



TRIBAL AND STATE RELATIONS COMMITTEE

Wednesday, October 9, 2024
Eagle Ballroom, Prairie Knights Casino and Resort
7932 State Highway 24
Fort Yates, North Dakota

Representative Zachary Ista, Chairman, called the meeting to order at 10:05 a.m.

Members present: Representatives Zachary Ista, Lisa Finley-DeVillie, Jim Grueneich; Senators Tim Mathern, Dale Patten

Members absent: Representative Dennis Johnson; Senator Shawn Veda

Others present: Representative Karen Rohr, Mandan

Susan Agard, Nola Taken Alive, Janet Alkire, Richard Long Feather, Alice Bird Horse, Joseph White Mountain, Jr., and Wilberta Red Tomahawk, Standing Rock Sioux Tribe; Sarah Aker, Heather Brandt, and Katie Houle, Department of Health and Human Services; Crystal Alberts*, Andrew Armacost*, and Laine Lyons*, University of North Dakota; Derris Waukazoo, Bureau of Indian Affairs Office of Justice Services; and Thomas Stratmann*, George Mason University.

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

**Attended remotely*

It was moved by Senator Mathern, seconded by Senator Patten, and carried on a voice vote that the minutes of the May 1, 2024, meeting be approved as distributed.

Mr. Travis Finck, Executive Director, Commission on Legal Counsel for Indigents, provided testimony ([Appendix B](#)) regarding the public defense in tribal jurisdictions. He noted:

- Individuals have the right to counsel in both state and tribal court.
- There are opportunities for the state and tribal nations to collaborate, including consulting with tribal resources when representing a Native American in district court.

In response to questions from committee members, Mr. Finck noted:

- Indigent defense is becoming close to not meeting its mandate due to a lack of resources.
- The tribal nations have their own public defense system and the commission does not provide assistance in tribal court.
- There is a need to reintegrate individuals into society to help reduce recidivism rates in tribal court.

Dr. Andrew Armacost, President, and Ms. Laine Lyons and Ms. Crystal Alberts, Co Chairs, Native American Grave Protection and Repatriation Act Compliance Committee, University of North Dakota, provided information regarding the Native American Grave Protection and Repatriation Act Compliance Committee and cooperation with tribal representatives to further the committee's repatriation efforts. They noted:

- University of North Dakota (UND) offers its apologies and accepts responsibility for the tribal remains found on campus.
- In March 2022, remains of ancestors were discovered on the UND campus. A further 2-year search yielded dozens of ancestors along with artifacts.
- In August 2022, UND notified tribal representatives and delivered a public statement.

- Since June 2024, UND has notified the federal government and two claims have been made for ancestors.
- UND plans to complete repatriations efforts by May 2025.

Mr. Brad Hawk, Executive Director, Indian Affairs Commission, provided information ([Appendix C](#)) regarding cooperation with the repatriation efforts at UND. He noted:

- The commission is assisting UND regarding compliance with federal law.
- Over the last few months, much of the commission's work has been focused on economic development.

In response to questions from committee members, Mr. Hawk noted funds have been requested from the federal government and the commission has been communicating with the state Department of Transportation relating to the status of a bridge across the Missouri River.

Ms. Janet Alkire, Chairwoman, Standing Rock Sioux Tribe, provided information regarding the tribe's application for a federal grant related to the bridge across the Missouri River. She noted the tribe is awaiting a response but likely will receive the federal grant.

In response to questions from committee members, Mr. Hawk noted the commission has attended meetings related to the military gallery expansion at the Heritage Center.

Mr. Jeb Williams, Director, Game and Fish Department, provided information ([Appendix D](#)) regarding an update on the cooperative elk project with the Standing Rock Sioux Tribe Game and Fish Department. He noted:

- The unit E6 research project consists of placing radio collars on elk to identify their habitat and determine the best way to manage the elk herd.
- The department and the tribe have a memorandum of understanding to allow hunting on tribal land.

Mr. Jeff Kelly, Director, Standing Rock Sioux Tribe Game and Fish Department, provided information regarding the elk herd. He noted:

- Efforts between the tribe and the Game and Fish Department have been made to grow the elk herd and increase the number of elk tags available.
- The increased size of the elk herd has led to an increase in poaching.

In response to questions from committee members, Mr. Kelly noted the tribe has considered bringing in breeding stock for the elk herd but has declined to do so due to disease concerns. He noted at one time there was an elk farm on the Standing Rock Reservation.

Mr. Rod Froehlich, Sioux County, provided testimony regarding the elk herd. He noted the elk herd started 45 years ago when the tribe acquired elk from Theodore Roosevelt National Park and the elk broke free during the winter and other elk broke free from an elk farm.

