

**2025 HOUSE GOVERNMENT AND VETERANS AFFAIRS**

**HB 1603**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1603  
1/31/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation projects.

11:10 a.m. Chairman Schauer opened the hearing.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

### Discussion Topics:

- Native American heritage
- Historical society
- Proposed amendments to timely repatriation

11:11 a.m. Representative Brown, District 9, introduced the bill and submitted testimony, #33121, #33122.

11:16 a.m. Andy Armacost, President of the University of North Dakota, testified in favor and submitted testimony, #33237.

11:24 a.m. Representative DeVille, District 9, testified in favor and submitted testimony, #33240.

11:27 a.m. Andrew Alexis Varvel, testified in favor and submitted testimony, #33112.

11:30 a.m. James DeCoteau, Liaison to the Chairman of the Turtle Mountain Band of Chippewa Indians, Vice Chairman of the Turtle Mountain NAGPRA Committee, testified in favor and submitted testimony, #33242.

11:37 a.m. Carol Two-Eagles, testified in favor.

11:41 a.m. Alysia LaCounte, Attorney for the Turtle Mountain Band of Chippewa testified in favor.

### Additional written testimony:

Tamara St. John, Archivist for THPO, Sisseton Wahpeton Oyate, submitted testimony in favor, #33106.

Representative Davis, District 9, submitted testimony in favor, #33123.

Crystal Alberts, Professor of the University of North Dakota, submitted testimony in favor, #33204.

Lonna Street, Spirit Lake Nation Chairman, submitted testimony in favor, #33199.

11:44 a.m. Chairman Schauer closed the hearing.  
*Jackson Toman, Committee Clerk*

Good Afternoon,

The Sisseton Wahpeton Oyate Tribal Historic Preservation Office (THPO) has collaborated with the University of North Dakota (UND) and President Armacost on issues related to the Native American Graves Protection and Repatriation Act (NAGPRA), specifically concerning the remains of our Indigenous relatives and cultural items. We view this collaboration as a partnership driven by meaningful consultation with Tribal Nations. I believe that UND is committed to addressing the historical injustices faced by Tribal Nations. Today, these issues are governed by federal laws like NAGPRA, and UND has made it clear that its goal is to develop sound policies and foster strong relationships to effectively implement these laws. We all acknowledge that this work is extensive and ongoing.

We also recognize that engaging with NAGPRA can be challenging. One of my colleagues referred to it as "immensely meaningful but sorrowful work." Since its enactment, NAGPRA has profoundly impacted our tribal communities and inspired the establishment of our Sisseton Wahpeton Oyate THPO program. NAGPRA encompasses every aspect of Tribal history, culture, and preservation. It represents action. There are few opportunities to positively address historical trauma; while we cannot change the past, we can, in this new era and through innovative partnerships, acknowledge our history and lay a foundation of mutual respect for the future. Together, we can support scholarship that honors the unique cultural identities and perspectives of Tribal Nations for generations to come.

I would like to express my gratitude to President Armacost of the University of North Dakota, Bill Peterson of the North Dakota Historical Society, and especially my friend and colleague Representative Collette Brown for bringing this important effort to my attention. As the SWO Tribal Archivist working alongside the SWO THPO and managing the tribe's NAGPRA responsibilities, I wholeheartedly support HB1603 as amended and encourage your favorable vote.

Sincerely,

Tamara St. John  
Archivist  
Sisseton Wahpeton Oyate  
Tribal Historic Preservation Office  
PO Box 907  
Sisseton, SD 57262  
Office: (605) 698-3584

# **House Government & Veterans Affairs Committee**

## **House Bill 1603**

**Andrew Alexis Varvel**

**Written Testimony**

**January 31, 2025**

Chairman Schauer and Members of the Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck, District 47.

I think this bill is a good start.

Soon after the very founding of the University of North Dakota, UND has gotten itself into this big mess by raiding tombs of indigenous people here. Professor Montgomery used his expeditions to promote racist pseudoscience, and his tradition of disrespect toward local culture endured well into the twentieth century.

The sooner we can get this process started, the better. The sooner we can get this process finished in an orderly and respectful manner, the better. The University of North Dakota is not alone in this embarrassing legacy, as many high status institutions are also complicit in this disgrace. What we can do as a state is comply with federal NAGPRA regulations to make sure this crisis is dealt with.

I am also concerned about the Fraine Barracks, which serves as the headquarters of the North Dakota National Guard. That building was once the site of the Bismarck Indian School.

I very much hope there could be a noninvasive seismic scan of those grounds to discover whether children's bodies are buried there.

Quite honestly, I have no clue how many dead children are buried on the grounds of the Fraine Barracks, but it behooves us all to find out. It behooves us all to do this ourselves rather than waiting for the federal government to finance this. We have the money for it.

It will be important to consult with the survivors of deceased children discovered at federal boarding schools. Some families may prefer to let the bodies stay where they are. Other families may prefer to bring their remains home. This process will be traumatic, so it will naturally require patience and cultural empathy.

So yes, I think this appropriation is a good start. I will not pretend to regard this process as anything close to a panacea. Hard feelings will linger from previous generations of contempt, and indeed some Indians have internalized those feelings of contempt toward themselves to the point where they publicly shame non-Indians for making the effort to learn indigenous languages and speak them.

I hope that the long lost scalp of White Eyebrows, so prominent in George Catlin's collection, can eventually be repatriated to his relatives among the Mandan. I hope that the language of White Eyebrows will continue to be spoken well – and far – into the future.

Please give House Bill 1603 a **DO PASS** recommendation.

Thank you.

25.1329.01002  
Title.

Prepared by the Legislative Council  
staff for Representative Brown  
January 29, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1603

Introduced by

Representatives Brown, Davis, Finley-DeVille, Ista, Nelson

Senators Boschee, Braunberger, Mathern

1 A BILL for an Act to provide an appropriation to the state historical society for Native American  
2 grave protection and repatriation projects.

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

4 **SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN**  
5 **GRAVE PROTECTION AND REPATRIATION PROJECTS.**

6 1. There is appropriated out of any moneys in the general fund in the state treasury, not  
7 otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be  
8 necessary, to the state historical society for projects to allow the state to comply with  
9 the federal Native American Graves Protection and Repatriation Act, for the biennium  
10 beginning July 1, 2025, and ending June 30, 2027.

11 2. The state historical society may use the funding provided under this section to:

12 a. ~~Provide grants to tribal entities to consult with museums, federal agencies, and~~  
13 ~~institutions to facilitate the repatriation of Native American human remains,~~  
14 ~~funerary objects, sacred objects, and objects of cultural patrimony.~~

15 ~~\_\_\_\_\_ b. Provide grants to museums and cultural institutions for the purpose of improving~~  
16 ~~the identification, inventory, and repatriation of Native American cultural items.~~

17 ~~\_\_\_\_\_ c. Enhance state and tribal capacity to manage and oversee compliance efforts,~~  
18 ~~including funding for staffing, training, and consultation with affected~~  
19 ~~communities.~~

20 ~~\_\_\_\_\_ d. Conduct field surveys, inventories, and documentation of cultural items.~~

