

EXHIBIT 13

**Charles Walen, et al. vs Doug Burgum, et al.
Committee Meeting on 08/31/2021**

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TRANSCRIPT OF VIDEO-RECORDED

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MEETING OF THE

10

TRIBAL AND STATE RELATIONS COMMITTEE

11

STATE OF NORTH DAKOTA

12

13

AUGUST 31, 2021

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1 CHAIRMAN FOX: First thing we'll do is have roll
2 call and then we'll have, or, um, no, we'll have the
3 prayer first and then we'll have roll call. So, uh,
4 Mr. Chairman.

5 CHAIRMAN WARDNER: Yes. Appreciate that.
6 [Inaudible] Uh, little bit of a protocol, uh, we do --
7 we have gone back into a mask mandate effective 8:00
8 a.m. yesterday, Today's Tuesday, yesterday for all
9 tribal village facilities.

10 Um, but given that we are still not very crowded
11 at this point in time I'll leave it discretionary. If
12 you want to wear your mask at this point in time.
13 Inside it's a controlled audience at this point in
14 time. We are getting more people in here than we may
15 want to move to a mask -- mask [inaudible].

16 But right now, while the numbers alone we'll
17 leave it up to your discretion, whether you want to
18 wear a mask or not and that's where we're at. But at
19 this time, uh, I want to call forward one of our
20 elders she's also an employee which -- in our finance
21 department.

22 But whatever we call on her she always without a
23 doubt and without any hesitation, you know, comes
24 forward and helps lead us in prayer. Uh, I will make
25 this comment and welcome here of course, to -- to our

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1 organization and we'll do more of that in a bit.

2 One of the -- one of the great things about the
3 Indian Civil Rights Act, um, was passed by the federal
4 government pertaining to tribes and tribe
5 reservations, how we do in government.

6 One of the main things that, uh, I think is
7 really beneficial is that, uh, there's no requirement
8 of separation of church and state. And so we do all of
9 our government proceedings, uh, with prayer.

10 We begin those all with each and every time and
11 we're -- today, we'll be no different and -- and
12 hosting your meeting here with us at MHA Nation. So at
13 this time, Jaylene [ph], if you would, please,

14 MS. JAYLENE: First of all, I want to thank you
15 for allowing me to come and take -- go to the Lord in
16 prayer. I'm always honored to do that. Um, dear
17 heavenly father, we ask that you take care of us today
18 as we have this meeting.

19 Thank you for each blessing you've given us. And
20 we ask that you go before us to be our shield against
21 evil, to go behind us, to lead us on the right path
22 and to stay beside us, to be with us every moment of
23 every day.

24 Much tragedy going on, people are crying and
25 hurting from fires to floods. We ask that you take

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1 care of those people who are in sorrow, in mourning,
2 and as well as the war in Afghanistan, for those that
3 have died. We ask that you go ahead and take care of
4 us, that our minds can go ahead and do what is right.

5 Teach us that what we do affects everyone. And we
6 ask that you go ahead and bless our families. We have
7 things in our hearts that only you know father. We ask
8 that you take care of them for us today.

9 We ask that you bless all that are here, their
10 families, their homes. And we ask that we go ahead and
11 do the things we should do father and take care of us,
12 father. If there's nourishment here, ask it for the
13 nourishment of our bodies. And we ask all these things
14 in your most precious name. Amen.

15 ALL: Amen.

16 CHAIRMAN WARDNER: Thank you.

17 CHAIRMAN FOX: Well, Mr. Chairman, we'll take
18 roll on our side and then I'm going to have you, then
19 you will be able to make any welcoming comments or
20 anything like that. So --

21 MS. JAYLENE: And then after just --

22 CHAIRMAN FOX: Okay. We'll get that taken of,
23 yeah.

24 MS. JAYLENE: Thank you, chairman. Uh, Chairman
25 Warder.

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1 CHAIRMAN WARDNER: Aye.
2 MS. JAYLENE: Uh, Senator Bell.
3 MS. BELL: Present
4 MS. JAYLENE: Senator Heckman.
5 MS. HECKMAN: Here.
6 MS. JAYLENE: Senator Oehlke.
7 MR. OEHLKE: Here.
8 MS. JAYLENE: Representative Boschee.
9 MR. BOSCHEE: Present.
10 MS. JAYLENE: Representative Jones.
11 MR. JONES: Here.
12 MS. JAYLENE: Representative Pollard.
13 MR. POLLARD: Aye.
14 MS. JAYLENE: Nathan Davis.
15 MR. DAVIS: Here.
16 MS. JAYLENE: Uh, Chairman Fox.
17 CHAIRMAN FOX: Here.
18 MS. JAYLENE: We have a quorum.
19 CHAIRMAN WARDNER: All right. And at this time
20 committee members, we would like to, uh, have the
21 minutes of the August 17th meeting -- committee
22 meeting, uh, considered, uh, for chairs, looking for a
23 motion.
24 ALL: So approved.
25 CHAIRMAN WARDNER: Okay. We got, uh,

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1 representative Boschee, uh, made the motion. Senator
2 Oehlke seconded it. Any discussion? My only comment is
3 I thought it was an excellent, uh, meeting and, uh,
4 minutes show that. All right, if not, uh, all those in
5 favor signified by saying aye to approve them.

6 ALL: Aye.

7 CHAIRMAN WARDNER: Okay. Motion passes. At this
8 time, I would like, uh, Chairman Fox to make some
9 comments.

10 CHAIRMAN FOX: I appreciate that, uh, uh,
11 chairman, uh, Senator Wardner, uh, and commit members,
12 welcome to MHA Nation. Welcome to the lands of the
13 Mandan, Hidatsa and Arikara Nation.

14 Um, very proud to be able to host you today, host
15 the committee. Um, very proud to, uh, again,
16 reinstitute the tribal and state relations committee.
17 And, uh, it's something that we look forward to.
18 Something that we think is very important, um,
19 dialogue with the state.

20 Um, you know, it -- it is an honor to be able to
21 host this meeting and I -- I sure appreciate, um, the
22 -- the decision to go out and meet amongst the tribes
23 gives you a chance to see the reservations themselves.
24 Uh, meet, uh, the leadership and -- and -- and perhaps
25 some constituents. But, uh, it gives a chance for you

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1 to really, um, see where we lives, see how we lives,
2 see what we do, see what's going on.

3 In particular, here at Fort Berthold, uh, one of
4 the things you probably noticed a lot of is that we
5 have a high traffic count and that relates to our
6 energy program and what we do here. And, um, and, uh,
7 it's been getting busier and busier, which is, uh, in
8 many respects, a good thing.

9 Uh, good thing because we -- we are proponents of
10 energy development and, uh, and re- -- but I want to
11 condition that by saying also it's very important, um,
12 for responsible development.

13 And, uh, that's I think is, uh, is the -- one of
14 the most primary, um, objectives that we have in, uh,
15 our development of energy. So very -- very important
16 that we move forward that way, but make no doubt in
17 your mind, my -- our nation, our government, uh, our
18 people, uh, support energy development and -- and --
19 and development of what we call our trust assets.

20 That's what they are; oil and gas are trust
21 assets. I want to thank [inaudible], uh, Councilwoman,
22 [inaudible] Lone Fight, uh, represents the [inaudible]
23 segment for being here as well.

24 I just got a message from Councilman Fox and he
25 would not be able to make it. His mother has a very --

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1 has a very important doctor's appointment, uh, and she
2 has to take her too. And -- and the others we'll see
3 if Councilman [inaudible] or [inaudible] do make it as
4 members of the executive.

5 And perhaps, maybe Monica as well. But, um,
6 again, thank you for coming, you know, and we're very
7 proud of where you're sitting today.

8 Um, if any of you and I'm looking around the room
9 and I'm trying to remember if I hosted any tours with
10 any of you. I -- I think, uh, I don't think any of you
11 have done the tour of the actual interpretive center
12 previously.

13 Mr. Jones, did you do it already? Yeah. He did,
14 great. Yeah. Because he was at the grand opening,
15 right. He was at the grand opening. And -- and -- and
16 as our rep here in our area, he was there and I
17 appreciate him being there.

18 And -- and -- and so it's, um, it's something
19 that we're very proud of. Um, um, for two really main
20 reasons one is you'll see a lot of things going on
21 here. Um, maybe not the most important reason, but a
22 very important reason is our -- our focus on economic
23 development, uh, tourism recreation. And this plays,
24 uh, a significant role in that.

25 You cross this little bay here, this little inlet

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1 that we've got here, that's the Four Bears Peninsula
2 proper, uh, you look, uh, off to our Northeast you'll
3 see, uh, the new -- and this is where I -- I can't
4 wait for you to come back, but, uh, in about three
5 months we will be finishing what we're calling our new
6 capital, our new administration building, uh, uh.
7 Elevated up the view of the council chambers will be
8 back towards this area with the earth lodges and the
9 interpretive center and to the Southwest.

10 And, uh, that will be open in a few more months.
11 Uh, we've done other things on the peninsula; the
12 water park, uh, development of a beach for the third
13 one approved by the United States, uh, Army Corps of
14 Engineers.

15 Um, uh, we also have other things that we're
16 digging in, building water didn't cooperate with us
17 this year as -- as -- as mother nature has done, uh,
18 to us. Um, we, uh, are building, um, more campsites,
19 we're building basketball courts, horseshoe, um,
20 gardens, an amphitheater for, you know, things to that
21 nature.

22 What we're trying to do is make this area on Fort
23 Berthold, a little destination resort economically.
24 And it's very critical that we do the infrastructure.
25 So you see things going on at the casino we continue

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1 to reinvest in that.

2 Um, I know we're going to talk about it later,
3 uh, but we have been very heavily impacted by, uh, the
4 expansion of gaming in the state, the ETAB machines
5 with the charitables. Uh, our employment still
6 remains, uh, at about 40 percent of, uh, pre-pandemic
7 numbers, uh, for employment.

8 And so, uh, but we have taken a position to do
9 everything we can with our energy program to, uh,
10 expand our economic opportunities. And that's what
11 we've been doing since this time. So, um, again, you
12 know, welcome.

13 I'm thankful for the prayer, Jaylene. And
14 thankful that, uh, member of council. I have some
15 staff here. Monica's here, thank you, Councilwoman
16 Monica Mayer. Come on, come on, sit down with Monica.

17 And so thankful that, uh, she was able to make
18 it. And, um, like I said, I hope, uh, uh, we have a
19 couple more that might be able to make it as well. But
20 we have such a lot going on and -- and, um, uh, it's
21 very, very busy and we're very proud, but we've got a
22 lot of work to do. Um, by no means are we anywhere
23 near where we want to be? We've got, you know, more
24 recreation, more tourism to focus on.

25 We've got other economic ventures, the

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1 greenhouse, for those of you who came across on 23
2 from the east, uh, near partial, you may have seen,
3 uh, we're getting the -- the phase one of the base all
4 down for that.

5 Um, when that's built, uh, we've got a little bit
6 of hiccup like everybody else who's got hiccups right
7 now with materials and costs and bid estimates coming
8 in high. And so we're working on those, uh, but we
9 will build that facility.

10 And, uh, we also have some other, uh, openings as
11 you cruise through and as Mr. Jones, the
12 representative, uh, knows full well, uh, there was a
13 time, uh, not of -- not just of, you know, not more
14 than few years ago where, uh, the explanation by those
15 visiting and those around areas that, uh, for example,
16 New Town in this area was dying.

17 It was disappearing. Well, you drive through New
18 Town and if you get that impression, then you're --
19 you're driving with your eyes closed.

20 And because we have so much going on now, it's
21 been re- -- revitalized, revamped, and -- and so much
22 more. Monica's here as well, too. And -- and, uh, so -
23 - so very proud that, uh, we're getting much done in
24 many of the segments.

25 Uh, the outline segments so no [inaudible] Four

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1 Bears and partial. We got a number things going on in
2 there something we had our school did -- we actually
3 had opened it yet with the children in it?

4 Not yet. No. We're pretty close though. October
5 now, October will be the time that they'll get it
6 finalized and open.

7 And before the Snow flies, so we'll have
8 completed our third school, our third school here. So
9 I don't want to get into the -- and I'm supposed to
10 just be doing a welcome. I don't want to take up too
11 much time here and we'll get back to the issues at
12 hand here.

13 But we've got so much going on in all the
14 different segments, uh, you get a chance you're seeing
15 one segment and driving through what -- depending on
16 which direction you come through, maybe one or two of
17 the others.

18 You come up through Mandari; you saw some of
19 Mandari from a distance. You come from -- on 23, you
20 saw New Town, uh, and, and what's going on there. I
21 encourage you when you get the time and we'll be glad
22 to host you, uh, and get people lined up to take you
23 on a tour if you need to, from looking at oil and gas
24 pads from drilling pads and -- and everything else,
25 uh, operations that were going on.

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1 To, um, the different segment things happening,
2 uh, white shield and Twin Buttes for example, they
3 got, I think combined or were -- were [inaudible]
4 approaching a half a billion in infrastructure and
5 buildings and things done in the outline segments so
6 that they have opportunities.

7 And we've got so much more going on in -- in --
8 in the other areas as well. So again, uh, I -- I say
9 thank you, uh, for being here. And thank you for this
10 time and opportunity to -- to go over some really
11 important things as well. So, uh, with that, I defer
12 back to you, Mr. Chairman.

13 CHAIRMAN WARDNER: Thank you, Chairman Fox. Uh,
14 before we start, uh, if you don't mind, uh, Mr.
15 Chairman, I would like to welcome, uh, representative
16 Buffalo if she may sit over here at the table, uh, uh,
17 she is with us today and she is one of your, uh,
18 members here, even though she represents a different
19 district.

20 So, uh, Representative Buffalo, if you would like
21 to sit up at the table, uh, we would like to have you,
22 and you are welcome to come.

23 MS BUFFALO: Thank you. Um, [inaudible] here
24 though [inaudible].

25 CHAIRMAN WARDNER: Oh, okay. Very good. Well,

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1 thank you for being here. Uh, also, uh, I would,
2 before I make my couple of statements, uh, I've
3 traveled through New Town for many years.

4 I used to teach and coach in Mohal and my in-laws
5 lived in Killdeer. So we went through here and -- and
6 yes, uh, you are correct. Uh, there was a time the
7 businesses were starting to falter even in New Town,
8 but not anymore.

9 And, uh, I -- I -- I guess I think one of the
10 biggest things that we got was that bypass around, uh,
11 New Town for the trucks and stuff like that, uh, come
12 along ways.

13 And so you're at a point where now you can grow,
14 you don't have to deal with issues all the time. We do
15 appreciate, uh, many of the things that you're doing,
16 especially, uh, the treatment centers that you got in
17 -- in Bismarck I think that is, uh, tremendous.

18 You are, uh, putting money, investing money in --
19 in -- in human, uh, assets. And, uh, that is
20 appreciated. The biggest thing that I would like to
21 work on is that we do more partnerships and of course,
22 we already are doing a lot to partnerships with this
23 particular, uh, tribe and reservation.

24 We've -- we've already done a lot of things and
25 we need to continue that and, uh, work together to

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1 improve the quality of life of the people.

2 And that's what our goal is. And so we're, uh,
3 we're excited to come here and, uh, and at some point
4 we'll have our members go around and, uh, they will
5 make comments about what they think and feel, uh, at
6 the end, we'll have kind of a go around.

7 And if any of your council people are here,
8 there, we will invite them to participate. So, uh, so
9 right now, uh, we're here to listen. We're here to,
10 uh, visit with you and, uh, hear your concerns. So
11 with that Chairman Fox, uh, I'm turning it over to
12 you. Okay.

13 CHAIRMAN FOX: Okay. I appreciate very much, we -
14 - we do have a -- a -- a schedule here, um. But maybe
15 perhaps before we dig into the, uh, nuts and bolts of
16 -- of the items that we have listed here, and we seem
17 to be on time.

18 I -- I would like to defer to my fellow
19 councilmembers for some brief comments as well. So
20 Sherry would like to make a few comments?

21 MS. SHERRY: Um, can I just hold that for a
22 minute?

23 CHAIRMAN FOX: Sure -- sure. Monica, would you
24 like to --

25 MS. SHERRY: This is my first meeting and I --

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1 CHAIRMAN FOX: Okay.

2 MS. SHERRY: -- I just want to get the feel of
3 things.

4 CHAIRMAN FOX: Sure. That's -- that's fine.

5 MS. SHERRY: Thank you.

6 MS. MONICA: Is it on? Yeah. Um, I guess, uh, I
7 think this is my first meeting too with, uh, tribal
8 government relationships. But I just want to thank
9 everybody for coming down and to the, uh, beautiful
10 shores of MHA and our land.

11 And, uh, as a north segment council
12 representative from the New Town Shell Creek area, uh,
13 I'm in my second term and we do -- as Chairman Fox
14 said, have a lot of work to do while we can do it.
15 And, uh, very thankful and grateful for the blessings
16 from -- of the oil industry that we have, which are
17 other issues. As far as I'm concerned.

18 You know, I, as a physician, uh, background,
19 think that the health of the nation is number one and
20 what we can utilize our monies for to improve, uh, as
21 Senator Wardner said, the lives of our -- of our
22 people. Improving lives of our people.

23 And so I -- I strongly, um, really, um, invested
24 into doing what we can because for those of you who
25 don't know the life expectancy of an Indian man on

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1 this reservation is 55 years of age.

2 And, uh, women is 61. And I know that because I'm
3 61. So I've hit my life expectancy and I think the
4 chairman has too.

5 CHAIRMAN FOX: Um, getting close.

6 MS. MONICA: I know. So anyway, that's just
7 atrocious to me. That's 20 years younger than the non-
8 Indian population in the state of North Dakota; 20
9 years for both males and females.

10 Yet this tribe spent \$171 million in, uh,
11 healthcare insurance premiums over a five-year period.
12 We paid \$106 million in claims, and there's something
13 wrong here when you spend so much money and have such
14 a low quality of life indicator.

15 Um, life expectancy is typically an indicator.
16 Our infant mortality is extremely high. So that just
17 doesn't make any sense to me yet we are pouring
18 millions into it.

19 So we are busy -- we're fortunate to be able to
20 have insurance for our membership, all of them, but we
21 really need to look at, um, we're building a medical
22 care campus right now to try to unify all our services
23 into, uh, one area where our clinic and our diabetes
24 building, our new KDU, um, our new community health
25 where we house all the WIC, infant, and toddler, um,

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1 PHNs for immunizations and, you know, unify our
2 services so it's easier for, or access to, um,
3 services.

4 One of the issues that we just -- I just met with
5 the, uh, um, Medicaid director, department of health.
6 And, uh, one of the issues we do have, that's just
7 continually, constantly going on is between McKinsey
8 and Montreal County.

9 Um, we are -- out of those premiums that we're
10 paying, we're paying for people who are eligible for
11 Medicaid, but yet we're paying their insurance
12 premiums. And one of the methodologies --
13 methodologies of the county is to try to eliminate or,
14 um, make it very difficult for those Native-Americans
15 that are eligible for Medicaid.

16 And that's a problem. And so we tried to go down
17 to get some more cooperation for our -- for our, uh,
18 MHA Nation, because as you know, there's what five or
19 six counties that surround us.

20 But -- but typically our two counties that we
21 have difficulty with is the McKinsey Montreal County
22 social services offices. So I just wanted to put that
23 on your radar, that we need better, uh, cooperation.

24 And I know Chairman Fox has talked to the
25 governor multiple times about the federal law mandates

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1 that you cannot use the oil and gas, um, royalties
2 that individuals receive as the source of income when
3 applying for Medicaid.

4 Um, and, you know, suffice it to say if we, you
5 know, Indian Health Service was not doing a very good
6 job in our opinion, in taking care of our people. So
7 we 638'd it. So, uh, we are now in charge and trying
8 to partner up with experts as best as we can to -- to
9 improve those services.

10 However, if -- if we continue and this has been
11 going on for quite some years now, and I think
12 chairman with the, um, Medicaid eligibility, the
13 elders just don't want to apply for anything because
14 they don't want, uh, any harassment about their oil
15 tax and royalties.

16 However, given that that money for Medicaid comes
17 from CMS to the state and then the state distributes
18 it. Well, if we just can't come to sort of, uh,
19 negotiation and cooperation, then we may have to as
20 the case with IHS 638, the CMS monies, and have it
21 just come directly to the tribe and we'll distribute
22 it. So we don't want to have to do that, because it
23 would require a lot of, you know, a lot of work to do
24 so.

25 Uh, it took us several years before we 638 it.

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1 And so, you know, it gets all those lawyers involved
2 and all that other stuff so. And um, but that's one
3 area Mr. Chairman that I really feel strongly about in
4 the health of our nation.

5 And of course, uh, I was the former chief medical
6 officer for what we call the Aberdeen area for IHS
7 that's, North Dakota, South Dakota, Iowa, Nebraska, 10
8 years ago, 2010 or 15 years ago, I declared drugs and
9 alcohol as our number one healthcare issue.

10 And, uh, it still is today. It -- in out of that
11 171 million, we probably have invested at least 60
12 percent of that money into drug and alcohol treatment.
13 And that's before we even built the treatment center
14 down in, uh, Bismarck.

15 So the -- we're not talking chump change, but
16 we're not making as much headway as we should. So the
17 answer is really not to throw more and more money at
18 it, but to come up with better ways of managing it.
19 And one of the ways is we can't manage if we can't
20 measure.

21 So data is vital to our -- our way of
22 implementing change and improving, um, the lives of
23 our -- our children, our adults and our elders.

24 And so, I mean, I could go on and on, you know,
25 but I think the energy, the -- the solar, the

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1 geothermal, the gas, the wind that we can capitalize
2 on should be sit into, uh, health and, uh,
3 infrastructure for the tribe. And so with that, Mr.
4 Chairman, I'll go ahead and move on.

5 CHAIRMAN FOX: Okay. Appreciate that, Monica.
6 Thank you for your comments. Any questions senator?

7 MALE: I just want to make one comment. Uh, we've
8 got some hungry people here, so at 10:00 we're going
9 to have a hard stop and take a break.

10 CHAIRMAN FOX: Sounds good. Well, we got some
11 food ready, some breakfast ready to go and I think
12 lunch after that.

13 MALE: So, so, uh, Representative Boschee.

14 MR. BOSCHEE: Thank you, Mr. Chairman. Um,
15 Councilwoman, Dr. Mayer can -- when you talk about,
16 you know, we have the federal system of Medicaid, the
17 tribe is paying for insurance premiums for members
18 there's -- we deliver Medicaid through the county-
19 based services or the zones right now.

20 What is the solution? What -- what is the state
21 not doing well or the county that is creating these
22 barriers? Um, not just for your members, but anyone to
23 access the resource -- the federal resources we could
24 be doing, we could be implementing to make people
25 healthier?

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1 MS. MAYER: Well, I've got numerous examples that
2 I don't want to, um, bother you with in time. But, uh,
3 for instance, I have a home health team. We took, uh,
4 I had the home health team go over to Montreal County
5 and Stanley to get an elder, uh, signed up for
6 Medicaid.

7 And the customer service was at best, poor. They
8 were rude and disrespectful, weren't helpful until
9 they let them know who they were coming from our
10 office. And then they kind of -- but they make it very
11 difficult.

12 Oh, you didn't fill this out. Didn't notify them
13 that this was not completed or whatever. And I think
14 it boils down to customer service. And, um, so, but we
15 also have issues with like Stanley Hospital. They
16 won't accept our -- our patients from our, uh,
17 detention center.

18 They, um, won't, um, take care of those that are
19 in need, who, um, could have coverage from Stanley.
20 And so it -- it- -- it's -- it's a matter of, uh, um,
21 you know, improving that quality of life through
22 having better services and good customer services so
23 that we can understand.

24 Um, you know, and I don't want to throw that word
25 out there, but it could be a race card issue. I mean,

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1 uh, we'd be, ostrich's sticking our head in the sand
2 if we didn't admit that.

3 Um, but as citizens of North Dakota, uh, we find
4 it very difficult for our people to go to Stanley and
5 Walford City. One of the best places for us to go is
6 Garrison. Garrison's very, um, um, amenable to us. And
7 so, um, you know, we even have troubles over at
8 Trinity.

9 So one of the future ideas for us is when our
10 medical campus is up and we -- and the people have,
11 uh, cried about this for decades is that when we were
12 flooded out, the Elbow Woods Hospital was not, um,
13 included in rebuild.

14 And so my mother is now gone, but she used to
15 refer to Apple Woods, the hospital, very fondly. And,
16 um, so one of the areas that we're trying to do is
17 secure some more land so we could buy -- we could
18 probably look at eventually getting a critical care
19 access center right here on Fort Berthold in New Town
20 would be very tremendous for us because our -- the
21 great amount of our population lives right here in the
22 New Town area.

23 And so that would be a dream come true if we
24 could figure out ways to fund that through, uh, treaty
25 and, um, oil and gas and -- and the state cooperating

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1 with us. So if -- if that's, you know, something that
2 we could put on the table, that would be very well.
3 But your answer to the question is Senator, uh, or
4 Representative Boschee is, uh, I think it's, uh, boils
5 down to customer service.

6 CHAIRMAN WARDNER: If -- if I can follow up with
7 -- thank you, Monica, follow up. I really narrowed
8 down in my mind to two things.

9 Uh, on the federal side of things, the United
10 States government has done a very poor job of
11 outreaching and getting to qualified Medicare and
12 Medicaid recipients. They have actually offices and
13 employees who are -- are tasked with doing that, but
14 rarely do they get up here, do they help, um, uh, push
15 on -- on getting, um, the enrollments up.

16 So Monica's alluding to very few of our elders
17 participate. There are many that are qualified, but we
18 just don't have them signing up. That's the primary
19 problem, I see. The secondary problem that we do have
20 is what she's alluding to is since Medicare and
21 Medicaid channels to the state, um, it's the state,
22 uh, offices that -- that deploy it out and -- and --
23 and provide the services.

24 And that means when people apply, we're getting,
25 and -- and we did one of the first things I did in

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1 becoming chairman seven years ago was to sit down with
2 Medicare, Medicaid themselves over in the casino, in a
3 conference room and we had state officials and we
4 tried to hash this problem out.

5 Um, there's been some evidence back and forth
6 during that time, and I'm sure some subsequent to
7 that, but what was happening and she was alluding to
8 as one of the biggest things is -- is, um, mistakenly
9 or otherwise intentionally or mistakenly, uh, asking
10 certain questions about the elders and those that
11 would qualify.

12 Uh, taking into consideration, asking questions,
13 like, do you get royalties? And -- and -- and if so,
14 how much and using that for disqualification purposes.

15 Well, at that time, seven years ago, we made it
16 very clear as did Medicare and Medicaid that that's
17 not something that can -- trust income cannot be taken
18 to disqualify a person.

19 And -- and I remember the state officials at the
20 time representing, um, both the county level and state
21 level said, you know, certainly we don't want to do
22 that we understand.

23 And -- and if any of our intake personnel are --
24 are making those kind of mistakes, we want to correct
25 that. And there was a huge movement to do that at that

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1 time, but that was seven years ago.

2 And obviously the problem has not been completely
3 resolved. So between those two situations, we get a --
4 a poor participation in -- in applying for and being
5 qualified and receiving benefits from Medicare and
6 Medicaid. And -- and it -- it is a problem.

7 So what we -- what's not provided to a person
8 because they're Medicaid, Medicare eligible we create
9 our own insur- -- we have our own insurance program
10 for our -- our people derived from our energy
11 resources.

12 Um, and so we have to pick them up on insurance,
13 but since it's our insurance, we -- we pay for it. And
14 -- and so that's a cost to us that we could use for
15 other things. So, you know, maximizing the federal
16 dollars out there is really critical and we -- we need
17 to do a better job of that.

18 So I wanted to touch on that. Uh, but thank you
19 for your question. Uh, Mr. Boschee and -- and also,
20 um, I wanted to comment briefly before we jump in on a
21 item and we kind of went by a little bit here and I
22 think we need to get at it really quick regarding to
23 redistricting because we got some -- definitely some
24 points that we want to illustrate.

25 I want to remind everybody that when you step out

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1 on your break and we take a break, have something to
2 eat and you step out on the patio and the area out
3 there and you look out at that lake, uh, you've heard
4 me --

5 I was -- had the honor doing, uh, the state of
6 the tribal nations address. And you've seen
7 documentaries, you- -- you've seen a wonderful
8 documentary of -- of Elbow Woods that, uh, Mo- --
9 Monica's referencing to her grandma May, you know, and
10 her talking about that.

11 And -- and, uh, it's called basketball, you know,
12 you know, water basketball in the lost city of Elbow
13 Woods and -- and -- and -- and, uh, the DVD Prairie
14 Public did and talks about this issue. But when you
15 look out at that water today, you'll have to realize
16 that it didn't always look that way.

17 We are a victim of -- of federal policy that
18 built dams, a series of dams along the Missouri River
19 Pick-Sloan program, it's called. Pick-Sloan and all
20 the -- in congress passed this up, that built all
21 these dams and recreated the Garrison Reservoir by
22 building a dam where it's located today, uh, you know,
23 in that area to the south of -- on our river. Um, we
24 suffered greatly from that.

25 Prior to that, our people -- even though on many

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1 reservations, uh, where people -- people were put on
2 Indian reservation became federally dependent, MHA
3 Nation, Mandan, Hidatsa and Arikara people were not as
4 dependent on the federal government as other tribes
5 were.