Mr. Michael Howe, Secretary of State, and Ms. Erika White, State Election Director, Secretary of State's office, provided information ([Appendix E](#)) regarding voting in the 2024 general election. Mr. Howe noted:

- The office has been coordinating with all counties to offer election training. Trainings will occur between the primary election and the general election.
- Each state has its own unique voting laws.
- There are grants up to \$5,000 available to tribes to reimburse administrative costs related to voter identification.

Ms. White provided information regarding set aside ballots.

In response to a question from a committee member, Ms. White reviewed the additional forms of identification available to tribal members for set aside ballots.

In response to a question from a committee member, Mr. Howe noted training has been conducted with poll workers in every county.

Mr. Ben Leingang, Chief Agent, and Mr. Michael Wood, Special Agent, Bureau of Criminal Investigation, provided information regarding Special Law Enforcement Commission designation. They noted:

- There is an epidemic of drug overdoses on Native American reservations. Gangs from Detroit, Michigan have targeted Native American reservations.
- The Bureau of Criminal Investigation (BCI) has entered agreements with the Three Affiliated Tribes, Spirit Lake Nation, and Turtle Mountain Band of Chippewa Indians to allow the state to enforce laws on the reservations. An agreement is not in place with the Standing Rock Sioux Tribe.
- BCI has completed trainings at high schools on the Standing Rock Reservation and with Prairie Knights Casino and Resort staff.
- BCI, together with the federal government, has assisted with drug enforcement.

In response to a question from a committee member, Mr. Wood noted an agreement with the Bureau of Indian Affairs would be specific to federal drug crimes because the Bureau of Indian Affairs does not have sufficient resources.

Chairwoman Alkire noted the Standing Rock Reservation is in two states and does not contract its law enforcement. She noted the tribe is a treaty tribe that enforces its treaties with the federal government.

Derris Waukazoo, Chief of Police, Bureau of Indian Affairs Office of Justice Services, provided testimony regarding support for entering an agreement with BCI. He noted there are only two officers on duty on the Standing Rock Reservation at any time and BCI has more available resources.

Ms. Sarah Aker, Executive Director, Medical Services, Department of Health and Human Services, provided information ([Appendix F](#)) regarding an update on federal Medicaid assistance and treatment services for tribal communities. She noted:

- 80 percent of the savings generated by care coordination agreements are directed to the Tribal Health Care Coordination Fund.
- Tribes may use funding from the Tribal Health Care Coordination Fund for the 10 Essential Public Health Services as defined by the Centers for Disease Control and Prevention.

Ms. Heather Brandt, Community Supports Manager, Behavioral Health Division, Department of Health and Human Services, provided information ([Appendix G](#)) regarding substance use prevention and treatment. She noted:

- The department contracts with four federally recognized tribes in the state with the goal of preventing substance misuse.
- Residential treatment services and licensed addiction counselors are available on the Fort Berthold Indian Reservation.
- The department awarded opioid response and opioid settlement funding to the Spirit Lake Nation, the Standing Rock Sioux Tribe, and the Three Affiliated Tribes.

Ms. Katie Houle, Clinical Administrator, Behavioral Health Division, Department of Health and Human Services, provided testimony ([Appendix H](#)) regarding youth specific services and Project HEAL. She noted:

- Project HEAL aims to improve knowledge of trauma-informed care of Native American youth, increase access to culturally-informed trauma-focused treatments, and increase access to services through telehealth and in-person treatment for Native American youth.
- The system of care grant initiative aims to support and empower local and regional initiatives to fill system gaps to support children, adolescents, young adults, and their families. The funding opportunity indicated priority consideration of proposed treatment services for Native American youth and families.

In response to a question from a committee member, Ms. Houle noted there is training for public health employees who work in the child separation process.

Dr. Thomas Stratmann, University Professor of Economics and Law, George Mason University, presented information ([Appendix I](#)) regarding the business climate and incentivizing business development on North Dakota Indian reservations. He reviewed:

- Historical economies of Native American tribes.
- Barriers to economic growth experienced on reservations.
- Potential economic reforms related to reservations.

Ms. Lucy Fredericks, Director, Indian and Multicultural Education, Department of Public Instruction, provided written testimony ([Appendix J](#)) regarding the department's recent developments and priorities for the 2025 legislative session.

It was moved by Senator Patten, seconded by Representative Grueneich, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and to present the report to the Legislative Management.

It was moved by Senator Patten, seconded by Representative Grueneich, and carried on a voice vote that the committee be adjourned sine die.

No further business appearing, Chairman Ista adjourned the committee sine die at 3:19 p.m.

Austin Gunderson
Counsel

ATTACH:10