Mr. Kemmet said the Bureau of Criminal Investigation has also established a postseizure analysis team. He said this team is designed to provide background information on any individual arrested by a law enforcement agency in North Dakota.

Chairman Stenehjem recognized Mr. Hall. Mr. Hall said more resources need to be allocated to combat the methamphetamine problem in North Dakota. He said one project he would like to see is an assessment of how the current efforts to combat the methamphetamine problem are working.

Chairman Stenehjem recognized Dr. David Gipp, President, United Tribes Technical College. Dr. Gipp

said the objective of the task force established under the grant was to develop better communication between the state and the tribes on law enforcement issues. He said the task force learned that because methamphetamine does not respect jurisdictional lines, there needs to be greater cooperation among the state's various law enforcement agencies to combat this problem. He said the task force is grappling with the issue of how sensitive information can be shared among various law enforcement agencies without violating any confidentiality restrictions. He said the task force is being coordinated by Ms. Karrie Azure, Grant Coordinator, United Tribes Multi-Tribal Indian Drug and Alcohol Initiative, and former Assistant Director of the Indian Law Project at the University of North Dakota.

## LAW ENFORCEMENT ISSUES IN INDIAN COUNTRY

Chairman Stenehjem recognized Mr. Bob Bennett, Assistant Attorney General, Attorney General's office, who discussed law enforcement issues in Indian country. A copy of a question and answer sheet used by Mr. Bennett in his presentation is attached as Appendix E. He said the North Dakota Supreme Court has recognized that North Dakota Century Code Section 11-15-02 provides a sheriff wide latitude in the appointment of special deputies. He said the appointment of a special deputy is not limited to only one-time conditions and the special deputy appointed by the sheriff does not have to be a peace officer licensed by the Peace Officer Standards and Training Board. As a deputy to a county official, he said, a special deputy has the same peace officer powers as the sheriff, unless such powers are limited by the appointment. In summary, he said, it is not difficult for a sheriff to appoint a special deputy.

Chairman Stenehjem recognized Mr. Mark Fox, Administrator, Justice Center, Mandan, Hidatsa, and Arikara Nation. Mr. Fox distributed an e-mail from Mr. Steven R. Engen concerning training of tribal correctional officers at the North Dakota Law Enforcement Training Academy. A copy of the e-mail is attached as Appendix F. Mr. Fox requested the committee examine the issue of training correctional law enforcement officers at the state Law Enforcement Training Academy.

In response to Mr. Fox's presentation, Chairman Stenehjem said he would contact the director of the Law Enforcement Training Academy to review this issue.

Mr. Fox again addressed the committee. He said tribal law enforcement agencies are very active in trying to stop drugs from entering the reservations. He distributed a price list prepared by the Bureau of Criminal Investigation showing the average street drug price as of March 23, 2006, a copy of which is attached as Appendix G. He said it will take a cooperative effort between state and tribal authorities to stop the illegal importation of drugs on to the state's

reservations. He said the Mexican drug cartels are targeting the nation's reservations and distributing methamphetamine at low prices in an attempt to switch users of other drugs to methamphetamine and thus establish a market for their product. He said Hispanic drug traffickers find it easier to assimilate on the state's Indian reservations than do other nonmembers which opens the reservations to access to drug trafficking.

Chairman Stenehjem recognized Mr. Ladd Erickson, State's Attorney, McLean County, Washburn. Mr. Erickson said state-tribal law enforcement efforts are very complex. He said the present statutes should be revised. One of the major concerns, he said, is county liability if a sheriff appoints a special sheriff and the individual is injured in the line of duty while performing law enforcement services as an appointee of the county sheriff.

### **EDUCATION IN INDIAN COUNTRY**

Chairman Stenehjem recognized Dr. Chris Keller, Associate Professor of Biology and Past President of the Council of College Faculties, Minot State University, Minot. Dr. Keller reviewed the activities of the P-16 Education Task Force. A copy of the final report of the P-16 Education Task Force is on file in the Legislative Council office. A copy of the Executive Summary of the P-16 Education Task Force final report is attached as Appendix H.