- ~~e. Pay for administrative, legal, and training costs related to compliance with federal requirements and for the development of training materials and workshops~~Provide grants to enhance the shared ability to manage and oversee Native American Graves Protection and Repatriation Act compliance efforts including funding for staffing, training, and consultation with tribal historical preservation offices pursuant to agreements entered under chapter 54-40.2.
- b. To consult with North Dakota museums, federal agencies, and institutions to aid with the repatriation of North Dakota tribal Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony.
- c. Provide grants to North Dakota museums and North Dakota tribal cultural institutions for the purpose of improving the identification, inventory, and repatriation of Native American North Dakota tribal cultural items.
- d. Conduct field surveys, inventories, and documentation of repatriated cultural items.
- ~~e. Pay for administrative, legal, and training costs related to compliance with federal requirements and for the development of training materials and workshops.~~
3. The state historical society shall prioritize the use of funding for projects that directly address the repatriation of culturally significant human remains and funerary objects, provide consultation opportunities between tribes and institutions holding Native American collections, and assist tribes in the development of long-term cultural preservation plans.
4. The state historical society shall establish a committee comprised of representatives of the state historical society and representatives of tribal historic preservation offices. The committee shall assist with the compliance efforts to prioritize the use of funding for projects that directly address the compliance of repatriation of culturally significant human remains and funerary objects.
5. The state historical society shall establish a timeline for the repatriation of identified items to tribal communities.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Collette Brown

District 9 (SLT/TMBCI)  
3395 89th Avenue NE  
Warwick, ND, 58381-9409  
[cbrown@ndlegis.gov](mailto:cbrown@ndlegis.gov)

## COMMITTEES:

Industry, Business and Labor  
Government and Veterans Affairs

January 30, 2025

Chairman Shauer, members of the committee, for the record my name is Collette Brown Representative from District 9 which encompasses the TMBCI and SLT and I want to thank you for the opportunity to introduce my second bill I drafted from discussions with the honorable UND President Armacost. I am here to propose a bill that seeks to assist with the implementation and compliance of the Native American Graves Protection and Repatriation Act (NAGPRA) with an appropriation amount of five million dollars to be administer through the North Dakota State Historical Society.

HB1603, a bill that is not only necessary for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) but also a critical step in strengthening the partnership between North Dakota Tribes and the North Dakota Historical Society (NDHS). With some key amendments and the inclusion of Tribal experts to provide full insight, this bill will ensure North Dakota's commitment to repatriation is both comprehensive and just.

NAGPRA was enacted in 1990 to ensure that Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony are returned to their rightful descendants and communities. The law is grounded in principles of respect for Native peoples' cultural heritage, history, and sacred traditions. However, despite the importance of this legislation, many institutions across the United States, including those in our own state, have struggled with the complex and resource-intensive processes of identifying, cataloging, and repatriating cultural items in their collections.

For too long, the process of repatriation has faced roadblocks due to a lack of resources, funding, and coordination. This bill is an important step toward addressing those challenges in North Dakota. The North Dakota Historical Society (NDHS) is an institution entrusted with the care of state collections, many of which may contain items that are subject to NAGPRA. Yet, like many institutions, Tribes along with NDHS face significant logistical, financial, and staffing barriers that have slowed the compliance process.

HB1603 provides a path forward by equipping both tribes and institutions with the necessary tools to ensure full compliance with NAGPRA. By investing in staffing, training, and consultation, we are not only facilitating the return of human remains and sacred objects but also reinforcing a long-term partnership built on trust and mutual respect.



The federal government currently allocates approximately \$2 million annually to support NAGPRA compliance efforts, providing essential grants to tribes and institutions for consultation, documentation, and repatriation to 584 Tribes.

By passing HB1603, we position North Dakota to ensure that our state, tribal governments, and institutions have the resources needed to fulfill our legal and ethical responsibilities. This funding can directly support staffing, training, and administrative costs, making compliance feasible for all stakeholders involved.

The repatriation of human remains, and cultural items is an essential act of healing for Native American communities who have long sought the return of their ancestors. It is also an opportunity for North Dakota to set a precedent as a leader in ethical museum practices and tribal relations. Through the establishment of a committee comprised of representatives from both NDHS and Tribal Historic Preservation Offices, we ensure that decisions are made collaboratively, prioritizing projects that have the most significant impact on repatriation efforts. A timeline for repatriation is necessary, ensuring that we are not simply making promises but committing to tangible action. This repatriation effort reflects a shared responsibility between NDHS and tribal nations to uphold the spirit and letter of NAGPRA, demonstrating that North Dakota values the cultural dignity and sovereignty of its Indigenous peoples.

HB1603 is not just about compliance, it is about doing what is right. It is about reconciliation, healing, and honoring the sovereignty of the North Dakota Tribes. By bringing together the NDHS, North Dakota Tribes, and state resources, this bill ensures that repatriation is carried out with the dignity and urgency it deserves. It is an opportunity for our state to do its part in promoting cultural understanding, reconciliation, and stewardship of Native American heritage. By supporting the North Dakota Historical Society in this important work, we not only uphold the integrity of the law but also contribute to the healing and strengthening of relationships between our state and the Native communities we serve.

Lastly, I have some honorable experts that would like to speak on this matter, and I would like to request this amended bill be held over as I may have one more amendment coming for HB1603. I will be gathering more insight from another Tribal expert to ensure that North Dakota leads by example in fulfilling our commitments under NAGPRA.

Thank you for your time and consideration.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Jayme Davis

District 9  
601 John Street  
Rolette, ND, 58366-7209  
[jdavis@ndlegis.gov](mailto:jdavis@ndlegis.gov)

## COMMITTEES:

Human Services  
Political Subdivisions

January 31, 2025

Good Morning Chairman Schauer and Members of the Committee,

Thank you for the opportunity to testify in support of House Bill 1603. This bill is an important step forward in addressing the ongoing need for compliance with the Native American Graves Protection and Repatriation Act (NAGPRA). The appropriation of \$5,000,000 to the State Historical Society will provide critical resources to support the repatriation of Native American human remains, funerary objects, and other cultural items, allowing our state to fulfill its obligations under federal law.

While I strongly support this bill, I believe there are opportunities to strengthen its provisions to better respect and uphold tribal sovereignty. Historically, repatriation efforts have been hindered by a lack of direct tribal involvement in decision-making processes. To ensure that this bill serves the interests of tribal nations effectively, I respectfully recommend the following amendments:

### Establish a Tribal Repatriation Advisory Council

Rather than relying solely on the State Historical Society, I propose the creation of a Tribal Repatriation Advisory Council, composed of representatives from each federally recognized tribe in North Dakota. This authority would oversee the distribution of funds and ensure repatriation efforts are conducted in alignment with tribal customs and traditions.

### Require Tribal Consultation at Every Stage

The bill should explicitly mandate formal consultation with tribal nations before any funding is allocated for repatriation projects. This ensures that tribal governments are setting priorities for the identification, transportation, and reburial of remains. Consultation must be documented and enforceable, with penalties for non-compliance to prevent unilateral decision-making by non-tribal entities.

### Direct Funding for Tribal Nations

Instead of funneling resources through the State Historical Society, this bill should allow for direct grants to tribal governments to conduct their own repatriation efforts, including research, field surveys, and reburial planning. Tribes should have autonomy over how funds are spent to best align with their cultural protocols.

House Bill 1603 represents an important commitment to justice and the respectful return of sacred items to their rightful tribal nations. However, this bill must go further in ensuring that repatriation efforts are led by tribes, not merely consulted upon. By adopting these amendments, the legislature will affirm the sovereignty of North Dakota's Indigenous nations and fulfill its responsibility to uphold the spirit and intent of NAGPRA.

I urge the committee to pass House Bill 1603 with these strengthened provisions. Thank you for your time and consideration.