6 We grew our own crops. We -- we had our ranches.
7 We -- we -- we -- we were, you know, agriculture is
8 very important to us. We were self-sustaining. We had
9 our own sawmill, our school hospital, everything that
10 we established along the river up in our communities
11 up and down the river.

12 But that was taken away because the decision was
13 made to flood our area and then to supposedly
14 compensate us which was very poorly done as well in
15 flooding us and driving us to the high grounds,
16 separating out and New Town became a town called New
17 Town because of the flooding. But all that, when you
18 look outside today, uh, I want you to kind of try to
19 envi- -- envision what it looked like before and --
20 and what we've had to do. We've had to make lemonade
21 out of lemons now.

22 And that's why with recreation, tourism,
23 everything that we're trying to do now, and build back
24 out of -- of what was done to us. But prior to this
25 flooding, we were not situated the same as other

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1 tribes in the -- in the nation. We were self-
2 sufficient.

3 We weren't wealthy or anything of that nature,
4 but we didn't depend on the federal government, like
5 most of the tribes do today, but that radically
6 changed when they flooded us out and -- and they
7 destroyed our economy. And that's what we've been
8 dealing with, rebuilding out of that.

9 Now, in that regards, Mr. Chairman, I- -- I'm
10 raising this issue because you all sitting around this
11 table all had a very important role in what we had to
12 do in developing our energy.

13 The first tax agreements that came out were not
14 equitable, but from a series of about eight years,
15 from 2013, really 2011 I was up there and Senator
16 Wardner probably remembers that.

17 But from 2013 to 2021, it took eight years to
18 make the tax agreement more equitable, so that more
19 money, hundreds of millions of dollars over time
20 additional would come to the MHA Nation so we could do
21 these things that we're doing today.

22 The schools, law enforcement centers, treatment
23 facilities, uh, insurance. Insurance, and
24 distributions to our me- -- membership three times a
25 year, two more times for elders, those distributions

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1 and insurance combine for 90 percent of all the
2 royalties that the tribe collects for tribal, uh,
3 [inaudible] on tribal lands. Just those two items
4 alone. The other portions of it we use towards school
5 and -- and -- and that's where the tax comes in.

6 The royalties goes to those two items, but the
7 tax goes for schools, roads, infrastructure, all those
8 things and it eats up, you know, about 80 percent of
9 that.

10 So all that being said, you know, uh, I want to,
11 you know, remind and commend, uh, members of this
12 legislature of the North Dakota legislature and this
13 committee that it didn't happen overnight.

14 It -- it took a while. Uh, we continued to
15 negotiate, communicate through this committee and
16 otherwise governor's office, the legislative branch as
17 well, for yourselves.

18 And we were able to, um, get to where we are
19 today. And I -- I commend you for that process
20 because, uh, there was no guarantees it was going to
21 happen and, uh, got heated in your committees and got
22 heated on the floor. I -- I know that. Got heated in
23 discussion.

24 But I think what I'm asking you to do now is to
25 understand why we were so passionate, why we're so

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1 driven to get these changes, because where you sit now
2 is we're rebuilding, we're rebuilding what, uh, uh,
3 against what was done to us and -- and has taken some
4 time.

5 And we've been waiting patiently for 60 years.
6 And so eight years we were able to handle as well. And
7 so you see a lot of things that we're to do in the
8 United States and, uh, we're very -- very happy with
9 that.

10 So that being said, I know we got about 12
11 minutes here. Maybe we could introduce the subject if
12 you want, Senator.

13 CHAIRMAN FOX: Well -- well, we do want to hear
14 about your thoughts on redistricting. So --

15 CHAIRMAN WARDNER: Yes.

16 CHAIRMAN FOX: -- that is a --

17 CHAIRMAN WARDNER: Can I -- can I do that now,
18 Senator?

19 CHAIRMAN FOX: Yes. Our thoughts, uh, um, you
20 know, it's kind of -- on one hand for me, it's a lot -
21 a lot similar having interacted with the legislature
22 now for 12 years or more, 9, 11, 13, I- -- I've been
23 no stranger down there to try to some things done for
24 our tribe.

25 Um, part of how I view it sometimes, uh, is -- is

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1 similar to the gaming. You know, like we are sort of
2 not in a position to have influence or control
3 sometimes.

4 And because when you expanded your gaming on the
5 outside, it had a heavy impact to all our tribes, you
6 know, hurting us to the degree of -- of losing a lot
7 of jobs. And that's what our gaming represents is
8 jobs, now that's been cut down by 60 percent.

9 But again, it was difficult to say, you shouldn't
10 do that when it's your gaming, you have allowed it,
11 even though we're citizens of the State of North
12 Dakota and what you do impacts us. We all figured that
13 out in the pandemic. And -- and -- and things of that
14 nature.

15 And so part of me was kind of always like trying
16 to look at it from that perspective and -- and -- and
17 this redistricting, I -- I imagine we're going to get
18 much of the same rhetoric back or -- or same points
19 made back is that, well, you know, we hear what you're
20 saying, tribe, but, you know, really, um, really it's
21 -- it's, we're re- -- reorganizing our -- our system
22 of government to -- to vote and -- on how we set that
23 up. But if we -- if we characterize it that simply it
24 makes it problematic because here's the issue, we are
25 citizens of the state of North Dakota.

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1 That's not something we chose. And me and -- and
2 my background and of history and law, I can -- I can
3 argue and talk to you for hours about what we could do
4 alternatively to that in recognition -- recognition of
5 as a US to territory and things of that nature and --
6 and have our own members of congress elected straight
7 from MHA system, or -- or to be in a situ- --
8 situation at least, uh, similar to Puerto Rico,
9 surrounded by water, but no different from us.

10 They're a country we're a country. And that's the
11 reality of -- of the law, but we're not there. So the
12 only thing that we have to represent to have, uh, a
13 conduit and a mechanism means to get representation on
14 a federal level is to be citizens of the State of
15 North Dakota and cast our -- our ballots for
16 congressmen and -- and two senators as well, same as
17 you. We -- we -- we have --we have no other choice. If
18 we don't do that, we can't participate in electing
19 federal representatives.

20 And so being citizens of the state of North
21 Dakota, we also now have that opportunity to elect
22 those who represent our interest as citizens as well
23 and we are citizens, even though we have a dual
24 citizenship.

25 State and our own MHA Nation citizenship and they

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1 are two different things. So that being said, we -- we
2 make these pleas that we should have a role. And --
3 and what we ask for should be strongly considered
4 because we are impacted.

5 Now specifically for MHA Nation, uh, and looking
6 at the previously -- and we've been sitting down,
7 we've had others, um, uh, there are other groups out
8 there, uh, representing native interest that have gone
9 out and met with the United tribe, met with us, uh,
10 separately. One of the things that we would ask for of
11 course is -- is -- is for opportunity Fort Berthold as
12 a whole, to -- to be part of a district, which we are.

13 Um, but one of the things that might give us even
14 more and -- and more opportunity to have, uh, our
15 voices heard is, uh, the potential of -- of splitting
16 the house, which has historically been done.

17 Um, if you split our district house in two and
18 Fort Berthold is in one or the other, uh, it might
19 give us an opportunity to, uh, have, uh, uh, to help
20 elect an individual that might carry forward our
21 concerns.

22 And that's really important to us as well. And so
23 we have, uh, formally with a letter -- a letter has
24 been submitted to that effect to the committee and
25 saying, you know, in your reconsideration of -- of

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1 possible restructure of your committees to vote and
2 your districts in redistricting, uh, to take that into
3 consideration, because it very much would help us
4 participate better with your system and -- and -- and
5 -- and the state government of election. And so, uh,
6 we definitely are advocating for that as well, too,
7 so.

8 CHAIRMAN WARDNER: Okay. Well thank you, uh,
9 committee members, any questions for Chairman Fox?
10 Representative Boschee?

11 MR. BOSCHEE: Thank you, Mr. Chairman, uh,
12 Chairman Fox and then of course, any of the other
13 councilmembers, uh, I'd be curious for input. Um, I- -
14 - I'm the only one here that also serves on the
15 redistricting committee. And so we have had good
16 conversations about sub-districts specifically for
17 tribal nation.

18 So I think that's promising and -- and we'll
19 hopefully navigate that over the next month as we do
20 our work, um, specifically for MHA Nation internal
21 mountain, because of the population in which your --
22 the people that live on your reservation comprise of
23 a- -- an entire district almost equals half.

24 So the math is there on your side as well. My
25 question for you is, as we look at -- so currently

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1 you're in legislative District 4, um, and comprise
2 about half of that land mass.

3 But right now the land mass generally goes north,
4 um, and almost to the -- the Canadian border. Curious
5 what your thoughts may be as we continue those
6 discussions, not just about the sub-district, but
7 about what -- are there -- are there communities near
8 you that would be -- that you would like to be a part
9 of in terms of a legislative district?

10 Uh, so would going west be better to be tied in
11 with Watford City? Would be going south to be in cold
12 country or west in the cold country, be a better
13 partnership or -- or maybe no change at all? But I'm
14 just curious what your thoughts would be. Especially
15 as we -- we talk a lot in redistricting about
16 communities of interest, and one of that is economics.

17 So that's why I frame right away thinking of
18 Waterford City from oil and gas, but certainly
19 interested. But that requires us to put a good chunk
20 of the district on the other side of the river too. So
21 --

22 CHAIRMAN FOX: Uh, we certainly wouldn't be
23 adverse. That consideration on that level is -- is, is
24 maybe, uh, what you're alluding to, you know, with our
25 energy development may have some things in common to

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1 the west, possibly.

2 The only thing I -- I would say is whether it be
3 to the north, west, south or east, is that nothing
4 diminishes our ability to vote a- -- a- -- as a -- as
5 a reservation, as the native people.

6 The -- the worst thing we'd want to see in any
7 redistricting is to pull us apart, so to speak and to
8 split us and putting Twin Buttes down in a different
9 district and partial over in a different district and
10 Mandari to a different district.

11 That's what we would be most comm- --, you know,
12 diluting or diminishing our -- our -- our -- our
13 ability, uh, to -- to vote and express our concerns
14 collectively.

15 And that would be the biggest concern, but we --
16 I don't think I would have any objection to any
17 redistricting that -- that maintain those things that
18 were concerned about, but it included a different area
19 of the state. I don't think I would object to that, at
20 least looking at what you're offering. So --

21 CHAIRMAN WARDNER: Senator Heckaman.

22 MS. HECKAMAN: Thank you, Mr. Chairman. Um,
23 Chairman Fox, um, not knowing the exact outline of
24 what communities are outside the reservation
25 boundaries.

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1 Are there some communities where a large number
2 of your -- that have a population with a large number
3 of your members that maybe, um, just what
4 representative Boschee said, be good to integrate back
5 into, um, a drawing for your district?

6 CHAIRMAN FOX: I- -- I'd have to really look at
7 the -- the data, you know, because really, um, there
8 are some of our members that live in -- in the Stanley
9 area, I mean, simply because housing's at a shortage
10 and -- and they either live in Stanley or maybe have
11 to live in [inaudible] and make the commute down here
12 and drive.

13 Um, I don't know if Sherry knows the numbers
14 offhand, but I would think that we have similar or
15 maybe slightly more in the Watford City area, be, you
16 know, from people that gravitate from Four Bears,
17 Mandari area and move in- -- into [inaudible] and come
18 back forth.

19 But the- -- there wouldn't be a he- -- I don't
20 think -- I have to check the data. I wouldn't say
21 there'd be a significant difference.

22 MS. HECKAMAN: Okay. Thank you.

23 CHAIRMAN FOX: Yeah.

24 CHAIRMAN WARDNER: Okay. Anyone else have any
25 questions? Any more comments on redistricting?

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1 Otherwise we're going to take a 20 minute break.

2 CHAIRMAN FOX: Okay. Any other further comments?

3 Ruth, do you have anything to comment in the regard- -

4 - regards here? Okay. Yeah. Thanks. Um, John and

5 Cynthia worked in getting the letters together, but

6 Cynthia, go ahead please.

7 MS. MONTEAU: Chairman Wardner. Oops.

8 CHAIRMAN WARDNER: Yeah. And then do your name

9 and stuff for the record too.

10 MS. MONTEAU: Uh, Chairman Wardner, Cynthia

11 Monteau MHA Nation. Um, Chairman and Representative

12 Boschee I just had a question on the mapping tool

13 that's available to the redistricting committee that

14 shows the numbers, um, the population and so forth

15 based on the census. Is -- is that something that we

16 could work with the committee or -- or, um, chairman

17 can, you know, contact you so we can look at those

18 numbers and see what you're looking at? Thank you.

19 CHAIRMAN FOX: Yeah.

20 CHAIRMAN WARDNER: Good. Go ahead. Thank you, Mr.

21 Chairman. Um, Ms. Monteau, uh, yes. So the limitation

22 -- the committee's made up of 16 members and the

23 limitation that the committee has right now is that,

24 um, I believe there's only six licensed laptops with

25 software.

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1 So only six members at any one time can have
2 that, uh, software available. But yes, um, I'd be
3 certainly willing to help and I know that we could
4 probably connect with legislative council to make sure
5 that you're getting accurate information.

6 We did receive some information at last week's
7 meeting, uh, specific to reservation communities, as
8 far as the numbers that the Census Bureau has. Um,
9 there is some, uh, conflict in what's represented
10 because we know that there's also probably an
11 undercount, um, and that's the hard part as we know
12 that the census bureau didn't necessarily take into
13 consideration of the roles that your research, uh, or
14 -- or, um, census office may have.

15 Uh, we heard that from Turtle Mountain
16 specifically that they have a lot more data on who's
17 living where, but the Census Bureau wouldn't accept
18 that, um, for purposes. So there's a challenge there
19 in recognizing those numbers, but I'd certainly be
20 able to help make sure that you guys have the
21 information we have so that we can -- we're comparing
22 apples to apples as we're drawing those lines.

23 CHAIRMAN FOX: Yeah. And -- and -- and Senator to
24 war, we talked about this not long ago why there's
25 underrepresentation, oftentimes there's deterrents to

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1 that reporting.

2 Uh, many of it has to do with the housing and
3 federal rules and housing and, you know, and, uh, hard
4 -- hard rules. You know, you get, you know, we always
5 have a shortage of housing so people gravitate to come
6 home and either to work and go to schools and
7 everything else.

8 And -- but when you don't have the housing, you
9 know, there and available, and we've been building
10 over 500 homes since we've changed the tax agreement,
11 but we are still far short where we need to be. So
12 having, uh, large families, extended families in a
13 unit, a three-bedroom unit, but having 12, 14
14 individuals living in that is not uncommon.

15 But if they're in a housing unit, that's
16 [inaudible] controlled and they report that they will
17 then tell them, you're going to have to move. You're
18 not allowed to keep those people in there. Either they
19 move or you all have to move.

20 And so what you'll get is under-reporting where
21 they say, it's just us three here. And -- and -- and -
22 - and -- and because they don't want to lose their
23 housing opportunity, housing is hard to come by here.
24 Very difficult. So you're right there is drastic
25 under-reporting.

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1 MS. MONTEAU: Mr. Chairman, I do have one
2 question I'm not familiar with redi- -- redistricting
3 however, um, the -- the, um, is there a way that we
4 can say, okay, redistricting would give us these
5 benefits and versus, uh, risks of, you know, losses or
6 whatever, or negatives?

7 Because if we redistrict, would that make us
8 eligible for our own district health unit within the
9 reservation, because that's been a long time issue?
10 And number two, would we have representation to the
11 state, um, uh, congress legislatively and, um, making
12 sure that we don't lose our -- it might be able to,
13 um, take care of the Medicaid issue too.

14 CHAIRMAN WARDNER: Well, council, uh, member
15 Mayer, that district is a little different than the
16 redistricting for, uh, voting. So --

17 MS. MONTEAU: Oh okay.

18 CHAIRMAN WARDNER: They are different, but I did
19 write down, uh, what you had said, and I think we need
20 to visit with the, uh, department of human services
21 in, uh, the zones. We started the new zones and not
22 counties.

23 And we need to talk about this and how we provide
24 services to the, uh, tribal nation. So -- but that is
25 a different, uh, type of district.

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1 CHAIRMAN FOX: Representative Buffalo.

2 CHAIRMAN WARDNER: Uh, representative Buffalo.

3 MS. BUFFALO: Um, thank you. Um, Chairman Wardner
4 and members of the committee. Um, [inaudible] good
5 morning [inaudible] in the Hidatsa language. I am a
6 citizen of the Mandan, Hidatsa and Arikara nation. I
7 originally am from Mandari.

8 So I grew up here. So it's really good to be back
9 here and to be able to sleep under my mom's roof, you
10 know, last night. Uh, my family -- my entire family
11 still lives here in Mandari.

12 And so I am pretty well connected to concerns.
13 People will often share their concerns with me, even
14 though I'm proud to represent district 27 on the
15 Eastern side of the state.

16 And one of the concerns that has been brought to
17 me very consistently is given the size of land mass,
18 um, of -- that falls within the exterior boundaries of
19 Fort Berthold Indian Reservation and also the
20 population size a common theme that has come up quite
21 often is why not make Fort Berthold Indian
22 Reservation, its own legislative district?

23 Um, so I felt very -- I feel a responsibility to
24 share that, um, information that why not make Fort
25 Berthold Indian Reservation, its own legislative

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1 district? Um, the other thing is, uh, question may be
2 more for representative Bo- -- Boschee, who is on the
3 redistricting committee.

4 Um, what -- what does the committee plan to do to
5 get more tribal representation? I know that there were
6 many advocates who asked for my participation, who had
7 -- had asked for my participation on that
8 redistricting committee.

9 Um, as an indigenous woman, as a citizen of the
10 Mandan, Hidatsa and Arikara Nation, who does have, uh,
11 lived experience and extensive knowledge on the gaps
12 within the system.

13 What are you going to do to get tribal comm- --
14 tribal communities more involved? Um, and then also, I
15 -- I do want to, you know, add positives to that
16 question in that I commend you for reaching out to
17 each of the tribal communities to get input.

18 That's really good. So I want to also commend you
19 in making those efforts Senator Wardner. Um, but I do
20 see a lot of work where you do have Native-American
21 indigenous legislators, but oftentimes we're not being
22 used to our fullest stability.

23 Um, I would even mention maybe having one of us
24 sit on the Indian Affairs Committee as well. Um,
25 things need to shift and change we're here. And so

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1 please use us as a resource.

2 CHAIRMAN WARDNER: Representative Boschee.

3 MR. BOSCHÉE: Thank you, Mr. Chairman. Uh,
4 Representative Buffalo. Uh, well, one thing that the
5 committee is doing is the tribal affairs committee has
6 been tasked with going to each nation to have the
7 conversation about redistricting, to get input for
8 normally there. And then at, um, each of the committee
9 meetings, there's open comment period, which people --
10 every citizen of North Dakota is encouraged to
11 participate in.

12 And I know North Dakota native vote has
13 participated in a couple conversations there. And as
14 we get into September, which will be the busy time.

15 So to give everyone an idea, the redistricting
16 committee will be meeting two to three days a week,
17 um, for the next four weeks to finish up the work
18 because we want to have it done by the first part of
19 October, with the hopes of having a special session
20 the week of November 8th at this point.

21 Um, so it's a really compact schedule, but during
22 those meetings to again invite, uh, tribal nations to
23 present to the committee, as we start seeing where
24 these lines might fall based on population.

25 So extensive work is being done to engage

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1 specifically the tribal nations. And -- and again, I
2 think the positive, um, hearing from our -- our
3 colleague Senator Holmberg [ph], uh, who this is his
4 fourth redistricting process.

5 It happens every 10 years. So that tells you for
6 40 years, he's been doing redistricting, uh, as he's
7 the one that's really leading the conversation on
8 making sure that we look at tribal sub-districts.

9 Uh, specifically if -- where the communities --
10 where with the math certainly makes sense. I think
11 it's going to be challenging for Spirit Lake and
12 Standing Rock, but I know that there's efforts to see
13 about what a sub-district would look like for those
14 nations as well.

15 CHAIRMAN WARDNER: Yeah. Yeah. Thank you.

16 MR. BOSCHEE: Yeah.

17 CHAIRMAN WARDNER: Right, Senator.

18 MR. BOSCHEE: Uh, I would just like to make a
19 follow up comment and then, uh, we'll break and the --
20 the issue is the count; we need to get a count. I --
21 we know that up at Turtle Mountain the number is
22 probably double of what is down as far as the census.

23 I mean, they're between seven and eight and
24 they're probably around 14,000 to 15,000, which would
25 be one district. But we've got to get the count, and

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1 we've got to figure out a way going forward to give
2 these, uh, people, the confidence that they can have
3 themselves counted.

4 And I would -- as we talk, Chairman Fox, same as
5 true here. Uh, we got to get the number up and that
6 the, uh, redistricting committee has to go with the
7 numbers they have. And so I really believe that, uh,
8 the -- the census for the MHA is probably less than
9 what it really is.

10 And, uh, that makes a difference, uh, --

11 CHAIRMAN WARDNER: Well, at a minimum, maybe the
12 committees would be willing to consider without
13 actually doing a -- a -- an actual survey again, or
14 maybe we would do that and provide additional
15 information, but that would take time and expense.

16 But maybe the US census, the reports that come
17 out, there's an assumption of under-reporting by
18 percentage. And that's a federal, you know, that's a
19 federal document and federal -- federal data.

20 So maybe they'd be willing to utilize that to --
21 to -- to buff the numbers up so to speak, uh, for
22 reconsideration. Uh, if you say the historical under
23 reporting on Indian reservations is X percent and you
24 would, you know, take that as -- as -- as what it is,
25 and then add that in to, uh, the existing, um, um,

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1 population and -- and -- and use that to -- to try to
2 get closer to the number.

3 MR. BOSCHKE: Okay. And then we did have the, uh,
4 you know, with the COVID, uh, the universities were
5 not there. And so we've got under-reporting in those
6 a- -- areas too. So it is a little bit of a problem
7 this time around.

8 But the redistricting committee is under the gun.
9 They got to -- they got to get their, uh, decision in
10 their districts done, you know, before the first of
11 the year, because we -- we get ready for a new cycle,
12 uh, next 10 years.

13 So they do have some issues they have to deal
14 with. But I can assure you that, uh, the -- a lot of
15 discussion in talking about tribal re- --
16 representation is being -- being done so that --

17 CHAIRMAN WARDNER: Okay.

18 CHAIRMAN FOX: All right. Committee members, if,
19 uh, I don't see anybody that wants to talk -- oh, sure
20 you may come up -- and you have to come up to the mic.
21 Sorry, I didn't see you. Uh, --

22 CHAIRMAN WARDNER: That's why I said we can
23 conduct your service [inaudible].

24 CHAIRMAN FOX: If you would state your name, uh,
25 --

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1 MR. LONE FIGHT: Hello committee. My name is, um,
2 can you hear me? My name is Ted Lone Fight of Mandari.
3 I come from a, uh, the grass root people of the Four
4 Bears Indian Reservation, Mandan, Hidatsa, and Arikara
5 Nation.

6 And -- and [inaudible] effort on redistricting.
7 You know, I sat on the council 30 years ago and we had
8 the same question, why can't we get our own district
9 and be our own sovereign state and alongside of the
10 state of North Dakota? As you know we are a nation
11 within a nation.

12 So I think it's important that we be -- we be --
13 be, uh, distinguished enough to, um, to our own lives
14 on -- on where we -- on where we -- that we become
15 part of the state. And the state district you
16 understand the -- the federal government identified
17 our boundaries by -- by federal -- by federal, um,
18 legislation.

19 But I think, uh, we -- we deserve the right to --
20 to say that we are truly a sovereign nation with our
21 own jurisdiction, our own governments and -- and --
22 and --- and be able to -- to coexist along with the
23 State of North Dakota legislature and the whole
24 government -- government gamut [inaudible].

25 So I think it's really important at this time --

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1 and time -- and this point in time that we as human --
2 as human beings and members of -- of citizenship of --
3 of North America in the United States, that we be
4 recognized as a separate state and given as the, uh,
5 opportunity to -- to control everything, what we want
6 to do. You know, and you understand that the oil and
7 gas package is -- is tremendous on the reservation
8 here.

9 And yet we share it with the state of North
10 Dakota without a question. I think Chairman Fox has
11 made a question, raised that issue. But what about us
12 people here that were -- that [inaudible] here.

13 And you all know what the eye of the Bakken is,
14 this is a -- a focal point of -- of the extraction of
15 -- of oil and gas, um, and in terms of money and um --
16 and we -- we -- we suffer from, um, lack of, um --
17 lack of, um, government funding, state funding, county
18 funding, and municipality fundings for our -- for our
19 own needs like you have addressed earlier.

20 The healthcare issue, it runs rampant and -- and
21 in decline in Indian country here. We can't get
22 cooperation with the -- with the state -- state, uh,
23 pharmaceuticals and -- and medical, uh, com- -- uh,
24 companies.

25 That we have to fight [inaudible] and -- and we

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1 all know that the reason why we fight is that -- is
2 that our skin is different and we are from a different
3 nation. And we are recognized as a -- as a sovereign
4 independent people of -- of the state of Dakota.

5 And, um, I just want to say I support, uh,
6 Representative Buffalo here. And I'm glad she made
7 that a point. And I think it's high time, that we do
8 identify a redistrict and -- and -- and the -- the --
9 the district lines are already drawn within the state
10 of, uh, North Dakota, federal government, that we are
11 a Four Bear [inaudible] Indian reservation with
12 boundaries, exterior boundaries. And we are recognized
13 that way in -- in the -- in the federal government.
14 Thank you, [inaudible].

15 CHAIRMAN WARDNER: Thank you, uh, Mr. Lone Fight.
16 Okay. Anyone else? All right. Uh, it is about, uh, 12,
17 uh, we'll go at -- to 10:35 we will return. At 10:35
18 we're in recess. I know you're are hungry.
19 [Inaudible].

20 [recess]

21 CHAIRMAN WARDNER: Relations committee back to
22 order. And we will continue, uh, Chairman Fox, uh, you
23 are -- you've got control of the agenda now.

24 CHAIRMAN FOX: Okay. Awesome. Raises for all
25 committee members and what else? Milage? No. I kid.

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1 Oh. Oh. Nathan. I forgot Nathan. Give the director a
2 raise over here of the Indian Affairs Commission. I
3 think -- I think that's, uh, the governor's budget,
4 probably on that. Um, yeah, uh, I appreciate that.

5 We do have, uh, uh, a number of items. Uh, again,
6 I thank you on the redistricting. We are very much
7 interested, and in particular MHA Nation, again, uh,
8 would love to see some of the suggestions made. At
9 least some drafts to see how it might work.

10 Uh, be involved as were stated by a number of
11 individuals here in support of making sure that tribes
12 play a role and -- and have some influence on what
13 determinations are made, uh, you know, mainly for the
14 purpose -- as far as I'm concerned, members of the
15 committee, of -- of just hearing our voices and, um, I
16 really don't think, uh, honestly, uh, I -- I haven't
17 studied your politics and the state's politics, uh,
18 for a long time, and demographics and everything else.

19 And nature, uh, I don't think, uh, any radical
20 change in all you districting is going to change, uh,
21 how things sit at your level, and, Bismarck, I really
22 don't, I'll be honest with you. As far as a changing
23 from one party to the other.

24 Um, what -- what I do see is an opportunity at
25 this point in time in -- in -- in state history, uh,

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1 an opportunity for the voices to be, uh, of -- of
2 minority, uh, voices to be heard better. Uh, I really
3 -- I see that as, uh, as a -- as a really golden
4 opportunity to get tribes and non-tribal more involved
5 through your own legislature.

6 And I think that's a positive thing. And so, we
7 do have another other issues in relation and other
8 than that item we want to visit with you, of course.
9 As I reference back I want to commend this committee
10 here in particular the most recent committee and --
11 and the Straddle wells issues, um, your, um, energy
12 departments as well.

13 Mr. Helms and your state tax officers did an
14 awesome job coordinating with our -- our tax
15 department, coordinating with our legal counsel,
16 myself. Uh, we addressed some issues, um, we thought,
17 uh, and very cooperatively, on -- on how to, uh, break
18 the rate down on particular wells and as they sat.

19 Ownership of those -- those tracks is really key,
20 be it trust or not-trust. And we had to, um, find a
21 middle ground so that the proper assessment and then
22 the taxes could be collected, split up, and sent out
23 to the -- the state and the tribe. And so, we were
24 able to address that over the summer.

25 And I -- correct me if I'm wrong, Senator John

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1 [ph], I think we've resolved it to a great degree. So,
2 they're able to now put those calculations in place
3 and get them to the treasurer and -- and get our
4 payments made; correct?

5 MR. FREDERICKS: Correct.

6 CHAIRMAN FOX: So, we're all -- we're all clear
7 from that prospective. So, again, it's been a good
8 thing and I want to commend the committee. Um, the
9 things that we didn't accomplish still really loom
10 heavy on our nation. Um, you know, I -- I -- I'll save
11 the gaming one for next, but the one right now that we
12 think really needs to be addressed and that has to do
13 with the alcohol.

14 The alcohol tax that we, um, are in position now,
15 um, we're actually got a dual taxation system going on
16 right now. We all know that dual taxation, that's why
17 we don't do it in oil and gas. If we do that, it would
18 stymie development of energy. So, collectively we
19 formulated a -- a -- a tax agreement to address energy
20 and oil and gas.

