

2019 HOUSE APPROPRIATIONS

HB 1005

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Human Resources Division Sakakawea Room, State Capitol

HB1005
1/8/2019
30564

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

Overview

Minutes:

A

Begin with introduction and name of bill.

Scott Davis, Executive Director of the North Dakota Indian Affairs Commission: (see attachment A)

(10.10) Introduce staff and explanation of employment position

-Brad Hawk, American Indian Health Systems Administrator

-Erica Thunder, Judicial Systems Administrator

-Marietta Kemmet, Executive Administrative Assistant to the Executive Director

-Leah McCloud, Data Specialist, PTE

(13.45) **Chairman Jon O. Nelson:** One of the things we did in the last session is the coordinated plan discussion, what is the progress with the discussions in this tribal nations in that area?

(14.45) **Mr. Hawk:** It's been a long process so far, we started discussions with Standing Rock Sioux tribe because they have an ND and a SD tribe and they have already gone through this process with the SD side. We decided to start with them to see what they say. We discussed with Sanford Health and St. Alexus as the main providers, and have agreements with these two foundations. There are discussions about sharing information and if the provider here will be able to communicate back to the representative in the HIS facility. There's discussion about how the Medicaid claim will come back to the services. There is a bill being presented that will discuss how the money will be split out and distributed.

Chairman Jon O. Nelson: Do you have a bill number?

Mr. Hawk: No, but representative Kaiser is carrying the bill

Chairman Jon O. Nelson: I will speak with him.

(20.22) **Mr. Davis:** (Back to attachment A)

(27.45) **Chairman Jon O. Nelson:** Do you have a spreadsheet of the businesses established?

Mr. Davis: yes, we have a huge spreadsheet of everything appropriated to every business.

Chairman Jon O. Nelson: Include the employees that helped with this too.

Mr. Davis: We will get that to you.

(28.45) **Mr. Davis:** (back to attachment A)

(31.42) **Vice Chairman Gary Kreidt:** Is the youth leadership academy (60,000) included in your operating expenses? Will that be continued this summer?

Mr. Davis: Yes, and yes.

Discussed future meeting times and closed meeting.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Human Resources Division Sakakawea Room, State Capitol

HB1005
1/21/2019
31080

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

Detailing the budget.

Minutes:

A,B

Took Roll.

Scott Davis, Executive Director of the ND Indian Affairs Commission: (See attachment A)

(3.15) Chairman Jon O. Nelson: Talk about some of the accomplishments or goals of the business office?

Mr. Davis: The office of development spurred to increase productivity throughout the reservation lands. IT's mainly about private sector jobs on and off the reservation. We have also created a ND Indian Business Alliance (IBA). It is an alliance to go to for help when in need of funding. We also partner with other foundations and other IBAs. It is a good place to go for funding for certain businesses. We are governed by our own Indian Alliance board.

Chairman Jon O. Nelson: Could you provide us that directory?

Mr. Davis: Yes.

Chairman Jon O. Nelson: That would be good information to have, because I'm sure there are some that I don't even know exist.

Mr. Davis: Another goal that we have is to identify how to do business on the tribe. There are a lot of different rules that may be seen as risky from a banking side. Some of our tribes need some help and equity and we work to make that happen. We make sure that these tribes that want to gain funding have their UCC code in place.

(10.58) Chairman Jon O. Nelson: So the 5% reduction the governor asked for is out of this tribal fun. Are you going to be able to regain that or how is that going to go forward with that reduction?

Mr. Davis: We have an executive director that serves for that position. I think that we are going to cut that position to part time or even half time. Having it be full time may not be the best use for that position. I think that it could be better used as half time or even quarter time. I think we will be ok with that reduction.

Chairman Jon O. Nelson: There really isn't much of a difference I don't think. The 4% that the governor suggested I think will go down to a 2 and 2%.

Mr. Davis: If any of you have been in business before, you know that it is hard to find and keep good employees. The benefit packages and raises are crucial for that too. I understand, but we have to have those benefit packages in place or else the employees are going to go other places instead. These are things that a degree will not teach. We learn so much during session, about people, and laws and codes and the way the government is run.

Chairman Jon O. Nelson: You lost an FTE last session, can you tell us what the individual did and how you were able to downsize with that and continue to serve your people?

(18.15) Mr. Davis: Through the allotment process, we had to identify another allotment and decided to look at the education section. We looked at what Department of Public Instruction (DPI) does and figured that there could be some redundancy there with my education full time employee (FTE). We had that discussion of redundancy and duplication of services, we had to cut that FTE. We are doing fine with that. The education through DPI is running just fine and we are working well with that. We have one of the most lean budgets in the state, but also one of the most challenging offices to take care of.

(22.28) Chairman Jon O. Nelson: I think that it should be recognized that of all the areas of expertise that you have talked about this morning, you've never once talked about engineering. I think that with your bridge building, you have impressed many of us here in this session. I think that the footings in our relationship are very solid, and I thank you for your leadership in that.

Representative Richard G. Holman: I used to teach the North Plains Indian studies core course for teachers. Many people don't understand that we have different histories and different tribes, and that ceremony last week identifies that. With 9% of our state being tribal members, I think that is a significant part of our population. Thank you for any part that you had in that ceremony.

Vice Chairman Gary Kreidt: You talked about temporary employment in your budget, I'd assume that you pull that out of your salaries, what is that number for that temporary employee?

Mr. Davis: I always hire a temporary position during this time. Larry Martin, OMB, is really good at helping us with that and being honest with us as to what we can do and what we can't do.

Vice Chairman Gary Kreidt: So do you have that temporary position all year around?

Mr. Davis: No she works about 30 hours a week and we're hoping that she can stay for the rest of session.

Vice Chairman Gary Kreidt: Do you have the number?

Larry Martin, Office of Management and Business: In the current request, it is 30,800 for the whole biennium.

Vice Chairman Gary Kreidt: So what the governor is proposing, is about a 30,000 increase in your salary line, so the temp would eat up your 30,000 increase?

Mr. Martin: The 34,000 increase is just a comp package, the 30,000 is still in the budget.

Chairman Jon O. Nelson: What is your perspective as to the importance of the 10% transfer?

Mr. Davis: I think that with that transfer authority, for the small agency I don't think it will make or break anything. I could see how it would really help some of the larger agencies. I see how that is beneficial to do some of that within the agency.

Chairman Jon O. Nelson: In your office, if there is a project that goes outside the line of the budget, how would you see that transfer of 10% help you in your particular office?

Mr. Martin: I could see that if they had an employee leave, and they couldn't hire another one, they'd have to contract the position out. Their lines are so tight that they would have to transfer funds from salaries to operating to cover a contract services. In the current environment, they would have to go to an emergency commission and get approval to do that transfer. Whereas if they had that authority in their bill, they could have the authority to do that transfer up to 10% without having to go to an emergency commission to be approved.

Chairman Jon O. Nelson: Can you think of an example where there isn't a staffing change?

Mr. Martin: If they had some extra money in the salary line, and maybe they wanted to contract another person to do some data work they could make that transfer to operating to do that.

Chairman Jon O. Nelson: And under the existing circumstances, they could do that if they went to the emergency commission?

Mr. Martin: Yes, the language that we put into the bill is similar to the legislative side and the judicial side. We are just trying to get everyone up to that same level or transfer authority.

Vice Chairman Gary Kreidt: Have you ever had to go to the emergency commission, and was that a severe hardship?

Mr. Davis: No, I've never had to go. We have a running check book that we do monthly. I go back to our audits and how we do things.

Vice Chairman Gary Kreidt: You mentioned that we do have some budgets that already have this 10% transfer authority?

Mr. Martin: Yes.

Vice Chairman Gary Kreidt: Can we get a list of those?

Mr. Martin: Yes, I will get you that.

(35.54) Representative Randy A. Schobinger: The last green sheets that I have are of January 8, and there wasn't any major legislation out there that would affect your, is there anything out there now?

Mr. Davis: As of now, no. There is nothing that would heavily impact us. We have made the appropriate steps, and are still here being good stewards of people's money.

Chairman Jon O. Nelson: There is a bill regarding the shared savings of the coordinated care agreement which would capture 100% federal medical assistance percentage (FMAP) if a tribe had a coordinated care agreement with a healthcare facility for that care. And in the event of a transfer to that facility, the department would be able capture 100% of that FMAP for that care. The reason we went into that arrangement would be to fund the cost for expanded Medicaid. Some states have done this and provided some money to the agency. Now I think that bill would share some of the savings with the tribes, that may have some consequences when getting to the human services side of things. Do you know where that is at in the process?

(39.15) Mr. Davis: That FMAP is like a marriage. Without us ever expanding Medicaid coverage throughout the state, and now the tribal money that has come in from the federal government to help the tribes at 100%. Now we have a windfall of about 50%. With that 50%, the money that will come out of it, what will we do with that extra 50%? That's where Representative Keizer has initiated this bill to allow to take the savings and escrow and share it 70/30 to the tribe and state, and all health related. A lot of tribes need help with treatment centers and dialysis chairs. This is something that the tribes have never had before but this is something new to the tribe members and could be beneficial to those that qualify for it.

(42.41) Representative Lisa Meier: What are some of the issues with the native American youth?

Mr. Davis: We have come to you guys to allocate money for a Native American youth leadership program. This will be our 10th year of doing that program. We have a large group of tribal youth groups in our state. There is a group that wants to do a state wide conference for the youth, not only the tribal youth but all youth.

Representative Lisa Meier: Going forward with the youth, when are you looking at that conference happening? What would the participating rate be?

Mr. Davis: About June or July here in Bismarck and there would be a good turnout.

Chris Kadrmas, Legislative Council: That bill that Chairman Nelson was talking about is HB1194.

Chairman Jon O. Nelson: Where is it at in the process?

Mr. Kadrmas: It was heard on the 15.

Chairman Jon O. Nelson: So they haven't acted on it yet?

Mr. Kadrmas: No.

Chairman Jon O. Nelson: Ok, I will look at that.

Chairman Jon O. Nelson: One thing we would like to make you aware of, is that last week we have Department of Corrections and Rehabilitation (DOC), and they are moving the women from New England to Missouri River Correctional Center (MRCC). We are in the process of taking a part of the population from MRCC and housing them in New England for a period of time. I am going to try to put together a conversation of industry and people down in that area. I would like to include you in that conversation due to the large amount of Native American inmates there to provide some job skills training in that facility. That part of the state has the most job openings, and the geography of South West ND could be used to their advantage. I would be interested in including you to find what industries would be best suited for employment for that area, and hopefully if this can be accomplished, we can repurpose that facility and train people for the jobs that may be open in the state.

(48.41) Mr. Davis: Locally here we are working heavily on the services available. If we didn't have services here like we do, then it would be tough to even get them. These types of services, healthcare services, are not available. We can easily have that conversation of that workforce development. It's an investment on the industries part as well. I'm glad that both assemblies are trying to reinvent the area of incarceration. Giving people the opportunity to get certain felonies off their record will give people a chance to turn their life around. We are trying to get those people to be good tax paying members of society.

(52.15) Chairman Jon O. Nelson: I appreciate that because I think that those skills that are needed for job growth is a win-win. That could really place New England in a stronger position as time goes on. If this is successful, I don't think that it would make sense to move those men to the Jamestown facility because this is the area where most of the jobs exist in ND right now and I don't think that is going to change in the next 6 years.

NO FURTHER QUESTIONS OR TESTIMONY.

REPRESENTATIVE BERT ANDERSON WILL CARRY THE BILL.
MEETING CLOSED.

ATTACHMENT B WAS EMAILED AND ATTACHED ON 1/23/2019.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Human Resources Division Sakakawea Room, State Capitol

HB1005
2/1/2019
32010

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

Taking amendments.

Minutes:

A

Opened hearing.
Took roll.

Handed out attachment A.

Sheila Sandness, Legislative Council: This is the worksheet that includes the executive recommendation, the changes from the executive, and the house budget in the middle. What is included in there is the base payroll changes, the effects of the 2&2, and the insurance package. That would add an increase of 17,811 to the base budget. The third column shows the differences in the house and recommended budgets. The house budget also doesn't include the executive recommendation that was added.

Chairman Jon O. Nelson: We would appreciate this type of diagram for all of our budgets. Do we need to adopt an amendment for that 2 & 2 salary change?

Ms. Sandness: I would do that, just to have it on record. To be on the safe side I would include it in the wording and language.

Chairman Jon O. Nelson: In full committee yesterday we had 1 budget where the executive recommendation was removed. Do we have to do that?

Ms. Sandness: No, I think it was added in and then taken out in full committee. They had to take it out because there was an amendment added in. When you make changed to the bill, the middle column will change based on what you decide here.