Testimony of Chairwoman Lonna J. Street, Spirit Lake Nation 1.31.2025

In Support of HB 1603 Native American Grave Protection and Repatriation

Dear Government and Veterans Affairs Committee Members,

My name is Lonna J. Street, and I serve as Chairwoman of the Spirit Lake Nation. I am writing today in strong support of HB 1603, which will provide necessary funding to protect Native American graves and support repatriation efforts.

For far too long, throughout Native Country our ancestors' remains and sacred items have been taken, displayed, or stored away in institutions, far from where they belong. The Native American Graves Protection and Repatriation Act (NAGPRA) was meant to address this, yet decades later, many of our ancestors still have not been returned home. This bill is a step in the right direction; it will provide the resources needed to help make sure our peoples' remains and sacred items are treated with the dignity and respect they deserve.

To our native people, the remains of our ancestors are not artifacts. They are our grandmothers and grandfathers. Their burial sites are sacred, and their spirits deserve to rest in peace, not be boxed away in museums or universities. Repatriation is about more than compliance with the law; it is about righting a historical wrong. It is about healing.

HB 1603 will help ensure that the work of returning our ancestors is properly funded and prioritized. This is not just an issue for Native people; it is a matter of basic human dignity. If the graves of your ancestors were disturbed and their remains were taken, you would want them brought home, too. That is all we are asking for.

I urge you to pass this bill and support the protection and repatriation of Native remains and sacred items. This is about respect. This is about doing what is right.

Thank you for your time and consideration.

Sincerely,

Chairwoman Lonna J. Street  
Spirit Lake Nation

Dear Chairman Schauer and members of the Government and Veterans Affairs Committee,

My name is Crystal Alberts. I am a professor of English at the University of North Dakota (UND), where I also serve as the co-chair of UND's NAGPRA Compliance Committee along with Laine Lyons, an enrolled member of the Turtle Mountain Band of Chippewa and Development Officer at UND's Foundation & Alumni Association. I am writing **in support of HB 1603**.

For the past three years, UND has been working hard to become compliant with the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq) and its implementing regulations (43 CFR part 10) (NAGPRA), which includes the significant revisions that went into effect in January 2024. NAGPRA compliance is required by federal law for all entities that receive federal funds.

While no one person at UND had expertise in NAGPRA, we were able to find a group of faculty and staff on our campus who each had some of the necessary skills. UND was also able to hire a cultural resource management (CRM) firm with extensive experience with NAGPRA, who has the technical expertise and cultural knowledge needed to assist in our repatriation process. And, most importantly, UND was able to work closely with Tribal Historic Preservation Officers (THPOs) and other designated tribal representatives throughout North Dakota and the across region from the beginning of our process. The tribal representatives have been extremely generous with their time and knowledge, providing us with guidance and grace as we have partnered to return ancestors (human remains), their belongings, and culturally significant materials back to their tribal communities.

We know that other institutions in our state are facing and will continue to face the need to repatriate ancestors and culturally significant materials. For better or worse, we've learned a number of things during our process and have shared that knowledge to those who have asked. We offer three of the most pressing to you, which can be addressed with the proposed funds in this bill:

- **More financial assistance is needed:** Repatriation requires multiple full-time employees with specialized knowledge, a dedicated space to complete this work, legal assistance, and significant amounts of time: all of which require financial resources.

There are federal grants, but the pool of funds available nationally is limited, and the maximum award is \$150,000. Moreover, institutions and tribal nations are eligible to apply only *after* meeting the initial requirements of NAGPRA and the implementing regulations: sending the required notifications to tribal nations. However, the majority of expenses are accrued by institutions *when preparing* the required itemized inventories. These initial costs are ineligible under these grants.

Although repatriating institutions should cover the costs incurred by tribal nations during the NAGPRA process (this is UND's practice), not all institutions do often because of lack of resources. Consequently, tribal nations in North Dakota face additional financial burdens prior to and after the official notices. THPOs and designated tribal representatives may have to travel to every institution in the US that requests their presence for consultation and research, as required by federal law. They then must travel to every repatriating institution to transport ancestors back home and plan for their reinterment. Travel is also required if they are claiming culturally significant items. Generally speaking, NAGPRA cannot legally be completed in a single trip, so multiple flights or cross-country drives are necessary. Tribal

nations also must build or expand facilities to care for cultural items that are finally being returned.

- **Additional training is required:** There is a statewide shortage of people with knowledge of culturally competent cultural resource management, cultural collections care, and/or legal expertise in NAGPRA and its procedures. With additional financial resources and partnerships between state and tribal entities, we are hopeful that we can build capacity both at state institutions and in tribal communities. This includes hiring more full-time employees with these skills and on-the-job training when appropriate.
- **Tribal guidance is essential:** Under NAGPRA, institutions are required to consult with Tribal Historic Preservation Officers (THPOs). The law also clearly states that “Native American traditional knowledge is expert opinion.” It is often a matter of different world views. And, while non-Native run cultural institutions and educational institutions are changing, historically, one reason that state entities find themselves needing to repatriate ancestors or items that are significant to Native American nations is that some of us who aren’t Native American saw the burial mounds, villages, and cultural items of the First Peoples of this continent (from time immemorial) as objects to study rather than as the ancestors and cultural heritage of contemporary Native American peoples who live in North Dakota and beyond. At UND, our NAGPRA Compliance Committee and our contracted CRM firm includes numerous individuals who are enrolled members of tribes in North Dakota, South Dakota, or Minnesota. UND is literally caring for and returning their ancestral relatives and culturally significant items.

Simply put, state entities are returning the human remains of Native American ancestors to their relatives in communities throughout North Dakota and elsewhere, along with items of cultural significance that were taken without the consent of these communities. Their voices should be heard and their wishes followed.

Finally, as President Andy Armacost has said, UND will not be seeking the use of any of these proposed funds. However, we hope that these funds will expedite the repatriation of ancestors and culturally significant items to the tribal communities that have been waiting far too long for their return.

I respectfully ask for a “Do Pass” on this bill.

Sincerely,

Crystal Alberts, PhD  
Professor of English  
Co-chair, UND NAGPRA Compliance Committee  
University of North Dakota



**Testimony for the 69th Legislative Assembly – House Education Committee**

**January 31, 2025**

**Andy Armacost, President, UND**  
**andrew.armacost@UND.edu | 701.777.2121**

**Bill: HB1603**

**Position: In Support**

Dear Chairman Schauer and Members of the House Government and Veteran Affairs Committee,

My name is Andy Armacost, and I serve as the President of the University of North Dakota. I'm here to speak in support of House Bill 1603 sponsored by Representative Collette Brown.

I appear before you today to quickly share our experiences. The University of North Dakota has spent the last three years heavily involved in the repatriation of Native American ancestors and other items by working alongside Tribal Nation from across the state, the region, and the nation.

This work is required under federal law, in particular the Native American Grave Protection and Repatriation Act, which was signed in 1990 and revised most recently in January of 2024. NAGPRA places specific expectations upon museums, cultural institutions, and universities to return ancestral remains and artifacts to Tribal Nations. The recent revision broadens the expectations placed upon institutions.

The single largest barrier to this work is the expense incurred by state agencies and, more importantly, by the Tribal Nations within state of North Dakota. At UND, we know first-hand the expense of repatriation, including the cost of hiring the appropriate cultural resources consultants, hiring technical experts, and covering the travel expenses of tribal partners and team members. Keep in mind, we are doing this work for actions taken by UND members dating back to the very founding of UND in the late 1800s.