21 Well, alcohol has been a -- a -- a problem well.
22 The problem with having a dual taxation system is that
23 means that's ultimately either the tax entity, the
24 bar, or -- or the liquor shop or what have you, ends
25 up paying two taxes. Or they will move that and --

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1 move the incident that tax to the consumer.

2 And -- and so, uh, people will be charged more
3 for an alcoholic drink. Which may -- may stymie some
4 of the businesses as well. So, dual taxation is -- is
5 typically not a good thing. But in our circumstances
6 because of two failed attempts to try to get something
7 though the leg- -- state legislature, in '19 and 2021,
8 uh, we had no choice but to begin.

9 We have moved in that direction for a number of
10 years now. And the only thing that's holding us back
11 in enforcement and collection at this point through
12 legal collection is -- is waiting with all the
13 greatest -- my father's a minister, but the patience
14 of Job, uh, to try to hope that some way, somehow, the
15 state will -- I thought we had it -- I thought that we
16 had locked through the committee actions, this past
17 committee, this past session.

18 And when we failed, it was very disappointing
19 because we've been holding back on enforcement. The --
20 the number of alcoho- -- of bars and -- and liquor
21 establishments that are -- are not collecting and
22 paying the taxes is -- is -- is building up.

23 The -- the -- the assessments that we have to,
24 uh, uh, assign against them is building up. So, if we
25 end up in litigation in, uh, federal court or

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1 otherwise, more -- more likely first deferred to our
2 own court system.

3 Those numbers are going to come into play. And
4 it's not a good thing, uh, because this is our right.
5 We've never been able to collect one single dime of --
6 of tax directly on -- on sales of alcohol in Fort
7 Berthold for -- well, legally being sold to tribal
8 members for -- for 70 years, 75 years. Um, and alcohol
9 was in existence even prior to that.

10 Uh, ever since non-Indians have been in our area
11 alcohol has been distributed and -- and sold
12 themselves, in particular, uh, Parshall been an -- an
13 incorporated city for over 100 years. Um, so, we've
14 never collected one dime.

15 So, what we have to do typically is take from
16 Peter to pay Paul which is take our resources and
17 revenue over here and deal with alcohol related
18 treatment, saturation patrols, law enforcement,
19 domestic violence, all these things that stem, uh,
20 from the activity of alcohol being sold and all the
21 social responsibilities that come with it.

22 The regulations that come with it. The -- the
23 safety that comes with it. Same with, uh, with energy.
24 Well, how do we spend that money?

25 Well, we don't have any revenue stream. From the

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1 sale of ta- -- of alcohol on our reservation and it's
2 -- it's a horrendous problem for us. And if you go
3 historically we have lost out on millions and
4 millions, tens of millions of dollars in revenue if
5 you go back to the 1950s.

6 And we have not collected any dime. So, very
7 adamant about trying to figure way and we've been even
8 more so patient hoping for the legislature to -- to
9 come to a consensus amongst yourselves to agree to
10 what we're asking for, which is really simple.

11 Have a joint tax agreement, split that equitably,
12 uh, in our eyes, you know, similar to motor fields or
13 something similar to our energy. 80/20 is what we ask
14 for in a bill and it was defeated in committee.

15 Didn't make it to the floor. I understand it came
16 an opportunity to formulate an alcohol agreement at
17 the end hours of the session under the -- the
18 appropriation side and it was struck as well. And so,
19 it's really created a -- a dire situation over here.

20 Uh, we have unregulated activity occurring now.
21 And we -- we have to be -- we have to do something
22 about it.

23 CHAIRMAN WARDNER: Chairman, I -- I just would
24 like, uh, you kind of to teach us a little bit about
25 what was, what is, and where you would like to go.

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1 And, uh, I think we all understand that up until
2 you've raised this question the state collected the
3 alcohol tax period. And it's \$0.07, is that what
4 they're -- what is the --

5 CHAIRMAN FOX: The -- the state can collect it on
6 -- on two levels. They -- they collect on the
7 wholesale level on certain types of alcohol --

8 CHAIRMAN WARDNER: Okay.

9 CHAIRMAN FOX: -- before it even gets to the
10 reservation. Then it's delivered to the reservation.
11 Then there's a retail tax on -- on the sale of alcohol
12 per establishment.

13 CHAIRMAN WARDNER: Okay. A retail tax. Yeah.

14 CHAIRMAN FOX: And that's at around seven
15 percent. And then the retailer generally pays that in.
16 They get their monthly proceeds, sales, beer alcohol
17 sold. They apply. They have a formula, they have forms
18 they fill out. And they submit that with their
19 payments to the state. So, it's a combination of both
20 of those things are in place.

21 And so, uh, the problem that we've got is when
22 that's paid, it goes to the state and it stays with
23 the state. There is no agreement to split that.

24 So, the only way that we can get revenue is to
25 say well, certain entities may have to pay a state tax

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1 but you also have to pay a tribal tax. Now, for
2 everybody's understanding here, our ability to tax is
3 not dependent on having an agreement with you. It is a
4 lawful, federally recognized authority for the tribes
5 to apply a tax.

6 When we adopted our alcohol ordinance, that has
7 to be approved by the federal government. And John can
8 allude more to this, our -- our -- our -- our enhanced
9 what I'm saying.

10 But we had to get that alcohol agreement, uh,
11 alcohol ordinance approved. All tribes have to do
12 that. We submitted ours for approval to the United
13 States government.

14 It's included in there. The taxation of alcohol,
15 the regulation of alcohol. Both of those are in there,
16 accepted by the federal government. Certified by the
17 Department of Interior, Secretary of Interior. We
18 recognize your ordinance. You -- you have the lawful
19 authority. Not just that but case law, you know, Rice
20 versus Rehner. We can go on.

21 All the different cases at the Supreme Court
22 level, but we have the legal authority to tax. We are
23 holding back knowing that it's going to have economic
24 impact, uh, to -- to the area and it's better to have
25 a -- a joint dual tax, I mean, a joint tax together --

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1 a tax agreement than to have two sets of tax, uh,
2 impacting the local economy.

3 And but, again, after two sessions now, we're
4 talking three years, um, you know, going on four years
5 of -- any longer for myself in trying to get this
6 passed, but where we've attempted bills. Now part of
7 the issues that were raised by legal counsel for some
8 of the wholesalers that sell out at the reservation
9 was they didn't want to be subject to tribal
10 regulations in particular didn't want to have to be
11 permitted or -- or licensed --

12 MS. MONTEAU: Licensed. Yeah.

13 CHAIRMAN FOX: -- and we -- we told them -- they
14 can sit up here if you want -- and we told them, and
15 we explained to them that they would not be taxed.
16 You're licensed. You have to get a license because
17 you're selling on our reservation. That's -- that's
18 pursuit of the tribal and federal law. But we're not
19 going to be charging you a -- a tax.

20 There's no wholesale tax. The tax is for the
21 alcohol sold on a reservation. And -- and so, um, we -
22 - that wasn't good enough at some point. They even
23 asked their -- their -- through their attorneys for to
24 take can you get something out of Washington D.C. that
25 says that?

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1 And so, we send letters forward to the Department
2 of Interior stating our ordinance and then whether or
3 not, uh, for example, both that and the jam shop, all
4 right, about taxing.

5 And that the jam shop laws that we were reference
6 that. Would that be applied? And we interpreted our --
7 our ordinance and said to them, no. We're -- we -- we
8 would not apply -- that doesn't apply to us
9 wholesalers. Jam shop laws don't apply to us
10 wholesalers. And they said, well, get that from
11 Washington D.C.

12 So, in a letter that we sent out to D.C. and the
13 response back was, this is the tribe's ordinance. If
14 the tribe says they're not going to apply jam shop in
15 their ordinance, or they're not going to apply a tax
16 to a wholesaler, that's the law. That's the ordinance.
17 And we stand behind it. There's nothing more the
18 federal government is supposed to do.

19 And -- and that wasn't good enough. And -- and
20 so, then it boiled down to another issue. Not this
21 past -- not this past session, but the previous one,
22 where all the tribes -- it was approved by you but the
23 tribes reject it was the, uh, the, um, the
24 mathematical breakdown of how to apply the tax -- the
25 formula for applying the tax.

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1 What takes into consideration the percentage of
2 population in the state and -- and applies that to
3 what you can collect by sales on your reservation.
4 That creates an inequity here. As John will constantly
5 say when -- when I do my testimonies and with -- with
6 the things that when he's allowed to, uh, to speak up
7 on our behalf in committees and otherwise is, we have,
8 uh, the authority to tax non-tribal sales made on the
9 reservation.

10 Unlike the retail taxes, the argument's made if a
11 -- a -- a, you know, if a tax is sold to a non-tribal
12 member, you -- you -- you assert that. In many
13 instances they try -- may try to argue that the --
14 that tax is taxed by the state but not by the tribe.
15 And -- and -- and I disagree with that. But in our
16 situation here, is the law.

17 And -- and supported by federal law says if -- if
18 Senator Wardner goes over to the casino or goes down
19 to Sportsman's Bar on New Town, North Dakota on fee
20 property, and he buys a beer, the law, both tribal and
21 federal law says that's taxable, allowed to be taxed
22 by the -- the three affiliated tribes, MHA Nation.

23 There's no doubt about that in our minds. Now, we
24 have lawyers and they -- we have to go through the
25 elongated, expensive, time-consuming to prove that in

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1 the federal court. It's not going to be good for a lot
2 of people, in particular for those who pay those
3 lawyers. Because, you know, at the end of the day
4 lawyers -- no -- no -- no slight at John here -- and
5 you got them too. All right?

6 Uh, they're going to make their money when that -
7 - when all -- all the dust clears. But the reality is
8 that somebody's going to end up paying big time. And
9 we don't believe that's us. So -- so, my point being
10 that has always been an obstacles while as how we
11 provide the formula.

12 In our bill, we address that and said, the
13 formula will be more simply applied and we think we
14 can do an 80/20 split, and with you taking an
15 administrative fee, similar to energy, and -- and
16 we'll get there. And it never got a chance to get --
17 get to that point for a vote.

18 CHAIRMAN WARDNER: So, currently in that
19 situation if you use me as an example, uh, right now
20 the state gets the tax --

21 CHAIRMAN FOX: Yep.

22 CHAIRMAN WARDNER: -- and MHA gets nothing.

23 CHAIRMAN FOX: That's correct.

24 CHAIRMAN WARDNER: And let me ask this. Currently
25 are you -- are you, uh, non, uh, native owners,

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1 they're not -- they're just doing the state tax. Is
2 that, uh, correct?

3 CHAIRMAN FOX: The non-native owners on fee land
4 in general --

5 CHAIRMAN WARDNER: On fee land.

6 CHAIRMAN FOX: -- I don't think there's any
7 exception. Uh, Cynthia may know some that aren't
8 paying. But, uh, to my knowledge every one of them is
9 paying, filling out their forms, and paying those
10 taxes directly to the state. And that's it.

11 CHAIRMAN WARDNER: Okay. And then -- but for
12 your, uh, Native American owners on trust land --

13 CHAIRMAN FOX: Mm-hmm.

14 CHAIRMAN WARDNER: -- are they collecting two
15 taxes?

16 CHAIRMAN FOX: Some -- some -- some of them are.
17 There's a couple that are. That are paying both a tax
18 to the tribe and a tax to the state. But, uh, there
19 are, I believe, uh, maybe one or two, I'm not sure
20 about that, that are not paying taxes to either.

21 Uh, but, uh, and -- and there's one that might be
22 paying just to the tribe, but he's behind, is what I
23 understand. So, there's causing confusion. If we had
24 joint tax system together were we simply split it
25 80/20 split, uh, we would resolve it in many ways as

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1 well.

2 MALE 1: Casino is not paying [inaudible]

3 CHAIRMAN FOX: The casino itself is not paying
4 the tax but they are paying the tribal tax.

5 MALE 1: Right.

6 CHAIRMAN FOX: They are not paying. So, they're
7 paying the tax as it comes up. So, yeah. That --
8 that's to clarify it for you.

9 CHAIRMAN WARDNER: I do know. And I did get a
10 copy. And I still have gone through it, uh, from the
11 governor's office. I know that they've been working
12 with you and I -- we need to -- we'll need to bring
13 this committee up-to-date on all of the details on
14 that at some point here when we meet again.

15 But, uh, is this my -- do I have this understood
16 correctly that you're looking for -- with the
17 wholesalers you're just saying that you have to buy a
18 license.

19 CHAIRMAN FOX: Yeah. Yeah. You have to apply for
20 a license to get approved.

21 CHAIRMAN WARDNER: To sell --

22 CHAIRMAN FOX: You don't have to buy -- you don't
23 have to pay anything.

24 CHAIRMAN WARDNER: Oh -- oh, they just have to be
25 approved --

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1 CHAIRMAN FOX: Yeah.

2 CHAIRMAN WARDNER: -- to sell on the reservation.

3 CHAIRMAN FOX: Yeah. To --to distribute
4 wholesale, to -- to retailers so there's no money
5 exchanged.

6 MALE 2: Just a licensing fee.

7 [talking over each other]

8 CHAIRMAN FOX: Because that was a licensing fee.
9 That's it. The licensing fee was one time. Annual one
10 time; right?

11 MS. MONTEAU: Yes.

12 CHAIRMAN FOX: Annual license fee of -- what is
13 it, typically?

14 MS. MONTEAU: Depends on what they're -- what
15 they're selling.

16 CHAIRMAN FOX: But it isn't, like, tens of
17 thousands of dollar [inaudible]?

18 MS. MONTEAU: No.

19 CHAIRMAN FOX: It's, like, what? \$100 or more?

20 MS. MONTEAU: Well, the most is \$1000 if they're
21 going to get with the beer and liquor --

22 CHAIRMAN FOX: Okay.

23 MS. MONTEAU: -- license.

24 CHAIRMAN WARDNER: So, the -- the wholesaler
25 would then, for example, pay \$1000 --

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1 CHAIRMAN FOX: Yep.

2 CHAIRMAN WARDNER: -- to -- for a license to sell
3 to, uh, retailers on the reservation.

4 CHAIRMAN FOX: Right.

5 CHAIRMAN WARDNER: Period. Okay.

6 CHAIRMAN FOX: And that's the most.

7 CHAIRMAN WARDNER: Okay.

8 CHAIRMAN FOX: Some would be far less.

9 CHAIRMAN WARDNER: All right. And then for the
10 retailers you're looking at any alcohol sold on the
11 reservation you're looking at a 20/80 split.

12 CHAIRMAN FOX: Yes.

13 CHAIRMAN WARDNER: Eighty to the tribe, 20 to the
14 state.

15 CHAIRMAN FOX: Yeah. That's correct.

16 MS. MONTEAU: Gross retail sales.

17 CHAIRMAN FOX: Yeah. Gross retail sales taxes.

18 CHAIRMAN WARDNER: Okay. I just wanted to make
19 sure everybody understood kind of where we were at on
20 that. Because I -- we do have the chairman of the
21 senate, uh, finance and tax, and I don't know if you
22 have any comments, uh, feel -- okay.

23 If you do, be- -- jump in. But, uh, so we
24 understand this, uh, uh, Representative Jones.

25 Question?

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1 MR. JONES: Thank you Mr. Chairman, Mr. Chairman.
2 You know, we had this meeting a few years back here at
3 Fort [Bear???]. And, um, I'm one that completely
4 disagrees that you have the right to tax non-tribal
5 members inside the boundaries of the reservation. When
6 that federal law was made it did not contemplate the
7 checkerboard nature of this reservation where it's got
8 private businesses, private taxes.

9 The people that were -- that are a fee patent
10 businesses operating are paying those taxes. And I
11 like your approach of taking that tax and splitting
12 it. And am I missing something or didn't we have an
13 agreement that you guys haven't signed off on that was
14 done in 2019? Isn't there something on the table that
15 was -- that was moving that forward?

16 CHAIRMAN FOX: No. None of the tribes will sign
17 what was done in 2019. You approved it, but none will
18 sign up. Let me explain why.

19 MR. JONES: Okay. Thank you.

20 CHAIRMAN FOX: The two reasons why they will not
21 sign it is a as the -- the formula does not work for a
22 single one of our tribes. It reduces, even though you
23 disagree, our rights to tax non-tribal members if our
24 -- we have a concert and a lot more non-Indians come
25 in and, by golly, we just had Sammy Hagar and

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1 whatever, come on in and everybody have a good time.

2 And alcohol sold incrementally. The more that are
3 sold to the non-Indians that are -- that are coming to
4 our facility and doing that, we would get less and
5 less of that tax. Because if -- if we followed that
6 formula, we'd be restricted on how much tax we would
7 receive. So, the ratio doesn't work for us.

8 And it -- and it -- it undermines our disregards
9 our legal federal authority as well as tribal, to tax
10 non-Indians. That has to be addressed. And then the --
11 the secondary issue was the regulation. In that, uh,
12 2019 bill and attempts made in the 2021 is that when
13 we form- -- if we formulate a joint tax agreement, the
14 regulation has to be with the state and the tribe
15 plays no role in that.

16 And we attempted to address that in our language
17 as well. We said it will be joint regulation as the
18 law provides today. In any federal case, Supreme Court
19 or otherwise. So, basically if you approved our
20 resolu- -- our -- our -- our bill, it would have
21 caused us to sit down, the state and the tribes and
22 put together a joint regulatory committee that would
23 have a uniform regulation over all alcohol
24 establishments.

25 But we couldn't get there. So, the tribes

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1 themselves, based on 2019, won't sign it for that
2 reason as well. Because they're basically saying that
3 the state system usurps the tribal one when it comes
4 to regulation. And that's not joint. That is one
5 taking over the other.

6 And the tribes said, we reject that as well. So,
7 what we attempted to do from '19 to '21, was to get
8 the language changed so that not just MHA Nation,
9 because the other tribes signed on and said they'd
10 support our bill as well, is to put a bill into place
11 that the tribes would reconsider and then go into a
12 joint regulatory and taxation system. A unified one.
13 But they won't do that, uh, under the '19. '21 they
14 would have.

15 CHAIRMAN WARDNER: And if we get that set up the
16 state would collect the tax and remit back to the --

17 CHAIRMAN FOX: Sure. We -- we don't have a
18 problem. Similar to energy where they --

19 CHAIRMAN WARDNER: Okay. Right.

20 CHAIRMAN FOX: -- one percent fee, collect it to
21 offset costs. And then remit that 80 percent back and
22 20 of it -- we don't have a problem with that. And --
23 and -- and I don't think you guys have a problem with
24 that. And I -- I think most of the retailers on Fort
25 Berthold, I can't speak for them. Uh, some of them

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1 have legal representation and they can do that.

2 But most of them as they told to me is we just
3 want to pay one tax. We don't care how you split it.
4 You -- we just don't want to pay two taxes. Well,
5 we're at the verge of doing that regardless. And --
6 and to avoid that we're hoping that legislature will
7 come around and say, it's best to just have one tax
8 and split it that way.

9 And I think whether or not our Representative
10 Jones believes in our legal authority or not, I think
11 he's advocating that we just have that one tax and get
12 that split into place. And that way the headaches go
13 away. Everybody's just paying one tax. And they're
14 doing it uniformly.

15 CHAIRMAN WARDNER: Representative Jones.

16 MR. JONES: Thank you, Mr. Chairman. Thank you
17 for that explanation and I understand it gets
18 complicated though, because I know I've been at a lot
19 of calls from the retail salesman, particularly on the
20 -- on the -- on the permit to sell.

21 They're concerned that, uh, there's some clauses
22 in there that they can be audited. That, uh, the tribe
23 can audit their books and do a whole bunch of other
24 stuff.

25 CHAIRMAN FOX: Just like the state can.

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1 MR. JONES: Yep. And, uh, with them being told by
2 those businesses that are state. They -- they're
3 traditionally North Dakota citizens paying North
4 Dakota tax. Yes. They fall within the boundary of the
5 reservation but they consider themselves, um, well,
6 for one thing they don't get -- there's not tribal
7 benefits coming back to them through the taxation
8 process.

9 CHAIRMAN FOX: But there is.

10 MR. JONES: Normally -- okay. Could you -- could
11 --

12 CHAIRMAN FOX: Police protection. For example,
13 police protection. You get police protection. You get
14 fire protection. All these benefits. Guess what? We
15 get no tax revenue to pay those things --

16 MR. JONES: To help pay for them.

17 CHAIRMAN FOX: -- but -- but those retailers they
18 get that from us. They're going to sell to non-tribal
19 members and tribal members alone. They don't pay for
20 any treatment. They don't pay for victim, uh, uh, what
21 do you call the, um --

22 MALE 2: Victim assistance.

23 CHAIRMAN FOX: -- victim assistance or the newest
24 law, uh, that was passed, uh, where non-tribal members
25 are, uh, cohabitating with a tribal member and have

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1 victims that occur there as well. Uh, none of the --
2 the -- the retailers -- none of them. Some of the
3 retailers don't feel like they have any obligation to
4 pay taxes that similar to you collect that you provide
5 these services on.

6 That's unfortunate because we know what the law
7 is. John, uh, he can speak for himself as well, but I
8 promise you this. That in his 30 years of practicing
9 or more, uh, more, and -- and he is fully confident
10 that we are well within our legal right to apply the
11 tax. The unfortunate this is, is we don't get the
12 legislature to agree to -- to do this in a uniform way
13 that tribes will accept.

14 We will go there. And it will be decided. And it
15 will be shown, regardless of what they want to say.
16 Uh, you know, uh, I want to take up a whole bunch of
17 time on this, but if you study federal Indian law, the
18 history of the United States, the United States
19 federal tribal relationship, a large part of why the
20 United States government reserves this right between
21 the tribes and itself and excludes states historically
22 is that very reason.

23 People getting in, coming down and trading
24 alcohol, starting wars, starting battles, this is all
25 that occurred in United States as it was becoming a

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1 young nation. Was occurring and states going in and
2 trying to assume lands and take lands away from the
3 tribes. And -- and alcohol played a big part of that,
4 you know.

5 Traders going on and selling alcohol and then
6 things occurring. Next thing you know you're fighting,
7 you know. And -- and -- and wars, you know. First war
8 declared against a tribe west of the Mississippi was
9 declared against one of our tribes in -- in -- in
10 1823. Arikara War of 1823 and it had to do with
11 trading, had to do with coming in and usurping our
12 economy and -- and doing things -- trying to do things
13 to our people that we didn't want happening.

14 And -- and so, the United States in its wisdom as
15 United States which we all belong to, you know, we're
16 all United States citizens. We are all Americans, you
17 know. Great now or making it great, whatever you
18 believe. We're all the same. And I'm a veteran who's
19 telling you, sitting here. But the federal law
20 supports and says that.

21 That in particular when it comes to alcohol
22 sales, we're -- we're going to make sure that the
23 federal oversight remains so any Indian reservation
24 whether they sold land within it to -- to immigrants
25 that came over or not, opened up areas for sale, the

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1 law still says -- the law still says that that whole
2 area in which non-Indians have bought land and started
3 businesses, that remains within the boundary of the
4 reservation.

5 That's the law. That's the eight circuit court of
6 opinion that says that that reservation was not
7 disenfranchised. Checkerboard as it may be, those
8 boundaries remain. It was not the intent of Congress
9 to reduce those. That's the law. So, we don't want to
10 get heavily in the trenches. We can resolve this.

11 Rather than get into all those arguments, rather
12 than get in -- we have a simple way of proposing how
13 we get a joint tax agreement together, everybody pays
14 it. Casino pays it. The bar in New Town, non-tribal
15 owner, they pay it. Everybody pays the tax.

16 We simply collect it together, take out your fee,
17 80/20, and now we've got a source of revenue to deal
18 with domestic violence, saturation patrols, treatment,
19 all these things. And that's what we're after.

20 CHAIRMAN WARDNER: Well, Chairman, one of the
21 things that, uh, I remember coming up a lot, and that
22 was the auditing. And it wasn't -- and I didn't hear
23 about auditing the retailers, the -- the wholesalers
24 didn't want to be audited by the -- the tribal
25 government. Now, under your plan now, you wouldn't be

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1 auditing the wholesalers would you? Because you -- it
2 would be the --

3 CHAIRMAN FOX: The -- I -- I don't think Cynthia
4 refers to them as audit. What they are required is to
5 submit reports. Just like you get reports. I would
6 think that under our authority if somebody doesn't
7 submit a report or if they submit a report and it
8 doesn't seem to match up with what they're saying, you
9 do the say thing.

10 You would say, we need to see further data and
11 what have you. That's the only way that we can
12 regulate, you know. And -- and the same for the state.
13 The state has the same authority somebody's selling on
14 the reservation. Uh, if you -- in this agreement when
15 we jointly do it together, we'll have a structure or
16 committee over that that says, okay.

17 Everybody turn in your reports, everybody file,
18 everybody, you know, properly fill them out, submit
19 your taxes. That will be uniform across the whole
20 reservation. But we've got to get beyond this
21 principle of certain en- -- people thinking that the
22 tribe doesn't have that kind of jurisdiction over me
23 to tell me when and when and where and how I can sell
24 an alcohol beverage within the boundaries of the
25 reservation because I'm non-Indian.

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1 We've got to get beyond that. The law does not
2 support that.

3 CHAIRMAN WARDNER: Well, I -- I -- well, I got to
4 do some more digging into it than and -- and some more
5 research on it but it seems to me that was one of --
6 it was -- it was the wholesalers that didn't feel that
7 the tribal governments had the authority to come and,
8 uh, look at their books.

9 Now, if what you're saying is it's simply a
10 report, you'd think that if the state and the tribal
11 governments are working together, um, I don't know
12 what the issue would be. But I'd have to ask them. I -
13 -

14 CHAIRMAN FOX: If they're -- if they're afraid --
15 if the wholesaler -- the non-tribal wholesaler or non-
16 tribal retailer on the reservation is afraid that
17 there's going to be disparate treatment of the law,
18 that what we put in to a proposal was then let's
19 jointly do it.

20 Jointly means we're both sitting at the table, we
21 both decide how it's applied. That way if that non-
22 tribal members feel I -- I -- I feel safer with the
23 state's involvement, well the state is involved. And
24 it's just not the tribe's rules alone and you're --
25 you're collecting 20 percent and saying, tribe do

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1 whatever.

2 No. You're at the table. We're doing it together.
3 But what was proposed in 2019 was the state does this
4 by themselves, tribe doesn't play a role. And we said,
5 we can't do that. Okay. Now. So, needs to be
6 addressed. John?

7 MR. FREDERICKS: Chairman Wardner, I just -- I
8 want to clarify, uh, the -- the jurisdictional issues.

9 CHAIRMAN WARDNER: Pull the mic over in front of
10 you. It's [inaudible]

11 MR. FREDERICKS: Just for the record, can you
12 hear me?

13 CHAIRMAN WARDNER: Yes. Now we can.

14 MR. FREDERICKS: Um, in -- in the area of alcohol
15 sales, the federal statutes, uh, specifically prohibit
16 alcohol sales in Indian country. Uh, and there's the
17 only exception to that is where, uh, persons selling
18 alcohol in Indian country, which includes the
19 reservation. It doesn't distinguish between fee lands.

20 There are exceptions, but none of those
21 exceptions apply to us. Um, the only exception is
22 where -- when you can sell without committing a crime,
23 and it's a crime. It's an 18 -- United States Code 18
24 USC Section 1154 prohibits the sale of alcohol in
25 Indian country. There's an exception where the person

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1 selling alcohol is licensed by both the state and the
2 tribe. That's by federal statute.

3 So, it's not court made law. It's Congress-made
4 law. And so, in this area it's clear. And, you know,
5 non-Indian retailers that live here on the reservation
6 might think differently, but that's what the law says.
7 It's by statute and so, um, we're -- we've been
8 extremely patient with these non-Indian retailers, um,
9 who, you know, don't want to get licensed, um, but
10 they are operating in violation of federal law.

11 And it's a crime to do it, you know. The United
12 States attorney hasn't enforced that law, yet, but
13 they have the authority to do that. And so I think if
14 we, you know, work together to get a -- a bill in
15 place a -- a -- a state law in place like we've got
16 with, uh, oil and gas, we can, uh, solve this problem.
17 Um, but we can't do it with the existing -- with the
18 existing, uh, formula.

19 It just doesn't work for us. Where you take a
20 formula and you split it based on the alcohol that
21 tribal -- our tribal members consume in the state?
22 That -- that doesn't work for us. That's -- that
23 doesn't have any type of nexus or relation to the, uh,
24 way things happen on the reservation.

25 And it also doesn't take into account, as the

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1 chairman says -- said, the, uh, tribe's authority to
2 tax the non-Indians who consume alcohol on the
3 reservation. Over 70 percent of our tribal court cases
4 are alcohol related and a lot of that alcohol is
5 purchased from non-Indians selling it on the
6 reservation.

7 CHAIRMAN WARDNER: Well, Mr. Fredericks, uh, I'm,
8 uh, whether I'm, uh, a Native American or a non-Native
9 American selling, uh, alcohol on the reservation,
10 under the proposal that we're -- we're talking about
11 here that you're promoting, it wouldn't make any
12 difference to them. They would still pay their regular
13 seven percent --

14 MR. FREDERICKS: Correct.

15 CHAIRMAN WARDNER: -- and -- and the only thing
16 that would be changed is that when it came time to
17 take a look at their books, if it was so -- and then
18 the -- the tribe and the state would come in together.
19 That's the only thing.

