

North Dakota Indian Affairs Commission State Capitol  
600 East Boulevard Ave. Dept 316  
Bismarck, ND 58505-0300

January 7, 2021  
1:00 p.m.  
TEAMS Meeting

## **Call to Order**

### **Attendees:**

Governor Doug Burgum, Chairman Mark Fox, Three Affiliated - MHA Nation; Chairman Jamie Azure, Turtle Mountain Band of Chippewa; Chairman Mike Faith, Standing Rock Sioux Tribe; Chairman Doug Yankton, Spirit Lake Nation (joined at 2:50 pm); Commissioner Dr. Viola LaFontaine, Commissioner Erica Thunder, Commissioner Dr. Leander McDonald, Executive Director, Scott Davis, NDIAC

### **Other Attendees:**

Reice Haase, Leslie Oliver, Tammy Miller, Bradley Hawk, Kyle Iron Lightning, Marietta Kemmet, Nathan Davis,

## **Opening Prayer**

### **Opening remarks – Governor Burgum**

Governor Burgum welcomed all participants and recapped the last four years. Health care, law enforcement, displaying of Tribal flags, Game and Fish collaboration and the reintroduction of Big Horn sheep and elk hunting, new law enforcement center for BIA at Camp Grafton, tax agreements, creation of interim tax committee, testing events at the Tribal Nations were just a few highlights.

### **Agenda Item #3**

*Overview of North Dakota Century Code 54-36 and the roles of the Indian Affairs Commission  
Kyle Iron Lightning, Judicial Systems Administrator, North Dakota Indian Affairs Commission*

Mr. Iron Lightning gave presentation on ND Century Code 54-36 and the roles of the Indian Affairs Commission. A brief overview of the agency and roles. Special mention of the public officers (34.52) ND American Indian business development office and the duties/responsibility for their role.

### **Agenda Item #4**

*North Dakota Indian Affairs proposed 2021-23 budget for the 67<sup>th</sup> Legislative Assembly  
Scott Davis, Director, North Dakota Indian Affairs Commission*

Mr. Davis outlined budget and history of the North Dakota Indian Affairs. Senate Bill 2005, Governor Burgum added that the amount outlined is for two years.

**Action item: Chairman Faith suggested a clarification of the duties would be in order to delete, modify or amend the agency's responsibilities.**

### **Agenda Item #5**

*Update on State and Tribal COVID response efforts  
Kirby Krueger, Director for Disease Control, North Dakota Department of Health  
Molly Howell, Director of Immunizations, North Dakota Department of Health  
Brad Hawk, Indian Health Systems Administrator, North Dakota Indian Affairs Commission  
Chris Jones, Executive Director, North Dakota Department of Human Services*

Chris Jones, Kirby Kruger and Molly Howell gave update on the state and tribal responses to COVID-19.

Mr. Kruger shared that BinaxNow testing and therapies available to individuals who have been diagnosed with COVID and have underlying health conditions. The use of the antibodies is showing great promise and result. The isolation and quarantine protocols have been effective, and he wanted the Tribal members to be aware of this and to reach out to either Brad Hawk or the Department of Health with any questions or concerns.

Ms. Howell discussed the two types of vaccines available for COVID-19. The Tribal entities that will be partnering with the State include Spirit Lake Nation and MHA Nation, the remainder will be partnering with IHS. She shared the process for vaccination, priority groups and reporting processes.

Chairman Faith reviewed the process they have used, the order of priority for vaccinations, and the status of those vaccinated.

Chairman Fox inquired about the allocation process. He also asked about the possibility of purchasing the vaccine directly from the manufacturer. Ms. Howell responded that the allocation is based on the 50+ population. He also inquired as to how the numbers were arrived at for allocation.

Governor Burgum asked about the goal for the vaccine and Ms. Howell responded the goal is 70% to prevent ongoing community transmissions and outbreaks. Assistance in tracking vaccines on immunization records for those Tribes that are partnering with IHS was offered by the Department of Health representative.

An overview of Federal Medical Assistance Program (FMAP) was given by Brad Hawk. The last biennium had proposed at 60-40 split with the Tribes. Councilman Nathan Davis shared the Tribes concerns over some of the wording. Mr. Hawk acknowledged the difficulty in finding a sponsor to carry the bill to the floor. Chairman Fox asked for points of contact for this issue and a copy of the draft.

**Agenda Item: Acquisition of vaccine privately in the future and process. Sharing of Data with the Health Department with assurance that it is not shared. Drafts of FMAP bill.**

#### **Agenda Item #6**

*Gaming Updates*

*Cynthia Monteau, United Tribes Gaming Association (UTGA)*

The group has been meeting and have been researching past sessions centering on the E-tab machines. Accountability, the amount going from \$2.1 million to over \$20 million in year and a half. Questions asked about the expansion of gaming bill in the legislature and Mr. Iron Lightning reported it had been voted down. Discussion was held on the E-tab bill by Representative Dockter's and any effect on current gaming. Mr. Davis suggested UTGA have a conversation with Representative Dockter. Chairman Fox expressed concerns about the bills and pointed to the collaboration in past years with the charitable gaming groups. He stressed that gaming has been an issue that has given economic relief to the tribes.