Chairman Stenehjem recognized Ms. Kulas. Ms. Kulas said the tribal members of the P-16 Education Task Force identified several goals in addition to the six contained in the final report. She said the tribal members did not wish to file a minority report and agreed with consensus reached on the other goals. However, she said, the tribal members believed the task force should have endorsed the adoption of a policy of systemic representation and creation of an Indian education advisory council so that education professionals would have a cadre of educators to work on American Indian specific strategy designed to improve student achievement. She said this goal may be realized through legislation enacted in the 2007 Legislative Assembly. She said the legislation should target schools with significant enrollments of American Indian students, provide focused professional development for teachers of American Indian students on culturally sensitive and appropriate strategies, provide summer school enrichment strategies for students, create college-bound cohorts of American Indian students, and provide career path counseling. She said legislation should also be drafted to establish an American Indian education office within the Indian Affairs Commission.

Chairman Stenehjem recognized Mr. Chad Dahlen, Superintendent, Twin Buttes Public Schools, Twin Buttes. Mr. Dahlen discussed high school tuition shortfalls for the Twin Buttes Public School District. He distributed a letter to Senator Stenehjem, a copy of which is attached as Appendix I and a chart showing the high school tuition for the past five years charged

to the Twin Buttes Elementary School District due to not having a high school in the district, a copy of which is attached as Appendix J. He said the Twin Buttes Public School District is an elementary school district located within the Fort Berthold Indian Reservation in the southern segment of the reservation. He said the district has had to send its high school students to off-reservation public high schools for their high school education. He said the Twin Buttes Public School District is being asked to pay as much as \$24,000 for tuition per student per year by the Halliday Public School District, \$10,359 by Golden Valley, and \$5,000 by Killdeer. He said the cost of tuition and transportation payments has become cost-prohibitive to the Twin Buttes Public School District. He said North Dakota Century Code Section 15.1-29-03 should be amended so elementary school districts that are charged with educating their high school students outside the district are given the resources to pay the high school tuition and transportation costs.

In response to a question from Senator O'Connell, Mr. Dahlen said at least seven other school districts without high schools are similarly affected as Twin Buttes.

Chairman Stenehjem recognized Mr. Russell Mason, Jr., President, Fort Berthold Community College, New Town. Mr. Mason said he is an enrolled member of the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nation) and has been president of Fort Berthold Community College for two years. He said he has worked at the institution for 20 years. He welcomed Dr. David Gipp, President, United Tribes Technical College, Bismarck, Dr. Laurel Vermillion, President, Sitting Bull College, Fort Yates, Senator Dennis Bercier, representing Turtle Mountain Community College, Belcourt, and Ms. Phyllis Howard, President, North Dakota Association of Tribal Colleges, to New Town.

Chairman Stenehjem recognized Dr. Gipp. A copy of Dr. Gipp's written comments concerning the services provided by tribal colleges are attached as Appendix K. A copy of Dr. Gipp's PowerPoint presentation is attached as Appendix L. Dr. Gipp also distributed a copy of a report prepared by United Tribes Technical College showing the economic impact of the United Tribes Technical College on the Bismarck and Mandan area and the state of North Dakota and a copy of a recent United Tribes Technical College newsletter. A copy of the report and the newsletter are on file in the Legislative Council office. Dr. Gipp said there are five tribal colleges located in North Dakota--Fort Berthold Community College at New Town, Turtle Mountain Community College at Belcourt, Cankdeska Cikana Community College at Fort Totten, Sitting Bull College at Fort Yates, and United Tribes Technical College at Bismarck. He said the Sisseton-Wahpeton Community College is located just over the border in Sisseton, South Dakota. He said there are 54,074 tribal members in North Dakota and reservations in

North Dakota comprise 3,829,221 acres of land. He said American Indian unemployment and poverty rates greatly exceed the national average while high school and college graduation rates are less than the national average. He said 10 percent of North Dakota's school-age population is American Indian and this segment of the state's population is the only portion that is growing. He said the tribal college system was created because of a lack of state commitment to the tribes and the need for tribal access to higher education. He said tribal colleges are distinctly indigenous and do what other colleges cannot. He said the tribal colleges provide education for American Indians, including American Indian culture, history, languages, rights, and law. In addition, he noted the state's tribal colleges are land-grant colleges similar to North Dakota State University and thus can compete for United States Department of Agriculture research grants. He said there are not enrollment caps at the state's tribal colleges and the colleges have an open door policy in that they turn no students away. He said tribal colleges and universities receive no Section 471 federal money or state funds for education of non-Indian students and thus must absorb the costs of educating non-Indian students. He said non-Indian students comprise 7.3 percent of total enrollment at the state's tribal colleges.