20 MR. FREDERICKS: Right.

21 CHAIRMAN WARDNER: Whereas now it's only the
22 state. It would be adding the tribes. So -- so for
23 them the -- there shouldn't -- and I -- I'm finding it
24 hard to believe that they are concerned about that.

25 CHAIRMAN FOX: And -- and -- and -- and Cynthia

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1 also showing me her data here and she's got her
2 licenses of the vendors that are licensed here and
3 those that are not. That -- that haven't submitted.
4 But there are two non-tribal on fee operators that
5 have our license and aren't paying the tax.

6 CHAIRMAN WARDNER: And aren't paying?

7 CHAIRMAN FOX: Yes.

8 CHAIRMAN WARDNER: Yeah.

9 CHAIRMAN FOX: And so all, you know, it -- it --
10 it's just not a, you know, non-Indian, Indian issue --

11 CHAIRMAN WARDNER: Right.

12 CHAIRMAN FOX: and we're aligned. They're saying
13 well, we're selling and we're going to pay.

14 CHAIRMAN WARDNER: Are they dual -- to being dual
15 tax -- are they dual taxing? Paying seven percent to
16 the tribe and seven percent to the state?

17 CHAIRMAN FOX: Yes.

18 CHAIRMAN WARDNER: Okay.

19 CHAIRMAN FOX: So, that's, you know, in their
20 minds they're saying, well, it's unfair. I -- I'm
21 trying to comply with both sets of laws. We live on
22 the reservation. I'm paying both taxes. If we rectify
23 this, then it will be one -- one tax.

24 It'll cut that in half, and we just simply split
25 it 80/20. So, the answers there. We -- we need to get

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1 her done. But the worst thing we need -- and we've
2 already experienced this -- and we've been dealing
3 with it -- going back to issues on energy and
4 pipelines.

5 The last thing we need is an issue of this
6 magnitude to drive us apart. And then all of a sudden
7 we have an issue that blew up on us when we had a
8 chance to nip it at the bud. That's the last thing we
9 need.

10 Where -- where alcohol is such a -- is one of --
11 you just heard Monica, Dr. Mayer, on our council tell
12 us that the number one problem in her estimate as
13 practicing physician for how many years?

14 MS. MAYER: Thirty-five.

15 CHAIRMAN FOX: She way up there. And I know she's
16 getting up there. And -- and so, all them years, you
17 know, the practice is telling you as the leading the
18 region for -- for all these reservations that alcohol,
19 now along with drugs, is the number one problem.

20 And we spend tens of millions of dollars treating
21 people every year. Why is that not seeming to resonate
22 when we have an opportunity to at least not -- not fix
23 the problem? But do it, start addressing it with some
24 revenue to start applying towards that aspect.

25 And if I'm going to open a bar and Mark Fox

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1 retires, I'm not chairman anymore, and I open a bar up
2 in New Town or Parshall, North Dakota, you know. I
3 don't think I ever would. But if I did, I would be the
4 first to say, whatever taxes you charge that's fine
5 with me. Because, you know, I -- I -- I have a
6 responsibility here as well.

7 And people that come and buy alcohol from me and
8 -- and it creates the problems that -- that I -- I
9 know -- my activity helps lend towards, I would -- I
10 would have to do that. Of course, I don't really have
11 a bar, but -- but I'm just saying. Uh, that has to be
12 accepted and we have to move above and beyond.

13 And -- and -- and -- and what we proposed before
14 legislature, and we're ready to propose again, similar
15 language that says joint regulations and we've already
16 asserted under our ordinance and we can provide you
17 that data as well.

18 You know, the jam shop laws do not apply to
19 wholesalers and -- and etc. Which they raised as well.
20 And -- and -- and we just need to have a common,
21 regulatory system together that spells it out so that
22 all parties feel comfortable with that joint
23 regulatory system.

24 CHAIRMAN WARDNER: Chairman, I -- just a comment.
25 Uh, if, uh, Dr. Mayer's getting right up there then I

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1 must be really up there because it seems like
2 yesterday she was tearing around on the court for the
3 New Town Eagles. So, I -- I feel pretty old.

4 But to -- would -- would you give us, uh, remind
5 us the agreement with the, um, gasoline tax and the
6 state and the percentages and stuff. How that works.

7 CHAIRMAN FOX: The -- the -- the motor fuels tax.
8 And -- and it's limited in itself and I'll explain
9 that in a second. But the motor fuels tax was done
10 differently. We didn't take a base amount like we did
11 with energy.

12 We just said, 80/20 because economic reasons. Um,
13 the motor fuels tax is going by census based. So,
14 Standing Rock, Spirit Lake, Turtle Mountain, Fort
15 Berthold have different percentages. So, some are
16 70/30, some are 75/25, one is 80/20. And so, they're
17 different depending on the census.

18 But of course we know the problems with the
19 census. Our fix to it was, given the historical
20 problems with alcohol, just make it a flat 80/20 so
21 that we're not jumping around every 10 years trying to
22 realign it. Just do the 80/20 and then we would use
23 that. And that -- that's kind of where that come from.

24 CHAIRMAN WARDNER: I understand. So, the gas, uh,
25 the fuel tax, yeah. That's on a census thing and --

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1 CHAIRMAN FOX: It -- it is on a census base so
2 but that's established. And I don't think it's every
3 changed. I know, uh, in 2010 there was a census and
4 then when we brought it up in 2011 or 2013 the
5 governor at the time, Governor Dalrymple, said, um,
6 you know, we reconsidered because of the social ills
7 on the reservation for a short period of time during
8 the session he thought about should we just
9 standardize it to every reservation, make everybody
10 the same as Standing Rock's. I can't -- Standing Rock
11 has the highest at 80/20.

12 So, let's just make everybody similar to Standing
13 Rock. And at the last moment he pulled back and said,
14 you know, we'll just leave it as is and he didn't want
15 to wrestle with it at that time. Now, Governor Burgum
16 has brought up the same thing and he seemed to be
17 willing to now take that step forward and say, make
18 them all standardized on each reservation at certain -
19 - assuming that the -- the legislature would approve
20 of it.

21 CHAIRMAN WARDNER: Well, that will be a
22 discussion point for this committee to talk about, uh,
23 whether we want to standardize these things and -- and
24 bring them forward as a proposal and stuff like that.
25 So, thank you. Uh, Representative Jones.

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1 MR. JONES: Thank you, Mr. Chairman. I guess I
2 have one more question for John on this. So, it's
3 illegal to sell alcohol in Indian Country unless they
4 are licensed both by the state and the reservation. Is
5 that the caveat that makes it -- makes it -- people
6 able to sell?

7 MR. FREDERICKS: Yes. Correct.

8 MR. JONES: And so, the sticking point that I'm
9 hearing from the retailers is just concern about that
10 -- that license. So, uh, you know, I hope we can focus
11 and I hope your intentions are to focus on that to
12 remedy, you know.

13 I think they're worried about creep. The greatest
14 fee right now is \$1000 a year for the retailers and
15 the wholesalers or is it just the wholesalers?

16 MS. MONTEAU: Uh, Mr. Chairman, again, it depends
17 on the type of license. But there is depends if they -
18 - are selling beer or alcohol or both. But, um,
19 roughly, right now, about \$1000. Depending if the just
20 want to sell beer, I think it's, like, \$300.

21 MALE 1: That's wholesalers. What's the
22 retailers?

23 MS. MONTEAU: Um, I can --

24 MALE 1: It's less than that.

25 MALE 2: Seven percent.

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1 MS. MONTEAU: Yeah. It's --

2 MALE 1: No. No. The fee.

3 MS. MONTEAU: It depends, again --

4 MALE: Is that your question?

5 [talking over each other]

6 MS. MONTEAU: Yeah. It's about \$700. \$300 to \$700
7 depending on what they're selling. If they're selling
8 on sale, off sale. It -- it varies, you know. The
9 state has varying degrees. Uh, Mr. Chairman, Cynthia
10 Monteau, MHA Nation. Sorry.

11 CHAIRMAN FOX: I need to share this with you and
12 Cynthia made this point to me and -- and showing all
13 these things. Not all, but nearly all, of the
14 provisions we have in our alcohol ordinance mirror
15 what the state does.

16 Almost all. We're just simply doing -- carrying
17 out on our own behalf, mirroring under our own laws
18 similar provisions that you have to make it easier for
19 us to have a joint agreement.

20 CHAIRMAN WARDNER: Continue.

21 MR. JONES: I guess. Thank you, Mr. Chairman. Um,
22 I guess my concern or suggestion as we're moving
23 forward with this because I like moving forward with
24 it, is that somehow we lock it in so that the people
25 that are going to be paying these fees for permits

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1 and, uh, taxes understand that it's not going to
2 change.

3 That it's going to stay consistent with what the
4 state's doing and they're not going to all of a sudden
5 get a notice that now this year we're going to double
6 the permit fee. Those types of things.

7 CHAIRMAN FOX: What will happen is it will stay
8 consistent with the agreement we've put into place.
9 So, we -- we agree to put it into place, uh, to change
10 the agreement you can either opt out of it or but to
11 change the agreement we both have to change it.

12 So, for another two years, and nothing prohibits
13 you from doing the same, is you -- you say, well,
14 we're going to change this tax agreement with the
15 tribe. What we wanted to have in place is -- is for us
16 to be at the table as well if you're going to consider
17 changing that. And -- and that's what we're asking
18 for. It's jointly changed.

19 Same with the tax agreement on oil and gas. You
20 know, we had that issue, too. That neither side is
21 supposed to have authority to unilaterally change
22 that. We have to do it jointly together. And that's
23 what we've done and accomplished in '19 and '20 and
24 '21. And -- and just recently. So, those are really
25 important as well, too.

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1 CHAIRMAN WARDNER: Continue.

2 MR. JONES: Thank you, Mr. Chairman. I appreciate
3 that, Chairman. Um, what I'm talking about though, is
4 not changing the agreement. Once the agreement is --
5 is in place that --

6 CHAIRMAN WARDNER: That's what governs the
7 regulations.

8 MR. JONES: It's -- it's going to be the
9 governing document.

10 CHAIRMAN WARDNER: Yes.

11 MR. JONES: What I'm talking about is that, uh,
12 this fee schedule. Somehow I would hope that as we
13 move forward with this we can figure out how to put in
14 that fee schedule that it's going to be sensibly
15 derived.

16 That if -- if the state's paying a certain amount
17 of money for fees, for licensing, and that kind of
18 stuff, if your fees are similar or identical or
19 however it is, that we put in the agreement that it's
20 going to be consistent with the fees charged by the
21 state.

22 CHAIRMAN FOX: Which it already is, but yeah. The
23 agreement would provide for that.

24 MR. JONES: That -- that --

25 CHAIRMAN FOX: If you pass the legislative

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1 agreement, it will provide for us to jointly decide
2 that. So, then when they sit down have the regulation,
3 you know, hours of operation, and -- and can't sell to
4 minors, and -- and the fee structure.

5 All that is jointly sat down and said this is how
6 we do it. So, that every entity whether it's tribally
7 -- a tribal member owns it or a non-tribal member own
8 it are under the same set of laws and the same -- same
9 type of regulation. That's all we're asking to be done
10 here.

11 MR. JONES: Thank you.

12 CHAIRMAN FOX: If we don't do that, we will
13 implement our own. They will be similar, but they will
14 be paying two. And we don't want that. Okay.

15 CHAIRMAN WARDNER: Anyone else have any comments
16 or questions for Chairman Fox? I would just like to
17 make this -- now, I'm -- this -- see? I'm -- I'm going
18 way back into my childhood now how old I'm getting. I
19 remember when, uh, it was changed when an individual
20 by the name of Joel Wicks[ph] who -- who was, uh,
21 married to a Native American on Fort -- or on, uh,
22 Standing Rock.

23 He was an outstanding auctioneer. He -- he was an
24 auctioneer that everybody loved at Kist Livestock in -
25 - in Mandan. And he became a representative. And that

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1 was one of the things he accomplished was that, uh,
2 uh, alcohol could be sold on the reservations. I
3 remember that as a kid. So, it goes back to a long
4 time ago.

5 So, and we're still kicking it around. So, but he
6 was a -- he was a very influential person and
7 everybody loved him. But he had relationships with
8 people and people, uh, he could get it done. So,
9 anyway. That's just a little comment.

10 MS. MAYER: Mr. Chairman, was that about 1954?

11 CHAIRMAN WARDNER: Uh, it would have to be. Yeah.

12 MS. MAYER: I remember because my father built
13 the Snake Pit Bar up here on Sahnish in 1955 and that
14 was when the natives could buy -- go to liquor stores
15 and buy booze --

16 CHAIRMAN WARDNER: Yeah

17 MS. MAYER: -- in '56; right?

18 CHAIRMAN WARDNER: Yeah.

19 MS. MAYER: Yeah.

20 CHAIRMAN WARDNER: Well, he's the individual that
21 was the, uh, motivation and, uh, force behind it back
22 then. It was the right, you know, that they have the
23 same rights as other people, uh, the Native Americans.
24 So, anyway.

25 MS. MAYER: Mr. Chairman, I just want to say and,

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1 uh, Chairman Fox that, uh, I, um, you know, I see
2 things a little bit different than, you know, the --
3 your -- your -- your regular politician would, but my
4 understanding of the alcohol tax, which is a long time
5 coming for us, um, it will allow us, even though it's
6 not a, uh, very large amount of money, to deal with
7 the issues of that we have in our health care
8 disparity.

9 They link together the alcohol, the taxation, and
10 the health care. They link together because we're
11 paying for cirrhosis and domestic violence and rape
12 and, you know, Indian women are raped and beaten and
13 assaulted and missing and murdered, uh, 10 times more
14 than non-Indian woman are in the United States and
15 that's NIH's database.

16 Um, child abuse, unemployment, DUIs is the number
17 one, uh, law enforcement issue that we have here on
18 Fort Berthold and, um, of course there's jurisdiction
19 issues that go along with that. And, uh, all our
20 criminal activity, our -- our large amount of
21 ambulance, uh, costs and our ER costs that go into,
22 uh, those that are on drugs and alcohol.

23 Alcohol has been around much longer than drugs
24 but drugs is massive right now. But my understanding
25 of this alcohol code would be that we would be a joint

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1 agreement with the taxation of seven percent and
2 licensed fees with MHA and the state being, um, joint
3 and that the distribution would be done, uh, by the
4 state at -- at 80/20 or wou- -- wou- -- is that what
5 the agreement would be?

6 CHAIRMAN FOX: Well, we're trying to propose
7 that.

8 MS. MAYER: Yeah. Proposing that. So, um, my
9 understanding is that if we can partner joint together
10 in this agreement, like we probably should have in
11 the, you know, decades ago, um, we would be able to
12 address some of our healthcare issues based on this
13 tax.

14 So, it's a good thing for the state and it would
15 be a really good thing for us, too. So, if my
16 understanding's correct, I'm in full support of that.
17 Thank you, Mr. Chairman.

18 CHAIRMAN WARDNER: Yes. And she brings up a point
19 that begs a question I just need to find out. When you
20 talk about the wholesalers and their licensing fee,
21 would they be paying one to the tribe and one to the
22 state or would they pay one and we would split it up
23 20/80? How do you see that?

24 CHAIRMAN FOX: On their fee?

25 CHAIRMAN WARDNER: Yeah. On their fee.

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1 CHAIRMAN FOX: On their license fee?

2 CHAIRMAN WARDNER: License fee.

3 CHAIRMAN FOX: That's something that jointly
4 together we would -- we would decide, you know, what
5 kind of fee they would pay. I would assume that -- I
6 would expect that joint regulatory structure that --
7 that we pass would sit down and say, you know, either
8 defer that to the tribes, pay the tribes, or split it
9 in the same way we split the tax. It doesn't matter to
10 us that much.

11 CHAIRMAN WARDNER: Well, I would say that that
12 would take away any, uh, pushback from the wholesalers
13 if they pay one fee. Who -- who do they care if -- how
14 the state and the tribe splits it. So --

15 CHAIRMAN FOX: Agreed.

16 CHAIRMAN WARDNER: -- I, uh, I just happened to
17 think about that. Representative Jones.

18 MR. JONES: Thank you, Mr. Chairman and, uh, I
19 would refer us back to the law that John cited, too.
20 It says specifically you can't sell alcohol on the --
21 Indian Country unless you have a permit from both the
22 tribe and the state.

23 So, you don't want to combine the two. They need
24 to buy a permit from the tribe, uh, from the tribe and
25 a permit from the state. And this permit issue would

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1 be separate from.

2 If you try to con- -- convolute that and say, now
3 they're just -- I don't know how you can separate
4 those two to satisfy the requirements of that law if
5 you didn't let those two permits be separate.

6 CHAIRMAN FOX: Logistics of doing that and I'm
7 sure it can be ironed out. If -- if both entities --
8 governmental entities under the law say this is the
9 way we're going to do it, jointly together, in effect
10 you are doing both of them.

11 John, I don't know if you know differently, but
12 even if we did have a scenario where we said, well,
13 you've got to have a license from the state and
14 licensed by the tribe and what kind of fee's put into
15 that. That -- that's -- you've got two licenses but
16 the fee, it can be singular. It -- it doesn't matter.

17 MR. JONES: Right.

18 CHAIRMAN FOX: The fee can be singular. The
19 licenses could be both.

20 MR. JONES: Yes.

21 CHAIRMAN WARDNER: First, uh, Representative
22 Jones, is that -- did that answer your question? So,
23 the -- the fee -- what they're talking about is you
24 get two licenses but there's one fee. And then how the
25 state -- do you have an issue with that, I guess,

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1 before I go to the Representative Pollert?

2 MR. JONES: You know, I don't have the expertise,
3 but I appreciate the conversation. And my goal is to
4 make sure we hash it out together and figure out how
5 we can satisfy the legal requirements. How we can
6 satisfy the convenience requirements.

7 And how to satisfy for those people that are
8 doing it that they know that they're covered and that
9 it's not going to be changed and grow and cause
10 problems going down the road.

11 CHAIRMAN WARDNER: And -- and that's a good
12 point. I -- but I think -- I think we're headed down
13 the right track here. Representative Pollert.

14 MR. POLLERT: Thank you, Mr. Chairman. So, John,
15 did -- does this take a, um, I don't want to say an
16 exemption, but a permission from the federal
17 government so the state can have one license since
18 there's a federal law on the books.

19 That's what I'm hearing. And so, Representative
20 Jones says it takes two, one from the federal state
21 unless you get an agreement. But wouldn't you have to
22 get kind of an exemption or a permission slip from the
23 federal government say yeah, you can do that and then
24 you can get it worked out?

25 MR. FREDERICKS: Um, no. The statute -- the

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1 existing statute simply says that if -- if you are
2 licensed by the state and the tribe then you're not
3 violating federal law. So, we -- under, uh, a joint
4 scheme, you know, if -- if we were to get a bill that
5 both sides can live with, um, the tribe would still
6 license the facility, um, but we would do that under
7 the parameters of our agreement.

8 And so, um, there still would be a license and --
9 and, you know, how we -- how we charge fees for that,
10 we've got a lot of discretion on how we can do that.

11 MR. POLLERT: So -- so, Mr. Chairman, so then,
12 from what you just said, so the language federally is
13 pretty permissible to get that set up?

14 MR. FREDERICKS: Yes.

15 MR. POLLERT: Okay.

16 CHAIRMAN FOX: But go back to John's point. In
17 the beginning the -- he made and I did as well,
18 Cynthia, is that as he said, it requires both. That's
19 what the law says. So, you -- you -- you run a system
20 for decades that has been non-compliant with the
21 federal law.

22 Meaning you have a state license but you don't
23 have a tribal one. And some of them are still in that
24 existence today. They are continuing violating federal
25 law and they are now violating tribal law under our

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1 ordinance approved by the federal government. And they
2 are accumulating fees and penalties.

3 And we don't want that to -- we need to resolve
4 that. We can deal with that, pass the law, get a joint
5 regulatory system, and get that all water under the
6 bridge, and we can get back to a joint regulatory
7 system; we're splitting the tax the way we -- we
8 advocate for and then we just move on. And I thought
9 we were there this -- this -- this session.

10 I really did based upon our tribal state tax
11 relations committee discussions. So, we were greatly
12 surprised when it didn't go forward. And it didn't
13 make it forward. Very disappointing. At some point in
14 time we got to make a decision.

15 If we can't get the state legislature to have a
16 dual taxation -- taxation system to avoid the issues
17 that are coming up, then we're going to be forced --
18 we're going to be forced to enforce. And -- and I want
19 you to think about what that means. That means
20 assessing fines.

21 That means closing -- closures. Those could be
22 force closures -- closures. Now, unless a federal
23 judge says we cannot and holds us, uh, up on it while
24 it being determined, that might mean closing doors and
25 locking doors.

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1 That might be physically removing people. And the
2 law enforcement we have on -- on our side, our own law
3 enforcement, we don't need to go there. We can resolve
4 this. We can -- government to government. We can get
5 this resolved.

6 So -- so, my point again is -- is -- it's -- it's
7 the -- the -- the minor issues that I think arose
8 again during this legis- -- legislative session we
9 feel we have addressed them. We can, as a joint
10 system, address them and we just need to get this
11 approved so we can move forward.

12 And -- and we can avoid this. And I think we're
13 there. I think we're close.

14 CHAIRMAN WARDNER: Well, thank you. Is there
15 anyone else who would like to make any comments or
16 questions? Uh, uh, this has been a very good
17 discussion. I have learned some things that I didn't
18 know. And, uh, and have some understanding of some
19 things that I didn't understand as well.

20 So, I appreciate it. Uh, we will be discussing
21 this, uh, as a committee and going through it, uh,
22 step by step and, uh, uh, Mr. Chairman, uh, we would -
23 - we would want you there and, uh, we also know that
24 the other parties that are involved, we would want
25 them there to make sure that everything, uh, is taken

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1 care of and they aren't surprised.

2 And then all of a sudden, uh, there's opposition
3 that you didn't know where it was coming from. So --

4 CHAIRMAN FOX: The -- the opposition's there, uh,
5 so I thought we resolved it [meeting of the?] issues,
6 but you're right. They need to be at the table. Those
7 impacted or affected. And I, uh, I'm sure they're not
8 wanting to in any of all our processes are public and
9 open and so they're going to want to say, how are you
10 addressing our concerns.

11 Now if their concerns are, you know, not paying
12 the extra tax, all that taxes, you know, uh, you know,
13 administered licensing and that's all resolved, then -
14 - and -- and what have you, those are doable. If you
15 have an entity that just simply says, I don't want to
16 be taxed by the tribe or have any regulatory control
17 that the tribe's a part of over me, that -- that is a
18 -- a -- that's not good.

19 There has to be an acceptance of the fact that by
20 federal law, both entities have the right to regulate.
21 And inherently, John might disagree with me a little
22 bit, I might even disagree, also comes the -- the --
23 the ability to tax with that regulation. And -- and --
24 and it's joint. So, let's just move forward because we
25 haven't been able to joint in 60, 70 years have gone

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1 by. No tax revenue to the tribe.

2 CHAIRMAN WARDNER: Well, the big thing is that we
3 communicate. And, uh, a lot of times that I've found
4 in this business, uh, in the legislature, people think
5 if you don't communicate well with them, they think
6 it's something else and they, uh, they miss the point
7 and end up opposing something they really don't need
8 to oppose. So, uh, I'm, uh, I -- I appreciate the
9 conversation.

10 CHAIRMAN FOX: Cynthia --

11 CHAIRMAN WARDNER: Cynthia --

12 MS. MONTEAU: Um, yes, Mr. Chairman. I just
13 wanted to respond to Representative Jones and just
14 give him an example of the fees. So, um, the federal
15 law requires if you sell, transport, or distribute
16 alcohol on the reservation you need a tribal license.
17 So, as an example, I just did a quick comparison.
18 Um, is that for a wholesaler on the reservation it's
19 \$500 for, um, selling, and then it's \$250 for
20 transporting. So, it's \$750. And as a comparison for
21 the state, for a wholesaler for selling beer and
22 alcohol, if you sell within the first six months of
23 the year it's \$900 and if you sell, um, if you get a
24 license in the second half of the year, it's \$600.

25 So, right now we're fairly commensurate. I just

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1 wanted to bring that to your attention and clarify,
2 um, previous comments. Thank you, Mr. Chairman.

3 CHAIRMAN WARDNER: No. Thank you. Uh, we need all
4 the information we can get. Any, uh, anyone else? Uh,
5 I think we'll move on to another issue and, uh, this
6 one, uh, appreciate all of the discussion. So,
7 continue, Chairman.

8 CHAIRMAN FOX: So, uh, alcohol have addressed
9 that. Sales and use tax, uh, we haven't really dug
10 into that too much, um, so to speak. Uh, it is
11 something that economically, you know, we would want
12 to probably consider at some point in time, although
13 we're not pushing hard on it.

14 Um, we do know about sales made and there was an
15 issue related to the sales made to a tribal member,
16 uh, regardless of -- of, uh, the owners of the
17 business. As long as it's done within the boundaries
18 of the reservation at this -- it's non-taxable. That
19 is an issue right now. Because the tribe doesn't have
20 a sales and use tax and the state does.

21 I bring this issue up every -- every time we have
22 these meetings and I will continue to do so. And until
23 we have a joint agreement it's going to become a
24 problem. There's an indirect collection of tax that
25 have been ongoing for more than 70 years. And it is

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1 unlawful to -- for the state to collect a tax against
2 a sales tax made to a tribal member within our
3 boundaries.

4 But sometime these vendors will require and --
5 and some of them are simply trying to establish a
6 means to measure and assess. Some of them not so much.
7 Basically, uh, person getting up to the till and then
8 charging them a tax without asking. Or having a means
9 to figure out whether they're a tribal member or not.

10 Uh, I don't like the assumption being on the
11 tribal member. I'd rather have the assumption being on
12 -- on the vendor. Uh, if you have reasons to believe
13 that that -- that person is not -- if they say, are
14 you a tribal member, don't tax them. Because that's
15 what the Supreme Court law says. Uh, if you have
16 reasons to believe that they are not a tribal member,
17 reasonable suspicion or other information, then you
18 could ask them for their tribal ID.

19 Say, do you have a tribal ID. Now, some of the
20 vendors require a tribal IDs and say, if you want to
21 exert your tax exemption, you have to, before the sale
22 commences, tell us you're a tribal member and show us
23 your tribal ID. Uh, that's putting somewhat of the
24 burden on. I give the example that we had here in the
25 previous committee years, you know, you get a -- a --

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1 a -- my son's eight years old.

2 We go up to the dollar store and he's happy to
3 get, you know, he does his chores and he gets his \$20
4 and he heads up to the dollar store and starts buying
5 things. And how is he supposed to stand there -- and
6 of course he would because he's my son, but how is he
7 supposed to stand there and say, you know what?

8 You're not supposed to be taxing me. And you
9 charged me a tax and he shows the receipt on his toys
10 and his candy. By law says the United States Supreme
11 Court says that -- that -- that law able. That's
12 illegal. But the vendors say, well, until you prove
13 that you're a tribal member, we're going to tax you
14 and we're going to send that to the state.

15 They'll collect it and they'll send it to the
16 state unlawfully. And that's occurring at a great
17 extent. Now tribal members say well, if I go to the
18 store I have to make sure I have my tribal ID. Even
19 though I've been in there 80 times.

20 That clerk is going to say, if you don't have an
21 ID, I'm going to charge you, even though you presented
22 it 79 times. That's an unlawful collection of tax. And
23 it's not a few hundred thousand dollars. Over time
24 that's millions and millions of dollars. That's
25 something we have to try to address someday somehow.

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1 Uh, joint system of collecting that tax, again,
2 getting to a split might help resolve that. But some
3 of our membership will have to, you know, put that out
4 there to them because they might not want to be
5 subject to even a joint tax.

6 So, that's something that we have to reconsider.
7 But the concern I've got is this indirect taxation
8 that is unlawful and it's occurring, but we have to do
9 something about that. I know -- without spending a lot
10 of time on that at this point in time.

11 MS. MONTEAU: Online sales are big.

12 CHAIRMAN WARDNER: Do you have any kind of idea
13 for a solution for that? Because I don't. I mean,
14 other than to tax everybody and then do like we're
15 doing with the fuel tax and stuff like that.

16 CHAIRMAN FOX: Well, the joint agreement.

17 CHAIRMAN WARDNER: I do recall one of the first
18 meetings a couple of years ago we had with this
19 committee, there were people from different -- all
20 over from Standing Rock and he said, is this what
21 they're -- you're going to do? Tax us?

22 We're -- we're not going to put up with that. So,
23 I mean, I do know that, uh, tribal people are not
24 interested in being taxed. So, I --

25 CHAIRMAN FOX: Not on the sales and use tax. We -

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1 - we pay it. But, you know, I -- I'll say this is, um,
2 we still have a very important act that has to be
3 acknowledged. The majority of our people, when we
4 purchase goods, pay state sales tax.

5 Do you know why? Because most of us, and this is
6 a fact, purchase our goods off the reservation. We go
7 to Minot. We go to Watford City. And when we make --we
8 buy something, we pay the tax.