#### **Agenda Item #7**

*Proposed electronic and Class III gaming legislation*

*Turtle Mountain Band of Chippewa Indians*

Chairman Jamie Azure shared a PowerPoint presentation outlining the timeline of gaming on the reservations. Comments were heard on the various forms of electronic gaming. It was pointed out by Chairman Fox that this proposal is being brought by the Turtle Mountain Band Chippewa Indians (TMBCI) and not United Tribes Gaming Association (UTGA). Mr. Davis talked about the on-line horse racing and the fact it is just another form of electronic gaming. Discussion centered on tightening of regulations.

### **Agenda Item #8**

*State-tribal law enforcement agreements*

*Trooper Jenna Clawson-Huibregtse, North Dakota Highway Patrol*

Trooper Clawson recapped MOA's their effectiveness, boundaries and process. Questions and discussion followed concerning the data sharing between Tribal nations and State entities. Comments centered on how the agreements will progress and how they may vary from Tribe to Tribe. An update was given on HB 1126 – Tribal Police Officers inclusion in the North Dakota Century Code.

### **Agenda Item #9**

*Cybersecurity Agreements*

*Kevin Ford, Chief Information Security Officer, North Dakota ITD*

Mr. Ford presented information about the growth of the cybersecurity industry and its rapid expansion. There is a need for graduates. He pointed out the current ongoing process to create a program in the Turtle Mountain Community College. There were some suggested edits to the draft language on House Bill No. 1064. Clarification was provided by Mr. Ford after a request from Mr. Davis concerning how the bill would be amended in the request. Dr. McDonald related the results of a security threat assessment by Homeland Security resulting in a stronger infrastructure and cyber security. Chairman Fox commented on the value of coordinating with the State IT and concerns by Tribe members and the exposure of information to the state and reassurance that this would not happen. Mr. Ford explained the levels that can be used for IT assistance by the State. Three main areas of concern are ransomware attacks, phishing, and interconnection of departments and vulnerability that could result. Mr. Davis asked for a verbal agreement for submission of HB 1064 revision. Chairman Faith agreed to submission and Chairman Fox asked to include and tribal information systems (integrity of state information systems ....) in this portion. The number of attacks for a year is 2.1 billion and 6,500 per month was supplied by Mr. Ford after the question from Governor Burgum on the numbers.

Mr. Ford's contact information:

Kevin Ford

Chief Information Security Office, ITD

[kbford@nd.gov](mailto:kbford@nd.gov)

701-328-7420

### **Comments from Tribal Chairs**

**Chairman Doug Yankton update:** Striving to limit contacts within the community, teleworking is being extended for two weeks. Safety, health and wellbeing of all members and non-members within the boundary of the reservation. Vaccination process continues to be ongoing.

**Chairman Jamie Azure update:** Gaming was discussed earlier. The COVID pandemic and the actions being taken to safe-guard Tribal members, following CDC guidelines. He reiterated the importance of networking and continued coordination between Tribes. Councilman Nathan Davis discussed how the Turtle Mountain Chippewa Indians are prohibited from having a public health unit according to state statues. The funding formula currently in place for the State of North Dakota pertaining to tribal education was discussed and how it may need adjustments.

**Chairman Mark Fox update:** Concerned about availability of vaccine doses. Missouri River Resources (MR&R) tribal corporation company and document, created with the cooperation of Commission Rauschenberger, that concurs with the position it is not taxable if owned by the Tribe and the taxes paid in, shouldn't have been paid and reimbursement of those funds. Commission Rauschenberger pledged to work with the tribe and companies to refund these amounts. The 3-year limitation issue was also discussed and its relationship to the tax agreement currently in place that allows the statue-of-limitations piece. The upcoming legislature meeting and the concerns of the alcohol tax and the straddled wells. The ability to communicate with, the creation of the Tribal State Tax committee, gives a great opportunity to discuss and understand one another. Chairman Fox also commented that there are drafts being worked on concerning alcohol and straddled wells.

**Chairman Mike Faith update:** Thanked Governor and Lt. Governor for their efforts on behalf of not only the tribes but all citizens. Would like to see the reinstatement of meetings with tribal leaders and state leaders and having the meeting every few months and keep the agenda smaller. He updated numbers of those vaccinated. He also asked for Scott Davis and Reice Hass to explore the issue concerning the buffalo.

**Final comments:** Governor Burgum asked if the issue concerning the buffalo was with the state veterinarian board and Mr. Davis responded it is. Governor Burgum suggested having more meeting, fewer agenda items and have one before crossover.

**Attachments:**

Agenda

Chairman Jaime Azure, Turtle Mountain Band of Chippewa: 2021 Legislative Gaming Proposals

Trooper Jenna Clawson Huibregtse: Law Enforcement Topics

Mr. Kevin Ford: Draft Language HB 1064

ND Century Code – Chapter 54-36 – Indian Affairs Commission, Mr. Kyle Iron Lightning