Chairman Jon O. Nelson: Under the funding changes, Scott suggested the elimination of the Indian Affairs Business Office. In the governor's recommendation suggested that also, do we still have to take that out?

Ms. Sandness: Yes.

Chairman Jon O. Nelson: When we take that out, that would be a larger negative number than the executive budget?

Ms. Sandness: Yes, because the salary increase would be lower, so if you decide to move that into the middle column, there would be a reduction.

Chairman Jon O. Nelson: I'll ask for a 2 & 2 salary increase for this budget, and a grandfathered in insurance package that we currently have. Are there any other amendments? If not, I would also ask for an amendment to remove the Indian Affairs Business Office.

Larry Martin, Office of Management and Budget: You're just talking the funding here?

Chairman Jon O. Nelson: Yes.

Vice Chairman Gary Kreidt: That would be a reduction of 35,144 because there is still some money left in there.

Ms. Sandness: You would also include the base payroll changes?

Chairman Jon O. Nelson: Yes. Any further amendments? None seen. Sheila will include the amendments we asked for on a worksheet and then we will vote on them.

Representative Richard G. Holman: did you calculate the 2 & 2 yet?

Ms. Sandness: It is in the middle column. Would you like us to prepare that sheet first, and then prepare the formal amendment?

Chairman Jon O. Nelson: Yes.

No further amendments. Meeting closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee - Human Resources Division Sakakawea Room, State Capitol

HB1005
2/4/2019
32067

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Caitlin Fleck

Explanation or reason for introduction of bill/resolution:

Reviewing amendments.

Minutes:

A

Opened hearing.
Tool roll.

Amendments were handed out (**Attachment A**).

Chairman Jon O. Nelson: Did we decided to not go with section 2, the section that allowed for federal money to be in their budget, is that existing language?

Chris Kadrmas, Legislative Council: That is new language.

Chairman Jon O. Nelson: They didn't have that ability in the past?

Mr. Kadrmas: No, but every agency has the ability to go to the emergency commission.

Chairman Jon O. Nelson: Has every one had a chance to look at the worksheets? We will attempt to do this with one motion, instead of separately.

Representative Randy A. Schobinger: Motion to move the amendments.

Representative Lisa Meier: Seconded.

Roll Call Vote: 5 Yes, 0 No, 1 Absent.

Motion Carries.

Vice Chairman Gary Kreidt: Moved Do Pass as amendment

Representative Randy A. Schobinger: Seconded.

Roll Call Vote: 5 Yes, 0 No, 1 Absent.

Motion carries.

Floor assignment: **Representative Bert Anderson**

Meeting concluded.

2019 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Roughrider Room, State Capitol

HB 1005
2/6/2019
32273

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk Risa Bergquist

Explanation or reason for introduction of bill/resolution:

Defraying the expenses of the Indian affairs commission.

Minutes:

Chairman Delzer: Called HB 1005 to order

Representative B. Anderson: Human Resources recommends approval of HB 1005, HB 1005 has to do with the Indian Affairs Commission. Reviews the amendment 19.0193.01001.

2:20 Representative B. Anderson: I make a motion to adopt amendment 19.0193.01001

Representative J. Nelson: Second

Chairman Delzer: Questions by the committee? If none we will do a voice vote.

Voice vote was taken, All in Favor, motion carries

Representative B. Anderson: Do pass as Amended

Representative J. Nelson: Second

Chairman Delzer: Further discussion? We will take a roll call vote.

A Roll Call vote was taken. Yea: 20 Nay: 0 Absent: 1

Motion Carries; Representative B. Anderson will carry the bill.

Chairman Delzer: With that we will close this hearing.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1005

Page 1, replace lines 9 through 14 with:

	<u>Base Level</u>	<u>"Adjustments or Enhancements"</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$17,811	\$866,218
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,111	(\$17,333)	\$1,094,778
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - House Action

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$848,407	\$17,811	\$866,218
Operating expenses	263,704	(35,144)	228,560
Total all funds	\$1,112,111	(\$17,333)	\$1,094,778
Less estimated income	0	0	0
General fund	\$1,112,111	(\$17,333)	\$1,094,778
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for the American Indian Business Office³</u>	<u>Total House Changes</u>
Salaries and wages	(\$20,462)	\$38,273		\$17,811
Operating expenses			(\$35,144)	(35,144)
Total all funds	(\$20,462)	\$38,273	(\$35,144)	(\$17,333)
Less estimated income	0	0	0	0
General fund	(\$20,462)	\$38,273	(\$35,144)	(\$17,333)
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

<u>General Fund</u>	
Salary increase	\$20,425
Health insurance increase	17,848
Total	\$38,273

³ Reduces funding for the American Indian Business Office to provide a total of \$64,856.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1005

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Salary increase	\$20,425
Health insurance increase	17,848
Total	\$38,273

³ Reduces funding for the American Indian Business Office to provide a total of \$64,856.

Date: 2/4/2019
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. H81005

House Appropriations - Human Resources Division Committee

☐ Subcommittee

Amendment LC# or Description: 19.019.3.01001

Recommendation: ☒ Adopt Amendment

☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation

☐ As Amended ☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Rep. Schobinger Seconded By Rep. Meier

[illegible]

Total (Yes) 5 No 0

Absent 1

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Base payroll changes, 2% salary increases, health insurance, reduce American Indian Business Office funding.

Date: 2/4/2019
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB1005

House Appropriations - Human Resources Division Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Kreidt Seconded By Rep. Schobinger

Representatives	Yes	No	Representatives	Yes	No
Chairman Jon O. Nelson	X		Rep. Richard G. Holman	X	
Vice Chairman Gary Kreidt	X				
Representative Bert Anderson					
Representative Lisa Meier	X				
Rep. Randy A. Schobinger	X				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Rep. Anderson

If the vote is on an amendment, briefly indicate intent:

Date: 2/6/2019
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1005**

House Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 19.0193.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative B. Anderson Seconded By Representative J. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer					
Representative Kempenich					
Representative Anderson			Representative Schobinger		
Representative Beadle			Representative Vigesaa		
Representative Bellew					
Representative Brandenburg					
Representative Howe			Representative Boe		
Representative Kreidt			Representative Holman		
Representative Martinson			Representative Mock		
Representative Meier					
Representative Monson					
Representative Nathe					
Representative J. Nelson					
Representative Sanford					
Representative Schatz					
Representative Schmidt					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

Voice Vote, Motion Carries

Date: 2/6/2019
Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1005**

House Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Representative B. Anderson Seconded By Representative J. Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Delzer	X				
Representative Kempenich	X				
Representative Anderson	X		Representative Schobinger	X	
Representative Beadle	X		Representative Vigesaa	X	
Representative Bellew	X				
Representative Brandenburg	A				
Representative Howe	X		Representative Boe	X	
Representative Kreidt	X		Representative Holman	X	
Representative Martinson	X		Representative Mock	X	
Representative Meier	X				
Representative Monson	X				
Representative Nathe	X				
Representative J. Nelson	X				
Representative Sanford	X				
Representative Schatz	X				
Representative Schmidt	X				

Total (Yes) 20 No 0

Absent 1

Floor Assignment Representative B. Anderson

Motion Carries

REPORT OF STANDING COMMITTEE

HB 1005: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1005 was placed on the Sixth order on the calendar.

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	General Fund
Salary increase	\$20,425
Health insurance increase	17,848
Total	\$38,273

³ Reduces funding for the American Indian Business Office to provide a total of \$64,856.

2019 SENATE APPROPRIATIONS

HB 1005

2019 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1005
2/28/2019
Job # 32971

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Rose Laning / Carie Winings
--

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

Minutes:

Testimony Attached # 1.

Legislative Council: Brady Larson
OMB: Becky Deichert

Chairman Holmberg called the committee to order on HB 1005.

Scott Davis, Executive Director, North Dakota Indian Affairs Commission
North Dakota Indian Affairs Commission Testimony - Attached # 1.

Talked about responsibility of leadership and what's the difference between making a difference versus making a statement. Those who make a difference requires discipline, education, patience and understanding and this is what we're all about.

He introduced his staff:

Brad Hawk - Indian Health Systems Administrator
Erica Thunder – Judicial Systems Administrator (& Child Welfare)
Marietta Kemmet - Administrative Assistant
Leah McCloud – Administrative data (part time)

Chairman Holmberg: You are aware that this committee, as the House did, removed the section regarding the 10% from all budgets. In the executive recommendation, they talked about an open ended appropriation from any additional money from federal or other funds. That was put in a number of bills and the House removed that. Some agencies have had this kind of authority before and others haven't – and this would be new for you, right? In section 2 – “in addition to the amounts appropriated, there is appropriated any additional income from federal or other funds”. It was section 2 in the governor's recommendation. It's not in the bill now and it wasn't in last session's session laws.

Becky Deichert: Yes, you are correct. That was new language added.

Chairman Holmberg: As far as the dollar amounts that are in the budget; you're satisfied with what the House did? (Becky Deichert indicated in the affirmative) We have not had any detente between us and the House yet on salary issues. We passed our out at 2and3 and the House passed theirs out at 2and2. We will have to get together and arm wrestle as to where we end up. We also passed an \$80/month minimum for all state employees in that salary package, but nothing will happen on that; at least until after the 11th or 12th when we get our new budget forecasts. We will not be passing this bill out today.

Senator Robinson: We missed seeing your dad around this year. Is he doing well?

Scott Davis: Yes, he is still going through his PT, but knowing him he will probably come in next week.

Senator Robinson: The students that are attending tribal colleges, where is that funding bill?

Scott Davis: That is in Higher ED.

Senator Robinson: We had some discussion here yesterday with job service people regarding the absence of an office at Rolla and the 85-mile trek to Devils Lake. There is a significant unemployment issue there. The discussion we had was on the possibility of a pilot project one day a week or something to provide services there. What is the situation at Berthold and Fort Yates in terms of access to Job Service services?

(10:50) Scott Davis: That is twofold. I look at that as part of Job Service but also part of workforce development that we are all heavily involved in. When I look at the tribal colleges, and the money that they have received, I think some of them have done very well and some have had some hiccups on that. That is where I would turn to you, when it comes to jobs, that the return by appropriations given in creating jobs for students coming out of colleges. I look at the tribal college as a job service in a way, because they have that mission. A couple years ago when we had to scale back on some of those allotments, the numbers showed they weren't being used. I've been pushing hard thru economic portfolio of mine. The rules of doing business on a reservation have been and need to further be discussed. I've been a strong proponent of private sector businesses on a reservation for those purposes. To get those unemployment rates down to hopefully meet our state rates. It is an anomaly for the reservations to have such high rates. There are risky rules of doing business on the reservation in my opinion.

Senator Robinson: You mentioned your father's program that has been highly successful. Have there been efforts to replicate that in other areas? I know it is easier said than done. What's happening in Turtle Mountain has been exciting to hear about, and we need a lot more of that. Where are we at in that process, and are we funding it at a level that we have the return on investment and realizing the potential that we could if there would be more support there? It concerns me when I hear your comment regarding low unemployment statewide but that it is high on the reservation. We are looking for workers all over. Two years ago we had testimony about shining success stories of truck drivers getting good jobs.

Scott Davis: There is a lot of effort. Some are very broad and some are small. Tribal leadership tries to track private businesses. You have to legislate in a way that you can attract businesses on reservations. I have been adamant about that. For most of us, our job is to try to legislate good tax policy and provide a way to do cheaper business in within our respective areas. I think tribes need to really look at that. How do you attract your good workforce? I think it is kind of that ND small town mentality where some would rather stay home than go elsewhere to work. There are so many jobs. In fact, I am trying to broker one now between private industry and some of the tribes to get more people to the oil fields again. It is a huge opportunity for someone who wants to take that and run. I've been promoting that there are opportunities for work.

Senator Robinson: The tribal colleges are central to this.

Senator Grabinger: I see the cut to the business office funding. Can you explain how that will affect your operations?

Scott Davis: The allotment that we had to trim down was chosen because it is \$100,000 per biennium and if we could scale that back even by \$30,000 and live with it and continue services and establish private businesses, we would do that. That was reinstated on the House side, and I am feeling good about that. In that process, I have partnerships with foundations to help fund that. It is a mixed bag of how we fund a new business alliance. We do have an executive director and a board with multiple partnerships that focus on private sector jobs. Through the budget process you have to look at your budgets and see how you can trim.

(17:44) Senator Mathern: I notice in Fargo, Bismarck, Grand Forks, and Minot there is an effort to develop service centers for Native people. Does your office have resources to help in that regard or is that outside of your scope?