9 CHAIRMAN WARDNER: Yeah. So, that you're saying
10 they're -- they're paying it already so, it's no big
11 deal.

12 CHAIRMAN FOX: So -- so, I think inherently
13 they're going to learn to accept it over time.

14 CHAIRMAN WARDNER: Okay. Because it -- it's --
15 it's just a -- it's a -- I would say it's a principle
16 with some of the -- especially the older, uh, people
17 that, uh, live on the reservation. They, uh, no way
18 are you going to be taxing me, uh, but maybe that
19 could be changed.

20 But, uh, that's what I would see as a possible
21 solution, but there may be others. Uh, Nathan.

22 MR. DAVIS: Well, I was just --

23 CHAIRMAN WARDNER: Well, you waved your hand, so
24 --

25 MR. DAVIS: I was just kind of moving my arm

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1 around, but yeah. [inaudible] No. But I -- I think too
2 just moving forward as we talk about sales use taxes.
3 We talk about, uh, the dual taxation issue with
4 alcohol. Um, we remember the words that were said over
5 and over today; the mutual consent.

6 When you speak with tribal nations you speak of
7 their agreements, their treaties with the federal
8 government. Those treaties cannot be altered without
9 mutual consent; both parties being involved. And we
10 talk about the language that was passed in '19 that
11 none of the tribes would sign on on. I was part of the
12 tribal government in Turtle Mountain at that point.

13 But what that did to us was mentioned earlier by
14 Chairman Fox, was it presented and, um, a negative
15 precedence towards tribal nations of uno- --
16 unilateral authority. The state of North Dakota coming
17 in and oppose those taxations without say, the tribe.
18 So, moving forward, we need to make sure we have that
19 mutual consent and relay that government to government
20 framework in these agreements.

21 Because now you're talking about a negative
22 impact, an adverse impact on the -- the local economy
23 here in the MHA Nation that Chairman Fox has alluded
24 to before that he does not want to impose.

25 You know, every -- every tribal nation you come

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1 to do business with in the reservation there are
2 federal guidelines that no matter what entity you are,
3 even if you're a political subdivision of another form
4 of government, you pay those fees to the tribe to con-
5 -- to conduct business with their members.

6 So, I think that's just something that we need to
7 keep in mind moving forward. And then also you look
8 at, you know, tribes and how we work with the federal
9 government. And you look at past, uh, pieces of
10 legislation that were passed but a little before our
11 time even.

12 You only look at the state's admission acts that
13 were passed that allowed certain states to come to the
14 union. You know, a state's in there that all lands
15 within, um, all lands held within the fed-, uh, the
16 exterior boundaries of a reservation shall -- and I
17 don't like to use this word too much, but we -- we
18 talk about the disposition of the United States
19 government.

20 So, as tribes we're constantly dealing with not
21 only our own ordinance that are passed here, we're
22 dealing with ordinance that are passed at the state
23 level, but then ultimately we deal with the ordinance
24 that are passed at the federal level.

25 So, I think when we really talk about those

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1 partnerships, we need to remember the -- the
2 uniqueness and the duality that tribal nations, uh,
3 represent in forms of government. So, I just wanted to
4 put that on the record as we move forward.

5 CHAIRMAN FOX: Appreciate that.

6 CHAIRMAN WARDNER: Yeah. Thank you.

7 CHAIRMAN FOX: Um, a related item to that, of
8 course, we don't have easy answers. I do know this is
9 -- and we may suggest some things before we get to a
10 session where we could have the alcohol agreement done
11 or a sales and use tax. Um, I'm not proposing that
12 we're -- we're going to be coming running in with
13 that, but what I'm saying is that it -- it does take
14 some work and maybe sitting down.

15 But in the meantime what we can do is -- is come
16 up with some solutions with the vendors to try to
17 encourage them not to unlawfully collect and submit
18 taxes. If they know somebody's a tribal member,
19 whether they loyally reach in their back pocket and
20 show them ID or put them on a running list or whatever
21 you need to do. And say, what's your name? Tribal
22 member?

23 Don't collect the tax. Don't collect that tax.
24 It's the unlawful collection of taxes that we're --
25 we're objecting to. And so, I think there's some

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1 things that we can work with the vendors to cause them
2 to be, uh, a little bit more the onus on -- on
3 themselves than on the individual. But yeah. There
4 might be an individual saying, yeah, I'm a tribal
5 member, to avoid tax.

6 There might be. But if they, through time,
7 somebody says, you know what? That person that been
8 coming in here a couple times he say they're a tribal
9 member and they're not.

10 We have information that they're not a tribal
11 member, uh, they came up here to work and then what
12 have you. And then they can say, okay.

13 I'm sorry but we're going to have to ask you for
14 your tribal ID. Well, if they don't produce one then
15 say, well, until you do we're going to tax you. They
16 do produce the tribal ID, put them on the list or
17 whatever, on you memory or whatever it takes.

18 Quit taxing them and then collecting it and
19 sending it to the state because you guys owe us a lot
20 of money if you keep doing that, you see. So, that
21 being said, um, there is a -- a situation of sales
22 that are to be done as well, online sales. If a tribal
23 member orders it from New Town, North Dakota and they
24 do online, and it's delivered and consummated by
25 delivery on the reservation to that tribal member,

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1 that's non-taxable by the state as well.

2 But this vendor who's sending it to them and many
3 of those that you see online, that they have a joint
4 agreement on the standard -- a joint agreement that
5 states belong to, they're assessing that tax and
6 they're giving it to you. Again, that tax cannot be
7 collected by if it's made to a tribal member within
8 our boundaries it shouldn't be collected, etc.

9 So, we've got to figure out how to split this
10 online sales tax and that might be one that can help
11 us mature into other taxes. Maybe that's one we
12 address at the next session is how do we, or even
13 before that, how do we -- how do we get a split done
14 on that.

15 If I -- if I buy an order of, you know, uh,
16 computer online and they deliver it onto the
17 reservation and it's consummated by a delivery fee,
18 you know, I'm -- they're charging a tax on that. And
19 that tax has to either be lawfully split by agreement
20 or it can't be applied at all. It has to be exempted.
21 So --

22 CHAIRMAN WARDNER: That's interesting. I hadn't
23 thought about that. Uh, I know Senator Cook was the
24 guy that was the main negotiator to -- to get all that
25 done.

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1 I don't ever remember him visit- -- talking about
2 the -- the tribes getting money -- or getting product
3 from, uh, uh, catalog store in another state and --

4 CHAIRMAN FOX: Internet -- internet sales all
5 over the place.

6 CHAIRMAN WARDNER: Internet sales. Uh, so, the
7 streamline sales tax you're not in the agreement in
8 any way.

9 CHAIRMAN FOX: Right. We --

10 MALE 1: Other tribes are.

11 CHAIRMAN WARDNER: Okay. All right. That's
12 interesting. I never thought of it.

13 CHAIRMAN FOX: Okay. So, we need to figure out a
14 way to address that down the line here as well. Two,
15 um, other related items that we've got.

16 We straddle wells, we talked about that. It's
17 going well. Um, I will say this as it did in '19. In
18 '19 we did some things. You saw with the split change.
19 Uh, and Lynn Helms will back me up on this I guarantee
20 you.

21 But I can just tell by driving on a daily basis
22 at home now that we've settled this one of the last
23 remaining major issues on -- on oil and gas tax
24 between us and you. The activities picked up again, as
25 well, too. I can tell. Uh, the overall production may

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1 -- may not yet show that yet because the drilling's
2 not falling as much as the enhanced production, but it
3 will. And I mean we only have three rigs on right now
4 currently.

5 We need to get back to the days of nine and ten
6 and when that does occur and more commitment's made to
7 drilling, I know the production -- enhanced production
8 is up. But it -- it -- it's a result of us resolving
9 that. And the straddle wells lent itself towards a
10 number of -- of producers and great.

11 We supported it, they sat down with us, we meet
12 almost weekly with, uh, our major producers. We've got
13 about 10 on the reservation. Uh, and so, when we sit
14 down with them, they are all talking about reinvesting
15 capital, increasing production, helping them with
16 water, getting the fracking done, adhering to our
17 regulations, making sure they're compliant.

18 And all -- all relates to us on the state and
19 tribal level figuring out how to cooperatively move
20 together. So, I want to again commend you. Uh, so
21 there's no issues right now to really bring up with
22 straddle wells.

23 We addressed them this summer on -- on ownership
24 of the land and how we split that. Uh, and -- and
25 we've been able to do that. So, uh, the split in our

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1 eyes and right now the state should -- should be as
2 equitable as we intended it to be when we approved it
3 -- approved it at, uh, the legislature.

4 CHAIRMAN WARDNER: Uh, Mr. Chairman, I'd just
5 like to make one comment then we do appreciate your
6 support at -- in keeping the, uh, dapple, the
7 pipeline, uh, going and your support to do that.

8 CHAIRMAN FOX: Well --

9 CHAIRMAN WARDNER: It was huge, not only for you,
10 but for the whole state.

11 CHAIRMAN FOX: It is and we appreciate that. And
12 we -- we've got a common interest there but I want to
13 reiterate for the record because often times, you
14 know, entities will take it from -- from a different
15 perspective.

16 What we had to do in that process is we had to
17 indicate we -- we stood back for too long, so to
18 speak, during the -- during what was occurring on in -
19 - in a federal court level. And on a -- on a national
20 regulatory level as well with the Corps of Engineers.
21 What we felt was going on was our voices were not
22 being heard.

23 We were going to be impacted. And we still may be
24 impacted, I understand it's -- it's coming up very
25 short time here that on their own, without the -- the

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1 court, on their own they have to make determinations
2 about permits; the Corps does.

3 So, so to speak, that's still out there. But what
4 we did is we had to shed the truth on the process,
5 whether on the regulatory level, on a -- a adjudicated
6 level what the impacts were going to be if that
7 pipeline was discontinued. And that's simply what we
8 did.

9 What we don't want to be taking on is
10 mischaracterized as being anti-Standing Rock and their
11 rights to appeal, to not support, that impact to their
12 reservation. We've already been supportive of that.
13 You do what you got to do.

14 What we've asked in return from the government,
15 which I think we got from them, is to respect our
16 right, too, and standing up and saying, this is how it
17 would be negatively impacted our economy as you see
18 [ph] ds on that. Unfortunately that doesn't always go
19 for the population of people that are on the
20 membership don't agree.

21 And -- and -- and we've had our disagreements.
22 But for government -- government relationship, you
23 know, we respect Standing Rock's right to -- to -- to
24 want to say we don't want a pipeline going on or near
25 our reservation. And we respected their rights.

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1 They -- they followed the system. And the system
2 itself said, at this point in time, it's not going to
3 change the way you ask it to change. And that's just
4 all there is to it. And I -- I wanted that understood
5 though. We respect it at all times. So --

6 CHAIRMAN WARDNER: Yeah. Anyone else, uh --?

7 CHAIRMAN FOX: Okay. A couple more. Um, I'd, uh,
8 when we talked about the motor fuels tax. That is a
9 tax that we historically agreed to -- to be applied at
10 the retail level only when you go to the pump. So,
11 what happens is you have a bulk fill, you know, have a
12 vendor selling wholesale and he brings down and he
13 generally pays that tax into the state.

14 But when it comes down -- and that tax is paid
15 and that sale is made at the pump and the consumer
16 pays that tax, you'll see that tax inside there. What
17 we have agreed to do is -- is when you collect it, you
18 remit it back based on the census number, 70/30,
19 75/25. And we collect that. But that's only at the
20 pump.

21 Only when you occur to pulling up to a
22 concession, uh, to a convenience store. What it
23 doesn't apply to is bulk sales. And prior to energy
24 development we -- none of us knew what that really
25 was; right? But here's what it is. Vendors on the

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1 reservation will order and tribal and non-tribal bulk
2 sales of fuel because its massive development here.

3 And when that fuel comes in on a train rail, for
4 example, or a depot type area, it will come in on a
5 wholesale bulk level. They will purchase it from them
6 and they will take that tax away. It's not going to
7 the retail pump.

8 And when we brought this detail up in decades --
9 in session past and with -- with your tax department,
10 they made a big point to say, when we agreed to that -
11 - to do that, it was retail sales only and not these
12 bulk sales coming in onto the reservation and being
13 sold on that level. So, we did ask, I believe it was
14 in '17 to have an opportunity.

15 There was some language, I believe, that was
16 approved that would get us to a point where we could
17 agree to include bulk sales along with our retail
18 sales, but we weren't able to accomplish that. It
19 remains an issue.

20 So, when those come in and they're -- they're not
21 -- they're paying a state tax because it's paid off
22 the reservation first before it's brought on. But the
23 tribes get zero for that sale made.

24 CHAIRMAN WARDNER: So, Mr. Chairman, uh, what
25 happens is the state gets that tax and then -- but

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1 there's no tax collected after --

2 CHAIRMAN FOX: The tax is sent -- sent in and
3 remitted and -- and paid to the state, but it's not
4 apart of the -- the motor fuels.

5 CHAIRMAN WARDNER: Yeah. Because --

6 CHAIRMAN FOX: So, it just sits there and you
7 collect 100 and keep 100 percent.

8 CHAIRMAN WARDNER: Because it's collected ahead
9 of time before it's delivered.

10 CHAIRMAN FOX: Right. And so we've got regulatory
11 controls. We got spills that can occur. We got to
12 have, you know, our pipeline authority. We got to have
13 our environmental agencies that we pay for, you know.
14 All these relate to things like that.

15 So, we're impacted. And -- and not only that, but
16 you also have tribal members, some of them are
17 involved, in -- in purchasing bulk fuels as well and
18 they're not paying the tax as well.

19 CHAIRMAN WARDNER: Is that -- is that tax
20 collected then, uh, when they load the rail cars and
21 they remit it?

22 CHAIRMAN FOX: It's -- it's -- it's usually paid
23 off to the -- the vendor that's bringing it on a rail
24 car example. And it's usually -- that tax is paid by a
25 percentage beforehand, remitted. And then it's brought

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1 down, they collect it, and they have already paid it
2 so to speak. It'd been remitted in. And so it's not
3 paid right there at that rail car.

4 It's already been pre-paid so to speak. Same way
5 with the retail sales. When they retail seller brings
6 it on they'll bring a truck down and they'll go into
7 the hole and they'll fill them up. But that's already
8 been paid by the wholesaler to the state. How they get
9 their money back is -- is by the sale. And -- and --
10 and it's the same thing.

11 Only difference is -- is -- and we were pointed
12 out by your tax department is that's your -- our
13 agreement is only for retail. If our agreement was
14 retail and wholesale, bulk sales, then we would remit
15 that to you. And they don't.

16 CHAIRMAN WARDNER: Okay. Any -- any comments? Any
17 questions on, uh, that because --

18 CHAIRMAN FOX: So, it would be real easy just
19 basically say, retail and bulk wholesales.

20 CHAIRMAN WARDNER: I, uh, I guess, Mr. Chairman,
21 what is your next, uh, is it a -- if we're going into
22 gaming we're going to wait on that one because --

23 CHAIRMAN FOX: We're -- we're waiting on the
24 gaming a little bit. I got maybe about one minute of -
25 - of -- of -- two minutes of -- of the rest of the,

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1 uh, items.

2 CHAIRMAN WARDNER: Let's do that.

3 CHAIRMAN FOX: And then we'll leave the gaming
4 for the last. Then we'll take a break. And then we can
5 come back to it.

6 CHAIRMAN WARDNER: Then we'll take a break.
7 Everybody needs a break. People don't think very well
8 when they sit [inaudible]. So --

9 CHAIRMAN FOX: Okay. Here's the next one. Um, one
10 of the things that -- that Cynthia and her experience
11 in coming over from Montana. Um, she ran -- worked for
12 the Montana state tax department and made her come
13 over here and work for us and stole her away from
14 them. And, um, but she always alludes to the
15 experiences that they have between tribes and the
16 state and how they do things.

17 And one of the things that they do over there is
18 they have by action of legislature actually passed
19 laws, correct me if I'm wrong, bills and laws that
20 established a similar what we have here; state
21 relations policy. Not just a committee to sit
22 together, but policy. And you -- you -- you reiterate
23 what that policy means and what you would do
24 government to government.

25 So, a government to government policy. And the

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1 state of Montana has that specifically with their
2 tribes. And I -- and -- and we're -- we're looking at
3 --

4 MS. MONTEAU: Other tribes in Nevada, Washington
5 --

6 CHAIRMAN FOX: Other tribes do as well. In
7 Nevada, Washington, they have the same thing. North
8 Dakota doesn't. So, what we're recommending is we look
9 at developing policy that you could then approve and
10 say, between our nations this is not only a committee
11 set up to talk about what we need to do, but here's
12 the policies that we recognize and want to jute --
13 jointly, um, provide and enforce together.

14 CHAIRMAN WARDNER: Okay. A -- a little more on
15 that. Could you, uh, so, are you, uh, saying that,
16 like, this particular, uh, committee would be working
17 with you and the other tribes. We would sit down and
18 we would talk about policies?

19 CHAIRMAN FOX: I -- I think -- Cynthia can
20 elaborate a little bit more but it just sort of
21 formalizes the fact that you will have, uh, establish
22 policy and not just a forum to discuss. But you would
23 actually establish, uh, uh, recognize that there is a
24 policy in existence between tribal nations and the
25 state. That, uh, have the characteristics to mutually

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1 decided upon. So, Cynthia [inaudible]

2 CHAIRMAN WARDNER: Yeah. I would like, uh, expand
3 a little bit more on how this would work.

4 MS. MONTEAU: Uh, thank you, Mr., uh, thank you,
5 uh, Mr. Chairman. Cynthia Monteau, MHA Nation. Uh, so,
6 one would be basically a statutory requirement that
7 the state would -- would essentially be recognizing
8 the unique status of tribes within the state and
9 recognize all the tribes and formalize a policy in --
10 in, um, essence basically creating -- well, the
11 federal government is the government to government
12 relationship.

13 But essentially you would be establishing a
14 similar government to government relationship and
15 elevating that to a statutory level in terms of we are
16 recognizing the tribes in the state. Along with that,
17 would be a consultation policy in terms of how we are
18 going to consult with the tribes.

19 Um, in the -- in -- as Chairman Fox had mentioned
20 earlier, we do have language in agreements that we
21 have with the state that say, you know, we are going
22 to agree, mutually consent, to, um, these actions
23 within the agreement. But other issues as they, um, as
24 laws, um, for instance our propose at the state
25 legislature.

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1 How are those communicated to the tribes and how
2 are the tribes brought in to, um, to be able to
3 adequately respond as, um, as those proposed actions
4 may or may not affect them as individuals or as the
5 tribal government, land, resources, and so forth? So,
6 essentially developing a -- or formalizing rather a
7 policy in which tribes in the state would be
8 consulted.

9 CHAIRMAN WARDNER: Okay.

10 CHAIRMAN FOX: Basically how we experience that
11 on a federal level, is in a difference from
12 administration -- administration. But for the longest
13 time now you've had a presidential decree govern --
14 government policy on the executive side that has been
15 in existence for -- for decades now.

16 And -- and often times sometimes, too, the normal
17 course f federal bureaucracy, some of the agencies
18 kind of lose sight of that sometimes.

19 So, they'll do some things, uh, that -- that may
20 be inconsistent with -- for example, consultation,
21 like, here's -- here's what we're planning to do. We'd
22 like to sit down with you and discuss how it's going
23 to impact you, you know.

24 Uh, like, health, uh, Dave Glatt, you know, Dave
25 Glatt running your Department of Health. Sometimes you

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1 have different things and waste disposals and things
2 like that. Well, you know, or -- or things of that
3 nature. I -- I -- he's one that fully understands, I
4 have to -- I have to admit that, you know. Um, but,
5 um, I'm just, you know, I'm just saying it
6 hypothetically.

7 If you had an agency that said, well, we're just
8 -- we're going to go. We got our permit to put
9 something over here. Uh, it's on Fort Berthold, but go
10 ahead and approve it and -- and -- and have something
11 to occur there. What -- what a policy would do is --
12 would -- would remind all your sub-agencies and
13 everybody else that pursuant to a policy agreement you
14 have in place, you got to sit down with them and you
15 got talk a little bit of what's going on.

16 And -- and -- and measure the impacts and get
17 agreements if they're necessary. And things of that
18 nature and -- and -- and moving forward. I see that as
19 -- as something positive to do as well. And -- and
20 it's something that the legislature, I think, uh,
21 should strongly consider working with us to establish
22 it.

23 CHAIRMAN WARDNER: Yeah. You're talking about
24 communications. Uh, that's really what you're talking
25 about.

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1 CHAIRMAN FOX: Essentially.

2 CHAIRMAN WARDNER: Yeah. Okay.

3 CHAIRMAN FOX: So, other than that -- is there
4 anything else I'm missing [inaudible] I got the online
5 one.

6 MS. MONTEAU: Um, other than gaming, I guess
7 [inaudible]

8 CHAIRMAN FOX: Just the gaming that will hold
9 after lunch.

10 CHAIRMAN WARDNER: Okay. What -- okay. And then
11 what do you have planned for us at lunch? Do we break
12 for lunch [inaudible]

13 CHAIRMAN FOX: Do we have food; don't we?

14 MS. OVERLIE: It's coming. Yeah.

15 CHAIRMAN FOX: What's that?

16 MS. OVERLIE: It's coming.

17 CHAIRMAN FOX: Okay.

18 CHAIRMAN WARDNER: Well, we, uh --

19 MS. OVERLIE: [inaudible] we had a working lunch
20 [inaudible] but it's up to you guys.

21 CHAIRMAN WARDNER: Yeah. It said working --

22 CHAIRMAN FOX: So, it's going to be brought in
23 sooner otherwise I -- I hate to break and then not
24 make hay of this time while it's being set up. But if
25 you want to, it's up to you. Want to break, then take

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1 a little break and then wait for it? How soon, Lovell?

2 Is it scheduled for right at noon?

3 MS. OVERLIE: [inaudible]

4 CHAIRMAN FOX: Okay.

5 MS. OVERLIE: [inaudible] be here at noon

6 [inaudible]

7 CHAIRMAN FOX: Hurry up. We're going to throw you
8 under the bus pretty soon. We're hungry.

9 CHAIRMAN WARDNER: All right. We're going to --
10 we're going to take a break. We'll take a -- what? --
11 one hour break? Uh, does that -- and, uh --

12 CHAIRMAN FOX: Come back at one o'clock?

13 CHAIRMAN WARDNER: Yeah. We'll come back at 1:00
14 o'clock.

15 CHAIRMAN FOX: I -- I would strongly, uh, I would
16 strongly encourage this, even while we're waiting for
17 the food set up, to go and, if you've got time, go use
18 the restroom, make a call, but to -- to go through on
19 a tour -- a quick tour as well. Walk through.

20 CHAIRMAN WARDNER: Very good. We will. Thank you
21 for that.

22 CHAIRMAN FOX: Great.

23 CHAIRMAN WARDNER: All right. We're in a recess
24 until 1:00 o'clock.

25 [recess]

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1 CHAIRMAN WARDNER: -- to order, and we're going
2 to turn it right over to Chairman Fox to continue on.

3 CHAIRMAN FOX: And with that I appreciate that
4 Mr. Chairman, senator Wardner. [Inaudible]. I hope you
5 all join the mill you take, uh --

6 CHAIRMAN WARDNER: Yeah. I'll get my mi- -- mic
7 on. We get great, um, pleasure out of our guests and
8 visitors coming and not only seeing our facility and
9 our history and what we have to offer, but also our
10 food. We've got a lot of pride in that. And they do an
11 awesome job and as you see, you know, we have here,
12 you know, um, uh, the -- the -- the corn and beans
13 soup, you know, be -- that -- that was one of our
14 staples, you know.

15 I always brag about how we're the first -- we
16 were the first farmers of the state, you know, first
17 agriculturists. And we did, we were raised corn,
18 beans, squash, watermelon, all things. And not just
19 small little gardens that we have like I got at my
20 house right now. Right.

21 Um, not small gardening. There are major -- major
22 plots of land and major development. That's how the
23 MHA Nation and they were really divided at that time
24 there Hidatsa, Mandan, and Arikarain the beginnings.

25 Um, but along the Missouri River, we were what

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1 they call Aboriginal trade centers. And you had seen
2 one of the displays if you walked by it and had enough
3 time, it shows the Aboriginal trade system in North
4 America. And we were one of two of the primary ones,
5 meaning the, uh, interaction of a lot of people, a lot
6 of different tribes.

7 So as they have on display, there's -- there's
8 seashells from the west coast, there's things from
9 Hudson Bay, there's things from Mexico that they found
10 in our villages on our old villages, archeologists
11 that demonstrate that inner tribal trade system,
12 meaning they -- they brought those things all this way
13 up as well, too. So I'm very proud of it.

14 MS. MONTEAU: Mr. Chairman, I have another
15 meeting obligation, so I just wanted to thank -- I --
16 I have another meeting obligation. I have another
17 meeting obligation, so I'm just, uh, going to make
18 sure that I attend that one.

19 And, um, I want to thank you all Senator Warden
20 and the committee members for coming to MHA and
21 working out and trying to partner and do joint
22 activities together in -- in -- for the people.
23 Because as Senator Warden said earlier today, it's all
24 about improving the life of our people.

25 So I want to thank you for coming up and -- and

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1 look forward to working with you, uh, more on these
2 issues. So thank you.

3 CHAIRMAN WARDNER: Yeah. Thank you, Monica. I
4 appreciate that.

5 CHAIRMAN FOX: And Mr. Chairman, thank you for
6 the lunch it was -- it was delicious.

7 CHAIRMAN WARDNER: Great. Great. Glad you got to
8 eat -- eat some of it. Like I said, um, uh, relates to
9 our history and very proud to offer it. They also have
10 like squash and other things as well. Um, but, um,
11 that's really important to us. Aboriginal Trade
12 Centers are what we used to be in establishing North
13 Dakota long before United States or European, uh,
14 European countries or other countries as well come --
15 came to, uh, America.

16 And so, you know, we -- we are doing our best to
17 return to that. That's one of the goals of mine
18 administratively as chairman is how do we regain the
19 economy we used to have? Oil and gas is a given we
20 know that, but we want to return to our agricultural
21 roots as well with -- with, uh, you know, with, uh,
22 domesticated cattle and growing crops. And -- and we -
23 - we plan to do that, uh, very aggressively in the
24 future. Okay.

25 So the -- the subject matter at hand that we've

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1 got now that we want to focus on in the time remaining
2 that we have is to talk about the gaming and the
3 gaming impacts. Cynthia herself had another meeting
4 herself, had to go back, jump in her car and head back
5 to Bismarck. So she wrote a number of notes. And I'm -
6 - I'm glad to share these with you because this is
7 kind of what we're faced with, as I explained earlier
8 this morning.

9 But, uh, gross proceeds per quarter of \$321 in- -
10 - indicated, uh, this is the gross proceeds, not --
11 not the net, but the gross of \$377 million. Uh, the
12 next quarter from -- at \$621, \$418 million, that's an
13 increase obviously.

14 The gross -- the gross, uh, proceeds of all
15 gaming from 2019 and 2021 estimated, although we get
16 these directly from the state AGs office in particular
17 and others, um, is a 1.880. So just under \$1.9 billion
18 in revenue.

19 Billion -- and that's from 2019 to 2021. And that
20 continued to increase. The devices in, uh, in March
21 were, uh, 3,330. The devices after your legislature
22 ended in -- in 630 has now increased to 3,684.

23 That's an increase of 354 new machines out there
24 as well and that number continues to rise. We were
25 looking and she might text me to see if we can get the

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1 updates from June to August or soon to be September
2 here.

3 But I have not yet rec- -- oh, oh, I lied here.
4 You have the [inaudible], um, oh but she didn't update
5 that number on new machines. So I'm going to guess
6 that it won't be very long you'll be at 4,000 machines
7 operating, uh, you know, on our -- on the, uh, the
8 pole tabs. So electronic pole tab machines.

9 Organization wise, you have 269 as of March 1.
10 Now charitable organizations that have gaming license
11 is now up to 320, that's a gain of 51 new charities
12 coming onboard. Sites, you went from 655 to now 695 so
13 nearly 700.

14 Again, a gain of about 40 all increasing. Um,
15 some of the things that, uh, needs to be understood as
16 well is the -- there are six in here. She just sent
17 the message, six manufacturers, uh, of gaming devices,
18 primarily six of them, one of those, um, and I
19 understand it and in case, you have the question to
20 it. Um, it looks like Grover Gaming. And it's a six --
21 six right now, but a seven is very close to being
22 licensed.

23 Manufacturers are as follows [inaudible] Diamond
24 Games, Grover Charitable Gaming Technology, G2, uh,
25 Powerhouse, and a new one is called Pilot Games out of

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1 Minnesota. But one of those represents 60 percent of
2 all your devices one manufacturer, 60 percent, uh,
3 that's a dominating figure in our world.

4 And we deal a lot with machines because we run
5 gaming. And to have 60 percent of, uh, of a market
6 share is -- is a huge number, huge -- huge number. The
7 charitables gross proceeds from 321 to 1221, which of
8 course we're not there yet.

9 Um, but and is soon to be six to nine months that
10 so far NDAD is the leader at about 10.7 million. Um,
11 share house I think it's called Inc 8.2. American
12 Foundation for Wildlife 8.75. So one over 10 and
13 almost 11 million of the others. 8.3 and 8.- -- 8.8.
14 And uh, those are just three examples of three
15 charities, uh, from three 1221, uh, to present. Um,
16 those are really staggering numbers and -- and you
17 heard me earlier say there's an impact.