Other institutions in our state are facing and will continue to face the need to repatriate ancestors and other materials under NAGPRA. Our Tribal Nations will be at the center of this time-consuming and exhausting work. Establishing a repatriation fund will enable this work to happen quickly, accurately, and respectfully.

It is the state's responsibility to cover these expenses and to expedite actions that will bring Native American ancestors and artifacts back to their homes. I must be clear, UND is not seeking the use of the proposed fund. Rather, I am here to verify the need and to support a solution that will allow this sacred and vital work to happen.

Finally, I offer my public apology to the leaders from our five federally recognized tribes and to tribal leaders across the nation. This is but one way that we can atone for the past.

Please, again, accept my strong support for a "Do Pass" on this important bill.

## Request for Amendment Time for HB 1603

Good morning Chairman Schauer and members of the House Veterans and Government Affairs Committee,

For the record, my name is Representative Lisa Finley-DeVille, I represent House District 4A, which includes the Mandan, Hidatsa, and Arikara Nation. I am here to request additional time to amend House Bill 1603.

The MHA Tribal Historic Preservation Office (THPO) is currently out due to illness, and they have critical input regarding this bill. Specifically, the MHA THPO is seeking amendments to ensure the proper repatriation of historical artifacts and remains of the Mandan, Hidatsa, and Arikara people.

I respectfully ask for the opportunity to provide these necessary amendments to HB 1603. These amendments will set provisions that are crucial for the preservation and repatriation of our lost ancestors and artifacts, and honoring the cultural integrity of our people. I also want to express my gratitude to Representative Brown and the co-sponsors for their efforts in advancing this important legislation.

Thank you for your consideration and support.

## **Testimony Supporting Appropriations for Native American Graves Protection and Repatriation Act (NAGPRA) Compliance**

**House Bill #1603**

**Date: 1-31-2025**

**Honorable Members of the Committee,**

My name is James DeCoteau, and I am the cultural liaison to the Chairman of the Turtle Mountain Band of Chippewa Indians, as well as the Vice Chairman of the Turtle Mountain NAGPRA Committee. I am here today to express the need for appropriations that will support compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) in our North Dakota communities. As representatives of Indigenous peoples, we recognize the essential importance of honoring our ancestors and the cultural heritage that shapes our identity.

The proposed biennial allocation of \$5 million is not just a budgetary item; it is a significant commitment to justice and healing for Native American Tribes. This funding provides an opportunity to address historical injustices and ensures that our sacred artifacts and ancestral remains are treated with the dignity and respect they rightfully deserve.

### **\*\*Tribal Consultation and Repatriation Activities\*\***

The creation of designated funds for consultation is critical. This will enable North Dakota Tribes to engage effectively with museums and federal agencies throughout the repatriation process. Repatriation transcends the mere return of items; it encompasses the restoration of our histories and cultural integrity, allowing our communities to reconnect with their heritage and fostering ongoing conversations surrounding cultural preservation.

### **\*\*State and Tribal Capacity Building\*\***

Investing in the capacity of our state and tribal agencies is essential for fulfilling the goals of NAGPRA. Training and staffing allocations will support the development of effective management strategies and encourage collaboration. Equipped with the necessary resources, we can cultivate a future where our cultural items are preserved and honored within their rightful contexts.

### **\*\*Grants for Museums and Cultural Institutions\*\***

To foster a truly collaborative atmosphere, museums and cultural institutions must be prepared to navigate the complexities associated with NAGPRA compliance. Grants dedicated to enhancing inventory and repatriation processes will promote partnerships that emphasize the importance of Indigenous voices.



**\*\*Repatriation Timelines\*\***

Establishing clear timelines for repatriation not only improves the efficiency of the process but also reflects respect for our cultural items and their significance within our heritage. This commitment conveys our dedication to addressing past injustices and prioritizing the needs of Native American communities.

**\*\*Priority Considerations\*\***

I encourage you to prioritize initiatives that directly address the repatriation of significant cultural items. Providing meaningful consultation opportunities and assisting tribes in developing sustainable preservation plans will foster enduring relationships and an enhanced understanding of the pivotal roles our cultural items serve in our communities.

In summary, this appropriation represents a critical advancement towards justice and reconciliation. It allows us to honor our ancestors, protect our cultural heritage, and work towards a more equitable future. I urge you to support this bill, not only for the benefit of our Tribes but for the broader enrichment of our state.

Thank you for your attention and consideration.

Sincerely,

James DeCoteau

Turtle Mountain Band of Chippewa Indians

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Cell P: (701) 278-0155

E-mail: [James.decoteau@tmbci.org](mailto:James.decoteau@tmbci.org)

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1603  
2/6/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation projects.

11:54 a.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Christy, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff

Members absent: Representatives Bahl, Christy

### **Discussion Topics:**

- Proposed amendments relating to the creation of a compliance committee

11:54 a.m. Representative Brown explained possible amendments relating to the creation of a compliance committee to assure the State's Historical Society assists with the compliance of NAGPRA, Native American Graves Protection & Repatriation Act. for the ND Tribel Nations. The amount was reduced from five million dollars to five hundred thousand and there would need to be tribal agreements in place. Tribes can contribute up to one hundred thousand dollars to the NAGRPA compliance fund which will be overseen by OMB. States she is still waiting for final approval from Tribel Chairman.

11:58 a.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk by Risa*

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1603  
2/7/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation projects.

3:18 p.m. Chairman Schauer opened the meeting.

Members present: Chairman Schauer, Vice Chairman Satrom, Representatives Bahl, Brown, Grindberg, Karls, McLeod, Rohr, Schneider, Steiner, VanWinkle, Vetter, Wolff  
Members absent: Representative Christy

### Discussion Topics:

- Committee Action

3:18 p.m. Representative Brown introduced proposed amendments, LC#25.1329.01003, #45239.

3:21 p.m. Representative Schneider moved to adopt the amendment LC#25.1329.01003.

3:21 p.m. Representative Brown seconded the motion.

3:22 p.m. Voice Vote passed.

3:23 p.m. Representative Steiner moved a Do Pass as amended and rerefer to appropriations.

3:23 p.m. Representative Bahl seconded the motion.

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Josh Christy	AB
Representative Karen Grindberg	Y
Representative Karen Karls	Y
Representative Carrie McLeod	Y
Representative Karen Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y
Representative Christina Wolff	N

3:24 p.m. Motion passed 12-1-1.

Representative Brown will carry the bill.

3:24 p.m. Chairman Schauer closed the meeting.

*Jackson Toman, Committee Clerk*

2/7/25  
1 of 3

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1603

Introduced by

Representatives Brown, Davis, Finley-DeVille, Ista, Nelson

Senators Boschee, Braunberger, Mathern

1 A BILL ~~for an Act to provide an appropriation to the state historical society for Native American~~  
2 ~~grave protection and repatriation projects.~~for an Act to provide an appropriation to the state  
3 historical society for Native American grave protection and repatriation compliance efforts.