Chairman Stenehjem recognized Dr. Vermillion. Dr. Vermillion said she is a tribal college success story in that she started as a student at Standing Rock Community College, the predecessor to Sitting Bull College at Fort Yates. As a result of the education she received at the college, she said, she has risen to become president of the institution. She said tribal colleges provide a very valuable service to American Indian students and benefit not only the tribes and tribal communities but the entire state of North Dakota.

Concerning the economic impact of the state's tribal colleges, Dr. Gipp said, United Tribes Technical College has experienced a near doubling of its enrollment in the last few years and as United Tribes grows so does its impact on Bismarck and Mandan. He said United Tribes' total direct impact on Bismarck and Mandan is \$21,552,865 and accounts for 1.8 percent of their taxable sales. He said during the United Tribes International Powwow, total direct impact on Bismarck and Mandan is \$4,324,320 with a statewide impact of \$4,551,525. He said United Tribes total direct impact in North Dakota is \$21,780,070. He said United Tribes has completed construction of a new \$2.6 million wellness center and is constructing a \$2.7 million family housing unit. He said United Tribes has a greater impact on Bismarck and Mandan than Bismarck State College and is ranked 20th among the area's 30 businesses with 200 or more employees. He said employment at tribal colleges is also increasing.

However, Dr. Gipp said, the state's tribal colleges are facing several fundamental issues. He said these

include non-Indian student enrollment; transfer students; cooperation and collaboration protocols; the P-16 Education Task Force recommendations; economic development; and inequity in science, technology, engineering, and mathematics. He said the state's tribal colleges are recommending that partnerships be formed that respect the integrity of tribes and tribal colleges, that the state and tribal colleges explore a mechanism to fund non-Indian students attending tribal colleges and universities, that tribal colleges be included in the state's centers of excellence program, and that the state work with tribal colleges to strengthen partnerships in education, business, technology, health, and research.

Chairman Stenehjem recognized Senator Bercier. Senator Bercier said he is appearing on behalf of Turtle Mountain Community College, Belcourt. He said Turtle Mountain Community College has 600 to 800 full-time students with 4 to 7 percent of these students nontribal members. He said tribal colleges allow Indian students to receive their education in a local area. He said tribal colleges are underfunded and the state and tribes must explore mechanisms to fund tribal colleges and to provide funding for non-Indian students attending tribal colleges.

## **GOVERNMENT-TO-GOVERNMENT RELATIONS**

Chairman Stenehjem recognized Mr. Davis. Mr. Davis said the state and the Turtle Mountain Band of Chippewa Indians were near agreement on collection of fuel taxes on the reservation when at the last moment, the state raised an exception concerning a fuel tax dealer who resided off the reservation but on trust land. He said the tribe and the state disagree over whether this fuel dealer should be included in the tax agreement. He said the tribe feels that since the dealer is an enrolled member living on trust land, the dealer should be included in the agreement even though the dealership is located off the reservation.

Chairman Stenehjem recognized Mr. Hall. Mr. Hall said the Tribal and State Relations Committee had made a good start and held a number of productive meetings. However, he said, more needs to be done to promote state and tribal relations and the Tribal and State Relations Committee should be made a permanent committee of the Legislative Council.

Chairman Stenehjem recognized Senator Lyson. Senator Lyson said more needs to be done in the methamphetamine area and more needs to be done to promote the training of tribal correctional officers.

Chairman Stenehjem recognized Ms. Kulas. Ms. Kulas said the committee should recommend a bill draft similar to 2005 House Bill No. 1524 [[50839.0100](#)] which related to medical assistance case management services and the duties of the Department of Human Services with respect to economic assistance case management services. In response to Ms. Kulas' comments, Senator Stenehjem said any agency with the bill introduction privilege or

any member of the Legislative Assembly could introduce legislation relating to tribal and state relations.

**It was moved by Senator O'Connell, seconded by Senator Lyson, and carried on a roll call vote that the chairman and the staff of the Legislative Council prepare a final report and present the report to the Legislative Council.** Senators Stenehjem, Lyson, and O'Connell and Representative Onstad voted "aye." No negative votes were cast.

No further business appearing, Chairman Stenehjem adjourned the meeting at 3:40 p.m.

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Jeffrey N. Nelson  
Committee Counsel

[ATTACH:12](#)