18 And as I was explaining to one of our guests this
19 morning, I wish we lived in a major area in which
20 there was darn near an unlimited, um, population that
21 had disposable income for gaming, but we don't. There
22 are limited people in this radius or in the state
23 area. We do have some visitors, you know, some
24 tourism, but it's limited.

25 So you take that times the average income of each

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1 person that lives in the state, you multiply that out
2 and you get a gross figure.

3 And of that gross figure what percentage of that
4 economically is what we call income disposed to
5 gambling, income disposed to playing games and that's
6 limited. And that's -- that's a number that I know
7 you're studying. I know you need to study just like we
8 are studying heavily.

9 But that's -- that's not, uh, an unlimited
10 number. That's a limited number. And so the point in
11 raising this is that because that number, once it's
12 reached the total available dollars that can be spent
13 on gaming logistically, economically, uh, once that is
14 peaked, if one goes up, then somebody's got to go down
15 and that's what's happened to us.

16 Uh, we, you know, unless you got an influx of a
17 new million people into the state and we're not going
18 to get that, um, there's no way for us to continue to
19 slice up the pie and all grow.

20 More one grows the less the others. And today the
21 less the others is our tribes. Our incomes are
22 beginning to go down. Our -- our revenues are going
23 down. None of our tribes are positioned like, uh,
24 like, uh, Shakopee is down at Mystic where you got a
25 million people, 20, 30 minutes away. I wish we were --

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1 we're not. They do very well.

2 They only have less than a thousand adult
3 members. We have 17,000 by ourselves and -- and our
4 revenue is nowhere close to that.

5 All four tribes put together now, based upon
6 what's happened both with the pandemic and with ETAB,
7 you know, we're -- we're talking less than \$100
8 million in -- in gaming revenue between all five
9 tribes.

10 Now with \$1.8 billion being a gross revenue and
11 then even the net revenue as being \$300 to \$400
12 million --

13 CHAIRMAN FOX: Is that an annual number that?

14 CHAIRMAN WARDNER: Yes.

15 CHAIRMAN FOX: Okay.

16 CHAIRMAN WARDNER: That would be an annual
17 number. And -- and so a- -- any increments are going
18 up on the billions of dollars being gamed over here,
19 gross revenue has got to come from somewhere and --
20 and unfortunately it's coming from us.

21 CHAIRMAN FOX: So a person who says, you know
22 what? I like to go down to Four Bears and I live in
23 Minot, North Dakota. They're more apt now to say well,
24 I can go right down here to this local bar.

25 And I, you know, I don't remember the local bar's

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1 name used to be Blind Duck, but I don't think that's
2 that anymore. And but the names up there, but they now
3 can -- if they just want to play slot machines a- --
4 and not worried about any of the other things we have
5 to offer, they can go there.

6 And a lot of people are doing that. And -- and --
7 and -- and -- and this is never -- the -- the concerns
8 we raise have nothing to do with being in opposition
9 to the charities and nothing at all. You know, we've
10 been doing -- that's why under IGRA, we do charitable
11 -- charitable and -- and -- and government related
12 things --- programs for our people to help change our
13 [inaudible] that's why IGRA was established in -- in
14 1988, Indian Gaming Regulatory Act.

15 And it allowed for casinos to begin because there
16 was no other economic engine to give jobs and revenue
17 to start doing other things for tribes. Some tribes
18 very well, some tribes not. There are still hundreds
19 of tribes that don't have any gaming at all and -- and
20 haven't had gaming for 25 years. Um, that- -- that's
21 kind of the plight where we're at right now.

22 So I'm explaining the overall picture that, uh, I
23 understand fully in our discussions and committee and
24 sidebars and everything else. This is the state's
25 right to game. State has a right to expand or limit

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1 its gaming at any given time.

2 A lot of states are expanding that seems to be
3 the trend in America today. Online gaming is taking
4 off, but what behooves you today might severely
5 undermine you in the future. And you got to remember
6 that.

7 I truly believe that of everything and I'm going
8 to bring up this point in raising this is, um, I
9 believe there's going to be a saturation with or
10 without the tribes being in -- considered here on
11 what's going on with ETAB machines in the state.

12 There's limited income out there. And if you get
13 a saturation point and only five or six charities
14 control 80 percent to 90 percent of that, that's a lot
15 of other charities organizations, 320 of them as of
16 621, that will be wondering how we got to this point
17 where they're not making any more money than what they
18 started with.

19 And the majority of that revenue, 80 percent of
20 it it's only going to six of those 320. They're going
21 to want answers from you. They're going to want
22 conditions from you. They're going to want to figure
23 out ways to -- to push that and make it more equitable
24 to them or to limit what the others do. And we're --
25 we -- we raise these issues during the session and we

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1 -- we saw them as coming. Yes.

2 It would behoove us if you did limit the number
3 of licenses a charity can have, you limit the number
4 of devices at those sites you could have. We've asked
5 for those things to be in place. Um, we've also asked
6 and we want you to strongly consider the definition of
7 bar. Um, that's really a key issue as well.

8 Here's why, uh, and we all know all about
9 definitions and Indian Gaming Regulatory Act. Our
10 tribal state compact, everything that we got to do is
11 regulation. We got -- we're eight -- eight entities
12 regulating our Indian gaming here.

13 Right, if anybody's overregulated in America,
14 it's Indian gaming. And -- and so, but definitions is
15 what rules the day in -- in your establishment and
16 your core documents and -- and that's what we're
17 talking about in your century code and what's
18 applicable. The definition of bar is pretty broad.

19 And what we're seeing here more and more so where
20 you're tempted to limit it to an audience of 21 and
21 over in the beginning with bars being their primary
22 business today simply because they sell a six pack of
23 -- of twisted tea over here, now you've got convenient
24 stores who are now bars, they're selling alcohol.
25 You've got restaurants and -- and maybe that's only 10

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1 percent or 5 percent of their income selling that as
2 well.

3 Um, that expansion is -- is created these sites
4 seven near -- 700 sites today. That also has an
5 incentive, uh, of -- of charities that are now hogging
6 the market so to speak, to go out and start acquiring
7 properties, uh, commercially. And you know, that's
8 going on, that's not fictitious and we're not making
9 that up.

10 You have certain charities buying properties so
11 the very fact that they could put machines in there
12 because of the dollars that they make more than the
13 business itself. So these are some of the things that
14 we're -- we're beginning to contend with and have --
15 have contended with as well. Uh, we -- we wanted to
16 see maybe some limitation.

17 I'm all about trying to limit -- limit the
18 numbers per charity. And -- and even if we can't do it
19 for the tribe's purposes of trying to salvage their
20 jobs that remain for the next decade, um, I know that
21 your other 314, 15, or soon to be 350, by that time,
22 other charities are going to say we got a problem with
23 us not being able to make money on our charity and
24 what we're trying to do because the Mandan market is
25 saturated.

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1 So these are some of the things I wanted to
2 raise. Um, I think maybe, you know, I can go on and on
3 and I won't, because maybe I'm better positioned to
4 answer questions that you might have chairman or
5 others might have about operating and what it means
6 for gaming and things of that nature and I'll be glad
7 to do that.

8 CHAIRMAN WARDNER: Okay. Does anyone on the
9 committee have any questions or probably, uh, some of
10 you have some comments or statements you want to make
11 about the -- the gaming in, uh, North Dakota? Hey, I
12 think it kind of got away from us. I don't think
13 that's what we intended in the beginning.

14 But so, uh, there are some of us that would like
15 to cut it back, but it's -- the horse is kind of out
16 of the barn so we got a -- we have a real, uh, issue
17 on our hands, on how to deal with it. Uh,
18 Representative Boschee.

19 MR. BOSCHEE: Thank you, Mr. Chairman. Chairman
20 Fox, um, I appreciate everything you shared about, um,
21 the impacts of the Indian gaming as we've -- and the
22 charitable gaming. I think the tough part, especially
23 with this last session in the previous two sessions as
24 we've talked about gaming there's a number of us
25 legislators that I think support all forms of gaming.

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1 You know, we see it as a personal choice. People
2 can spend their money, how they want. Hopefully, it
3 benefits different communities or -- or services
4 provided by different groups. The exhaustion we feel
5 and I can only imagine the exhaustion you and your,
6 um, gaming staff feel is we feel like we're always
7 refereeing them. The legislature ends up being a
8 referee around this.

9 But, you know, basically Indian gaming and
10 charitable gaming on the two sides. Have there been
11 any conversations with charitable gaming or is there
12 an opportunity that you see that in this interim,
13 there could be some sort of real good conversation
14 with charitable gaming from Indian gaming to find
15 progress that we can have a --

16 CHAIRMAN FOX: We've had some outreach --

17 MR. BOSCHEE: yeah.

18 CHAIRMAN FOX: -- and some -- some minor
19 conversations with them. And we are willing through
20 the United Tribes Gaming Association to sit down and
21 see if some of these charities would be, you know,
22 could look down the road a little bit further, like
23 I'm trying to do. And if they're willing to make some
24 concessions or some compromises towards that expansion
25 to take all things into -- into effect, I mean, we're

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1 -- we're open to that discussion we really are.

2 We're not trying to hurt charitable purposes, y
3 gosh, you know. We -- we do a -- we do a ice warrior
4 plunge. Now we didn't do it last year because of the
5 pandemic this past year in 2021. But we did it for,
6 you know, five years previous. And -- and uh, I --
7 that's not the first time I jumped in water. The first
8 time I jumped in water I mean, other than being a
9 crazy kid, uh, first time I jumped in ice water to
10 raise money for a purpose was down in Jamestown.

11 I did -- I did a polar plunge in -- down in
12 Jamestown and I remember the AG was there, uh, and
13 [inaudible] and others were there and -- jumping as
14 well. But, uh, I raised more individually than any
15 person at all for special Olympics. And I went down
16 and I -- I jumped in into the -- the cold water for my
17 first formal polar plunge, you know. And uh, so from
18 my -- my own perspective, I support charities, I
19 support what they can do.

20 But that's -- in my opinion, this is just my
21 opinion. You have something that has grown beyond I
22 believe control that is no longer primarily charitable
23 gaming. You now have commercial gaming. And I say that
24 because the majority of revenue does not stay with the
25 charity. The majority of revenue leaves. You now have

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1 commercial gaming.

2 We asked during the session to put conditions on,
3 if we do class 2 gaming under IGRA, which we can do
4 and have ETAB machines, similar machines and we ran
5 those here. One of the federal provisions we have to
6 adhere to under the National Indian Gaming Commission
7 in IGRA is that 60 percent of the net revenue base has
8 to be revenue. If you operate class 2 gaming, same
9 ETAB machines has to be revenue to the tribe. Has to
10 be.

11 Anything less it's unlawful they won't allow you
12 to conduct it. So that says that the majority of the
13 revenue must be revenue -- gaming revenue to the
14 tribe. You guys don't have that. We beg for bases,
15 meaning get as many machines as you're going to do
16 what you're doing now anyway. Sites are unlimited.

17 The -- the licenses are unlimited, uh, le- --
18 least demand that when these -- these organizations --
19 these manufacturers and people come in -- come in to
20 run those for charities, that the charities are the
21 ones that are winning at the end of the day. The
22 charities are making 60 percent, 70 percent of that
23 revenue. And they're using it for purposes out to the
24 people, out to the kids, out to whatever they're
25 trying to do.

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1 But when, uh, and you'll learn this lesson too,
2 leasing machines is bad business we know that here at
3 Four Bears. You're smarter to buy your machines, it
4 costs less over time. Yeah. You got maintenance and
5 you got things of that issue but when you lease
6 machines that cap is way up here.

7 The cost and the -- and the -- and the net
8 revenue on a purchase machine is far greater than the
9 least one, nearly almost all your machines and E- --
10 and ETAB out there under charities are lease machines.

11 That's why your revenue's leaving it's going
12 away. And -- and -- and if you said to the state said,
13 charities must be in receipt of 60 or 70, whatever
14 number you choose 60, two thirds of the revenue must
15 be revenue to the charities to use for their purposes
16 that causes that manufacturer to reconsider how they
17 come in and conduct business and not let -- their less
18 apt to just throw machines around and get that revenue
19 just rolling on a higher level.

20 They're more apt to sit down and strategize with
21 the owners with the -- with the charities and say,
22 okay, you know, we don't have a free open opportunity
23 we -- we have to learn to limit that in how we charge
24 and what we do. I'm not saying that's going to save
25 Indian gaming. It came to a point that a legislature,

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1 I'll be honest with you and yourselves I said it,
2 executive branch I said it, if you guys are going to
3 do anything with gaming, limiting charities, just
4 leave the tribes out of it.

5 Because the moment you put tribes in there as
6 being opposed to it or wanting this or that, it seems
7 like everything went back against us. And so I was
8 saying, if you're going to do something to limit the
9 charities, limit charitable gaming under ETAB
10 machines, do it for your reasons, not the tribes.
11 Because that's how I felt by the end by -- by -- by
12 the time April rolled around and -- and -- and we were
13 -- we were suffering the consequences.

14 Like when we advocated something, it's like,
15 there'd be that many more people pushing back against
16 us because it's the tribes asking for it. It's like
17 we're being penalized. And so I began to say, just do
18 this on your own, [inaudible] that.

19 Know where you're heading yourselves and if you
20 make these changes and limitations and we happen to
21 benefit down the long -- long -- long line and down
22 the road and -- and -- and save some jobs for our
23 people then great.

24 I already told you, we went from 450 jobs down
25 to, during the pandemic we went down to 160 when we

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1 reopened, after being shut down for nearly two months,
2 we went back up to 169 I believe it was.

3 And we have never gone anymore for the summer
4 because we have a waterpark and a few other things, we
5 just barely went over 200. So you take that and now
6 we're going back collapsing those jobs, waterparks
7 shut down -- going to be shut down, everything else.

8 We're going to go into fall season. We just took
9 two losses in three months. Summertime is when we make
10 money at our casino and two out of our three summer
11 months, we took -- we're in a rut, we lost money.

12 This MHA Nation has the ability to take other
13 energy resources and throw it out that to try to
14 enhance it and we lost twice. This is the trend that
15 we're heading towards. And -- and so we're trying to
16 hang on to those jobs. What does that mean for the
17 state? If we hang on to 450 jobs at that casino, guess
18 where they shop, like I said this morning, every
19 casino worker on average spends more money in Minot,
20 Bismarck, Watford City, Williston, everywhere.

21 State benefits [inaudible] those jobs mean. So
22 gain over here and charitables means a loss to the
23 tribes, but also means a loss to you that has to be
24 equated and studied as well. You've got vendors who
25 pay taxes to the state that -- that are vendors for

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1 the tribes that as the business drops, they lose
2 business and they were paying you taxes. They- --
3 they're not the vendors who were picked up under ETAB.

4 They're now out of business, they're non-tribal,
5 we have non-tribal employees. Some of the casinos like
6 -- like, uh, Dakota Magic and others, theirs is way
7 higher non-tribal. Um, ours, I think we're right
8 around 30 percent of our workers are non-tribal. This
9 closes down we lose those jobs and we lost 200 and
10 some of them already, they -- they were laid off and
11 hopefully they get another job, but they're not paying
12 you state income taxes either or any other taxes for
13 that matter.

14 So what I'm getting at people made it almost like
15 an Indian and a non-Indian issue it's an economic
16 issue. And a gain over here, meant a loss for tribes
17 over here, but it means also a loss for the state over
18 on this side in that equation as well.

19 And I don't know if you've made up with that with
20 new regulatory charges or not -- fees, but you've lost
21 over here with us as well. And that's kind of what I'm
22 trying to share with everybody.

23 CHAIRMAN WARDNER: Okay.

24 CHAIRMAN FOX: Senator Oehlke.

25 MR. OEHLKE: Uh, Mr. Chairman. I -- I, you know,

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1 a statement was made earlier that, uh, that there was
2 a will out there for, you know, if people want to
3 gamble, they can gamble. Um, and I- -- I'm in the
4 insurance business.

5 And I -- so when I sell a business, an insurance
6 policy, I always include fidelity coverage in case a
7 buddy absconds with their money. And here's what's --
8 what's happened and I've handled three similar claims
9 in the last year and a half.

10 Somebody in the family gets the habit, could be
11 on a pull tab machine, it could be at a -- at a local
12 casino in the -- at Spirit Lake it's not very far
13 away. And -- and they start losing, but they're so
14 afraid to ask for help from anyone, whether it's a
15 family member or -- or a counselor, or, you know, a
16 friend that they start stealing from their employer.

17 And it doesn't get caught because typically this
18 person that's doing this is in a very responsible
19 position handling money in the business. And before
20 the loss is finally discovered, it's well over
21 \$100,000, in some case is \$200,000.

22 And it doesn't get noticed till there's, you
23 know, something weird happens a bank in one case, uh,
24 the local bank called and said, you know, there's
25 something kind of weird about your last deposit that

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1 came in and we just think it's funny.

2 You'll want to check on it. Then they did an
3 audit. This was a trusted employee that had worked for
4 them for over 20 years. She probably in this case, it
5 happened to be a lady it's not always a lady. But her
6 spouse had died about five years before, she started
7 gambling a little bit, probably just the social thing.
8 And one thing led to another and it was way over
9 \$100,000. And how much insurance coverage does the
10 business have? Not that much.

11 You want to know why? Well, no, we're --
12 everybody here we love everybody though \$25,000 as
13 coverage is enough. Well, it's not. And when it's
14 pointed out to even a client that, you know, maybe you
15 should get more coverage than this. No. In one case,
16 the person that was stealing was also the person in
17 charge of renewing the insurance every year.

18 So when you renew the policy with them and you
19 say, okay, well, here's the fidelity coverage in case
20 you have employee theft, you know, how -- is this
21 adequate coverage? Oh yeah. That's enough.

22 Well, they were the one that was dipping into it
23 with the idea they would never get caught. And it
24 doesn't start out that way they get in trouble
25 gambling and then they think, well, I'll just take 50

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1 bucks and I'll win it back and I'll pay the boss back.

2 And then that 50 is gone and now they got to buy
3 groceries. And one thing leads to another and it just
4 \$50, \$100, \$150 at a time. And after a period of X
5 number of months, or sometimes years, it adds up to
6 lots of money. So to say that you're only hurting that
7 person, that's not true.

8 You're hurting many people, not just and think
9 about the family when it finally -- when the law
10 finally knocks at the door and puts the cuffs on a
11 person and takes them to jail how does that affect
12 that family? And how does that affect the community
13 and all the friends that they have? We were -- we were
14 advised not, you know, not just by people from Indian
15 Gaming.

16 We were advised by people that sell these pull
17 tab machines and there was a -- there was a lobby out
18 there that's said this type of machine and this
19 electronic horse racing crap is a joke. It is going to
20 hurt people.

21 But for some reason, a majority of us did not
22 have the will to stand up. And when you know what's
23 wrong -- and I'll bet as I'm talking right now, 90
24 percent of us in this room know somebody that got into
25 trouble this way.

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1 And they weren't kids, probably they were adults
2 that should know better. And I could tell some stories
3 about kids getting loose and wild with a credit card
4 and gambling too, but I don't need to do that. Mr.
5 Chairman, we -- we have a real problem here. We have a
6 real problem. We need to do some backtracking; we need
7 to limit these crazy pull tab machines.

8 One of the people in my office this last weekend
9 getting together with a group and they, you know,
10 pooled their money and were playing pull tabs. And --
11 and when they wanted to get out, the others are like,
12 oh no, come on you can't do that. We got to keep it
13 rolling, we're winning. Well, not me I'm not putting
14 any more money in and I want out.

15 And the next time it rolled was gone. That's what
16 happens people they can't stop. Addiction. Addiction.
17 So you will never catch me voting in favor of
18 gambling. My son is opening a craft brewery in Devils
19 Lake. He's not going to have pull tab machines in
20 there. He's not going to have any kind of machine in
21 there that -- that people can lose money on.

22 If they want to put quarters in a shuffle board
23 or a -- or a pool table, I'm all for that and so is
24 he. If they want to pay mon- -- a little bit of money
25 to throw an axe, knock yourself out, but he's not fans

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1 of gambling. And there's a damn good reason why we see
2 it happening too often. I'm all done now.

3 CHAIRMAN WARDNER: Thank you.

4 CHAIRMAN FOX: M- -- Mr. Chairman, can I, uh --

5 CHAIRMAN WARDNER: Yes.

6 CHAIRMAN FOX: Really great points that were
7 raised. And if I could add in a little bit what the
8 Senator Oehlke has -- has talked about.

9 Um, especially the history, what he just talked
10 about in North Dakota and I had the privilege of being
11 involved with Indian Gaming since the beginning of the
12 compacts and the North Dakota in the Game Association
13 and the first chairman, the Great Plains in the Game
14 Association and the first chairman.

15 Kurt Luger, a director, etc. We worked on a
16 number of initiatives at that time, uh, measure two,
17 measure five, statewide measures that went out, that
18 the people voted and said, we're going to limit get
19 aiming, we're going to turn down expansion. And you
20 remember these things and as do many of you around the
21 table.

22 In those days, uh, gaming, even for tribes, like
23 I said earlier, the United States government was never
24 willing to put the capital and the dollars behind true
25 economic development.

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1 All the United States in their infinite wisdom
2 decided to do was to say we'll open up gaming then to
3 tribes in 1988, knowing that we had some sovereign
4 authority to conduct them anyway. They brought the
5 state in, say get a compact. Let -- let the -- let the
6 gamblers -- let the gaming people help fund the
7 tribes.

8 And now they won't be coming to the federal
9 government to try to get economic development. And
10 that was the whole reason of doing that. And they --
11 they allowed the state to come in on that. So what I'm
12 talking to right now is that North Dakota has changed
13 a lot of the mentality.

14 This is one of the times that I feared the most
15 going back to the 90s, because those votes were taken
16 and the people and -- that used to be [inaudible] was
17 a -- a strong factor behind that the non-expansionist
18 of gaming was very strong.

19 And there was a good following into that. And
20 then you had, believe it or not, and some of you who
21 are younger may not believe this, the charities who
22 said, don't expand gaming. Because if you expand state
23 sponsored gaming and open up commercial gaming in the
24 state, we won't make any money at the charities and
25 they were content with where they're at. You had an

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1 alliance of three entities coming together.

2 You had the charities, you had tribes and you had
3 the non-expansionist in the state who said, we don't
4 want gaming to explode. We don't want to become
5 Nevada. We want to be -- North Dakota to remain North
6 Dakota. And if there's going to be gaming, it'll be on
7 Indian reservations where they need the money and it's
8 not going to be out in Bismarck or anywhere else.

9 With the three entities involved twice, we
10 defeated measures and we kept it where it was. But
11 I'll tell you what, my biggest fear I had all that
12 time, even during that time is what if North Dakota
13 ever changes?

14 What if their attitude towards gaming changes?
15 And with the advent of internet, I believe that's what
16 really has opened the door, exposure to gaming on many
17 different levels the ability to get on a [inaudible]
18 flight for less than \$100 and fly to Vegas and turn
19 around for less than \$100 back.

20 All these things have combined for the perfect
21 storm for more acceptability of gaming explosion. So
22 that day has arrived and -- and there is more
23 expansion of gaming. The only really thing is how can
24 we control the flood? How can -- how can we minimize
25 that for a number of purposes? And we're hoping that

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1 the tribes will be one of those.

2 Now there's two other really important points he
3 -- that Senator, okay, uh, touched on addiction and
4 theft. Addiction and we -- we see it and we recognize
5 that problem, we funded programs in the past.

6 You know, Luther and social services beginning
7 others we would give revenue [ph]. We didn't put as
8 much of the other tribes because they were stationed
9 in Bismarck and 80 percent of what they did for other
10 -- for the tribes were at Standing Rock.

11 So the other tribes kind of said, well, we're
12 helping to fund this equally, but all their services
13 are going towards just an addiction in just one
14 locale. So we kind of backed off a little bit of that,
15 but we've always been willing to address that problem
16 we do it on our own level. Theft. You mentioned about
17 theft. You know, it isn't just gaming.

18 It can be anything in which a large is
19 circulating around and there's a lot of temptation.
20 Theft can occur. But I'll tell you where your thefts
21 going to occur more often than not. Under Indian
22 gaming, we have what's called a federal mix, minimum
23 internal control standards. You have to have these in
24 place.

25 And you -- if you do not, you do not operate.

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1 There's a national Indian gaming commission that
2 requires this amongst all other things that they have
3 to do as well. And it- -- it's called regulatory
4 control. I mentioned earlier, we are the most
5 regulated entity in a United States, six, seven
6 entities, regulators. We've got the state. We've got
7 BIA. We've got MIGC. We've got IRS. We got -- I can go
8 all down the line.

9 Uh, all these entities that have their hands over
10 Indian gaming say, show us your data, show us your
11 testing, show us the results, show us the reports, all
12 these things all the time. I'm not saying theft
13 doesn't occur, it does.

14 No matter how much mix you put into place, you're
15 going to get some degree of that when that much
16 money's circulating and -- and it happens.

17 And -- and -- and to the senator's point as well,
18 you know, when we catch them the most, and we do catch
19 them? It's collusion. And an individual gets access,
20 and you're trying to -- to design your mix so that
21 individuals don't have sole access, but when they do,
22 that's how they get away the money. So you design your
23 mix and your controls so that there -- it would take
24 collusion.

25 You have oversight, one watching this one, this

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1 guy's watching this one, this one signs off on all
2 three of them. And somebody signs off on his. These
3 are minimum turns to control status. You don't have
4 those that -- like we have them at the tribal level.
5 When we catch somebody and they're stealing over here,
6 it's usually because there's two or three of them
7 together in collusion and somebody eventually gets mad
8 and says, I'm turning you in and h- -- here's what
9 they've been doing.

10 That's usually when we catch them and that
11 requires collusion. Otherwise they keep it secret.
12 It's hard to catch. And you've got the same problem
13 times 10. Because your minimum internal control
14 standards are not the same as ours.

15 There's another area in which you have, uh, a
16 really difficult time and that's federal compliance,
17 Title 31. Title 31 requires certain requirements it's
18 under what we call the Bank Secrecy Act, BCA -- BSA.

19 The Bank Secrecy Act requires certain things.
20 Bank Secrecy Act was created for two main reasons to
21 stop tax evasion and -- and laundering of money. We're
22 trying to stop and I know all these things I used to
23 be the gaming director for the tribe here. All right?

24 So you're trying to keep people from -- drug
25 people from coming in with \$50,000, they just sold in

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1 drugs locally to come in and wash their money by
2 playing a game, printed out a -- a receipt now of a
3 sudden when they say -- and -- and if FBI investigates
4 them.

5 Where did you get all that money? Oh, I went to
6 the casino, I won it. I won on a table. I won on the
7 machine. That's how you wash your money. It's not
8 legitimized. They may have to pay taxes on that
9 eventually, but it's not coming from an illegal source
10 because they laundered it. They washed it. That goes
11 on all across the United States, in Las Vegas, in Four
12 Bears and, and Bismarck, North Dakota.

13 The problem you got is your controls can't catch
14 it as readily as we can. Your controls are not
15 required because why? IRS breathe down our back every
16 month and ask us for all these reports. All these
17 suspicious activity reports, they're called SARs. We
18 have to report those things every month. We don't
19 report them they come in and audit us. Why aren't you
20 reporting them?

21 You had to have somebody come in and cash more
22 than \$10,000 worth of -- of -- of -- of chips or
23 anything else you had to have. And then they start
24 breathing down our back.

25 The same thing in Las Vegas they got to answer

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1 to them as well. So you'll see the Las Vegas
2 regulations and the Nevada regulations set up for that
3 as well.

4 Uh, that's what we noticed in the comparison
5 between Indian gaming and -- and -- and charitable
6 gaming under the ETAB explosion you don't have the
7 regulatory structure. Now I know you passed more
8 money. I know you're beefing up the gaming division of
9 the AGS office, can they get to that level and be
10 federally compliant?

11 I don't know, but in the meantime, while they're
12 trying to work towards that, that's why you're going
13 to have this things going on as laundering of money,
14 theft going on, etc. And -- and -- and I had to share
15 that with you as well. [Inaudible].

16 CHAIRMAN WARDNER: So, uh, Representative
17 Pollert.

18 MR. POLLERT: Thank you, Ms. Chairman and I'm
19 sure I'll get phone calls after I say some of this
20 stuff, so be it. The cat's out of the bag with the
21 bars. I mean, we've got tab machines, I think what is
22 a limit 10, I think for this facility, something like
23 that. My concern is -- and I had a -- a great
24 opportunity this summer to take a bucket list ride
25 with my brother over 5,000 miles on the motorcycle.

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1 And there's some states where gas stations,
2 restaurants -- and I don't want to see North Dakota
3 that way. Now I'm not as far as Senator Oehlke is, but
4 I think we've got to stop somewhere here. And, um,
5 like I said, the cat's out of the bag. I just don't
6 want to see gas stations, restaurants having it.

7 And then we probably got a look at a different at
8 -- at a definition of what's considered a gas station,
9 because now if you go to other states they're selling
10 off -- well, we're -- they're selling off sale in
11 North Dakota as well so does that allow that too.

12 Um, there's got to be a point where we got to
13 slow this thing down a little bit. Now my phone will
14 start ringing, but that's the way I look at it. Um,
15 because I haven't -- I'm not a big [inaudible] and,
16 uh, but I do visit a casino every now and then, but I
17 enjoy that. But at the same time, we've got to have
18 some controls, if we're going to be in this game, then
19 w

20 e better be in the game and we better regulate.
21 If we're going to regulate, we better regulate because
22 right now we're not.

