



TRIBAL AND STATE RELATIONS COMMITTEE

Tuesday, August 17, 2021

Training Room, Second Floor, Turtle Mountain Community College, 10145 BIA Road 7
Belcourt, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 10:00 a.m.

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

Member absent: Senator Jessica Bell

Others present: Senator Richard Marcellais, Belcourt, and Representative Marvin E. Nelson, Rolla
Nathan Davis, Executive Director, Indian Affairs Commission; Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians
Vonette J. Richter, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

Ms. Jill Grossman, Counsel, Legislative Council, reviewed the *Tribal and State Relations Committee - Background Memorandum* and the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management*.

LEGISLATIVE REDISTRICTING AND TRIBAL CENSUS DATA

Chairman Wardner requested comments on legislative redistricting noting he would report any feedback received from the tribe to the Legislative Management's interim Redistricting Committee.

Representative Nelson noted the official census numbers have been released, and the Turtle Mountain Reservation's population appears to be inaccurate.

Ms. Alysia LaCounte, General Counsel, Turtle Mountain Band of Chippewa Indians, indicated tribal data collected by the tribe's research group is more accurate than the census data.

Ms. Nicole Donaghy, Executive Director, North Dakota Native Vote, presented testimony ([Appendix B](#)) regarding legislative redistricting. She noted the Legislative Assembly should comply with the Voting Rights Act and consult with tribal governments for feedback. She noted the Turtle Mountain Reservation is its own community of interest and should remain a single legislative district.

Chairman Azure noted:

- There was dialogue between the tribe and the United States Census Bureau.
- There was a push to get an accurate count of tribal members, but members continue to mistrust the federal and state governments due to historical trauma.
- The pandemic also affected the census collection.
- The United States Census Bureau did not reach out to the Indian Health Service or the tribe's research group for supplemental tribal records or data.

Chairman Wardner noted people's reluctance to provide personal information to others likely was a hindrance for the census calculation, and he would visit with the Chairman of the Redistricting Committee regarding concerns that the reservation's population is likely higher than the census data indicates.

INDIAN BOARDING SCHOOLS AND BURIAL SITES

Chairman Azure noted concerns regarding the possibility that members of the Turtle Mountain Reservation are buried on Indian boarding schools' land and requested support for the effort to bring those individuals back to their families for appropriate ceremonies and burials.

In response to a question from a committee member, Chairman Azure noted the state could help by asking the North Dakota congressional delegation for assistance in bringing any remains back to the tribe.

Ms. LaCounte noted the tribe would like support with the tribe's request for any pertinent records from the State Historical Society regarding the Fort Totten Indian School because many tribal members attended the school.

In response to a question from a committee member, Ms. LaCounte noted the tribe has not requested such records from the State Historical Society due to a lack of manpower.

Chairman Wardner suggested the State Historical Society be requested to present to the committee at a subsequent meeting regarding this issue.

MISSING AND MURDERED INDIGENOUS PERSONS

Chairman Azure noted concerns regarding missing and murdered indigenous persons and problems associated with a lack of communication and cooperation between federal, state, and tribal agencies and law enforcement.

Senator Marcellais presented testimony ([Appendix C](#)) on missing and murdered indigenous persons.

Ms. Jessica Marcellais-Zaste, Ms. Beverly Gouneau, Ms. Pauline Trottier, and Mr. Glenn Longie provided testimony regarding missing and murdered family members and concerns that law enforcement officials did not sufficiently investigate or provide information to family members.

Mr. Davis noted there is interest among the tribal nations in partnerships with the State Highway Patrol.

Chairman Wardner suggested the State Highway Patrol be requested to present to the committee at a subsequent meeting regarding this issue.

LAW ENFORCEMENT SHORTAGE AND DRUG TASK FORCE

Chairman Azure noted drug use is prevalent on the reservation, there is a shortage of law enforcement officials, and a drug task force should be formed as more resources are needed to combat drug activity.

Mr. Nathan Gustafson, Sheriff, Rolette County, provided testimony regarding the shortage of law enforcement officials in the community, the rampant drug activity and associated crime, and officer safety concerns.

Mr. Brock Baker, Juvenile Probation Officer, Turtle Mountain Reservation, provided testimony regarding law enforcement officials' desire to cooperate and the challenges in working with other agencies and navigating various jurisdictions' policies and procedures.

GAMING AND ELECTRONIC PULL-TAB DEVICES

Chairman Azure noted electronic pull-tab devices largely are unregulated by the state, and the devices' implementation has impacted tribal economies, which rely heavily on gaming revenue. He suggested the state impose a limit on the number of devices at each site and require surveillance at each location.

Senator Heckaman noted additional full-time employees were allocated recently to the Gaming Division of the Attorney General's office to provide more oversight over electronic pull-tab devices.

Representative Pollert noted some legislators tried to pass legislation regarding this issue, but were unable to get sufficient support to enact the legislation.

TRENTON SERVICE AREA WATER ISSUE

Ms. April Walker, Turtle Mountain Reservation Consultant, provided testimony regarding the Trenton Service Area's water needs. She noted the City of Williston has been treating water for the Trenton Service Area, but recently there has been pressure to negotiate with the Northwest Area Water Supply, rather than the Western Area Water Supply Authority.

No further business appearing, Chairman Wardner adjourned the meeting at 3:37 p.m.

Jill Grossman
Counsel

ATTACH:3