Scott Davis: That is a good question and that is also personal to me. My wife established a non-profit here in Bismarck/Mandan called the Native American Development Center. As you know half of us live on the reservation and half of us live off the reservation in North Dakota. I am an urban Indian. In the city of Bismarck/Mandan there are 4500 of us that work, go to school, and even are business owners. We come to the cities for opportunity. Where can we go to get help that we are familiar with? That is why we developed the center. Fargo has one with the Indian Affairs Commission. It is more of a government entity. The focus is housing, jobs, and a place to go. My wife works heavily on the criminal justice side. When people get out of prison they go to her office and look for help with work etc. It's always ongoing. It is not a handout either. It's a hand up – an empowerment type of system. It is challenging, but there is a consistent place where people can go to get services.

Senator Mathern: Does your office provide services to these centers?

Scott Davis: No, our focus is always tribal nations and reservations.

Senator Hogue: Leading up to the election there was an issue with the voter identification, and with certain members not having a street address either on their tribal ID or their driver's

license; could you update us on where each of the tribes are at. Do they feel the situation is resolved at this point? Do they still have concerns?

Scott Davis: That is a good question and it is one that has been floating in my office since the time of the new voter ID law that was passed a couple of sessions ago. We did communicate with tribal leadership on that new legislation. We have had discussions with them and with the Secretary of State's office. With the new street address and how that relates to 911, all that has changed. It was a challenge and it was perceived as a way to disenfranchise tribal people from voting. There was plenty of time to get a correct tribal or state ID. Today, through the process of this last election, I think we are sitting very well with all the tribes because of the voter turnout. We had record turnout. In the debriefing with the Secretary of State, everybody had the correct and necessary ID. I think that is in a good place. There is some ongoing discussion that should happen, but I am confident that Secretary of State Jaeger and Deputy Silrum are open to that. We did everything we could to work with the county auditors and tribal enrollment, as well as DMV's to make sure that everyone was ready with their correct ID.

Senator Robinson: You mentioned that there are 4500 Native Americans in Bismarck/Mandan; do you have statistics regarding the employment of those people? From the standpoint of Native Americans, that's important.

Scott Davis: We are working on the data sets on that. It takes some digging but we will get those numbers.

Chairman Holmberg: Closed the hearing on HB 1005.

2019 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee Harvest Room, State Capitol

HB 1005
3/28/2019
JOB # 34351

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Alice Delzer

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to provide an appropriation to defray the expenses of the Indian Commission. (DO PASS AS AMENDED)

Minutes:

1. Proposed amendment # 19.0193.02002

Chairman Holmberg: called the Committee to order on HB 1005. All committee members were present except Senator Hogue. Chris Kadrmas, Legislative Council and Larry Martin, OMB were also present.

Chairman Holmberg: We will open the hearing on the Indian Affairs commission with one amendment. They were very happy with the budget. They had the only question was the salary and benefits. The House had put in their 2% and 2% increases and we had been talking about a 2% increase the first year with a \$80.00 minimum which helps more than half of the state employees, and then for the second year a 3 % increase. What this means than instead of having made the decision collectively, we will be doing it in 48 budget bills. I had passed out the amendment, See Attachment # 1. The only difference is the salary and wages are up to 3% level, a slight increase over the House measure.

Senator Robinson: moved the Amendment # 19.0193.02002. 2nd by Senator Grabinger.

Senator Mathern: I went down to this little lunch deal at noon and the governor talked about, we shouldn't be talking about either/or; we should be talking about and/and. We can do this and we can do that. That there is plenty of money to do that. So I am wondering why you wouldn't have gone with a 3 and 3 and that's one question. The second question is, is the \$80.00 essentially bring this more than 2 or is the \$80.00 minimum within the 2%, meaning somebody in highest income would get a little less so that the person at the lowest income would get at least \$80.00?

Chairman Holmberg: The people below will get a little more than 2%. The lower end will get a little more than 2%. But, Chris, we also put in additional money.

Chris Kadrmas, Legislative Council: To give you an idea in this case, there was one individual that fell below the threshold so they received the \$80.00 minimum so it's actually \$24.00 more than had it been just a straight 2% and 3%.

Senator Mathern: We have an appropriation for the first year is really more than the straight 2%. It's to make up those \$24.00.

Chris Kadrmas: that would be correct, for the individuals who fall below.

Chairman Holmberg: Is there \$1,100,000 for the general fund? And I can't remember the special fund. So it is more money for the \$80.00 minimum. For the first question, why not, because we decided we were going to put more money into nursing homes, remember the executive budget had a 1 and 1% there, and that took some money. And other needs and priorities of legislators. The budget numbers we have here for state employees is less than the executive budget, but the executive budget also had to be the assessment for health care, for employees that we have put the money in so there won't be that change on health care. The question of retirement, that hasn't been settled, but that is separate from this. I don't know what the House is going to do. I know the House has said what they would like to do. The only thing they told us was that if the 1 and 1 was passed they would have it so that it wouldn't go into effect until July 1, 2021, so that no state employee would receive that last 6 months a reduction in their salaries. That's the latest word. It's spreading the money around a little differently. Is there lots of money? There is money. Is there a major difference between the House and the Senate as to how much is in the budget, how much is available revenue-wise, there are some differences.

(0.05.58) Senator Mathern: I can accept that. I had hoped that we would have pushed further yet in light of all of the talk on the governor's part that we have the resources. We just overturned a veto where we actually even put more money in. I hope in other places, we take the executive to task, where they say they can raise money and we make some amendments to create that condition.

Chairman Holmberg: All in the favor of amendment say aye. it carried.

Senator Grabinger: Moved a Do Pass as Amended on HB 1005. 2nd by V. Chairman Krebsbach.

A Roll Call vote was taken. Yea: 13; Nay: 0; Absent: 1. Chairman Holmberg will carry the bill.

The hearing was closed on HB 1005.

8/2
12/1
3/10

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$848,407	\$21,284	\$869,691
Operating expenses	<u>263,704</u>	<u>(35,144)</u>	<u>228,560</u>
Total general fund	\$1,112,111	(\$13,860)	\$1,098,251"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$848,407	\$866,218	\$3,473	\$869,691
Operating expenses	<u>263,704</u>	<u>228,560</u>		<u>228,560</u>
Total all funds	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
FTE	4.00	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Total Senate Changes
Salaries and wages	\$3,473	\$3,473
Operating expenses		
Total all funds	\$3,473	\$3,473
Less estimated income	<u>0</u>	<u>0</u>
General fund	\$3,473	\$3,473
FTE	0.00	0.00

¹ Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$80, and an increase of 3 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

Date: 3-28-19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1005

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 19.0193.02002

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Robinson Seconded By Grabinger

Senators	Yes	No	Senators	Yes	No
Senator Holmberg			Senator Mathern		
Senator Krebsbach			Senator Grabinger		
Senator Wanzek			Senator Robinson		
Senator Erbele					
Senator Poolman					
Senator Bekkedahl					
Senator G. Lee					
Senator Dever					
Senator Sorvaag					
Senator Oehlke					
Senator Hogue					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Voice Vote
Carried*

Date: 3-28-19Roll Call Vote #: 2

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES**
BILL/RESOLUTION NO. 1005

Senate Appropriations

Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____Motion Made By Grabinger Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Senator Holmberg	✓		Senator Mathern	✓	
Senator Krebsbach	✓		Senator Grabinger	✓	
Senator Wanzek	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Poolman	✓				
Senator Bekkedahl	✓				
Senator G. Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue	A				

Total (Yes) 13 No 0Absent 1Floor Assignment Holmberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1005, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005
was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$848,407	\$21,284	\$869,691
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,111	(\$13,860)	\$1,098,251"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Senate Action

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Salaries and wages	\$848,407	\$866,218	\$3,473	\$869,691
Operating expenses	263,704	228,560		228,560
Total all funds	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
Less estimated income	0	0	0	0
General fund	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
FTE	4.00	4.00	0.00	4.00

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General fund	\$3,473	\$3,473
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¹ Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$80, and an increase of 3 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

2019 TESTIMONY

HB 1005

Department 316 - Indian Affairs Commission
House Bill No. 1005

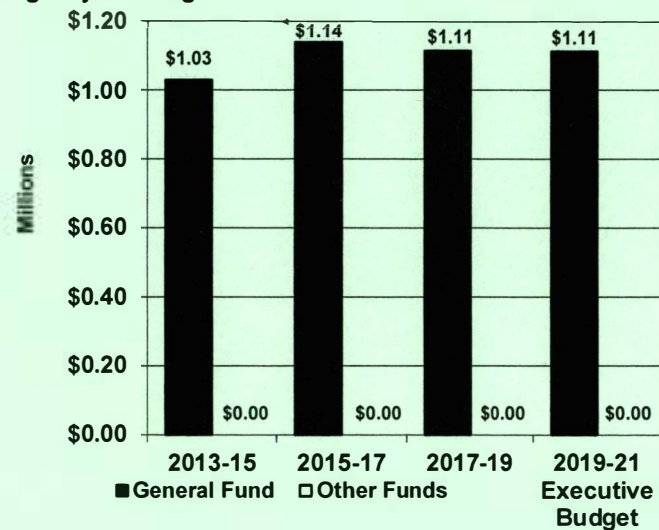
Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2019-21 Executive Budget	4.00	\$1,110,151	\$0	\$1,110,151
2017-19 Legislative Appropriations	4.00	1,112,111	0	1,112,111
Increase (Decrease)	0.00	(\$1,960)	\$0	(\$1,960)

Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2017-19 Adjusted Legislative Appropriations	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2019-21 Base Level	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

Attached as an appendix is a detailed comparison of the executive budget to the agency's base level appropriations.

Executive Budget Highlights

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$34,087 is for salary increases, \$15,115 is for health insurance increases, and \$4,444 is for retirement contribution increases	\$53,646	\$0	\$53,646
2. Adjusts base payroll by increasing funding for the directors' salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes changes to salaries, benefits, and health insurance noted above)	(\$20,462)	\$0	(\$20,462)
3. Reduces funding for the American Indian Business Office	(\$35,144)	\$0	(\$35,144)

Other Sections in Bill

Additional income - Section 2 would appropriate any additional federal or other funds available to the Indian Affairs Commission during the 2019-21 biennium.

Line item transfers - Section 3 would authorize the agency to transfer up to 10 percent of the agency's appropriation authority between line items in Section 1 of the bill.

Continuing Appropriations

Indian Affairs Commission printing fund - North Dakota Century Code Section 54-36-08 - Used to defray expenses incurred by the commission in producing and distributing publications and educational materials.

Significant Audit Findings

There are no significant audit findings for this agency.

Major Related Legislation

At this time, no major legislation has been introduced affecting this agency.

Indian Affairs Commission - Budget No. 316
House Bill No. 1005
Base Level Funding Changes

	Executive Budget Recommendation			
	FTE Position	General Fund	Other Funds	Total
2019-21 Biennium Base Level	4.00	\$1,112,111	\$0	\$1,112,111
2019-21 Ongoing Funding Changes				
Base payroll changes		(\$20,462)		(\$20,462)
Salary increase		34,087		34,087
Health insurance increase		15,115		15,115
Retirement contribution increase		4,444		4,444
Reduces American Indian Business Office funding		(35,144)		(35,144)
Total ongoing funding changes	0.00	(\$1,960)	\$0	(\$1,960)
One-time funding items				
No one-time funding items				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	(\$1,960)	\$0	(\$1,960)
2019-21 Total Funding	4.00	\$1,110,151	\$0	\$1,110,151

Other Sections for Indian Affairs Commission - Budget No. 316

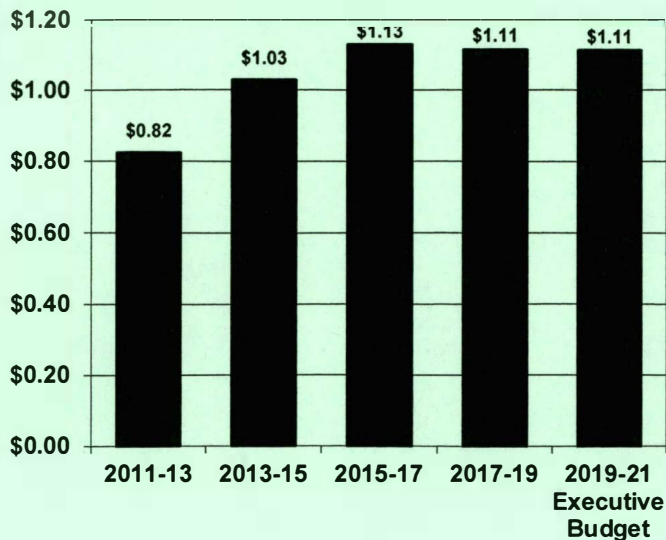
	Executive Budget Recommendation
Appropriation - Additional federal funds or other funds	Section 2 would appropriate any additional income from federal or other funds which may become available to the Indian Affairs Commission for the 2019-21 biennium.
Line item transfers	Section 3 would authorize the Indian Affairs Commission to transfer up to 10 percent of the agency's total appropriation authority between line items during the 2019-21 biennium.