23 CHAIRMAN WARDNER: Right. The -- the one thing
24 I've heard today and is that we need to take a look at
25 some definitions and, uh, Representative Pollert and

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1 Chairman Fox have both brought that out.

2 And so, uh, we need to dig into this thing,
3 because what's happening I think is the tail is
4 wagging the dog in this particular situation. And, uh,
5 we got to, we got to charge. Representative Jones.

6 MR. JONES: Thank you Mr. Chairman. And thank you
7 Mr. Chairman. Um, the cat is out of the bag, but I
8 resent the fact that it was led out of the bag with a
9 bunch of misinformation and lies. I was on the
10 judiciary committee and they promised us that they
11 were not the same as a slot machine. They said that --
12 that it doesn't give you the adrenal rush because it's
13 not the same. It's just not an instant win.

14 You know, you have to -- anyway they lied to us.
15 Yes. Because in the testimony we had, uh, recently in
16 judiciary committee and then again, over at Turtle
17 Mountain, uh, the people are telling us they are slot
18 machines, period. The people that are addicted to
19 them, the people that are -- are most familiar with
20 them are saying it's a slot machine.

21 So I think the cat is out the bag, but as a
22 legislator, I want to go back and I want to address
23 this and put those sideboards on, make it so there's
24 only -- you know, when they -- when they sold them to
25 us, they were going to be a little laptop type thing

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1 that was going to be kept on to the counter. And they
2 would let people check them out from the counter, use
3 them.

4 Uh, we -- I didn't understand we were going to
5 have machines that looked ju- -- just like slot
6 machines coming into our state and the -- and the
7 Attorney General's office said, we've got thousands of
8 them right now they're waiting to be approved and
9 they're planning on bringing -- bringing them in and
10 doing exactly what you're talking about, putting them
11 all across North Dakota. And I -- I don't want to see
12 that.

13 And I was one of them that supported the idea and
14 I'm rethinking my position and saying, we need to go
15 in and say, okay, we're going to only allow five or
16 three machines in a legitimate bar. We're going to
17 have to get the definition.

18 We're going to have to work together because, uh,
19 these numbers are shocking when you're looking at
20 billions of dollars and the negative impact it's
21 having on the -- on the, uh, tribes and on the
22 citizens in North Dakota.

23 I think it's time that we go back in and I think
24 we absolutely were justified to do it. Because we have
25 the record in the judiciary committee the things that

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1 were said, and we can go back and say, this was a
2 false statement that we based our information on and
3 our decision to vote on this. And we're going to go
4 back and -- and trim the -- the thing back where it
5 should be.

6 CHAIRMAN WARDNER: Thank you. Anyone else have
7 any questions, comments on this issue? Okay. Thank
8 you. Uh, any, uh, any other issues?

9 I know that, uh, Representative Buffalo has some
10 individuals that would like to make comment, public
11 comment, and we welcome that. Um, if that's what would
12 be at this time, go ahead, Representative Buffalo.

13 MS. BUFFALO: Chair, um, chairman Wardner, I just
14 wanted to clarify there were individuals that, um,
15 were concerned with the new variant and live in Twin
16 Buttes and now in the country and Mandari, so those
17 are the individuals I believe that have called in and
18 primarily to discuss redistricting.

19 CHAIRMAN WARDNER: That's fine, uh, we understand
20 that and that's one of the things about technology.
21 People can participate, they don't have to be here
22 physically. So if -- if those individuals are, um,
23 available and I'm getting the thumbs up, um, I don't
24 know would you like to introduce the individual or,
25 uh, or -- or you- -- you're ready to go?

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1 Okay. I remember. Okay. Tell the individual and -
2 - and who's ever on, uh, would you state your name so
3 that we have it for the record?

4 MS. MONIZ: Can you hear me?

5 CHAIRMAN WARDNER: Uh, we can hear you loud and
6 clear.

7 MS. MONIZ: Okay. I just wanted to, um,
8 greetings, um, committee members. My name is Melanie
9 Moniz, um, I am currently with my mother Cheryl
10 Benson. Uh, we reside in Twin Buttes, which is
11 district four right here in the Fort Berthold
12 reservation.

13 Um, I did want to open the floor and, um, as --
14 as you know, I'm calling in so I cannot see if there's
15 other, uh, community members on the call and if
16 there's any, uh, elders, um, I would gladly await, um,
17 for them to have the opportunity to speak before I.

18 CHAIRMAN WARDNER: No. I think you, uh, the floor
19 is yours, go ahead.

20 MS. MONIZ: Okay. Well, first of all, thank you
21 very much for giving us the opportunity to call in
22 today. Um, as I stated, my mother is an elder and, uh,
23 you know, we have, um, some family that, um, does have
24 some immune- -- uh, is immunocompromised. So we were a
25 little, um, apprehensive about coming in today.

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1 Um, but did want to share some of our concerns
2 and just, you know, be heard and -- and maybe -- maybe
3 hear back from you all on what you are working on. Um,
4 before we kind of get in, I would like to, um, let you
5 all know that we are in support of the sub-districts
6 when it comes to redistricting.

7 Um, as an individual who has worked on many
8 efforts with -- in political organizing and community
9 organizing, um, it's often a barrier to come to the
10 table with indigenous issues, um, and -- and get to
11 the work.

12 Because so many times we are stuck educating on
13 the issue, um, you know, creating space for important
14 conversations, meaningful, um, discourse, you know,
15 and I've worked on many efforts on both sides of the
16 table with various leaders, um, elected officials on
17 local and state, state, um, levels.

18 And so I'd just like to communicate to you all as
19 an individual who does work within the realm, it is --
20 representation is so important.

21 Um, and so that being said, I would like to just
22 state my support for sub-districts, um, and just
23 encourage you all to please, um, make sure indigenous
24 choices are at the table and that we are all equally
25 represented.

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1 It will help so much to build a stronger North
2 Dakota for all of us.

3 CHAIRMAN WARDNER: Okay. Thank you.

4 MS. MONIZ: Um, another --

5 CHAIRMAN WARDNER: Oh, I'm sorry.

6 MS. MONIZ: Yes. Absolutely.

7 CHAIRMAN WARDNER: Go ahead. Go ahead.

8 MS. MONIZ: No. I have -- I did have another, uh,
9 question more so, um, is -- I would like to discuss
10 today, um, since -- since, um, since May of 2021, uh,
11 in the discovery of the 215, um, children found in
12 unmarked graves in Canada, there has been the
13 discovery, um, and this is something -- let me just
14 first state that this is something we've always known
15 about as indigenous people.

16 Um, this is not new to us, but with this
17 discovery came, you know, a lot of -- a lot of, um,
18 reopening of the wounds. And so since then, you know,
19 so many more have been discovered, so many more
20 unmarked graves have been discovered both, uh, in,
21 across the border in Canada, but also here in the
22 United States.

23 And I just wanted to bring this to the table, you
24 know, and I just share with you all a few of the
25 numbers.

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1 As of right now, since, um, as of August 24th,
2 there's currently been a discovery of 1,172, uh,
3 graves of -- of children in the United States. That's
4 189 in Carlisle, 50 in Rapid City, South Dakota, 103
5 in Pasco, Kansas, 227 in Mount Pleasant, Michigan, 21
6 grand junction, Colorado 200 Carson City, Nevada, 222
7 Chemawa, Oregon, 12 in Bernalillo County, New Mexico,
8 69 Kay County, Oklahoma, 1 Nez Perce County, Idaho, 66
9 in Riverside County, California, 12 Panguitch, uh,
10 Utah.

11 And these are various boarding schools throughout
12 -- throughout the United States. And the searching is
13 -- is continuing. Um, and I'm just really, you know,
14 want to share with you all the need, um, and hope that
15 this is already a discussion that you're already
16 having. As I'm aware, um, the board of United Tribes
17 as is discussing this and working on this issue as
18 well.

19 Um, and so I did want to bring this to the table
20 and ask what are -- what is North Dakota doing to
21 address this -- this need to -- to search and -- and -
22 - and locate if there's children in unmarked graves in
23 our state?

24 Uh, what's being done to ensure that at the
25 remains of our -- our ancestors are being brought back

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1 to their -- to their tribal nations, to their people?

2 And what are -- what's North Dakota doing to
3 address the trauma, the intergenerational trauma that
4 is prevalent in so many indigenous communities today?

5 Um, and so that, that's really my question. Again, I'd
6 just like to -- to end with saying thank you all for
7 the work that you do. Um, thank you for allowing me
8 the opportunity to share with you my concerns and my
9 support.

10 I am, again, going to state, I -- I do support
11 the, um, sub-districts and would just again, like to
12 ask what is being done on a state level to address
13 these, uh, the investigations into the schools
14 returning remains to -- to, um, to their people and
15 addressing the need for healing? That's all I have for
16 you today.

17 CHAIRMAN WARDNER: Uh, yeah. Before you leave is
18 there anyone on our committee would have a question
19 and then would you repeat your name again for the
20 record? So, uh, you said it quite quickly and I -- we
21 just need to make sure we have it.

22 MS. MONIZ: Sure. And I apologize for speaking so
23 quickly. I just don't want to take up too much of your
24 time. I know you've all been very busy today. Um, my
25 name is Melanie Moniz. That's M-e-l-a-n-i-e. My last

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1 name is Moniz, M-o-n-i-z. I am a resident of district
2 four [inaudible].

3 CHAIRMAN WARDNER: Thank you. We appreciate that.
4 Uh, does anyone have any questions? Well, thank you,
5 Melanie. We, uh, we do appreciate you calling in and,
6 uh, giving testimony, that's what we're here for today
7 to listen. And we have --

8 MS. MONIZ: Wonderful.

9 CHAIRMAN WARDNER: And we have -- and I would
10 like to -- on the comment on talking about, uh,
11 children from boarding schools and stuff and -- and,
12 uh, knowing what's happened to them.

13 Uh, he's asked to speak, but I'm going to have
14 him, uh, to tell what -- what the state historical,
15 uh, has talked to, uh, Representative Boschee. And
16 this came up -- up at our meeting up at Turtle
17 Mountain.

18 And so we are, uh, looking at records -- or
19 records are open to help, uh, find solutions to these
20 individuals that have been, uh, forgotten, so to
21 speak. Representative Boschee.

22 MR. BOSCHEE: Thank you, Mr. Chairman and members
23 of the committee and Melanie. At our meeting up in
24 Turtle Mountain, uh, this issue is raised by, uh,
25 Chairman Azure, who, as I understand, I don't -- he's

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1 on the board of United Tribes Technical College, but
2 also I think has an appointment in another entity
3 related boarding schools and the recovery and -- and
4 healing associated with that.

5 But he brought up this issue and, uh, the one
6 issue that was brought up by his -- the attorney for
7 the tribe was, you know, access to records to make
8 sure that there can be reconciling of when there are
9 unmarked graves, uh, and so forth. And so what was
10 shared at that meeting was that Fort Totten, which
11 this committee will be visiting that area tomorrow.

12 Um, but Fort Totten, uh, was the only -- if I
13 understand correctly, federally, um, run boarding
14 school in the state. Uh, the other boarding schools
15 were generally through the different religious
16 organizations.

17 But so we connected with the State Historical
18 Society who is, uh, offering to help in any way that
19 they can, for anyone that is looking for information.

20 The limitation they have is that they don't
21 actually have the records. They have the history of
22 the building and the facility, but they are willing to
23 help make connections. And I think it's out of
24 Oklahoma, um, there's a federal depository through the
25 national archives that they believe would have any

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1 form of records of, uh, people who lived there or
2 brought there, um, whether or not they died or lived
3 or whatnot.

4 So we did introduce the conversation, the State
5 Historical Society, and the director there Bill
6 Peterson has indicated that he's willing -- him and
7 his staff are on standby to help as best they can to
8 work through this. And then they are looking to the
9 committee if there's additional requests that we have.

10 CHAIRMAN WARDNER: Uh, Representative Buffalo.

11 MR. BUFFALO: Thank you. Um, chairman Wardner and
12 members of the committee. Um, just to kind of clarify
13 things, um, I am the newly appointed president --
14 board president for the National Native-American
15 Boarding School Healing Coalition so I think there
16 might be some confusion with, um, Representative
17 Boschee's comments.

18 Also to clarify, there is, um, a repository in
19 Kansas City, um, where a lot of records from the
20 Dakotas is located. So thank you.

21 CHAIRMAN WARDNER: So those are some things that,
22 uh, we're learning as we're doing these, uh, visits to
23 the different tribal nations and, uh, talking with
24 them. Uh, it's an issue that has now been brought up
25 at, uh, two out of two meetings.

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1 So anybody else have any comment question? If
2 not, uh, thank you, Melanie. Uh, do we have someone
3 else that -- we have two more? All right. Our next,
4 uh, guest state your name and, uh, you may begin.

5 MS. BIRD BEAR: Hello.

6 CHAIRMAN WARDNER: We hear you?

7 MS. BIRD BEAR: Hi, good afternoon. My name is
8 Joletta Bird Bear. I live in District 4. I am a tribal
9 member, uh, Mandan and Hidatsa of the three affiliated
10 tribes. I want to thank you for this opportunity to
11 speak to the legislative committee and the state and
12 tribal relations committee. I am, uh, speaking on the
13 need, uh, for the redistricting, um, based on the
14 census.

15 And also based on the inclusion of the native
16 votes in North Dakota to, uh, have a -- have a impact
17 -- a positive act on the functioning of the state of
18 North Dakota. I live in District 4 in rural Mandari,
19 and District 4 is very large territory within North
20 Dakota and, uh, repeatedly because of the districting
21 -- current districting, our voices, uh, are lost in
22 that voting process.

23 Uh, tribal members have a strong, uh, strong, I
24 think, uh, commitment to democracy -- a democratic
25 government. In fact, uh, founders of the concept of

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1 democracy started within indigenous people and were
2 adopted into the constitution of the United States. So
3 we're very aware of our place within the decision
4 making process.

5 So as a voter of, uh, who participates not only
6 in tribal elections held here on Fort Berthold, but
7 who -- who is always voting in, uh, state held
8 elections, which also are, uh, con- -- contained the
9 federal election I believe that it's important to
10 vote. You know, I believe in a participer- --
11 participatory, uh, form of government.

12 Now, redistricting is so critical for North
13 Dakota, and I'm glad that, um, you are allowing people
14 to, uh, voice their -- bring their recommendations to
15 your committee. I want our, you know, I want my vote
16 to count in North Dakota and it is being diluted just
17 based on the districting.

18 Um, the size of the district, my vote is lost. My
19 vote is just consumed in -- in that. I would rather
20 vote in a district that where I can vote for a member
21 of my tribe from my community to carry my concerns to
22 the state legislative, um, process.

23 And that would happen if we had a district, uh,
24 representation of native voters. And maybe that is
25 that sub-district concept, as long as the legislative

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1 includes additional legislative, um, state senators
2 and state representatives to represent those, uh,
3 North Dakota indigenous voters from those districts or
4 those sub-districts. Um, the other -- the other matter
5 is that population is growing here on Fort Berthold.

6 And I'm aware that in North Dakota, uh, the
7 population, uh, in some areas, mostly declines, but in
8 our area, the population is growing and it will
9 continue to grow. And primarily the reason is
10 connected to the land.

11 Please understand as where you're sitting right
12 now, um, on Berthold, uh, the land is trust land and
13 originally this land was a portion of at least 3
14 million acres, when a treaty was entered into called
15 the Fort Laramie Treaty.

16 Uh, but prior even to that, I'm sure it was a
17 bigger base, but treaties, um, treaties defined. So
18 from 3 million, we are now down to 1 million acres on
19 the Fort Berthold Indian Reservation.

20 And of that 1 million more than half of it is fee
21 patent acres, which are, um, I'm not sure, but I would
22 think they would be still under the tribal
23 jurisdiction since they're within the Fort Berthold
24 Indian Reservation, but I believe they are within the
25 state jurisdiction.

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1 The other 480 some acres of that, I would say
2 400,000 acres are owned by individual Mandan, Hidatsa
3 and Arikara people such as myself. So we are voters
4 and we are the majority trust land owners of Fort
5 Berthold please, understand that.

6 The tribal government, which I have a vested
7 right to -- to have my concerns addressed on land,
8 because you know that I'm a tribal member and tribal
9 land I have a vested interest in that also.

10 But the tribal government's lands are the
11 minority of all trust property here on Fort Berthold.
12 So our vote matters and -- and that's why the
13 population will always continue growing here because
14 people will come back to their lands even if they've
15 lived a lifetime away, they will come back.

16 Um, the other, uh, thing I wanted to state that
17 is in 2018, um, we here on Fort Berthold we lost --
18 the Fort Berthold voters of, uh, the Mandan Hidatsa
19 and Arikara we lost two, uh, North Dakota county
20 precincts.

21 One is -- was the Four Bears voting precinct. And
22 the other was the -- called North Fox voting precinct
23 of rural Mandari. Now, when those precincts were
24 closed, that resulted in people from the Four Bears,
25 uh, voting community, which you're sitting in, you're

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1 sitting in the Four Bears community they traveled down
2 to Mandari to cast their vote.

3 They left their community to come down here. And
4 that was [inaudible], that was anywhere from could be
5 maybe 70 miles roundtrip to cast their vote. I, on the
6 other hand, I live in Mandari, rural Mandari; my
7 precinct, the North Fox precinct was closed so I
8 traveled 120 miles to Manning, North Dakota, which is
9 the county seat for Dunn County.

10 And that is where I voted. And those two
11 particular -- well, during that time tribal members
12 did that because they wanted to make sure their ballot
13 was counted. And at that time, the USPS was under this
14 policy of slow down mail ballots, or slow down the
15 mail. So people did venture at those great distances
16 to vote.

17 That is unequal treatment, it's clearly unequal
18 treatment, uh, for, um, requiring a voter to -- to do
19 that, to go outside of their community at great
20 lengths to cast their vote. So I am asking for your
21 support and your action to restore those two county
22 precincts. One is from McKenzie County and the other
23 is the Dunn County -- from Dunn County.

24 Please understand that the North Fox voting
25 precinct historically has, uh, carried huge, um, high

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1 voter turnout. Higher than some other communities that
2 are still supported and still operational. So that
3 needs to be addressed, um, we want greater voter
4 turnout in elections that's what this democratic
5 government is based upon.

6 And we will have that when our precincts are
7 returned to us and we don't have to expand, uh, funds
8 to take ourselves, uh, two -- maybe two communities
9 away to vote, in my case. Um, let's see. I think that,
10 uh, I do support the -- the redistricting, if it is
11 considered sub-districting, as long as those districts
12 also have the same equal representation in a Senate
13 and a representative.

14 Um, that's what -- that's where it will matter.
15 Um, Fort Berthold Indian Reservation is divided by six
16 North Dakota counties. And so our -- all of our, uh,
17 votes are diluted within those six counties at those,
18 uh, county offices.

19 So that is something to -- to be aware of and to
20 know that that is, uh, what impacts us here as we
21 vote. And we will -- we will continue to vote.

22 CHAIRMAN WARDNER: Well, thank you. And, uh, the
23 one thing I would say when it comes to precincts and
24 places to vote, that's not just an issue that people
25 are complaining about on the reservation. It's off the

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1 reservation.

2 I'm not sure in your case and Chairman Fox, I'd
3 like you to make some comments on that. Is it the
4 county that decides that? I know that, you know, Dunn
5 County has been a Mail-in county, uh, and there were
6 20 -- well, I was told there were 33 counties that
7 were Mail-in counties before the pandemic.

8 And, uh, one of the issues, uh, well, first of
9 all, I don't know if it was tribal or a county when
10 it's on the reservation. And the other thing is, I
11 talked to Terry Traynor of the Association of
12 Counties. I said, how come we don't have more?

13 He says, we're having a hard time finding poll
14 workers. And so that's one of the issues. And so we're
15 going to have to take a look at that one. And so, uh,
16 uh, Joletta, it is -- it's -- it's, uh, it's uh --

17 MS. JOLETTA: Can I -- yes. Can I say something?

18 CHAIRMAN WARDNER: Sure. Just a second of, uh, it
19 it's a statewide issue it's not just, uh, something
20 that has to do with tribal. Go ahead.

21 MS. JOLETTA: Yeah. Well, the reason it is
22 important and it is related to districting is the --
23 the whole, uh, issue is representation. That's what it
24 boils down to your vote. It should matter.

25 It should matter when you vote, your vote should

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1 count. So the -- the -- the thing of mail-in voting;
2 North Fox has always been a place to vote that's where
3 my family voted that's where I vote.

4 Uh, it's -- and when, in fact, when it was
5 changed over to this mail-in vote, we weren't even
6 notified by mail. There was such a up with 911
7 addressing that we did not receive written
8 notification. I didn't, and I know others didn't who
9 get their mail by a post office box. Okay.

10 So it w- -- it was, uh, a rough time for
11 democracy here when we found out later our -- our
12 precinct's closed, we're going to -- you're going to
13 have to go to Manning or over to Twin Buttes. Well,
14 Manning is the county seat. And the reason I asked in
15 Manning prior to going to voting at a different time,
16 I asked what was the reason? Why did -- why did you
17 close North Fox? Well, it was to save money. Save
18 money for who?

19 CHAIRMAN WARDNER: Well, we hear you and it's,
20 uh, I appreciate you bringing it up. And I -- I just
21 want to make a comment to one of the things you said
22 about being represented in Bismarck.

23 And this is a little attaboy for your, uh,
24 chairman and your councilmembers. They have been down
25 there representing you the last four or five sessions.

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1 Believe me, you are represented cause they're
2 there making a difference they're talking to people.
3 So you can be proud of your -- and that's not
4 answering your -- what your concern is but I just
5 wanted you to know that, uh, the council and the
6 chairman from MHA have been very active in the North
7 Dakota legislature. So your voice is being heard out
8 there.

9 MS. JOLETTA: Thank you. And I do want to add one
10 more note and that is for this community to please
11 understand that, you know, although my tribe is down
12 in -- in, uh, before the legislator, legislators in
13 North Dakota, the -- the votes are cast by individual
14 tribal members. We are the ones that vote. We are the
15 voters. Please understand that.

16 CHAIRMAN WARDNER: I understand what you're
17 saying. I'm just telling you that, uh, you have
18 elected good people here at MHA Nation to represent
19 you, uh, in all that they do. Chairman Fox, right
20 comments. Oh, I'm sorry, finish your comment and then
21 I'll --

22 MS. JOLETTA: And yeah. And that's true, but what
23 we're talking about is the right of individual voters.

24 CHAIRMAN WARDNER: Right?

25 MS. JOLETTA: The right of individuals, not of a

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1 tribe, but of individuals. That's what this committee
2 has come to Fort Berthold to talk of out. And so
3 you're hearing from an individual voter. Thank you.

4 CHAIRMAN WARDNER: Right. You're welcome.

5 MS. MONIZ: With all due respect. Uh, if I may
6 just jump in, I was -- I'm still on the call. This is
7 Melanie Moniz. Um, I just would like to politely
8 address, um, a need for some understanding of cultural
9 competency. Um, you know, we all come from different
10 walks of life and have different, uh, different ways
11 of communicating.

12 And, um, as I sat and listened to my elder, uh,
13 addressed her concerns, I -- I did take note that she
14 was interrupted a -- a few times.

15 Um, and I would just like to -- to bring that to
16 the table is that, you know, um, those are things we
17 don't do when our elders are speaking. Um, those are
18 traditional -- traditional values of the MHA Nation.
19 And I'd just like to politely, uh, bring that to your
20 -- to your awareness. But with that, I will hop off
21 the call.

22 CHAIRMAN WARDNER: Okay. Chairman Fox.

23 CHAIRMAN FOX: Now just to touch on a point that
24 Joletta brought up as well. Uh, it is a concern that I
25 heard that occurred previously that, uh, the polling

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1 places were limited and it had a dramatic effect. And
2 you know, whether it's a part of an overall, uh,
3 difficulty experience by the whole state or occurring
4 here, it was even more so dramatic here.

5 The -- the native vote it's -- it's very
6 difficult to get native people to vote in -- in state
7 elections to begin with. And -- and so oftentimes when
8 we make it even more difficult, if they say, well,
9 instead of going over here where you're used to going,
10 all of a sudden you've got to travel 120 miles
11 roundtrip.

12 It -- it has a really bad deterrence effect and -
13 - and -- and people are not wanting to vote. So I -- I
14 share the concern raised that, uh, we -- we have to
15 take some additional things into consideration and
16 make sure that the ability to vote is not hampered or,
17 you know, impeded by, uh, not having proper polling
18 places. We've -- we've tried our best to work through
19 the, uh, the residential address issue you as well.

20 We're done, you know, I will say this, uh, even
21 though those things were put into place and many felt
22 that even on a national level, that it was going to
23 dramatically dis- -- you know, diminish, uh, voter
24 participation by natives, uh, Fort Berthold, uh, in
25 those two chall- -- challenging situations, uh,

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1 actually by numbers came out and voted very high, uh,
2 kind of felt like they're being, you know, pushed out
3 and a lot of people actually went to the polls that
4 may not have otherwise. So I do want to say that --
5 that there was a good response to those conditions.

6 But we just want to make sure that we're not
7 being treated inequitably or things are not done, that
8 are dissuading our participation to vote. We want
9 people to vote this is America.

10 The United States Marine and I tell you, and you
11 know, that- -- that's what our democracy's all about.
12 Democracy is all about, is just getting people an
13 opportunity to say, this is my vote and that's what's
14 key. So --

15 CHAIRMAN WARDNER: Uh, Senator Heckaman.

16 MS. HECKAMAN: Thank you, Mr. Chairman. Um,
17 chairman Fox, this is just for my own information. Um,
18 I know that some of the, uh, native country has their
19 tribal elections the same time as the general -- the
20 state elections does, uh, MHA do that?

21 CHAIRMAN FOX: Half the time. Uh, sometimes it's
22 half it's -- it's in line with the state elections.
23 But, um, the other half, um, and so when the three
24 districts -- we have four and a three. Chairman and
25 three reps, and then we have three, so four, every --

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1 every four years, but staggered by two years.

2 So one group, the three will come during the --
3 the presidential and national elections so you'll see
4 a lot of turnout because of the president's running.
5 Then the other four are on the off two years. Uh, the
6 -- the secondary years is where the non-presidential
7 national election is. So yeah they are in line though
8 with the November elections typically.

9 MS. HECKAMAN: Okay. Thanks.

10 CHAIRMAN WARDNER: Okay. We have one more, uh,
11 individual that wants to testify online and if
12 they're, uh, ready, they may begin state your name.

13 MS. DEVILLE: Hello. My name is Lisa DeVille. I'm
14 going to give comment on the, um, the support for
15 redistricting subcommittees. So we indigenous people
16 need to be at the table when decisions are being made
17 about our lives. All right, also I'm -- I'm a resident
18 of the Mandari community here on Fort Berthold.

19 So mine is short/sweet. So, um, there should be
20 no more assuming that North Dakota knows what's best
21 for us indigenous people when our culture and our
22 tradition and our beliefs are different. So again, we
23 need to be at the table and we need fair
24 representation in North Dakota. And thank you for the
25 opportunity to speak to you.

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1 CHAIRMAN WARDNER: Thank you. Anyone have any
2 questions, comments, uh, for Ms. DeVille? If not,
3 thank you very much. Uh, okay. Senator Jones,
4 representative Jones. I'm sorry. I elevated you.

5 MS. JONES: Right.

6 CHAIRMAN WARDNER: Lisa, are you still online?

7 MS. DEVILLE: Yes. I'm here.

8 CHAIRMAN WARDNER: You know, I, uh, I take it
9 particularly to be an honor to serve District 4. And
10 I've read a lot of emails from you over the last few
11 years, and I've responded back to several.

12 And, uh, I can assure you that you have a seat at
13 the table because I represent District 4, whether
14 you're on the reservation or off the reservation.

15 And I've gotten in a lot of trouble because as I
16 leave my phone number, my cell number open to the
17 public so that you can find it so you can contact me
18 so that I can represent you and deal with your
19 concerns. And, uh, I take pride in doing that. And,
20 uh, I may not be native, uh, America, but I was born
21 in America and I love this country and I love North
22 Dakota. And I particularly love District 4. It's been
23 a good home for me.

24 And so I hope you'll take some comfort in knowing
25 that you have somebody at the table and you can ask

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1 the, uh, my fellow representatives, I do make a lot of
2 noise. Sometimes I'm right. Sometimes I'm wrong. But I
3 try to represent District 4 and all my constituents in
4 the best way that I can. And I hope that I can hear
5 more from you in the future.

6 And, uh, we'll have a lot of discussions and you,
7 and all the other constituents who might be out there
8 listening so that I can do a better -- better job of
9 serving you and, uh, helping to move the proper things
10 forward that we need to for -- for District 4. Okay.
11 Thank you. Okay. Chairman Fox, we're, uh, kind of
12 winding down unless there is, uh, just in case, was
13 there anybody else out there that wanted to --

14 I don't want to leave anybody that, uh, may have
15 been queued up and wanted to talk and I'm getting, uh,
16 no, there isn't anyone else. So I'm going to turn it
17 over to Chairman Fox to kind of wrap things up. And
18 then, uh, well, I, uh, make a couple -- make some
19 comments. I'm going to give the committee a chance to
20 make some comments, uh, after you are done, and then
21 you can --

22 CHAIRMAN FOX: I'll -- I'll do that, that sounds
23 good to me.

24 CHAIRMAN WARDNER: Me, um, I'll just wrap up our
25 side of things, so to speak and give time for

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1 committee members, uh, that may want to either ask or
2 -- a question or make a comment and I appreciate it
3 very much. Again, it was an honor to be able to host a
4 committee, thank you for coming to our homeland or a
5 country to our district.