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

5 ~~**SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN**~~  
6 ~~**GRAVE PROTECTION AND REPATRIATION PROJECTS.**~~

7 ~~1. There is appropriated out of any moneys in the general fund in the state treasury, not~~  
8 ~~otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be~~  
9 ~~neccessary, to the state historical society for projects to allow the state to comply with~~  
10 ~~the federal Native American Graves Protection and Repatriation Act, for the biennium~~  
11 ~~beginning July 1, 2025, and ending June 30, 2027.~~  
12 ~~2. The state historical society may use the funding provided under this section to:~~  
13 ~~a. Provide grants to tribal entities to consult with museums, federal agencies, and~~  
14 ~~institutions to facilitate the repatriation of Native American human remains,~~  
15 ~~funerary objects, sacred objects, and objects of cultural patrimony.~~  
16 ~~b. Provide grants to museums and cultural institutions for the purpose of improving~~  
17 ~~the identification, inventory, and repatriation of Native American cultural items.~~  
18 ~~c. Enhance state and tribal capacity to manage and oversee compliance efforts,~~  
19 ~~including funding for staffing, training, and consultation with affected~~  
20 ~~communities.~~



- ~~1 d. Conduct field surveys, inventories, and documentation of cultural items.~~
- ~~2 e. Pay for administrative, legal, and training costs related to compliance with federal~~
- ~~3 requirements and for the development of training materials and workshops.~~
- ~~4 3. The state historical society shall prioritize the use of funding for projects that directly~~
- ~~5 address the repatriation of culturally significant human remains and funerary objects,~~
- ~~6 provide consultation opportunities between tribes and institutions holding Native~~
- ~~7 American collections, and assist tribes in the development of long-term cultural~~
- ~~8 preservation plans.~~
- ~~9 4. The state historical society shall establish a timeline for the repatriation of~~
- ~~10 identified items to tribal communities.~~

**SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN  
GRAVE PROTECTION AND REPATRIATION COMPLIANCE.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the state historical society for the purpose of providing compliance with the federal Native American Graves Protection and Repatriation Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. The state historical society shall use the funds provided under this section to establish a compliance committee consisting of tribal historic preservation officers or their designees from each North Dakota tribe with an agreement pursuant to chapter 54-40.2. The committee must consist of representatives from the state historical society, Indian affairs commission, and the attorney general's office. Each tribe participating on the committee may provide matching funds of up to \$100,000 for committee efforts. All funds received for compliance efforts under this section must be placed into a separate account with oversight by the office of management and budget.
3. The committee must identify and prioritize compliance efforts for the repatriation of culturally significant human remains, funerary objects, sacred objects, and objects of cultural patrimony, including funding for staffing, training, and consultation with the tribal historic preservation offices. The compliance committee shall develop policies to facilitate meetings, grant usage, training, consultation, compliance timelines, training,

- 1 and documentation requirements that directly address the repatriation of culturally
- 2 significant items to North Dakota tribal nations.
- 3 4. The appropriation provided in this section does not authorize any new scientific study
- 4 of Native American ancestral remains or burial property, as outlined in the federal
- 5 Native American Graves Protection and Repatriation Act, nor may the funds be
- 6 appropriated for such studies.

**REPORT OF STANDING COMMITTEE  
HB 1603**

**Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS** ([25.1329.01003](#)) and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1603 was placed on the Sixth order on the calendar.



25.1329.01003  
Title.02000

Prepared by the Legislative Council  
staff for Representative Brown  
February 6, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1603

Introduced by

Representatives Brown, Davis, Finley-DeVile, Ista, Nelson

Senators Boschee, Braunberger, Mathern

1 A BILL for an Act to provide an appropriation to the state historical society for Native American  
2 ~~grave protection and repatriation projects.~~for an Act to provide an appropriation to the state  
3 ~~historical society for Native American grave protection and repatriation compliance efforts.~~

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 ~~SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN~~  
6 ~~GRAVE PROTECTION AND REPATRIATION PROJECTS.~~

7 ~~1. There is appropriated out of any moneys in the general fund in the state treasury, not~~  
8 ~~otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be~~  
9 ~~necessary, to the state historical society for projects to allow the state to comply with~~  
10 ~~the federal Native American Graves Protection and Repatriation Act, for the biennium~~  
11 ~~beginning July 1, 2025, and ending June 30, 2027.~~

12 ~~2. The state historical society may use the funding provided under this section to:~~

13 ~~a. Provide grants to tribal entities to consult with museums, federal agencies, and~~  
14 ~~institutions to facilitate the repatriation of Native American human remains;~~  
15 ~~funerary objects, sacred objects, and objects of cultural patrimony.~~

16 ~~b. Provide grants to museums and cultural institutions for the purpose of improving~~  
17 ~~the identification, inventory, and repatriation of Native American cultural items.~~

18 ~~c. Enhance state and tribal capacity to manage and oversee compliance efforts,~~  
19 ~~including funding for staffing, training, and consultation with affected~~  
20 ~~communities.~~



- ~~1 d. Conduct field surveys, inventories, and documentation of cultural items.~~
- ~~2 e. Pay for administrative, legal, and training costs related to compliance with federal~~
- ~~3 requirements and for the development of training materials and workshops.~~
- ~~4 3. The state historical society shall prioritize the use of funding for projects that directly~~
- ~~5 address the repatriation of culturally significant human remains and funerary objects,~~
- ~~6 provide consultation opportunities between tribes and institutions holding Native~~
- ~~7 American collections, and assist tribes in the development of long-term cultural~~
- ~~8 preservation plans.~~
- ~~9 4. The state historical society shall establish a timeline for the repatriation of~~
- ~~10 identified items to tribal communities.~~

**SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN  
GRAVE PROTECTION AND REPATRIATION COMPLIANCE.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the state historical society for the purpose of providing compliance with the federal Native American Graves Protection and Repatriation Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. The state historical society shall use the funds provided under this section to establish a compliance committee consisting of tribal historic preservation officers or their designees from each North Dakota tribe with an agreement pursuant to chapter 54-40.2. The committee must consist of representatives from the state historical society, Indian affairs commission, and the attorney general's office. Each tribe participating on the committee may provide matching funds of up to \$100,000 for committee efforts. All funds received for compliance efforts under this section must be placed into a separate account with oversight by the office of management and budget.
3. The committee must identify and prioritize compliance efforts for the repatriation of culturally significant human remains, funerary objects, sacred objects, and objects of cultural patrimony, including funding for staffing, training, and consultation with the tribal historic preservation offices. The compliance committee shall develop policies to facilitate meetings, grant usage, training, consultation, compliance timelines, training,

- 1           and documentation requirements that directly address the repatriation of culturally
- 2           significant items to North Dakota tribal nations.
- 3       4.   The appropriation provided in this section does not authorize any new scientific study
- 4           of Native American ancestral remains or burial property, as outlined in the federal
- 5           Native American Graves Protection and Repatriation Act, nor may the funds be
- 6           appropriated for such studies.

**2025 HOUSE APPROPRIATIONS**

**HB 1603**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Appropriations Committee Roughrider Room, State Capitol

HB 1603  
2/18/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts

10:07 a.m. Chairman Vigesaa called the meeting to order.

Members present: Chairman Vigesaa, Vice Chairman Kempenich, Representatives Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, O'Brien, Richter, Sanford, Stemen, Wagner

Members absent: Representatives Pyle, Swiontek

### Discussion Topics:

- Implication and Compliance Native American Grant
- Federal Law

10:07 a.m. Representative Schauer Introduces the bill with testimony #37974.

10:22 a.m. Representative Nelson Move to amend line 16 to change "shall" to "must".

10:22 a.m. Representative O'Brien Seconded the motion.

### Roll call vote

Representatives	Vote
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glen Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	A
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	A
Representative David Richter	Y

Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	A
Representative Scott Wagner	Y

10:23 a.m. Motion carries 20-0-3

10:24 a.m. Representative Nelson Move for a Do Pass as amended.