Department 316 - Indian Affairs Commission

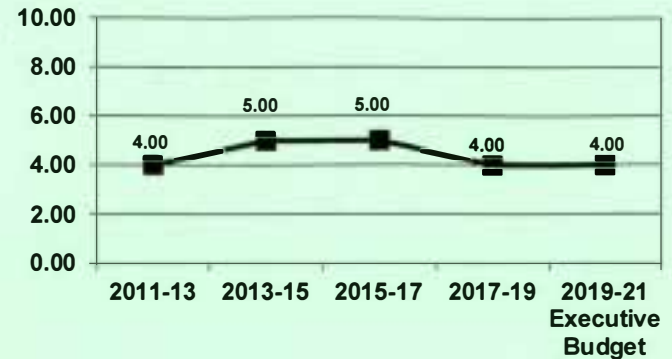
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2011-13

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2011-13	2013-15	2015-17	2017-19	2019-21 Executive Budget
Ongoing general fund appropriations	\$822,878	\$1,027,558	\$1,127,740	\$1,112,111	\$1,110,151
Increase (decrease) from previous biennium	N/A	\$204,680	\$100,182	(\$15,629)	(\$1,960)
Percentage increase (decrease) from previous biennium	N/A	24.9%	9.7%	1.4%	(0.2%)
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	24.9%	37.0%	35.1%	34.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2013-15 Biennium

- | | |
|---|-----------|
| 1. Added 1 Native American health system program administrator FTE position | \$184,284 |
| 2. Increased funding for temporary employees' salaries | \$24,882 |
| 3. Reduced operating expenses | (\$9,957) |

2015-17 Biennium

- | | |
|--|-----------|
| 1. Added funding for desktop support services | \$12,000 |
| 2. Added funding to transfer the North Dakota American Indian Business Development Office from the Department of Commerce to the Indian Affairs Commission | \$100,000 |
| 3. Reduced operating expenses | (\$3,831) |

2017-19 Biennium

- | | |
|---|-------------|
| 1. Removed 1 Indian education program administrator FTE position | (\$109,850) |
| 2. Restored funding for the Youth Leadership Academy that was removed as a result of the August 2016 general fund budget reductions | \$10,572 |

2019-21 Biennium (Executive Budget Recommendation)

- | | |
|---|------------|
| 1. Adjusts base payroll by increasing funding for the director's salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes salaries, benefits and health insurance increases) | (\$20,462) |
| 2. Reduces funding for the American Indian Business Office | (\$35,144) |

GOVERNOR'S RECOMMENDATION FOR THE INDIAN AFFAIRS COMMISSION AS SUBMITTED BY THE OFFICE OF MANAGEMENT AND BUDGET

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	Adjustments or		
	<u>Base Level</u>	<u>Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$33,184	\$881,591
Operating expenses	<u>263,704</u>	<u>(35,144)</u>	<u>228,560</u>
Total general fund	\$1,112,11	(\$1,960)	\$1,110,151
Full-time equivalent positions	4.00	(1.00)	4.00

SECTION 2. APPROPRIATION. In addition to the amounts appropriated to the Indian affairs commission in section 1 of this Act, there is appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. TRANSFER. Notwithstanding section 54-16-04, the agency may transfer between line items within section 1 of this Act up to ten percent of the total appropriation contained in section 1 during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

North Dakota Indian Affairs Commission
House Appropriations Budget Hearing
House Appropriations Committee
Chairman, Representative John Nelson
North Dakota State Capital, Bismarck ND
January 8th, 2019

Chairman Nelson and members of the Committee,

My name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Commissioner, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

It has been a very busy biennium to say the least, this year the North Dakota Indian Affairs Commission will commemorate its 70th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a five-member staff.

HB 1005
1/8/2019
Attachment A

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

"The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans".

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee (now known as the Tribal-State Taxation Committee), for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially in the past 9+ years. This growth has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/judicial systems, law enforcement, game and fish, transportation, public safety, data accumulation, child welfare/juvenile justice, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the numerous issues and projects established by those partnerships. The substantial number of agreements and compacts made

between the tribe and state are challenging at times but require consistent communication and good faith consultation in order for them to be sustainable.

Our Staff:

American Indian Health Systems Administrator – Brad Hawk

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Two sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. Brad Hawk is a member of the Crow Creek Sioux Tribe of South Dakota, completing his bachelor's degree in health administration from the University of South Dakota and his MBA from the University of Mary.

The Indian Health Systems Administrator, Brad Hawk, has been part of various health care projects and efforts. He participates in ongoing Medicaid Tribal Consultation. These meetings happen quarterly here in Bismarck to give the Tribes information on Medicaid system and other DHS related information.

Brad also works with Department of Human Services Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. He has held meetings with Indian Health Service leadership about performing coordinated care for Tribal patients. Brad also works with Tribal Leaders in order to educate how shared savings

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of ND General Funds would be used in their communities if a bill is passed in the legislative session.

Brad attends and participates in discussions around oral health care access in the tribal communities. He works Tribal Health leaders about the work happening nationwide to address disparities in oral health for Tribal members. He assists with meetings with Tribal Leadership in ND to hear their concerns for not having mid-level providers available in their communities. He also assists and participates in various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic for our office, and Brad in his role. He participated in various meetings around community health assessments. Many of these discussions are around consolidating different assessments so the Tribal population is not asked various times for health data.

Behavioral Health issues continue to be an issue in Tribal communities. Brad has participated in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes. He has been active with the Justice and Mental Health Task Force. This group looks at the law enforcement and judicial side of addressing behavioral health needs.

Brad also serves on the Suicide Prevention Task Force, which has been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration. He has also helped select qualified applicants for grants to reduce suicides in ND.

Judicial Systems Administrator – Erica Thunder

Erica Thunder, a member of MHA Nation, graduate of Bottineau High School, and the University of North Dakota graduate twice over—she obtained her bachelor's Degree in political science with honors; and two doctorate degrees: a Juris Doctorate and a Certificate in Federal Indian Law, from UND School of Law. She serves as Judicial Systems Administrator for NDIAC.

Under her role, she develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. This has included assisting ND Supreme Court Justice Tufte with Committee on Tribal and State Court Affairs, to begin improvements in data sharing and resource sharing among the two Sovereigns. She works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In her work with law enforcement, she has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna Clawsen. These meetings have led to spearheading the first law enforcement MOU's between the State and the Tribes, which, although in their infancy, will lead to better support for public safety. In her capacity, she is also assisting in creating the first Tribal-State Drug Task Force, in the Turtle Mountains.

She has developed and been integral to the writing of child welfare policies, while developing working relations with child welfare programs and issues. Her background in Child Welfare has

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led her to assisting in re-writing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. Again, though these agreements are not completed, they have been integral to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Erica has also played a part in writing and reviewing the MHA DOT Licensing Agreement between the State and MHA, creating important petitions used in school districts where vulnerable people are being underserved, mediated a prominent missing person's case, Olivia Lone Bear, with multiple law enforcement jurisdictions, and also is tasked with reviewing language re: taxation issues.

Other duties of hers include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal colleges on public safety and legal issues.

She, along with the whole NDIAC team, with Commissioner Davis's lead, put together educational presentations for the North Dakota Indian Youth Leadership Academy, where they also actively plan, participate, and assist with the week-long event's activities. She also has coordinated Law Enforcement and Legal panels for NDIAC's Strengthening Government to Government Relations, along with serving on the Indian Law Section.

She currently serves on the State Committees including: Dual Status Youth Initiative, Committee on Tribal and State Court Affairs, Prevention of Sexual Abuse of Children Task Force, Children's Behavioral Health Task Force, the STOP Committee, North Dakota Human Trafficking

Commission, and was appointed to Governor Burgum's Interstate Oil and Gas Compact Commission, among others.

Executive Administrative Assistant to the Executive Director – Marietta Kemmet

Marietta is an enrolled member of the Turtle Mountain Band of Chippewa. Degrees include a Legal Assistant and returned to school in 2005 to earn a Bachelor's Degree in Business Management from Mayville State University. She worked in Higher Education for 22 years and has been with the North Dakota Indian Affairs commission since 2017 as an Executive Assistant to the Director. Her role is to manage the office to ensure smooth operation on a daily basis. She has also taken on other duties and is currently involved with the committee, in cooperation with the North Dakota Army National Guard, to create the Woodrow Keeble award.

Marietta is married to Bruce Kemmet and has three children and five grandchildren.

Data Specialist (part time status) – Leah McCloud

Leah is an enrolled member of the Turtle Mountain Bank of Chippewa. Leah's duties are to team ND Indian Affairs Commission office with the five tribes of ND on addressing tribe's data gaps and quality. Leah has worked in development for 17 years and went back to school to earn her master's degree in Project Management from the University of Mary. She is married to Vincent McCloud and together have seven children and five grandchildren.

During her employment for TM Band of Chippewa and Sky Dancer Casino she has developed and promoted many first-time ever annual events for her tribe.

North Dakota Indian Youth Leadership Academy (NDIYA)

Mr. Chairman and members of the committee, in the 2011 legislative session our budget included an appropriation of \$60,000 to continue the development and planning of the ND Indian Youth Leadership Academy. You will not in the budget spreadsheet, we did have an allotment to this amount. This coming June will mark the 10th annual NDIYA. The Indian Affairs Commission office and its planning committee have made a strong commitment in making this Academy an annual event. We feel the partnerships with the ND State Bank, the ND University Systems, and the ND Tribal Colleges have made an enormous impact on nearly 500 Native American students. We are now witnessing many of our Academy students now attending tribal colleges and our ND colleges and taking up volunteer leadership roles within their communities.

Mr. Chairman and members of the committee, on behalf of the hundreds of students who participated in the academy we hope you will support the continuation of this valuable program.

Contract Appropriations American Indian Business Development Office

The American Indian Business Development Office contract appropriation is being moved from the Department of Commerce to the Indian Affairs Commission.

For the past 9 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. I think it is fair to say, all agree that a Full Time Employee is NOT needed. We have contracted this out for the past 10+ years in the sum of 100K.

Through the leadership of the Executive Director of NDIAC we now have been able to concentrate of identify native owned businesses that exist within North Dakota. We also, have now been able to provide technical assistance for native owned startup businesses and also growing those well-established private native owned businesses.

We also have now established the first ever North Dakota Indian Business Alliance, which members are private native owned businesses. We also have championed Tribal Business Economic Summits and are making strides regarding Tribal Uniform Commercial Codes. This will provide an equal playing field when it comes to filing financial and business transactions. Our next step is to continue our work with the Secretary of State in getting those transactions electronically to filling systems. This will require a Memorandum of Agreement between the Tribe and the State.

We have also, helped co-create the North Dakota Native Tourism Alliance. This Alliance is geared toward planning, partnering and creating a tourism destiny on each reservation. As we all know, Tourism is huge economic sector of our State. It our goal to build upon that with our Tribal communities which will help establish a stronger economy, jobs and businesses on the reservations.

North Dakota Native American Hall of Honor

The North Dakota Indian Affairs Commission partners with the State Historical Society of North Dakota and the State Historical Society Foundation in order to present its annual Native American Hall of Honor.

The Hall is an annual program recognizing Native Americans who have gone above and beyond in representing their tribe and culture. It is located in the North Dakota Heritage Center & State Museum in Bismarck. The program recognizes traditional and contemporary achievements in four categories: Arts and Culture, Athletics, Leadership and Veterans. Much work goes into the planning and preparations for the Hall, along with the application, board selection process, and ultimate Hall of Honor program, which includes dinner, in-depth video presentations of each new member, stories, entertainment, and words of inspiration from its newly received members and their families/friends/communities. It is a wonderful way for our office to contribute to the rich history of our State and the wonderful Tribal people it has produced, who have gone out and made extraordinary lives for themselves and serve as exemplary role models to us all.

Strengthening Government to Government Relations Conference

Mr. Chairman, this past January and December of 2018, our office hosted two conferences directed towards improving Tribal, State and Federal partnerships. Both two conferences had participation attendance at 300 people. I strongly feel that these two conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government relations for our State and Tribe.