6 And, um, we're very, very proud of what we've got
7 going on, but we've got a lot of needs. And I think
8 you're hearing in addition to the enumerated things
9 that we raised regarding taxes and other things, uh,
10 and gaming, uh, you also heard some other concerns.
11 There are always a significant number of concerns that
12 are out there that separate us or -- or -- or give us
13 contention, or we don't agree on.

14 But the good thing is though that our policy is
15 not a closed door policy, ours is an open door policy
16 to sit down government to government and to talk and -
17 - and figure out what we can do. May not always agree,
18 but the goal is to try to find some common consensus
19 and move things in the right direction. And, um,
20 that's why I appreciate this time and opportunity.

21 Everybody around the table we've got the
22 committee members, but we also have, uh, two house
23 members here as well, uh, that -- that joined us. And,
24 uh, I think it's been a good day and I think we got
25 some good information discussed, and I'm hoping that,

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1 uh, you know, it leads itself to -- to ways to address
2 the issues.

3 I'm -- I'm really optimistic that when you do
4 have the special sessions, that we might be able to
5 get some more critical issues quicker, and hopefully
6 resolve those instead of having to wait for another
7 year and a half before those possibilities come up.

8 So again, thank you for being here, uh, you know,
9 happy to -- anytime any of you want to come up, we're
10 happy to take you on a tour, go see a well pad. You
11 know, go see what we do. See -- see some of the things
12 that we're working on, some of the construction.

13 We have our grand opening in about two and a half
14 months on the new administration building make sure
15 you come to that as well. We've got other things that
16 are ongoing as well. Um, just always -- always feel,
17 you know, we're part of the state of North Dakota and
18 proudly so.

19 And I say that as, uh, you know, although we have
20 -- argue and we have our, you know, our jealousy that
21 goes on every two years and in between somewhat. You
22 know, I- -- I'm telling you as -- as, uh, then I was a
23 young man, I'm certainly not now.

24 But as a young man serving in the United States
25 government and -- and the Marine Corps, you know, and,

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1 uh, being deployed and I got a chance to Mr. Joseph
2 here have a little brief conversation during lunch
3 break about where I served and -- and he shared some
4 of his. Um, when I went out there though, uh, I -- I -
5 - I was -- I stood out in many ways and I took pride
6 in that. My father's a World War II veteran, my
7 brother oldest brother's a Vietnam veteran.

8 My father, and his two brothers, all three of
9 them, three brothers, all joined and became World War
10 II veterans in three different branches and served
11 during World War II as well. And so I had that pride
12 in me in -- in serving when I went out. And I wanted
13 to do for my motives, uh, a number of things in -- in
14 serving this country and -- and the service as well,
15 being the Marine.

16 Um, but when I was there and -- and if I -- if
17 and when I did stand out and they would -- Marines
18 from all over the United States would be serving
19 sometimes other countries. Because you can have
20 Marines from Puerto Rico and you can have Marines from
21 Guam and you can have and were served with them too.

22 And -- and I served overseas -- and there's the
23 two things that the commonalities that they wanted
24 when they asked questions, where are you?

25 Who are you? And where do you come from? And why

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1 do you do the things you do? And why are you the way
2 you are? And most of the time it was positive. Um, I
3 always told them well, I'm from North Dakota.

4 Of course I told them, um, Mandan, Hidatsa and
5 Arikara, I come from, uh, people and I would describe
6 that.

7 And many of them had not met natives before and
8 they wanted to know much about that. Korea was -- I
9 was one time share that with you some day when I got a
10 lot of time, but the South Koreans and Iraq Marines I
11 served with there and you wanting to just run up a
12 400-foot cliff just to touch a Native-American,
13 American-Indian was -- was -- was amazing to them.

14 Uh, but I always told -- I always told people how
15 proud I was, that where I come from was North Dakota
16 and well, what's that about? I said, well, as you all
17 know, it gets very cold there, but it's also where we
18 work very hard.

19 You know, we hunt, we fish, we enjoy the
20 outdoors, we're really as strong people, all North
21 Dakota people, we're not afraid of work.

22 Get up before the sun and -- and work until the
23 sun goes down if that's what we have to do. Whether
24 it's farming, ranching, anything that needs to be
25 done. Took a lot of in that when I was there. Took a

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1 lot of pride in that, not just in the Marine Corps.

2 I tease John here, I used to go up and work out a
3 popular area there and -- and I used to work for a guy
4 up there in farming. I took a summer, went up there to
5 go help out on a ranch and farm up there.

6 And he said, you know what he said to me? He
7 said, I don't know what the hell it is about you North
8 Dakota guys, but you can guys can work your asses off?
9 He said, whenever somebody from North Dakota comes my
10 way, I hire them.

11 He said, I don't know, what's wrong with these
12 guys around here. I can't get them to work. You know.
13 And -- and -- and he -- he -- he represented, and I
14 was proud when he was telling me that. He said, you
15 guys really know how to work. And when I went out, I -
16 - I -- I explained that to him.

17 And we're fair minded. We're good people. We're
18 tolerant people. You know, I've been to other states.
19 I- -- I've been in Mississippi. I- -- I've been in the
20 Southern st- -- States. I've been in -- I was
21 stationed in North Carolina for a while.

22 I saw a stark contrast between, you know, white
23 and black. And there wasn't a lot of room for somebody
24 that was brown in understanding sometimes. And -- and
25 -- and not knowing things, but I've been to other

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1 countries.

2 I've been treated, you know, certain ways by
3 Japanese, different from Koreans. Going on Filipinos
4 and things of nature. So being able to experience
5 that, but I've always been so proud of our state and
6 this is way before being in the trenches and -- and
7 the things that we have to work on and stuff. And I
8 still am proud. And -- and -- and -- and we all can
9 realize that we are -- we are the same in many ways,
10 but we're also different.

11 And -- and what we have to do is recognize those
12 differences. Those differences should be understood
13 and should bind -- bind us to learn more about each
14 other.

15 As much as I want you to learn about the Mandan,
16 Hidatsa and Arikara and walk through this Interpretive
17 Center, many of our own people need to learn more
18 about you too, and how you came to North Dakota and --
19 and how that evolution occurred.

20 But everybody needs to get a better understanding
21 of that. We're talking about books during the new --
22 during the -- what good books could I read about the
23 tribes in North Dakota?

24 And there are some good books out there, Mary-
25 Jane Schneiders and others that have written things. I

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1 mean, one of the books that I think you should read is
2 -- is called Guns, Germs, And Steel. And if you
3 haven't read that it's by Jared Diamond, he won to
4 Pulitzer prize for it.

5 And he talks about how the true history of the
6 world developed and where we stand today when
7 civilization began and what happened and why Europeans
8 are different from the indigenous population in North
9 America. Not because one was more superior than other,
10 but because there's other factors that led to it.

11 The axis of north and south versus east and west.
12 The climate zones, uh, the domestication of plants and
13 animals, I can go on and on.

14 When I read that it opened up my eyes and I --
15 and I tell every non-Indian and every Indian read that
16 book, if you think you know about civilization and
17 where you're at today, read this book. And it opened
18 up your eyes to -- to where we're at and why things
19 occurred.

20 CHAIRMAN FOX: Um, again, thank you for coming
21 here. Thank you for -- for -- for sharing with us,
22 we'll have more opportunities to do this I'm sure in
23 the future.

24 And we got -- we're proud of what we've done so
25 far, but we need your help. Law enforcement, drug

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1 addiction, treatment, um, energy development,
2 protecting our environment while we're doing it, all
3 these things we need to work together on.

4 And even if we disagree, we can find -- we can
5 find ways to do it. And, um, like I told you, during
6 my travel state relations, uh, speech, you know,
7 you're -- you're looking at, and that might work to my
8 disfavor, my arguments, but you're looking at a
9 combination of an Indian and non-Indian world.

10 You know, I am just as proud. And -- and
11 sometimes like -- like my Senator Oehlke says, I might
12 get lot of phone calls and representative Pollert
13 says, Chet says about, I might get more phone calls
14 and I do.

15 But here's the reality is, is I'm just as proud
16 of my mother's people as I am my father's. My father
17 is a full-blooded member of this tribe. My mother was
18 not. But I- -- I- -- I'm no less proud of that. I have
19 a lot of relatives up there in the [inaudible] and
20 Jones.

21 And those are my relative [inaudible] are -- are
22 -- are close relatives of mine. And -- and -- and
23 through my mother's side ranching and things of that
24 nature. So I just wanted to share that with you.

25 And -- and -- and if I can show that, uh, by my

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1 sitting in front of you, that two worlds can come
2 together and -- and get something done, uh, then, uh,
3 I'm an example of that myself too. So I appreciate you
4 being here.

5 CHAIRMAN WARDNER: Well, thank you. I want to
6 start with you, uh, Representative Jones, any final
7 comments?

8 MR. JONES: I just appreciate everybody coming to
9 District 4. This is nice -- and this is a good -- I
10 mean, I might butt heads pretty hard with, uh, people
11 with different opinions, but I hope at the end of the
12 day, we come up with some really good stuff.

13 And I think we were well served by being here.
14 I've learned a bunch of things, and I look forward to
15 following through, and trying to get the solutions
16 that we need for the good of -- of everybody that's
17 involved. And so thank you for coming to District 4.

18 CHAIRMAN WARDNER: Representative Boschee.

19 MR. BOSCHEE: Thank you. Mr. Chairman. Uh,
20 Chairman Fox and fellow councilmembers just thank you
21 for your hospitality. It's always a joy to get back up
22 here growing up in Minot. And so get -- you know, I
23 share with folks, it wasn't until I ran around the
24 state in 2018, that I never realized how close MHA is
25 to Minot because we didn't come down here as people

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1 from Minot. Uh, and your -- your folks came up to us
2 all the time.

3 CHAIRMAN WARDNER: Oh yeah.

4 MR. BOSCHÉE: Um, so, uh, it's great to -- to be
5 here again and beautiful to see all the work that
6 you're doing and look forward to continue to partner
7 with you.

8 CHAIRMAN WARDNER: Many of us were born in Minot.

9 MR. BOSCHÉE: Yeah.

10 CHAIRMAN WARDNER: Some of us grew up there. My
11 first six years, Roosevelt School in Minot went for a
12 couple months before my dad dad built the church, got
13 Indian mission and moved us into a low rent project in
14 [inaudible] and that's where way we went. And, uh, I
15 grew up there in that area. So, but mine is -- mine,
16 you know, back in the day -- I know not to
17 [inaudible].

18 I know we got to go on table, but back in the
19 day, if you got to go to Minor about once every three
20 or four months, you really got to go somewhere cool.
21 Right? When we were kids and got in the car and got to
22 go to Minot, you know, McDonald's, the zoo.

23 Today, if you don't go to Minot four times a
24 week, you- -- you're below average. You know, we go to
25 Minot every day, jumping on cars or Waterford City or

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1 wherever it's every day I just want to share that with
2 you. So Senator Heckaman.

3 MS. HECKAMAN: Well, thank you, Mr. Chairman. And
4 thank you, Chairman Fox and your council for hosting
5 us today in this beautiful country.

6 Um, I'm going to bear my soul today and tell you
7 that I've had some tough times in my life and before I
8 met my husband now I had two little boys. and in '76,
9 I loaded up my two little boys having a tough time
10 that summer came out and camped over here in the park,
11 looking out towards the river and we spent two days
12 there and two nights there.

13 And it really cleared my head and made me
14 understand that I made the right decision in my life.
15 So I just wanted to let you know that it's a -- a good
16 place to come and to meditate out here.

17 CHAIRMAN WARDNER: Welcome back.

18 MS. HECKAMAN: Yeah. Um, but I do have a question
19 for you. Do you have one of your council people that
20 has a portfolio in education? Or who can I contact out
21 here? I'm looking to figure out how to serve our non-
22 beneficiary or the students that don't meet blood
23 quantum on reservation schools, who pays for those?
24 That's what I'm looking to find out.

25 CHAIRMAN WARDNER: If -- if -- if, but they --

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1 like our members of, uh, a native family, but they're
2 not enrolled. Is that what you're saying?

3 MS. HECKAMAN: So let's say that you have, um, a
4 native husband and wife or man, and woman, and one of
5 them doesn't have, for example, like your mom. So now
6 as you go down in generations and the -- one of them
7 doesn't have, um, meet the qualifications and that
8 dilutes that down further, um, who pays for the
9 education of those students out here? I want to visit
10 with somebody [inaudible].

11 CHAIRMAN WARDNER: In -- in our -- in our
12 settings here at Fort Berthold, we still do.

13 MS. HECKAMAN: You still do.

14 CHAIRMAN WARDNER: Even if they're not enrolled.
15 Usually that eighth -- eighth requirement that we
16 have, uh, we do have what we call distribution direct
17 benefits. But most of what we do, uh, Sherry can speak
18 to that as can any council rep all our services that
19 we provide either through the segment for the tribe on
20 a -- on a larger scale, uh, at schools, uh, services,
21 the pandemics, big proof of that. Yeah. Emergency
22 distributions, vaccines.

23 We've vaccinated more non-Indian, and non-tribal
24 members than we did tribal members. And -- and so our
25 -- our point I'm raising with you is it's still, as

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1 you -- you saw many years ago, this is still community
2 based. And so all our services nearly, almost, I won't
3 say a hundred percent of the time, but 90 percent of
4 the time or more is expanded out to non-Indians as
5 well. They're welcome to share on what we were able to
6 do and we do that all the time. Education is no
7 exception to that.

8 MS. HECKAMAN: And my -- my concern is that, um,
9 BIA, BIA doesn't pay for those students.

10 CHAIRMAN WARDNER: Yeah. Like in a partial on new
11 town setting, because those are -- are public schools.
12 We get impact aid. And they may not be counted on
13 that, but our contributions to each school's hundreds
14 of thousands of dollars each year, what we give out
15 \$500,000 a year, just to the schools alone, just to
16 spend on what they want to more than covers the -- the
17 tuition of that.

18 MS. HECKAMAN: Got it.

19 CHAIRMAN WARDNER: Non-tribal members.

20 MS. HECKAMAN: Got it. Thanks so much.

21 CHAIRMAN WARDNER: You bet. Senator Oehlke.

22 MR. OEHLKE: Um, Mr. Chairman and Chairman Fox.
23 Thank you for your service to the country.

24 CHAIRMAN WARDNER: Thank you for yours.

25 MR. OEHLKE: Certainly appreciate that. Um, yeah

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1 -- I -- well, I said my piece on gambling, so I won't
2 delve into that anymore. But, uh, I think, uh, you
3 know, this committee and -- and those out there
4 listening are probably starting to understand that,
5 uh, a, uh, tribal nation has, um, a big job to do.

6 And your tribal council, uh, is no exception to
7 having to do everything that -- that we end up doing
8 at a state level as well. I -- I -- I would -- I would
9 suspect there's not a county or a city out there that
10 has as many challenges as you would do. And we -- I
11 think we appreciate that.

12 CHAIRMAN FOX: Appreciate that Senator.
13 Representative Pollert.

14 MR. POLLERT: Thank you, Mr. Chairman. We had a
15 quick tour of the Interpretive Center today and, um,
16 very informative, uh, enjoyed it immensely.

17 That's why I was late getting to my lunch, but it
18 was very good. But also at the same time and -- and I
19 had said it earlier, you know, I -- I, uh, my great-
20 grandfather was from the Rose- -- Rose Glen area.

21 And then I had an uncle and -- and my
22 grandmother's sister was married and they were from
23 White Shield.

24 So there's a little bit of history here that I
25 need to learn a little more of, but, uh, I remember us

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1 taking visits out here and -- and -- and, you know
2 what, and him allowing my oldest brother to wear his
3 head dress. So, yeah. So there's more to learn. So,
4 yeah. But yeah. Thank you.

5 CHAIRMAN WARDNER: Yeah. Appreciate that very
6 much. Could Terry say a few?

7 CHAIRMAN FOX: Yeah. Well, I would, uh, I welcome
8 her and, uh, also the commissioner and, uh,
9 Representative Buffalo to make some comments too.

10 CHAIRMAN WARDNER: There you go.

11 MS. BUFFALO: Testing. Thank you. Uh, first of
12 all, I'd like to thank you Senator Wardner and all
13 your representatives, especially District 4 rep for
14 being here. And I'm very proud of our chairman for
15 everything that he does for our great MHA Nation. Um,
16 sometimes we don't tell him that enough, but, um, I am
17 very proud of you.

18 CHAIRMAN WARDNER: Thank you, Sherry.

19 MS. SHERRY: -- for everything that you do for
20 us. Um, I know I got a lot of -- I got a big line --
21 um, well, first of all, my name is, uh, Sherry
22 [inaudible]. I'm the west segment representative in
23 the Mandari area. We have the, uh, largest land base
24 area where majority of the Balkan is, majority of the,
25 um, oil industry.

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1 And, um, a lot of my, uh, constituents, my people
2 all have a lot of, uh, concerns and everything out
3 there. But, um, with that said, we will, um, prevail
4 and go through and work things out. We are a very
5 resilient people and we do, um, stand strong. I also
6 come from a veteran family. My husband is a veteran.
7 My grandfather's on both sides and my brother was a
8 Marine.

9 And when you grow up with that veteran kind of
10 family, um, life is more structured. Life is more, uh,
11 you always have, um, constraints and obli- --
12 obligations and things to, um, stand steady and
13 strong. And I am very proud of that.

14 And, um, with that said, the -- we really want
15 our pulling place back in, um, by our church. It's,
16 uh, it was really hard on all of us. It was hard on
17 Four Bears where they had to track people down, um,
18 bust them down to Mandari and, um, you know, we -- we
19 may do with that, but the ones that worked it was, um,
20 it was harder.

21 I was a school teacher for many years, 14, and,
22 um, at that at time I wasn't teaching, but if I was --
23 and for those that my, um, counterparts that were
24 working, when they got off work, they had to travel
25 all the way to Manning after a long hard day where

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1 they could have just done it at lunch and had it over
2 with.

3 But again, thank you for all coming. It was very,
4 um, it was lot of experience for me being here for the
5 first time. I am newly elected, so I am learning a
6 lot. And again, thank you, um, chairman for all the
7 hard work you do for us.

8 CHAIRMAN WARDNER: I appreciate that, Sherry.
9 Thank you for being here today. I appreciate it very
10 much. Thank you. Yeah, Ruth?

11 MS. BUFFALO: Um, Chairman Wardner and members of
12 the committee. Um, thank you for allowing me to share
13 this -- this space with you. Um, as a citizen of the
14 Mandan, Hidatsa and Arikara nation, and originally
15 from Mandari. It's always good to come -- come back to
16 the homelands.

17 I'm super proud to represent district 27. Um, a
18 lot of the conversation I enjoyed today, um, also want
19 to remind the committee of a package of bills that
20 were introduced in now law, um, regarding human
21 trafficking prevention and awareness and addressing,
22 missing and murdered indigenous people.

23 Um, have also provided congressional testimony on
24 voting and, MMIP. So I hope that this committee will
25 use me as a resource, um, still working in the public

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1 health arena, um, focusing on trying to improve the
2 quality of life for all people.

3 Um, so again, I just hope that you'll use me as a
4 resource, um, and that we can work together, um, to
5 address the needs of the people. So mods, good odds.
6 Thank you.

7 Oh, also one more thing it's important too, when
8 you travel to different communities, if somebody
9 hasn't kind of prepped you on -- or if you haven't
10 yourself kind of done the homework of the different
11 tribal communities that you -- you visit, it's kind of
12 important to note which communities are matriarchal
13 and matrilineal too.

14 Um, and -- and the differences there, or even you
15 might have noticed during prayer, you know, the women
16 sit and I -- I still do that in the house chambers. So
17 I think somebody on the phone call had mentioned
18 cultural competency.

19 So it's kind of like getting informal, uh, raised
20 awareness. So I'm just thankful that you have made the
21 effort to go to the communities. Um, so mods, good
22 odds. Thank you,

23 CHAIRMAN WARDNER: Commissioner. You have any
24 comments?

25 MALE: Uh, yes. Uh, Chairman Wardner, committee

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1 members, uh, Chairman Fox, uh, council
2 representatives. Uh, thanks for the, uh, the invite
3 today. Thanks for lunch. Uh, it's not often I go to
4 work and get to eat fried bread nowadays. I'll say
5 that -- that was nice. It's always nice to come visit
6 up here in MHA. You know, I used to spend my summers
7 here as a kid, have an aunt and uncle that live here.

8 Uh, three first cousins that were born and raised
9 here. I have a -- a sister and a niece and nephew
10 they're all enrolled members. So, you know, it's
11 always nice to come visit an MHA Nation. I always tell
12 stories about the, uh, before the boom, uh, when you
13 go down main street, you know, it was a little small,
14 like so you blink, you miss it.

15 And I remember they used to have the, uh, I
16 believe it was -- I can't remember the exact name, but
17 it was, uh, down to main street and it was the youth
18 center. This like a little trailer, I think it was a
19 blue trailer with a chain link fence around it.

20 We'd go in there -- there was activities to do.
21 And I think one of my favorite times down here, um,
22 other than running the hills and riding horse was we
23 got to watch the, uh, and to us it was a treat.

24 We didn't have TV back home in Turtle Mountain so
25 we got to watch the, uh, Chicago Bulls and the Utah

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1 Jazz in the finals every time they came on that
2 summer. We got to down the youth center and play games
3 and watch basketball.

4 So that's one of my highlights of my, uh, my
5 childhood was just being able to do something like
6 that here in New Town, uh, in MHA Nation. Uh, but
7 yeah, once again, like I said, it's -- it's great to
8 come visit. It's great to be a part of the
9 conversations and the partnerships moving forward. So,
10 uh, thanks for the opportunity.

11 CHAIRMAN WARDNER: Cool. Okay. Um, you have any
12 final comments? How about the quiet guy right next to
13 you?

14 CHAIRMAN FOX: I know he would say nothing. He'll
15 -- he'll bill me though. No. Go ahead.

16 MALE 2: My only comment is when, uh, Chairman
17 Fox was up in [inaudible] and he went to work for that
18 guy that was so impressed with the North Dakotans
19 because he hired me first.

20 CHAIRMAN FOX: Uh, maybe John set the standard, I
21 don't know. But I -- once I -- once the guy that he's
22 talking about last comment and they were all, I'm glad
23 that in humor is very important to all of us here.

24 And -- and I appreciate what Ruth had said and in
25 our ways, and I was -- I forgot to explain that this

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1 morning when -- especially when we pray, it's
2 customary amongst many of our - our native women to
3 remain sitting and that's our -- the way we do things
4 customarily.

5 Um, but me, when I -- when I -- when I ask
6 somebody to pray and we conduct something, I always
7 tell people do -- do what you were taught. If you --
8 if you were taught to, to remain sitting and that's
9 part of your ways, then remain sitting.

10 If you -- if you were taught to stand in
11 reverence, my father was a minister. If you're taught
12 to rise then -- then rise. But everybody has to choose
13 their way of -- of, you know, paying devotion to God.

14 So -- so I -- I want to kind of throw that in
15 there a little bit. But yeah, this -- this rancher
16 that I worked for one -- one time and it was well over
17 100 degrees, got there early in the morning and my
18 other -- the other two hands show up.

19 They were there the day before they were there.
20 But that one day I did, uh, well over by myself I rode
21 a bale sled, picked it up the first time out of a bale
22 sled, pushed it off stacks of eight, uh, sometimes
23 nine but seven to nine in -- in stacks.

24 And then you come around and there's a handyman
25 and I got a flatbed semi and he drives that. And then

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1 he comes -- gets his handyman and he scoop them up on
2 top of the flatbed and then I stack them again.

3 And so, you know, uh, when -- and one day we
4 went, you know, almost 2000 bales and one day
5 collecting them and hauling them twice. And -- and so,
6 uh, uh, that was really a hard day. Uh, a hard day it
7 was a temperature over 100 degrees, uh, and what have
8 you.

9 But -- but again, thank you for everything. Thank
10 you for -- for being here and come back, because we
11 got other things to show you and other things to talk
12 about and uh, we'll do our best to even [inaudible] a
13 little bit better. Huh? Sherry. We'll do even some
14 more things for when you come back the next time. So,
15 and Tasha back there which I asked her if she had
16 anything to -- to add in but --

17 MS. BIRD BEAR: I do, but I had to step out.

18 CHAIRMAN FOX: Okay. Go ahead please.

19 CHAIRMAN WARDNER: Would you use that mic over
20 there next to the chairman?

21 CHAIRMAN FOX: Yeah.

22 CHAIRMAN WARDNER: You know, we're recording
23 things now and people want to hear you.

24 CHAIRMAN FOX: Yeah.

25 MS. BIRD BEAR: Okay.

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1 CHAIRMAN FOX: Live two.

2 MS. BIRD BEAR: Hello. My name is Lonewoman. My
3 government name is Tasha Bird Bear. I'm chicken clan.
4 I live in [inaudible]. And oh, I'm sorry. I'm not
5 really used to a bunch of people or speaking in front
6 of them.

7 CHAIRMAN WARDNER: You're doing real well,

8 MS. BIRD BEAR: But um, I am very happy with what
9 our people are doing for language revitalization. And
10 I would like to see more of our ways taught within the
11 state. I -- I lived in Minot. That's uh, I was born in
12 Stanley. I lived in Minot and during certain times
13 whenever they were going over native history, the
14 teacher would usually refer over to me. She'd say
15 [inaudible].

16 Or him. And they're like [inaudible] woman. And
17 anyways, um, it would be great to have that out there
18 like within our state so others could learn. And also
19 for voting. I really agree with a lot of the things
20 that Joletta had said. And in my own experience in
21 2012, I had gone to vote over in [inaudible] and there
22 was myself and two other -- two others.

23 Anyways, when we walked in this lady, she came
24 right to the door before we could even get in. And she
25 was asking us what we had and it seemed like she was

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1 using her age and what not to stop us from going. And
2 we were well versed. We listened to what was on the
3 radio, like make sure you have these identifications,
4 make sure you have these utility bills. And the two
5 behind me, they were quick to be like, oh, well maybe
6 we shouldn't be here.

7 We all have the right to vote. And it would be
8 great if that was better represented. And for polling
9 places, I would definitely volunteer. I didn't see
10 anybody that looked like us in that voting station. I
11 just saw people trying to stop us. So anyways, thank
12 you for listening to me. Thank you for letting me on
13 that Zoom. I'm so glad I get to see elders on a daily
14 basis and learn from them. Okay.

15 CHAIRMAN WARDNER: Okay.

16 FEMALE: I'll -- I'll just, um, emphasis what she
17 -- what she meant about that. Um, I am the, uh,
18 cultural, uh, representative for the tribe. Well, I
19 sit on a chair. I'm the chairwoman of that.

20 And I am really an advocate for, um, bringing
21 back our language. And so, um, our education -- not
22 our education, our cultural depart has classes every
23 day on Zoom for anybody who wants to get on and learn
24 about our ways of the Hidatsa.

25 Um, I believe that, um, they might be doing

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1 something in Arikara too. I'm not too sure because I
2 am Hidatsa and that's what I focus on. And I'm believe
3 they do things in Twin Buttes for the Mandan also.

4 But if any of you want to just get on Zoom, we
5 can give you the link and you can just listen, you
6 don't have to participate. But if you listen and hear
7 how things are done and spoken, it might bring more
8 cultural awareness between the bridges that we have.
9 Thank you and [inaudible].

10 CHAIRMAN FOX: Okay. Thank you.

11 CHAIRMAN WARDNER: Well, thank you. And, uh,
12 we've had a good day and we, uh, really appreciate the
13 opportunity to visit here. And, uh, yes. We will be,
14 uh, spending time on these issues. Uh, one of my goals
15 is that we are going to move things forward. And, uh,
16 with all of the, uh, tribe- -- tribal governments.

17 And so there's a -- there's a lot of work to do,
18 and we've got a long ways to go. But we're going to --
19 we're going to get -- going to keep pushing.

20 Uh, to the committee members tomorrow morning,
21 we'll be 9:00 we'll be at the Casino in, uh, Spirit
22 Lake and we will resume and we'll be listening to the
23 issues that they have in their tribal government. So
24 with that, uh, I'm asking for an, uh, motion to
25 adjourn.

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1 MR. POLLERT: Motion adjourn.

2 CHAIRMAN WARDNER: Okay. We got a motion to
3 adjourn. I, uh, from, uh, Representative Pollert.
4 Second by Representative Jones. We're -- we're
5 adjourned.

6 CHAIRMAN FOX: Thank you, everybody.

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2

3 I, Chris Naaden, a transcriber, hereby declare
4 under penalty of perjury that to the best of my
5 ability the above 211 pages contain a full, true and
6 correct transcription of the tape-recording that I
7 received regarding the event listed on the caption on
8 page 1.

9

10 I further declare that I have no interest in the
11 event of the action.

12



13

March 21, 2022

14

Chris Naaden

15

16

17

18 (NoDak Tribal and State Relations Committee, 8-31-21)

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