

SENATE BILL NO. 2294

Introduced by

Senators DeMers, Bercier

Representatives D. Johnson, Lemieux

1 A BILL for an Act to create and enact a new section to chapter 54-40.2 of the North Dakota
2 Century Code, relating to agreements between Indian tribes and the state; and to amend and
3 reenact sections 54-40.2-01, 54-40.2-02, and 54-40.2-09 of the North Dakota Century Code,
4 relating to agreements between Indian tribes and the state.

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

6 **SECTION 1. AMENDMENT.** Section 54-40.2-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-40.2-01. Definitions.**

- 9 1. "Public agency" means any political subdivision, including municipalities, counties,
10 school districts, and any agency or department of North Dakota.
- 11 2. "Secretary" means the secretary of interior of the United States.
- 12 3. "Tribal government" means the officially recognized government of any Indian tribe,
13 nation, or other organized group or community located in North Dakota exercising
14 self-government powers and recognized as eligible for services provided by the
15 United States. The term does not include any entity owned, organized, or
16 chartered by a tribe which exists as a separate corporate entity registered with the
17 secretary of state and which is otherwise authorized to enter agreements under
18 this chapter.

19 **SECTION 2. AMENDMENT.** Section 54-40.2-02 of the 1997 Supplement to the North
20 Dakota Century Code is amended and reenacted as follows:

21 **54-40.2-02. Authorization to enter agreements - General contents.** Any one or
22 more public agencies or the governor on behalf of the state may enter into an agreement with
23 any one or more tribal governments to perform any administrative service, activity, or
24 undertaking that the state or any of the public agencies or tribal governments are authorized to

1 perform by law and to resolve any disputes, in accordance with this chapter or any other law
2 that authorizes the state or a public agency to enter an agreement. The agreement must set
3 forth fully the powers, rights, obligations, and responsibilities of the parties to the agreement.
4 The Indian affairs commission may propose agreements entered into pursuant to this chapter
5 and may assist, at the request of any tribe affected by such an agreement, in the negotiation
6 and development of such agreements. This chapter does not apply to agreements entered into
7 under section 24-02-02.3 and chapter 54-38 or agreements entered with one or more tribal
8 governments pursuant to a state or federally funded program or other activity, including any
9 publicly announced offer of a grant, loan, request for proposal, bid, or other contract originating
10 with the state for which the tribal government is otherwise eligible under federal, state, or local
11 law.

12 **SECTION 3. AMENDMENT.** Section 54-40.2-09 of the 1997 Supplement to the North
13 Dakota Century Code is amended and reenacted as follows:

14 **54-40.2-09. Validity of existing agreements.** This chapter does not affect the validity
15 of any agreement entered into between a tribe and a the state or other public agency prior to
16 July 3, 1994 before August 1, 1999.

17 **SECTION 4.** A new section to chapter 54-40.2 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Framework agreements - Authority of governor.** The governor may enter an
20 agreement or accord with a tribal government on behalf of the state which sets forth a
21 framework or general guidelines for establishing a relationship between the state and the tribal
22 government. An agreement entered under this section is not subject to the requirements of
23 sections 54-40.2-03.1 and 54-40.2-03.2. This section does not affect the effectiveness of any
24 accord or agreement entered between the governor and a tribal agreement before the effective
25 date of this Act.