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Reduction in Base Funding

Mr. Chairman this past biennium, our office, like all state agencies went through the process of cutting 5% from our base appropriations which amount to -\$35,144.00. This amount was taken from the \$100,000.00 American Indian Business Development Office fund.

Transfer Authority

Mr. Chairman, our office/agency fully supports the authority to transfer between line items up to ten percent of the total appropriation contained in section during the biennium beginning July 1, 2019 and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, I believe our office and my position have been extraordinarily effective, efficient, productive, and reliable, while producing heavy amounts of work, and with that large workload, maintaining very good relationships with all of those who we work alongside. The amount of work we produce for this state with 4 FTE employees is unheard of at any other level of government. I believe that we as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 2 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

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Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

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**HOUSE BILL NO.
1005
(Governor's
Recommendation)**

**Sixty-Sixth,
Legislative Assembly
of North Dakota**

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an act to provide an appropriation for defraying the expenses of the Indian affairs commission; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$33,184	\$881,591
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,11	(\$1,960)	\$1,110,151
Full-time equivalent positions	4.00	(1.00)	4.00

SECTION 2. APPROPRIATION. In addition to the amounts appropriated to the Indian affairs commission in section 1 of this Act, there is appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. TRANSFER. Notwithstanding section 54-16-04, the agency may transfer between line items within section 1 of this Act up to ten percent of the total appropriation contained in section 1 during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

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North Dakota Indian Affairs Commission
House Appropriations Budget Hearing
House Appropriations Committee
Chairman, Representative John Nelson
North Dakota State Capital, Bismarck ND
January 8th, 2019

Chairman Nelson and members of the Committee, my name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Commissioner, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

It has been a very busy biennium to say the least, this year the North Dakota Indian Affairs Commission will commemorate its 70th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a five-member staff.

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

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Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

"The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans".

The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially in the past 9+ years. This growth has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/law systems, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the numerous issues and projects established by those partnerships. The large number of agreements and compacts made between the tribe and state

are challenging at times, but require consistent communication in order for them to be sustainable.

American Indian Health Systems Administrator

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Two sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. The Indian Health Systems Administrator has been part of various health care projects and efforts. Participate in ongoing Medicaid Tribal Consultation. These meetings happen quarterly here in Bismarck to give the Tribes information on Medicaid system and other DHS related information.

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patients. Have talked with Tribal Leaders about how shared savings of ND General Funds would be used in their communities if a bill is passed in the legislative session.

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Suicide Prevention Task Force have been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration. Have helped select qualified applicants for grants to reduce suicides in ND.

Judicial Systems Administrator

Erica Thunder, a member of MHA Nation, graduate of Bottineau High School, and the University of North Dakota graduate twice over—obtaining one undergrad degree: Bachelors in Political Science; and doctorate degrees: Juris Doctorate and Certificate in Federal Indian Law, serves as Judicial Systems Administrator for NDIAC.

Under her role, she develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. This has included assisting ND Supreme Court Justice Tufte with Committee on Tribal and State Court Affairs, to begin improvements in data sharing and resource sharing among the two Sovereigns. She works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In her work with law enforcement, she has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna Clawsen. These meetings have led to spearheading the first law enforcement MOU's between the State and the Tribes, which, although in their infancy, will lead to better support for public safety. In her capacity, she is also assisting in creating the first Tribal-State Drug Task Force, in the Turtle Mountains.

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all know, Tourism is huge economic sector of our State. It our goal to build upon that with our Tribal communities which will help establish a stronger economy, jobs and businesses on the reservations.

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Transfer Authority

Mr. Chairman, our office/agency fully the supports the authority to transfer between line items up to ten percent of the total appropriation contained in section during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

Budget Narrative, Request Summary and Detail (see attachments)

In closing, I feel our office and my position have been very busy and feel that we as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 2 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

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**HOUSE BILL NO.
1005**

**(Governor's
Recommendation)**

**Sixty-Sixth,
Legislative Assembly
of North Dakota**

Introduced by

Appropriations Committee

(At the request of the Governor)

A bill for an act to provide an appropriation for defraying the expenses of the Indian affairs commission; and to provide for a transfer.

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SECTION 2. APPROPRIATION. In addition to the amounts appropriated to the Indian affairs commission in section 1 of this Act, there is appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. TRANSFER. Notwithstanding section 54-16-04, the agency may transfer between line items within section 1 of this Act up to ten percent of the total appropriation contained in section 1 during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

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Indian Business Development – Allocation of Funds by Main Initiatives

October 29, 2018

Executive Summary: The American Indian Business Development Office (AIBDO) contracts with the North Dakota Indian Business Alliance (NDIBA) to assist Native American tribes and their members in starting and growing businesses. This effort is funded by the State of North Dakota through a \$50,000/year grant (\$100,000/biennium). In general terms, NDIBA focuses its efforts on four (4) main initiatives:

- Technical assistance to aspiring and emerging Native American owned and operated businesses.
- Training & education to promote entrepreneurship both on and off reservations located in North Dakota.
- Increasing access to capital by supporting the development of Native CDFIs (Community Development Financial Institutions).
- Promoting an environment that supports doing business in Indian Country, especially relative to Uniform Commercial Code.

NDIBA primarily provides startup assistance to its clients. Due to limited staffing (1 FTE), NDIBA doesn't have the capacity to provide ongoing business development support to its clients. In other words, NDIBA assists its clients with getting their businesses started (e.g., registering with the Secretary of State, developing business plans, applying for an EIN with the IRS, setting up a bank account with an accounting system, referring to other resources, etc.). NDIBA also offers a grant program that provides up to \$1,000 in funds to assist new businesses with basic marketing needs such as business cards, websites, signage, trade show materials, social media presence, etc.

Once NDIBA's clients have set up their business, little if any additional support is provided. However, NDIBA is available to offer advice to former clients as requested. Since NDIBA doesn't typically provide ongoing technical assistance, there is no mechanism currently in place to track the progress and status of its former clients. NDIBA simply serves as a resource to past clients, and instead focuses most of its time and efforts on serving new clients.

Beyond providing direct technical assistance to emerging and new Native American owned businesses, NDIBA also serves as a leading advocate for the adoption of the UCC Model Tribal Secured Transaction Act among the five tribes of North Dakota. NDIBA also developed and manages an online business directory (www.nativebusiness.directory) featuring Native American owned businesses located primarily in the five (5) states with Indian Business Alliance (IBAs), including ND, SD, MT, MN and WI. Lastly, NDIBA provides training and education to promote entrepreneurship. Each biennium, NDIBA conducts a tribal economic development summit which has historically attracted over 100 attendees from across the State.

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With all of this in mind, here is a summary report of NDIBA's past, present and future work with its clients served during the current biennium.

Client Name	Service(s) Provided	Company Status	NDIBA Involvement
ND Native Tourism Alliance	Technical Assistance with organizational structure development. Register with Sec. of State, assist with securing 501c3 status, marketing advice	Operational	Ongoing support
Native American Development Center	Technical assistance in securing CDFI funding (NACA), strategic planning, and market study	Operational	Complete
Oyate Community Development Corporation	Market needs assessment and strategic planning	Operational	Complete
Bearstail Basketball	Mini-marketing grant, register with Sec. of State, assist with securing 501c3 status, marketing advice, setting up banking account	Operational	Complete
Grey Willow Music	Mini-marketing grant, register with Sec. of State, marketing advice, register in SAM	Operational	Ongoing support
Nativeways Travel & Tours	Start-up and secure 501c3 status	Operational	Complete
D&D Design	Technical assistance with business development	Operational	Complete
Big Spirit, Inc.	Procurement assistance	Operational	Active
My Aunties Coffee & More	Mini-marketing grant	Temp closed business	Complete
Bug Master	Mini-marketing grant	Operational	Complete
Tatanka Logistics	Register with Sec. of State, marketing advice, business development	Start-up	Ongoing support
Nelson's Stone Design	Mini-marketing grant, marketing advice	Operational	Complete
Bear Chief Oil	Mini-marketing grant, technical assistance on business expansion	Operational	Complete

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Client Name	Service(s) Provided	Company Status	NDIBA Involvement
Rez Rock & Water	Mini-marketing grant, technical assistance with certification in 8(a) and HubZone	Operational	Complete
Thomas Custom Plumbing	Mini-marketing grant	Operational	Complete
Steelhorse Fuel Services & Transport	Mini-marketing grant	Operational	Complete
Waln Construction	Mini-marketing grant	Unknown	Complete
Chiptronics	Mini-marketing grant	Operational	Complete
Standing Rock Development Corporation	Mini-marketing grant	Operational	
Nanny's (McNeil Catering)	Technical assistance with business development	Operational	Ongoing support
Standing Rock Propone	Mini-marketing grant	Operational	Complete
Misty's Gifts	Technical assistance with business development	Start-up	Ongoing support
Green Edge Landscaping	Mini-marketing grant	Operational	Complete
EH Investigations & Security	Mini-marketing grant	Unknown	Complete
Engage Marketing & Events	Mini-marketing grant, business resource referrals	Operational	Complete
BT Sports	Mini-marketing grant, register with the Sec. of State, marketing advice	Operational	Complete
Schindler's Cable TV	Technical assistance with business development, Sam registration, HubZone certified	Operational	Ongoing support
Standing Rock Sioux Tribe	Growing Tribal Economies planning assistance, established an "Action Plan"	Operational	Complete
All Five ND Tribes	Tribal Enterprise Workshop "Start & Grow Your Tribal Enterprise"	Operational	Complete
Spirit Lake Nation	Planning Entrepreneurial Empowerment workshop	Operational	Ongoing support

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Indian Business Development – Allocation of Funds by Main Initiatives
September 29, 2018

Initiative	Description	Estimated Amount (Biennium)	Outcomes, Main Activities & Additional Details
Technical Assistance	Assisting over 20 new Native American owned businesses in starting and growing their operations	\$25,000 <i>(Equates to providing approximately \$1,000/business in technical assistance)</i>	Assistance provided to: Blacksmith's Beautification Center, Native American Boxing Federation, J&C Services, Five Nations Art, Bearstail Basketball, Grey Willow Music, Beaver Creek Archeology, D&D Design, Big Spirit, Inc., My Aunties Coffee & More, Bug Master, Tatanka Logistics, Nelson's Stone Design, women-owned business, daycare business, Bear Chief Oil, Rez Rock & Water, Thomas Custom Plumbing, Steelhorse Fuel Services & Transport, Waln Construction, Chiptronics, Grey Willow LLC, Standing Rock Development Corporation, Nanny's (McNeil Catering), Standing Rock Propone, Misty's Gifts, Green Edge Landscaping, EH Investigations & Security, Engage Marketing & Events, and Schindler's Cable TV.
Training	Conducting economic development and small business training with ND Tribes called "Growing Tribal Economies – Planting the Seed."	\$25,000	Conducted a small business development training session called "Growing Tribal Economies – Planting the Seed" at Standing Rock Sioux Tribe (SRST) on February 2, 2017, in conjunction with Federal Deposit Insurance (FDIC), USDA Rural Development Center, Small Business Administration, North Dakota Small Business Development Center, Oyate Community Development Corporation, and the North Dakota Department of Commerce. The group participated in the Rez Café facilitated by NDIBA. A total of 37 people participated in the training, including attendees from SRST's Tribal Government, Tribal Programs, and area Native Business owners. The session was held at the Standing Rock Administrative Service Building, Fort Yates, ND. A similar session was conducted in conjunction with Strengthen North Dakota with the Turtle Mountain Band of Chippewa Indians on August 9, 2018.

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Access to Capital	Helping to establish a statewide Native CDFI (Community Development Financial Institution) to expand access to capital to Native owned businesses	\$20,000	Proactively assisted in establishing a statewide Native CDFI headquartered in Bismarck called the Native American Development Center (NADC). Served on the Board of Directors and assisted in conducting a market needs assessment and strategic plan. Also provided technical assistance to another Native CDFI on the Standing Rock reservation called Oyate Community Development Corporation.
Technical Assistance	Helping launch two new non-profit organizations supporting Native tourism	\$15,000	Provided technical assistance in starting two new non-profit organizations designed to advance tourism among the tribes of North Dakota. The organizations are the North Dakota Native Tourism Alliance and Nativeways Travel & Tours.
Infrastructure Development	Advocating for the adoption of the UCC Model Tribal Secured Transaction Act among the five tribes of North Dakota	\$5,000	Compiled and provided representatives from all North Dakota Tribes with a comprehensive package of UCC resources including a flash drive containing the Oglala Sioux Tribe's complete Uniform Commercial Codes (Article 1 – 9), Business Codes, the Memorandum of Understanding (MOU) with the State of South Dakota for the filing, the Standing Rock Sioux Tribes Article 9 of the UCC, and the Model Tribal Secured Transaction Act. Worked with attorneys Courtney Two Lance and David Frankel to conduct a UCC workshop for the Great Plains Region Tribes at the 2018 Tribal Leaders Summit held in mid-September in Bismarck.
Marketing	Awarded 9 mini-marketing grants to Native American business owners to help them grow their businesses	\$5,000	Mini-marketing grants awarded to: Misty's Gifts, Standing Rock Propane, Engage Marketing & Events, Thomas Custom Plumbing, Steelhorse Fuel Services & Transport, Bug Master, Nanny's Catering, Bearstail Basketball and My Auntie's Coffee. Additional grants were awarded to other firms through funding from other sources beyond State funding.
Training	Conducting a tribal economic development summit attracting over 100 attendees	\$2,500	Successfully conducted a Regional Indian Business Alliance conference in Bismarck, ND, on Nov. 3-4, 2016, which attracted 100 plus attendees.

