

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2294

Introduced by

Senators DeMers, Bercier

Representatives D. Johnson, Lemieux

1 A BILL for an Act to amend and reenact sections 54-40.2-01, 54-40.2-02, and 54-40.2-09 of the
2 North Dakota Century Code, relating to agreements between Indian tribes and the state.

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

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

6 **54-40.2-01. Definitions.** In this chapter:

- 7 1. "Public agency" means any political subdivision, including municipalities, counties,
- 8 school districts, and any agency or department of North Dakota.
- 9 2. "Secretary" means the secretary of interior of the United States.
- 10 3. "Tribal government" means the officially recognized government of any Indian
- 11 tribe, nation, or other organized group or community located in North Dakota
- 12 exercising self-government powers and recognized as eligible for services
- 13 provided by the United States. The term does not include any entity owned,
- 14 organized, or chartered by a tribe which exists as a separate entity authorized by a
- 15 tribe to enter agreements of any kind without further approval by the government of
- 16 the tribe.

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

19 **54-40.2-02. Authorization to enter agreements - General contents.** Any one or
20 more public agencies may enter into an agreement with any one or more tribal governments to
21 perform any administrative service, activity, or undertaking that any of the public agencies or
22 tribal governments are authorized to perform by law and to resolve any disputes, in accordance
23 with this chapter or any other law that authorizes a public agency to enter an agreement. The
24 agreement must set forth fully the powers, rights, obligations, and responsibilities of the parties

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

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

11 **54-40.2-09. Validity of existing agreements.** This chapter does not affect the validity
12 of any agreement entered into between a tribe and a public agency ~~prior to July 3, 1994~~ before
13 August 1, 1999.