10:24 a.m. Representative Seconded the motion.

10:24 a.m. Roll call vote

<b>Representatives</b>	<b>Vote</b>
Representative Don Vigesaa	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Mike Berg	Y
Representative Glen Bosch	Y
Representative Mike Brandenburg	Y
Representative Jay Fisher	Y
Representative Karla Rose Hanson	Y
Representative Scott Louser	Y
Representative Bob Martinson	Y
Representative Lisa Meier	Y
Representative Alisa Mitskog	Y
Representative David Monson	A
Representative Eric J. Murphy	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	Y
Representative Emily O'Brien	Y
Representative Brandy L. Pyle	A
Representative David Richter	Y
Representative Mark Sanford	Y
Representative Gregory Stemen	Y
Representative Steve Swiontek	A
Representative Scott Wagner	Y

10:24 a.m. Motion carries 20-0-3 Representative Brown will carry the bill.

10:25 a.m. Representative Vigesaa closed the meeting.

*Risa Berube - Committee Clerk*



February 18, 2025

RV 2/18/25  
1 of 2

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO  
FIRST ENGROSSMENT**

**ENGROSSED HOUSE BILL NO. 1603**

Introduced by

Representatives Brown, Davis, Finley-DeVile, Ista, Nelson

Senators Boschee, Braunberger, Mathern

- 1 A BILL for an Act to provide an appropriation to the state historical society for Native American  
2 grave protection and repatriation compliance efforts.

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

4 **SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN**  
5 **GRAVE PROTECTION AND REPATRIATION COMPLIANCE.**

- 6 1. There is appropriated out of any moneys in the general fund in the state treasury, not  
7 otherwise appropriated, the sum of \$500,000, or so much of the sum as may be  
8 necessary, to the state historical society for the purpose of providing compliance with  
9 the federal Native American Graves Protection and Repatriation Act, for the biennium  
10 beginning July 1, 2025, and ending June 30, 2027.
- 11 2. The state historical society shall use the funds provided under this section to establish  
12 a compliance committee consisting of tribal historic preservation officers or their  
13 designees from each North Dakota tribe with an agreement pursuant to chapter  
14 54-40.2. The committee must consist of representatives from the state historical  
15 society, Indian affairs commission, and the attorney general's office. Each tribe  
16 participating on the committee may<sup>shall</sup> provide matching funds of up to \$100,000 for  
17 committee efforts. All funds received for compliance efforts under this section must be  
18 placed into a separate account with oversight by the office of management and  
19 budget.

- 1        3.    The committee must identify and prioritize compliance efforts for the repatriation of  
2           culturally significant human remains, funerary objects, sacred objects, and objects of  
3           cultural patrimony, including funding for staffing, training, and consultation with the  
4           tribal historic preservation offices. The compliance committee shall develop policies to  
5           facilitate meetings, grant usage, training, consultation, compliance timelines, training,  
6           and documentation requirements that directly address the repatriation of culturally  
7           significant items to North Dakota tribal nations.
- 8        4.    The appropriation provided in this section does not authorize any new scientific study  
9           of Native American ancestral remains or burial property, as outlined in the federal  
10          Native American Graves Protection and Repatriation Act, nor may the funds be  
11          appropriated for such studies.

**REPORT OF STANDING COMMITTEE  
ENGROSSED HB 1603**

**Appropriations Committee (Rep. Vigesaa, Chairman)** recommends **AMENDMENTS** ([25.1329.02001](#)) and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT OR EXCUSED AND NOT VOTING). HB 1603 was placed on the Sixth order on the calendar.



Good morning, Mr. Chairman and members of the Appropriations committee.

My name is Austen Schauer, District 13, West Fargo to be with you four times this morning.

I am here to present **House Bill 1603** as amended.

**HB 1603** will help with the implementation and compliance of the **Native American Graves Protection and Repatriation Act**, otherwise known as **NAGPRA**.

The request is a **\$500 thousand matching grant** (maximum) to be divided among North Dakota's five tribes. Each tribe would provide **\$100 thousand dollars** to receive an equal amount from the State.

The funds would be directed to the **State Historical Society** to establish a **NAGPRA compliance committee**.

**HB 1603** is not only **necessary** for compliance with federal law, but also a critical step in strengthening the partnership between North Dakota Tribes and the Historical Society.

There has been tension in the past.

As many of you may know, **NAGPRA** was enacted in 1990 to ensure Native American human remains, funerary objects, sacred objects, and cultural objects are returned to their rightful descendants and communities.

In late 2023, the U.S. Interior Department posted **new regulations** to streamline the return of human remains and cultural items.

There were four key changes in the ruling:

- **Enhanced Tribal Authority.**
- **Consent Requirements.**
- **Inventory Updates.**
- **Increased Transparency.**

The federal law is grounded in principles of respect for Tribal heritage, history, and sacred traditions.

However, many institutions, including those in North Dakota, have struggled with the complex and resource-intensive processes of identifying, cataloging, and repatriating cultural items in their collections.

For example, the **Heritage Center has 11 million Indian artifacts.**

Moreover, the federal government does little to help financially. It allocates about two million dollars each year to support **NAGPRA** compliance efforts to **584 Tribes.**

**HB 1603** is an important step toward equipping both tribes and institutions with the necessary tools to ensure full compliance with **NAGPRA.**

By investing in staff, training, and consulting, we not only facilitate the return of human remains and sacred objects but also reinforce a long-term partnership built on trust and mutual respect.



Through the establishment of a committee comprised of representatives from the ND Historical Society, Tribal Historic Preservation Offices and the AG's office, we ensure decisions are made collaboratively, prioritizing projects that have the most significant impact on repatriation efforts.

**HB 1603** is not just about compliance; it is about doing what is right.

**By a 12-1 vote**, your GVA committee gave a **DO PASS** on **HB 1603**. We now seek your support.

Thank you, Mr. Chairman. I am open for questions.

**2025 SENATE STATE AND LOCAL GOVERNMENT**

**HB 1603**

# 2025 SENATE STANDING COMMITTEE MINUTES

State and Local Government Committee  
Room JW216, State Capitol

HB 1603  
3/27/2025

To provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts.

4:06 p.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

## **Discussion Topics:**

- Justice, respect and healing
- Cultural oversight

4:06 p.m. Representative Brown, District #9, introduced the bill and submitted testimony #44344.

4:15 p.m. Representative Finley-DeVille, District #4A, testified in favor and submitted testimony #44390.

4:21 p.m. Andrew Alexis Varvel, Historian, testified in favor and submitted testimony #44185.

4:27 p.m. Edward Clark, Director of Archeology ND State Historical Society, testified in favor.

4:35 p.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

# **Senate State & Local Government Committee**

## **House Bill 1603**

**Andrew Alexis Varvel**

**March 27, 2025**

**Madame Chairman Roers &  
Members of the Committee:**

My name is Andrew Alexis Varvel.

I am a historian who lives in Bismarck.

This bill is a good start.

Although I understand why this appropriation was cut down from the original proposal, I am still disappointed.

It appears that the State Historical Society of North Dakota has a large inventory of Indian bodies and artifacts. Some of it comes from legitimate donations over a long period of time by local Indians to the state museum. Some of it comes from a sordid and utterly embarrassing history of tomb raiding that started with the very founding of the University of North Dakota.