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Marketing	Launching an online business directory to promote over 100 Native American businesses	\$2,000	Developed, launched and manage an online business directory (www.nativebusiness.directory) featuring Native American owned businesses located primarily in the five (5) states with Indian Business Alliance (IBAs), including ND, SD, MT, MN and WI. Other states represented in the directory with Native-owned businesses include Florida, Oklahoma, Nebraska, California, New Mexico and Arizona.
Training	Conducting youth entrepreneurship training	\$500	Worked in collaboration with MarketPlace for Kids and United Tribes Technical College to conduct a day-long entrepreneurial event in Bismarck on May 18, 2017, which included attendance by youth from the Theodore Jamerson Elementary School (located on the campus of United Tribes). Attendees were able to attend dozens of classes designed to expose them to various careers. Additionally, students were able to create a project based on new product or business idea.
Total		\$100,000	

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Executive Branch Agencies with Transfer Authority

Information Technology Department

Notwithstanding section 54-16-04, the director of the office of management and budget shall make transfers of funds between line items in section 1 of this Act for the information technology department as may be requested by the chief information officer as determined necessary for the development and implementation of information technology projects.

Department of Human Services

Notwithstanding section 54-16-04, the department of human services may transfer appropriation authority between line items within subdivisions 1, 2 and 3 of section 1 of this Act and between subdivisions 1, 2, and 3 within section 1 of this Act for the biennium beginning July 1, 2017, and ending June 30, 2019. The department shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

Department of Transportation

The director of the department of transportation may transfer between the salaries and wages, operating, capital assets, and grants line items in section 1 of this Act when it is cost-effective for construction and maintenance of highways. The department of transportation shall notify the office of management and budget of any transfers made pursuant to this section.

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Indian Affairs Commission - Budget No. 316
House Bill No. 1005
Base Level Funding Changes

	Executive Budget Recommendation				House Version				House Changes to Executive Budget Increase (Decrease) - Executive Budget			
	FTE Position	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total	FTE Positions	General Fund	Other Funds	Total
2019-21 Biennium Base Level	4.00	\$1,112,111	\$0	\$1,112,111	4.00	\$1,112,111	\$0	\$1,112,111	0.00	\$0	\$0	\$0
2019-21 Ongoing Funding Changes												
Base payroll changes		(\$20,462)		(\$20,462)		(\$20,462)		(\$20,462)				\$0
Salary increase		34,087		34,087		20,425		20,425		(13,662)		(13,662)
Health insurance increase		15,115		15,115		17,848		17,848		2,733		2,733
Retirement contribution increase		4,444		4,444				0		(4,444)		(4,444)
Reduces American Indian Business Office funding		(35,144)		(35,144)				0		35,144		35,144
Total ongoing funding changes	0.00	(\$1,960)	\$0	(\$1,960)	0.00	\$17,811	\$0	\$17,811	0.00	\$19,771	\$0	\$19,771
One-time funding items												
No one-time funding items				\$0				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	(\$1,960)	\$0	(\$1,960)	0.00	\$17,811	\$0	\$17,811	0.00	\$19,771	\$0	\$19,771
2019-21 Total Funding	4.00	\$1,110,151	\$0	\$1,110,151	4.00	\$1,129,922	\$0	\$1,129,922	0.00	\$19,771	\$0	\$19,771

Other Sections for Indian Affairs Commission - Budget No. 316

	Executive Budget Recommendation		House Version	
	FTE	Amount	FTE	Amount
Appropriation - Additional federal funds or other funds				
Section 2 would appropriate any additional income from federal or other funds which may become available to the Indian Affairs Commission for the 2019-21 biennium.				
Line item transfers				
Section 3 would authorize the Indian Affairs Commission to transfer up to 10 percent of the agency's total appropriation authority between line items during the 2019-21 biennium.				

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Prepared by the Legislative Council staff
for

February 4 , 2019

HOUSE BILL NO. 1005
LISTING OF PROPOSED CHANGES TO ENGROSSED VERSION

Department -

Proposed funding changes:

Description	FTE	General Fund	Special Funds	Total
1 Base payroll changes		(\$20,462)		(\$20,462)
2 Salary increase		\$20,425		\$20,425
3 Health insurance increase		\$17,848		\$17,848
4 Reduces American Indian Business Office funding		(\$35,144)		(\$35,144)
5				
Total proposed funding changes		<u>(\$17,333)</u>	<u>\$0</u>	<u>(\$17,333)</u>

Other proposed changes:

1

2

3

4

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1005

Page 1, replace lines 9 through 14 with:

	<u>Base Level</u>	<u>"Adjustments or Enhancements"</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$17,811	\$866,218
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,111	(\$17,333)	\$1,094,778
Full-time equivalent positions	4.00	0.00	4.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - House Action

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Salaries and wages	\$848,407	\$17,811	\$866,218
Operating expenses	263,704	(35,144)	228,560
Total all funds	\$1,112,111	(\$17,333)	\$1,094,778
Less estimated income	0	0	0
General fund	\$1,112,111	(\$17,333)	\$1,094,778
FTE	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of House Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Reduces Funding for the American Indian Business Office³</u>	<u>Total House Changes</u>
Salaries and wages	(\$20,462)	\$38,273		\$17,811
Operating expenses			(\$35,144)	(35,144)
Total all funds	(\$20,462)	\$38,273	(\$35,144)	(\$17,333)
Less estimated income	0	0	0	0
General fund	(\$20,462)	\$38,273	(\$35,144)	(\$17,333)
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

<u>General Fund</u>	
Salary increase	\$20,425
Health insurance increase	17,848
Total	\$38,273

³ Reduces funding for the American Indian Business Office to provide a total of \$64,856.

Department 316 - Indian Affairs Commission
House Bill No. 1005

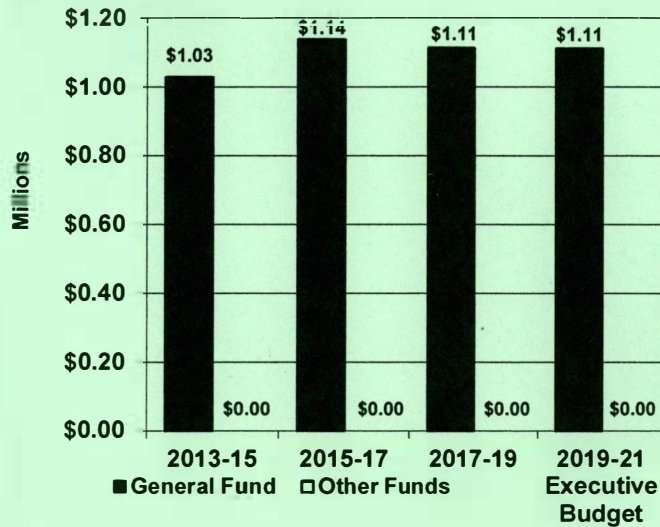
Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2019-21 Executive Budget	4.00	\$1,110,151	\$0	\$1,110,151
2017-19 Legislative Appropriations	4.00	1,112,111	0	1,112,111
Increase (Decrease)	0.00	(\$1,960)	\$0	(\$1,960)

Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2017-19 Adjusted Legislative Appropriations	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2019-21 Base Level	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

**Executive Budget Highlights
 (With First House Changes in Bold)**

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$34,087 is for salary increases, \$15,115 is for health insurance increases, and \$4,444 is for retirement contribution increases. The House added funding for salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month. The House did not add funding for retirement contribution increases.	\$53,646	\$0	\$53,646
2. Adjusts base payroll by increasing funding for the directors' salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes changes to salaries, benefits, and health insurance noted above)	(\$20,462)	\$0	(\$20,462)

3. Reduces funding for the American Indian Business Office	(\$35,144)	\$0	(\$35,144)
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Other Sections in House Bill No. 1005

There are no other sections in the bill.

Continuing Appropriations

Indian Affairs Commission printing fund - North Dakota Century Code Section 54-36-08 - Used to defray expenses incurred by the commission in producing and distributing publications and educational materials.

Significant Audit Findings

There are no significant audit findings for this agency.

Major Related Legislation

House Bill No. 1313 - Amends Section 54-12-34, relating to the Criminal Justice Information sharing system, to require the Attorney General to implement a missing person repository for authorized users to include demographic data related to indigenous people.

Indian Affairs Commission - Budget No. 316
House Bill No. 1005
Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Position	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total
2019-21 Biennium Base Level	4.00	\$1,112,111	\$0	\$1,112,111	4.00	\$1,112,111	\$0	\$1,112,111
2019-21 Ongoing Funding Changes								
Base payroll changes		(\$20,462)		(\$20,462)		(\$20,462)		(\$20,462)
Salary increase		34,087		34,087		20,425		20,425
Health insurance increase		15,115		15,115		17,848		17,848
Retirement contribution increase		4,444		4,444				0
Reduces American Indian Business Office funding		(35,144)		(35,144)		(35,144)		(35,144)
Total ongoing funding changes	0.00	(\$1,960)	\$0	(\$1,960)	0.00	(\$17,333)	\$0	(\$17,333)
One-time funding items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	(\$1,960)	\$0	(\$1,960)	0.00	(\$17,333)	\$0	(\$17,333)
2019-21 Total Funding	4.00	\$1,110,151	\$0	\$1,110,151	4.00	\$1,094,778	\$0	\$1,094,778

Other Sections for Indian Affairs Commission - Budget No. 316

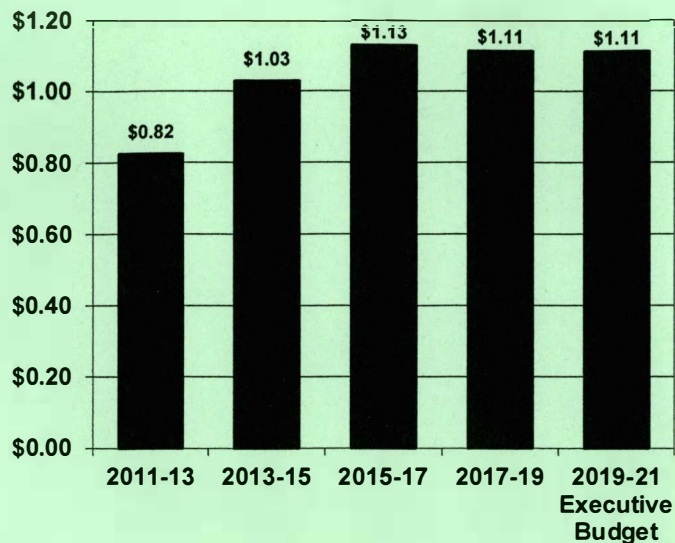
	Executive Budget Recommendation	House Version
Appropriation - Additional federal funds or other funds	Section 2 would appropriate any additional income from federal or other funds which may become available to the Indian Affairs Commission for the 2019-21 biennium.	No other sections included in the House version.
Line item transfers	Section 3 would authorize the Indian Affairs Commission to transfer up to 10 percent of the agency's total appropriation authority between line items during the 2019-21 biennium.	

