



TRIBAL AND STATE RELATIONS COMMITTEE

Tuesday, February 8, 2022
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Rich Wardner, Jessica Bell, Joan Heckaman, Dave Oehlke; Representatives Joshua A. Boschee, Terry B. Jones, Chet Pollert

Members absent: None

Others present: Senator Donald Schaible, Mott, and Representative Jim Schmidt, Huff, members of the Legislative Management

Nathan Davis, Executive Director, Indian Affairs Commission; Scott J. Davis, Native American Community Outreach, Sanford Health; Mark Fox, Chairman, Three Affiliated Tribes of the Fort Berthold Reservation

See [Appendix A](#) for additional persons present.

It was moved by Representative Jones, seconded by Representative Pollert, and carried on a voice vote that the minutes of the January 11, 2022, meeting be approved as distributed.

INDIAN BOARDING SCHOOLS

Dr. Bill Peterson, Director, State Historical Society, provided testimony ([Appendix B](#)) regarding available resources concerning Indian boarding schools.

Ms. Fern Swenson, Director of Archaeology and Historic Preservation and Deputy State Historic Preservation Officer, State Historical Society, noted the State Historical Society routinely works with well-known historians and specialists on the reservations.

Senator Heckaman noted she contacted the Indian Affairs Commission regarding Senate Concurrent Resolution No. 4017 (2019), which urged the commission to study the archaeological discipline, cultural resources, and the knowledge of tribal elders and historic preservation officers to educate the public and to facilitate consultation and cooperation for historic site identification.

Chairman Wardner noted the commission should address the study and report its progress at a future meeting.

INCARCERATION AND REHABILITATION

Mr. Dave Krabbenhoft, Director, Department of Corrections and Rehabilitation, provided testimony ([Appendix C](#)) regarding Native American incarceration and rehabilitation and Native American culturally focused initiatives offered by the department.

EDUCATION

Ms. Laurie Matzke, Assistant State Superintendent, Department of Public Instruction, provided testimony ([Appendix D](#)) regarding Native American educational programs, opportunities, and partnerships and the Office of Indian/Multicultural Education which the department created to address the needs of Native American students.

TRIBAL TAX AGREEMENTS

Mr. Brian Kroshus, Tax Commissioner, provided testimony ([Appendix E](#)) regarding state-tribal tax agreements.

Chairman Fox noted the tribe is interested in a system allowing for the joint regulation and taxation of alcohol sales on the reservation. He noted:

- The tribe requires revenue from alcohol taxation to address the impacts of alcohol use on the reservation, including funding to address domestic violence, provide treatment for substance abuse, and hire additional law enforcement officers.
- The tribe is reluctant to give sole regulatory control of alcohol taxation to the state because the tribe has the legal authority to tax alcohol sales within the reservation boundaries.

HUMAN SERVICES

Mr. Christopher D. Jones, Executive Director, Department of Human Services, provided testimony ([Appendix F](#)) regarding human services and programs available to Native Americans and an update on the process of integrating the State Department of Health and the Department of Human Services into the Department of Health and Human Services.

Mr. Cory Pedersen, Director, Children and Family Services, Department of Human Services, provided testimony ([Appendix G](#)) regarding child welfare, state-tribal agreements, and foster care.

Ms. Pamela Sagness, Director, Behavioral Health Division, Department of Human Services, provided testimony ([Appendix H](#)) regarding behavioral health programs and services and partnerships with tribal nations.

HEALTH CARE

Ms. Susan Mormann, Director, Division of Community and Health Systems, State Department of Health, provided testimony ([Appendix I](#)) regarding prevalent health issues facing Native Americans in North Dakota, including diabetes, tobacco use, and domestic violence. She also provided information on Women's Way, a breast and cervical cancer early detection program.

GAMING AND ELECTRONIC PULL-TAB DEVICES

Ms. Deborah McDaniel, Director, Gaming Division, Attorney General's office, provided testimony regarding the growth of charitable gaming and electronic pull-tab devices. She noted:

- For every \$100 played on an electronic pull-tab device:
 - \$90 is returned to players in prizes;
 - \$3.80 is allocated to the devices' manufacturers and distributors for the cost and upkeep of the devices;
 - \$3.50 is allocated to the organization's charitable purposes;
 - \$1.60 is allocated to the organization's expenses, including rent and payroll; and
 - \$1.10 is allocated to the state for regulation.
- Charitable gaming and tribal casino gaming are operated and regulated differently.
- The Gaming Division was allotted seven full-time employees during the last legislative session to assist with regulation and oversight, but workforce shortages have made filling the open positions difficult.

DRUG ENFORCEMENT

Mr. Lonnie Grabowska, Director, Bureau of Criminal Investigation, discussed drug use and enforcement on tribal lands. He noted:

- The drugs abused most heavily in the state are, in order of prevalence--methamphetamine, marijuana, prescription drugs, and heroin.
- At the request of the Spirit Lake tribe, the Bureau of Criminal Investigation has partnered with the tribe to combat drug use on the reservation. Upon the passing of a tribal resolution and the training of agents on tribal country, a memorandum of understanding will be signed in February 2022 regarding a special law enforcement commission designation providing the state-run Lake Region Narcotics Taskforce the authority to enter the reservation and enforce drug laws.

Chairman Wardner said the committee's next meeting will be in April and each tribal government will be invited to participate.

No further business appearing, Chairman Wardner adjourned the meeting at 3:38 p.m.

Jill Grossman
Counsel

ATTACH:9