The Native American Graves Protection and Repatriation Act must be obeyed. The sooner our state can finish this process in an orderly and respectful manner, the better. I am particularly concerned with the Fraine Barracks, which serves as the headquarters of the North Dakota National Guard.

Fraine Barracks once served as the site of the Bismarck Indian School. I would be favorably surprised if there were no bodies of children there. I very much hope that the State of North Dakota could eventually fund noninvasive seismic scanning of those grounds to discover whether children's bodies are buried there.

If one compares even the original request to the amount of money that the State of North Dakota derives from severance taxes on petroleum from the Mandan Hidatsa Arikara Nation, it is very little.

I very much hope that the long lost scalp of White Eyebrows, once so prominent in George Catlin's collection and probably somewhere in federal collections in Washington, can eventually be repatriated to his relatives among the Mandan.

I very much hope that Professor Montgomery's excavations of burial mounds that he used to promote the idea of a pre-Indian civilization here, including excavations in and around what is now called Devils Lake and another mound just south of downtown Grand Forks, can be recovered. I suspect that those remains were probably Hidatsa, and most likely to be found at the University of Toronto with a lesser chance of something being found at the University of Utah.

We should definitely pass this legislation. We should definitely fund this legislation. At least this bill allows a process to get set up for later cooperation. As written, I perceive this bill to be stingy. I hope that future sessions of the Legislature will be more generous.

Please give House Bill 1603 a **DO PASS** recommendation. Thank you for your time, and I am open for questions from this committee.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Collette Brown

District 9(SLT/TMBCI)  
3395 89th Avenue NE  
Warwick, ND, 58381-9409  
[cbrown@ndlegis.gov](mailto:cbrown@ndlegis.gov)

## COMMITTEES:

Industry, Business and Labor  
Government and Veterans Affairs

March 27, 2025

Madame Chair Roers, members of the committee,

For the record, my name is Collette Brown, Representative from District 9, which encompasses two of the five tribes of North Dakota—the Turtle Mountain Band of Chippewa Indians (TMBCI) and the Spirit Lake Tribe (SLT). I want to thank you for the opportunity to introduce HB1603, a bill born from the painful discovery of human remains at the University of North Dakota (UND) and the insights gained from President Armacost's experience in addressing this issue.

I stand before you today to defend a bill that is not only necessary but transformative—House Bill 1603. This legislation will strengthen the implementation and compliance of the Native American Graves Protection and Repatriation Act (NAGPRA), ensuring that North Dakota stands as a leader in ethical repatriation practices and Tribal relations.

With a biennium request of \$500,000—structured as a match-grant of \$100,000 from each Tribe—this bill establishes an agreement ensuring that all funds for compliance efforts are placed in a separate account with oversight by the Office of Management and Budget (OMB). The North Dakota State Historical Society will oversee these funds and establish a NAGPRA compliance committee, creating a robust and sustainable system for repatriation.

HB1603 is more than a legislative proposal; it is a moral commitment. It acknowledges that compliance with NAGPRA is not just about following regulations, it is about justice, respect, and healing. This bill forges a deeper partnership between North Dakota Tribes and the North Dakota Historical Society, ensuring that repatriation efforts are led with full transparency and in collaboration with Tribal experts who provide essential cultural and historical insight.

Since its enactment in 1990, NAGPRA has sought to return Native American human remains, funerary objects, sacred objects, and cultural patrimony to their rightful descendants and communities. Yet, more than three decades later, institutions across the nation, including those within North Dakota, continue to face significant challenges in fulfilling this obligation. The intricate and resource-intensive nature of repatriation, coupled with a lack of adequate federal funding, has led to delays that deny Indigenous communities the closure and respect they deserve.

The urgency of this issue has only grown with the U.S. Interior Department's recent regulations, announced in late 2023, aimed at streamlining the return of human remains and cultural items. These regulations emphasize four key pillars: Enhanced Tribal Authority, Consent Requirements, Inventory Updates, and Increased Transparency. However, the federal government provides merely \$2 million annually for NAGPRA compliance—an amount insufficient to support more than 574 Tribes along with museums and institutions nationwide. This bill will help where federal support falls short.



HB1603 provides the framework and resources needed to ensure our state does not fall behind. This bill will:

- Facilitate Compliance: By funding staffing, training, and consultations, this legislation ensures that repatriation efforts are carried out effectively and efficiently.
- Strengthen Collaboration: Establishing a NAGPRA compliance committee with representatives from NDHS and Tribal Historic Preservation Offices (THPO) ensures a shared decision-making process rooted in mutual respect and cultural expertise.
- Honor Commitments: Setting clear timelines for repatriation guarantees that promises to translate into action, reinforcing North Dakota's dedication to upholding both the spirit and the letter of NAGPRA.

This is not just about legal compliance; it is about dignity, reconciliation, and justice. The repatriation of ancestors and sacred items is a sacred responsibility, one that carries profound significance for Native communities. North Dakota now has the opportunity to be a national model for ethical repatriation practices and Tribal partnerships.

By supporting HB1603, we do more than allocate funds—we take a stand for what is right. We demonstrate that North Dakota values the cultural dignity, sovereignty, and history of its Indigenous peoples. This bill is an investment not just in compliance but in healing, unity, and the moral integrity of our state.

I urge you to support HB1603, to stand with North Dakota's Tribes, and to affirm our shared commitment to justice and respect. Let us move forward, not just as legislators, but as stewards of history, champions of equity, and partners in reconciliation.

Thank you for your time and consideration.



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## **Representative Lisa Finley-DeVile**

District 4A  
P.O. Box 501  
Mandaree, ND 58757-0501  
[lfinleydeville@ndlegis.gov](mailto:lfinleydeville@ndlegis.gov)

## **COMMITTEES:**

Industry, Business and Labor  
Transportation

## **Testimony of Representative Finley-DeVile**

Chairwoman Roers and members of the Senate State and Local Government committee, my name is Representative Lisa Finley-DeVile. I represent District 4A, which includes, Mandan, Hidatsa, and Arikara Nation. Thank you for the opportunity to testify today in support of House Bill 1603, which addresses the repatriation and protection of Native American graves and sacred cultural property.

The MHA Nation has long been committed to the preservation and protection of our ancestors' sacred remains and cultural patrimony. We believe that honoring and reclaiming our ancestors is a fundamental responsibility that ensures the dignity and respect of those who came before us. For decades, our tribe has faced numerous challenges in attempting to repatriate our ancestors' remains and sacred objects from various institutions. Our efforts to reclaim these precious artifacts and human remains date back to the 1980s—long before the federal Native American Graves Protection and Repatriation Act (NAGPRA) was passed in 1990.

Since then, we have continued to advocate for the return of our ancestors, whose remains and sacred objects were taken from burial sites and stored in museums, universities, and other institutions across the country. These actions were a violation of our sacred traditions and our right to preserve our cultural heritage. We are grateful that federal law now requires the repatriation of Native American remains and sacred objects, but the process of compliance has been long, complex, and often hindered by financial and logistical barriers.

The appropriation in House Bill 1603 will provide essential funding for compliance with the federal NAGPRA, a critical step in addressing the repatriation of culturally significant human remains, funerary objects, sacred objects, and objects of cultural patrimony. With a dedicated compliance committee made up of tribal representatives, including those from the MHA Nation, this funding will ensure that our tribes can work directly with the State Historical Society, the Indian Affairs Commission, and the Attorney General's Office to identify, prioritize, and facilitate repatriation efforts that are in line with both federal and state requirements.