Department 316 - Indian Affairs Commission

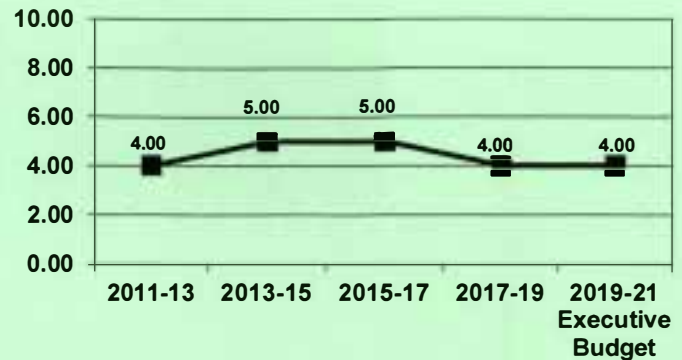
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2011-13

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2011-13	2013-15	2015-17	2017-19	2019-21 Executive Budget
Ongoing general fund appropriations	\$822,878	\$1,027,558	\$1,127,740	\$1,112,111	\$1,110,151
Increase (decrease) from previous biennium	N/A	\$204,680	\$100,182	(\$15,629)	(\$1,960)
Percentage increase (decrease) from previous biennium	N/A	24.9%	9.7%	1.4%	(0.2%)
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	24.9%	37.0%	35.1%	34.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2013-15 Biennium

- | | |
|---|-----------|
| 1. Added 1 Native American health system program administrator FTE position | \$184,284 |
| 2. Increased funding for temporary employees' salaries | \$24,882 |
| 3. Reduced operating expenses | (\$9,957) |

2015-17 Biennium

- | | |
|--|-----------|
| 1. Added funding for desktop support services | \$12,000 |
| 2. Added funding to transfer the North Dakota American Indian Business Development Office from the Department of Commerce to the Indian Affairs Commission | \$100,000 |
| 3. Reduced operating expenses | (\$3,831) |

2017-19 Biennium

- | | |
|---|-------------|
| 1. Removed 1 Indian education program administrator FTE position | (\$109,850) |
| 2. Restored funding for the Youth Leadership Academy that was removed as a result of the August 2016 general fund budget reductions | \$10,572 |

2019-21 Biennium (Executive Budget Recommendation)

- | | |
|---|------------|
| 1. Adjusts base payroll by increasing funding for the director's salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes salaries, benefits and health insurance increases) | (\$20,462) |
| 2. Reduces funding for the American Indian Business Office | (\$35,144) |

GOVERNOR'S RECOMMENDATION FOR THE INDIAN AFFAIRS COMMISSION AS SUBMITTED BY THE OFFICE OF MANAGEMENT AND BUDGET

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$33,184	\$881,591
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,11	(\$1,960)	\$1,110,151
Full-time equivalent positions	4.00	(1.00)	4.00

SECTION 2. APPROPRIATION. In addition to the amounts appropriated to the Indian affairs commission in section 1 of this Act, there is appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. TRANSFER. Notwithstanding section 54-16-04, the agency may transfer between line items within section 1 of this Act up to ten percent of the total appropriation contained in section 1 during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

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North Dakota Indian Affairs Commission
Senate Appropriations Budget Hearing
Senate Appropriations Committee
Chairman, Ray Holmberg
North Dakota State Capital, Bismarck ND
February 28th, 2019

Chairman Holmberg and members of the Committee, my name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Commissioner, I serve on the Governor's Cabinet. I am joined today by staff members in presenting our testimony today. Thank you for this opportunity.

It has been a very busy biennium to say the least, this year the North Dakota Indian Affairs Commission will commemorate its 70th year as a legislatively authorized Commission. The nine-member Commission is comprised of the Governor, the five ND Tribal Chairpersons and four at-large members appointed by the Governor, three of whom must be of Native American descent. The Commission is authorized to meet on a quarterly basis, or at the behest of the governor. The work of the commission is coordinated and administered by a five-member staff.

Statutory Authority

North Dakota Century Code Sections 54-36-03 to 54-36-09.

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Agency Description

The North Dakota Indian Affairs Commission is the liaison between the executive branch and the five tribal nations of North Dakota. Duties include coordination and mediation service with tribal nations and the state and its agencies regarding interagency communication, protocol, and jurisdictional issues. Additionally, the agency works with tribal governments, their people and communities to enhance capacity in working with the state of North Dakota.

The Indian Affairs Commission is responsible for the maintenance and publication of several documents, including but not limited to the Statewide Directory of American Indian resources, and historical and contemporary information and research about North Dakota's American Indian citizens. This past biennium we helped produced the ND Tax Information for Native American and Tribal Governments and the ND Commission to Study Racial Ethnic Bias in the Courts. These materials are available in print and for download on the Commissions website.

Agency Mission Statement

"The Indian Affairs Commission shall have the power to assist and to mobilize the support of state and federal agencies in assisting Indian individuals and groups in ND, especially the five tribal councils, as they seek to develop their own goals, project plans for achieving those goals, and implementing those plans".

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The Commission's duties are:

- To investigate any phase of Indian affairs and to assemble and make available the facts needed by tribal, state, and federal agencies to work effectively together.
- To assist tribal, state, and federal agencies in developing programs whereby Indian citizens may achieve a better quality of life.
- To assist tribal groups in developing increasingly effective institutions of self-government.
- To work for greater understanding and improved relationships between Indians and non-Indians.
- To seek increased participation by Indian citizens in local and state affairs.
- To confer with and coordinate officials and agencies of other governmental units and congressional committees with regard to Indian needs and goals.
- To encourage and propose agreements and accords between federal, state, and local agencies and the several tribal governments, and, pursuant to chapter 54-40.2, to assist in monitoring and negotiating agreements and accords when asked by an affected tribe.

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Performance and Accountability

The performance of the North Dakota Indian Affairs Commission is premised upon the goals of the Governor and those priority issues articulated by tribal leaders.

The efficacy of the North Dakota Indian Affairs Commission Offices' efforts and its projects are conducted through weekly meetings with the Governor's office, as well as summative reviews as reported to the Governor in cabinet reports and ND tribal leaders through Commission meetings. Most of the Commission staff work is based on either, legislation, statutorily mandated involvement (representation on the Tribal-State Relations Interim Legislative Committee for example), state regulatory requirements, specific requests made in Commission meetings; or issues arising out of State Agency or tribal requests.

My direct working relationship with 20+ state agencies, 5 Tribal Chairs and Councils, the rapid growth of our state, have evolved exponentially in the past 9+ years. This growth has forced my office to respond to numerous requests for partnerships, appointments to committees, emergency response incidents, and provide state, tribal and federal testimony on policy and law. The growth of work in the areas of economic development/jobs, oil/energy, court/law systems, education systems, taxation and health care systems have been and will continue to be the main focus of our office. The performance and accountability of my office requires me to continually track and maintain the numerous issues and projects established by those partnerships. The large number of agreements and compacts made between the tribe and state

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are challenging at times, but require consistent communication in order for them to be sustainable.

American Indian Health Systems Administrator

Mr. Chairman and Members of the Committee, the ND Indian Affairs Commission Office is the smallest state agency in ND and has been for decades. Over that time, the office has rarely asked for additional staff assistance. Two sessions ago you afforded our office with Indian Health Systems Administrator, for that we are very thankful. The Indian Health Systems Administrator has been part of various health care projects and efforts. Participate in ongoing Medicaid Tribal Consultation. These meetings happen quarterly here in Bismarck to give the Tribes information on Medicaid system and other DHS related information.

Work with Department of Human Services Medicaid division to gather meetings at each Tribal Nation on the 100% FMAP discussions. This included meetings to talk about challenges in developing coordinated care agreements with non-native health providers in ND. Held meetings with Indian Health Service leadership about performing coordinated care for Tribal patients. Have talked with Tribal Leaders about how shared savings of ND General Funds would be used in their communities if a bill is passed in the legislative session.

Attended and participated in discussions around oral health care access in the tribal communities. Talked with Tribal Health leaders about the work happening nationwide to address disparities in oral health for Tribal members. Had meetings with the Tribal Leadership in ND to hear their concerns for not having mid-level providers available in their communities. Had various meetings to also talk about health education around oral health with families and kids in the school systems.

Health care data discussions continue to be a big topic. Have participated in various meetings around community health assessments. Many of these discussions are around consolidating different assessments so the Tribal population is not asked various times for health data.

Behavioral Health issues continue to be an issue in Tribal communities. Participate in the Behavioral Health Planning Council to talk about different initiatives statewide. This group also works with the Governor's Office to talk about initiatives and possible legislative changes. Have been active with the Justice and Mental Health Task Force. This group looks at the law enforcement and judicial side of addressing behavioral health needs.

Suicide Prevention Task Force have been meeting quarterly to keep everyone up to date on opportunities for funding a collaboration. Have helped select qualified applicants for grants to reduce suicides in ND.

Judicial Systems Administrator

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Erica Thunder, a member of MHA Nation, graduate of Bottineau High School, and the University of North Dakota graduate twice over—obtaining one undergrad degree: Bachelors in Political Science; and doctorate degrees: Juris Doctorate and Certificate in Federal Indian Law, serves as Judicial Systems Administrator for NDIAC.

Under her role, she develops working relations with North Dakota's Tribal, State, and Federal Judicial Systems and Law Enforcement Systems. This has included assisting ND Supreme Court Justice Tufte with Committee on Tribal and State Court Affairs, to begin improvements in data sharing and resource sharing among the two Sovereigns. She works extensively on legal research and legal writing for NDIAC, as well as Bill drafting. In her work with law enforcement, she has established monthly meetings between NDIAC and ND Hwy Patrol, along with Cultural Liaison for ND Hwy Patrol, Trooper Jenna Clawsen. These meetings have led to spearheading the first law enforcement MOU's between the State and the Tribes, which, although in their infancy, will lead to better support for public safety. In her capacity, she is also assisting in creating the first Tribal-State Drug Task Force, in the Turtle Mountains.

She has developed and been integral to the writing of child welfare policies, while developing working relations with child welfare programs and issues. Her background in Child Welfare has led her to assisting in re-writing the State and Tribe's Title IV-E Agreements, which had not been updated since 1983. Again, though these agreements are not completed, they have been integral to the working relationships between State and Tribe, ensuring proper foster care funding is issued according to Federal and State law.

Erica has also played a part in writing and reviewing the MHA DOT Licensing Agreement between the State and MHA, creating important petitions used in school districts where vulnerable people are being underserved, mediated a prominent missing person's case, Olivia Lone Bear, with multiple law enforcement jurisdictions, and also is tasked with reviewing language re: taxation issues.

Other duties of hers include: performing research, policy, and data collection, analysis and reporting, and assisting with legislative hearings, committees, as well as working with North Dakota tribal colleges on public safety and legal issues.

She, along with the whole NDIAC team, with Commissioner Davis's lead, put together educational presentations for the North Dakota Indian Youth Leadership Academy, where they also actively plan, participate, and assist with the week-long event's activities. She also has coordinated Law Enforcement and Legal panels for NDIAC's Strengthening Government to Government Relations, along with serving on the Indian Law Section.

She currently serves on the State Committees including: Dual Status Youth Initiative, Committee on Tribal and State Court Affairs, Prevention of Sexual Abuse of Children Task Force, Children's Behavioral Health Task Force, the STOP Committee, North Dakota Human Trafficking Commission, and was appointed to Governor Burgum's Interstate Oil and Gas Compact Commission, among others.

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North Dakota Indian Youth Leadership Academy (NDIYLA)

Mr. Chairman and members of the committee, in the 2011 legislative session our budget included an appropriation of \$60,000 to continue the development and planning of the ND Indian Youth Leadership Academy. You will not in the budget spreadsheet, we did have an allotment to this amount. This coming June will mark the 10th annual NDIYLA. The Indian Affairs Commission office and its planning committee have made a strong commitment in making this Academy an annual event. We feel the partnerships with the ND State Bank, the ND University Systems, and the ND Tribal Colleges have made a huge impact on nearly 500 Native American students. We are now witnessing many of our Academy students now attending tribal colleges and our ND colleges and taking up volunteer leadership roles within their communities.

Mr. Chairman and members of the committee, on behalf of the hundreds of students who participated in the academy we hope you will support the continuation of this valuable program.

Contract Appropriations American Indian Business Development Office

The American Indian Business Development Office contract appropriation is being moved from the Department of Commerce to the Indian Affairs Commission.

For the past 9 years, the North Dakota Indian Affairs Commission (NDIAC) has been a strong partner with the ND Dept. of Commerce. Both offices have been able to elevate the American Indian Business Development Office to another level. I think it is fair to say, all agree that a Full Time Employee is NOT needed. We have contracted this out for the past 10+ years in the sum of 100K.

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Through the leadership of the Executive Director of NDIAC we now have been able to concentrate of identify native owned businesses that exist within North Dakota. We also have now been able to provide technical assistance for native owned startup businesses and also growing those well-established private native owned businesses.

We also have now established the first ever North Dakota Indian Business Alliance, which members are private native owned businesses. We also have championed Tribal Business Economic Summits and are making strides regarding Tribal Uniform Commercial Codes. This will provide an equal playing field when it comes to filing financial and business transactions. Our next step is to continue our work with the Secretary of State in getting those transactions electronically to filling systems. This will require a Memorandum of Agreement between the Tribe and the State.

We have also, helped co-create the North Dakota Native Tourism Alliance. This Alliance is geared toward planning, partnering and creating a tourism destiny on each reservation. As we all know, Tourism is huge economic sector of our State. It our goal to build upon that with our Tribal communities which will help establish a stronger economy, jobs and businesses on the reservations.

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Strengthening Government to Government Relations Conference

Mr. Chairman, this past January and December of 2018, our office hosted two conferences directed towards improving Tribal, State and Federal partnerships. Both two conferences had participation attendance at 300 people. I strongly feel that these two conferences strengthened a commitment for all government entities to work and communicate more effectively and improve the Government to Government relations for our State and Tribe.

Transfer Authority

Mr. Chairman, our office/agency fully supports the authority to transfer between line items up to ten percent of the total appropriation contained in section during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

In closing, I feel our office and my position have been very busy and feel that we as a staff have elevated the state and tribal relations to a new and exciting level, considering where we were at 2 years ago. In comparison to other states we are the leader in how well we work together with the North Dakota Tribes. It is our commitment to the state and to the tribes that our office will continue to work in all areas needed in fulfilling the good and strong government to government relationships we have here in North Dakota.

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Budget

Mr. Chairman, attached is the latest budget/green sheet regarding the current state of our appropriations. I hope you will strongly consider in keeping the base level, funding levels as is.

Mr. Chairman and members of the committee, this concludes my testimony. I will be happy to answer any questions you may have at this time

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GOVERNOR'S RECOMMENDATION FOR THE INDIAN AFFAIRS COMMISSION AS SUBMITTED BY THE OFFICE OF MANAGEMENT AND BUDGET

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2019, and ending June 30, 2021, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$848,407	\$33,184	\$881,591
Operating expenses	263,704	(35,144)	228,560
Total general fund	\$1,112,11	(\$1,960)	\$1,110,151
Full-time equivalent positions	4.00	(1.00)	4.00

SECTION 2. APPROPRIATION. In addition to the amounts appropriated to the Indian affairs commission in section 1 of this Act, there is appropriated any additional income from federal or other funds which may become available to the agency for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. TRANSFER. Notwithstanding section 54-16-04, the agency may transfer between line items within section 1 of this Act up to ten percent of the total appropriation contained in section 1 during the biennium beginning July 1, 2019, and ending June 30, 2021. The agency shall notify the office of management and budget and the legislative council of any transfer made pursuant to this section.

Department 316 - Indian Affairs Commission
House Bill No. 1005

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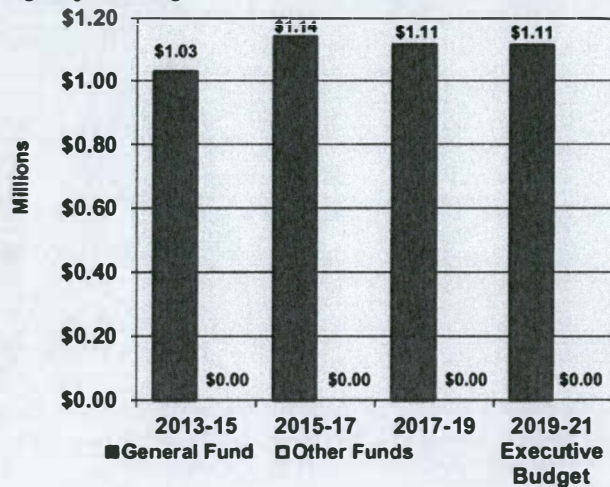
Executive Budget Comparison to Prior Biennium Appropriations

	FTE Positions	General Fund	Other Funds	Total
2019-21 Executive Budget	4.00	\$1,110,151	\$0	\$1,110,151
2017-19 Legislative Appropriations	4.00	1,112,111	0	1,112,111
Increase (Decrease)	0.00	(\$1,960)	\$0	(\$1,960)

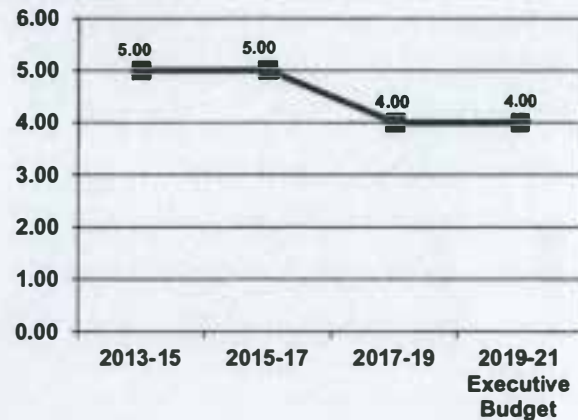
Ongoing and One-Time General Fund Appropriations

	Ongoing General Fund Appropriation	One-Time General Fund Appropriation	Total General Fund Appropriation
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2017-19 Adjusted Legislative Appropriations	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

Agency Funding



FTE Positions



Executive Budget Comparison to Base Level

	General Fund	Other Funds	Total
2019-21 Executive Budget	\$1,110,151	\$0	\$1,110,151
2019-21 Base Level	1,112,111	0	1,112,111
Increase (Decrease)	(\$1,960)	\$0	(\$1,960)

First House Action

Attached is a comparison worksheet detailing first house changes to base level funding and the executive budget.

Executive Budget Highlights
(With First House Changes in Bold)

	General Fund	Other Funds	Total
1. Adds funding for state employee salary and benefit increases, of which \$34,087 is for salary increases, \$15,115 is for health insurance increases, and \$4,444 is for retirement contribution increases. The House added funding for salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month. The House did not add funding for retirement contribution increases.	\$53,646	\$0	\$53,646
2. Adjusts base payroll by increasing funding for the directors' salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes changes to salaries, benefits, and health insurance noted above)	(\$20,462)	\$0	(\$20,462)

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3. Reduces funding for the American Indian Business Office (\$35,144) \$0 (\$35,144)

Other Sections in House Bill No. 1005

There are no other sections in the bill.

Continuing Appropriations

Indian Affairs Commission printing fund - North Dakota Century Code Section 54-36-08 - Used to defray expenses incurred by the commission in producing and distributing publications and educational materials.

Significant Audit Findings

There are no significant audit findings for this agency.

Major Related Legislation

House Bill No. 1313 - Amends Section 54-12-34, relating to the Criminal Justice Information sharing system, to require the Attorney General to implement a missing person repository for authorized users to include demographic data related to indigenous people.

Indian Affairs Commission - Budget No. 316

House Bill No. 1005

Base Level Funding Changes

	Executive Budget Recommendation				House Version			
	FTE Position	General Fund	Other Funds	Total	FTE Position	General Fund	Other Funds	Total
2019-21 Biennium Base Level	4.00	\$1,112,111	\$0	\$1,112,111	4.00	\$1,112,111	\$0	\$1,112,111
2019-21 Ongoing Funding Changes								
Base payroll changes		(\$20,462)		(\$20,462)		(\$20,462)		(\$20,462)
Salary increase		34,087		34,087		20,425		20,425
Health insurance increase		15,115		15,115		17,848		17,848
Retirement contribution increase		4,444		4,444				0
Reduces American Indian Business Office funding		(35,144)		(35,144)		(35,144)		(35,144)
Total ongoing funding changes	0.00	(\$1,960)	\$0	(\$1,960)	0.00	(\$17,333)	\$0	(\$17,333)
One-time funding items								
No one-time funding items				\$0				\$0
Total one-time funding changes	0.00	\$0	\$0	\$0	0.00	\$0	\$0	\$0
Total Changes to Base Level Funding	0.00	(\$1,960)	\$0	(\$1,960)	0.00	(\$17,333)	\$0	(\$17,333)
2019-21 Total Funding	4.00	\$1,110,151	\$0	\$1,110,151	4.00	\$1,094,778	\$0	\$1,094,778

Other Sections for Indian Affairs Commission - Budget No. 316

	Executive Budget Recommendation	House Version
Appropriation - Additional federal funds or other funds	Section 2 would appropriate any additional income from federal or other funds which may become available to the Indian Affairs Commission for the 2019-21 biennium.	No other sections included in the House version.
Line item transfers	Section 3 would authorize the Indian Affairs Commission to transfer up to 10 percent of the agency's total appropriation authority between line items during the 2019-21 biennium.	

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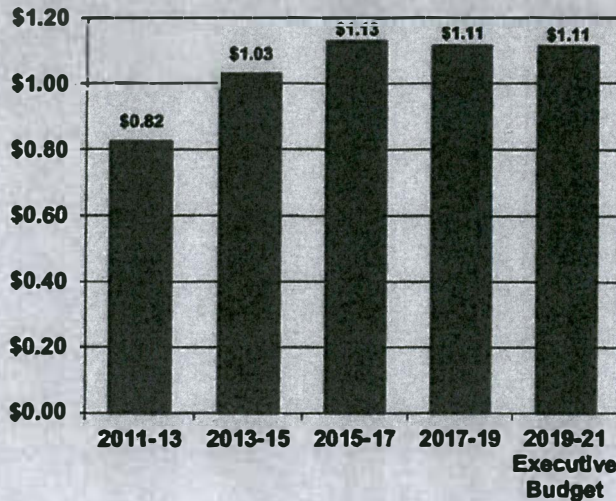
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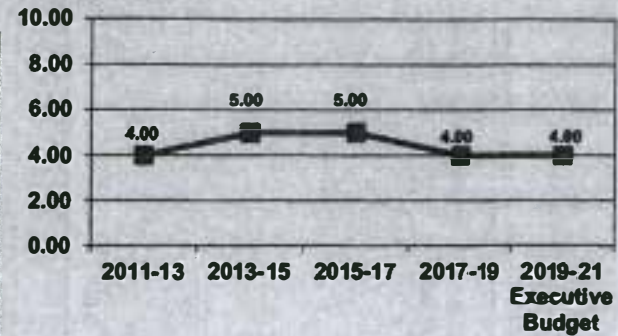
Historical Appropriations Information

Ongoing General Fund Appropriations Since 2011-13

Ongoing General Fund Appropriations (in Millions)



FTE Positions



Ongoing General Fund Appropriations					
	2011-13	2013-15	2015-17	2017-19	2019-21 Executive Budget
Ongoing general fund appropriations	\$822,878	\$1,027,558	\$1,127,740	\$1,112,111	\$1,110,151
Increase (decrease) from previous biennium	N/A	\$204,680	\$100,182	(\$15,629)	(\$1,960)
Percentage increase (decrease) from previous biennium	N/A	24.9%	9.7%	1.4%	(0.2%)
Cumulative percentage increase (decrease) from 2011-13 biennium	N/A	24.9%	37.0%	35.1%	34.9%

Major Increases (Decreases) in Ongoing General Fund Appropriations

2013-15 Biennium

1. Added 1 Native American health system program administrator FTE position \$184,284
2. Increased funding for temporary employees' salaries \$24,882
3. Reduced operating expenses (\$9,957)

2015-17 Biennium

1. Added funding for desktop support services \$12,000
2. Added funding to transfer the North Dakota American Indian Business Development Office from the Department of Commerce to the Indian Affairs Commission \$100,000
3. Reduced operating expenses (\$3,831)

2017-19 Biennium

1. Removed 1 Indian education program administrator FTE position (\$109,850)
2. Restored funding for the Youth Leadership Academy that was removed as a result of the August 2016 general fund budget reductions \$10,572

2019-21 Biennium (Executive Budget Recommendation)

1. Adjusts base payroll by increasing funding for the director's salary (\$34,128) and reducing other salaries and wages (\$54,590). (excludes salaries, benefits and health insurance increases) (\$20,462)
2. Reduces funding for the American Indian Business Office (\$35,144)

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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$848,407	\$21,284	\$869,691
Operating expenses	<u>263,704</u>	<u>(35,144)</u>	<u>228,560</u>
Total general fund	\$1,112,111	(\$13,860)	\$1,098,251"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$848,407	\$866,218	\$3,473	\$869,691
Operating expenses	<u>263,704</u>	<u>228,560</u>		<u>228,560</u>
Total all funds	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
FTE	4.00	4.00	0.00	4.00

Department 316 - Indian Affairs Commission - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Total Senate Changes
Salaries and wages	\$3,473	\$3,473
Operating expenses		
Total all funds	\$3,473	\$3,473
Less estimated income	<u>0</u>	<u>0</u>
General fund	\$3,473	\$3,473
FTE	0.00	0.00

¹ Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$80, and an increase of 3 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.