I support the creation of a committee that includes tribal historic preservation officers and other relevant stakeholders to oversee these efforts, as it provides an opportunity for tribal nations to have a voice in the repatriation process. The involvement of our tribal representatives will be helpful in ensuring that repatriation efforts align with the cultural and spiritual needs of our people. Additionally, the matching funds requirement from each tribe ensures that we all have a vested interest in the successful implementation of these efforts.

The MHA Nation stands in strong support of the establishment of policies and procedures to facilitate the repatriation of our ancestors' remains and sacred objects. This effort will not only restore the cultural dignity of our people but also promote healing and closure for families whose loved ones were taken and whose sacred traditions were violated.

I ask the this committee to support House Bill 1603. The MHA Nation, along with all North Dakota tribal nations, has waited far too long for the return of our ancestors and cultural heritage. This bill provides a crucial opportunity to finally achieve justice and restoration, and we look forward to working alongside the State Historical Society to ensure that our ancestors are brought home where they belong.

Thank you for your time and consideration.

# 2025 SENATE STANDING COMMITTEE MINUTES

## State and Local Government Committee Room JW216, State Capitol

HB 1603  
3/28/2025

To provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts.

8:51 a.m. Chair Roers called the hearing to order.

Members Present: Chairman Roers; Vice Chair Castaneda; Senators: Barta, Braunberger, Lee and Walen.

### Discussion Topics:

- Committee Action

8:51 a.m. Senator Walen moved Do Pass and rerefer to Appropriations.

8:51 a.m. Senator Braunberger seconded the motion.

Senators	Vote
Senator Kristin Roers	Y
Senator Jose L. Castaneda	Y
Senator Jeff Barta	Y
Senator Ryan Braunberger	Y
Senator Judy Lee	Y
Senator Chuck Walen	Y

Motion Passed 6-0-0

Senator Barta will carry the bill.

9:00 a.m. Chair Roers closed the hearing.

*Susan Helbling, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**REENGROSSED HB 1603 ([25.1329.03000](#))**

**State and Local Government Committee (Sen. Roers, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1603 was rereferred to the **Appropriations Committee**. This bill does not affect workforce development.

**2025 SENATE APPROPRIATIONS**

**HB 1603**

# 2025 SENATE STANDING COMMITTEE MINUTES

## Appropriations - Education and Environment Division Sakakawea Room, State Capitol

HB 1603  
4/3/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts.

3:31 p.m. Chairman Sorvaag called the meeting to order.

Members Present: Chairman Ronald Sorvaag, Senator Cole Conley, Senator Donald Schaible, Senator Paul J. Thomas, Senator Scott Meyer.

### Discussion Topics:

- Native Americans Graves Protection and Repatriation Act.
- Establishment of NAGPRA Compliance Committee.

3:32 p.m. Representative Schauer, District 13, introduced the bill in favor and submitted testimony #44643.

3:39 p.m. Representative Brown, District 9, testified in favor and answered committee questions.

3:41 p.m. Senator Meyer moved a Do pass.

3:41 p.m. Schaible Seconded the motion.

Senators	Vote
Senator Ronald Sorvaag	Y
Senator Cole Conley	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Paul J. Thomas	Y

Motion Passed: 5-0-0.

Senator Meyer will carry the bill.

3:43 p.m. Chairman Sorvaag closed the meeting.

*Steven Hall, Committee Clerk*



Good afternoon, Mr. Chairman and members of the Appropriations committee.

My name is Austen Schauer, District 13, West Fargo to be with you four times this morning.

I am here to present **House Bill 1603** as amended.

**HB 1603** will help with the implementation and compliance of the **Native American Graves Protection and Repatriation Act**, otherwise known as **NAGPRA**.

The request is a **\$500 thousand matching grant** (maximum) to be divided among North Dakota's five tribes. Each tribe would provide **\$100 thousand dollars** to receive an equal amount from the State.

The funds would be directed to the **State Historical Society** to establish a **NAGPRA compliance committee**.

**HB 1603** is not only **necessary** for compliance with federal law, but also a critical step in strengthening the partnership between North Dakota Tribes and the Historical Society.

There has been tension in the past.

As many of you may know, **NAGPRA** was enacted in 1990 to ensure Native American human remains, funerary objects, sacred objects, and cultural objects are returned to their rightful descendants and communities.

In late 2023, the U.S. Interior Department posted **new regulations** to streamline the return of human remains and cultural items.

There were four key changes in the ruling:

- **Enhanced Tribal Authority.**
- **Consent Requirements.**
- **Inventory Updates.**
- **Increased Transparency.**

The federal law is grounded in principles of respect for Tribal heritage, history, and sacred traditions.

However, many institutions, including those in North Dakota, have struggled with the complex and resource-intensive processes of identifying, cataloging, and repatriating cultural items in their collections.

For example, the **Heritage Center has 11 million Indian artifacts.**

Moreover, the federal government does little to help financially. It allocates about two million dollars each year to support **NAGPRA** compliance efforts to **584 Tribes.**

**HB 1603** is an important step toward equipping both tribes and institutions with the necessary tools to ensure full compliance with **NAGPRA.**

By investing in staff, training, and consulting, we not only facilitate the return of human remains and sacred objects but also reinforce a long-term partnership built on trust and mutual respect.

Through the establishment of a committee comprised of representatives from the ND Historical Society, Tribal Historic Preservation Offices and the AG's office, we ensure decisions are made collaboratively, prioritizing projects that have the most significant impact on repatriation efforts.

**HB 1603** is not just about compliance; it is about doing what is right.

We are now seeking your support ask for a **DO PASS** on **HB 1603**.

Thank you, Mr. Chairman. I am open to questions.

# 2025 SENATE STANDING COMMITTEE MINUTES

## Appropriations Committee Harvest Room, State Capitol

HB 1603  
4/8/2025

A BILL for an Act to provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts.

8:38 a.m. Chairman Bekkedahl called the meeting to order.

Members Present: Chairman Bekkedahl, Vice-Chairman Erbele, and Senators Burckhard, Cleary, Conley, Davison, Dever, Dwyer, Magrum, Mathern, Meyer, Schaible, Sickler, Sorvaag, Wanzek.

Members Absent: Senator Thomas.

### Discussion Topics:

- Committee Action

8:39 a.m. Senator Meyer introduced the bill.

8:40 a.m. Senator Meyer moved a Do Pass.

8:40 a.m. Senator Sorvaag seconded the motion.

Senators	Vote
Senator Brad Bekkedahl	Y
Senator Robert Erbele	Y
Senator Randy A. Burckhard	Y
Senator Sean Cleary	Y
Senator Cole Conley	Y
Senator Kyle Davison	Y
Senator Dick Dever	Y
Senator Michael Dwyer	Y
Senator Jeffery J. Magrum	Y
Senator Tim Mathern	Y
Senator Scott Meyer	Y
Senator Donald Schaible	Y
Senator Jonathan Sickler	Y
Senator Ronald Sorvaag	Y
Senator Paul J. Thomas	A
Senator Terry M. Wanzek	Y

Motion Passed 15-0-1.

Senator Barta will carry the bill.

8:41 a.m. Chairman Bekkedahl closed the hearing.

Senate Appropriations Committee

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*Elizabeth Reiten, Committee Clerk*

**REPORT OF STANDING COMMITTEE**  
**REENGROSSED HB 1603 ([25.1329.03000](#))**

**Appropriations Committee (Sen. Bekkedahl, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). Reengrossed HB 1603 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.