

STATE of the TRIBAL-STATE RELATIONSHIP
January 8, 2015
Dave Archambault II
Chairman, Standing Rock Sioux Tribe

Good afternoon.

It has been my pleasure, and my privilege, to serve as Chairman of the Standing Rock Sioux Tribe since October of 2013.

On behalf of the Standing Rock Sioux Tribe, and all North Dakota Tribes, I would like to thank Governor Dalrymple and Lieutenant Governor Wrigley for the opportunity to address you, the distinguished members of the North Dakota State Legislature, and my fellow citizens of the great State of North Dakota.

I get asked, all the time, the same questions, "How are you doing? What's it like being the Chairman?" Before I can give my response, the person who asked the question usually answers with, "Tuff, eh?" I smile, and I nod in agreement.

I smile not just because it is tough. I smile also because there is an opportunity to help, where help is needed. To help address, what my people have faced, and continue to face: tremendous challenges. When all is said and done, I hope I will have made a difference. Perhaps our conversations during these gatherings will also make a difference. And that possibility, also makes me smile.

No doubt, my fellow North Dakota Tribal Leaders, some of who are here today, understand the challenges we face on our reservations.

I would like to take this moment to recognize them. Chairpersons, please stand if you are in attendance:

- Chairman Mark Fox - Chairman Mark Fox was elected as Chairman of the Three Affiliated Tribes in November 2014;
- Chairwoman Myra Pearson - Chairwoman Myra Pearson was elected as Chairwoman of the Spirit Lake Tribe, last year;
- Chairman Richard McLeod – Chairman Richard McLeod is now serving his second-term as Chairman of the Turtle Mountain Band of Chippewa Indians;
- Chairman Robert Sheppard, who has served as Chairman of the Sisseton-Wahpeton Oyate for the last four years; and
- And Chairman Sheppard's successor, Chairman-Elect of the Sisseton-Wahpeton Oyate, Bruce Renville, who will officially take office later this month.
- And finally, my fellow Standing Rock Tribal Council Members

Thank you everyone, and please be seated.

Today, we, the tribal leaders, desire to work with this legislature in a meaningful way. A way that does not dwell on the past, but rather a way that embraces mutual respect and understanding as we move forward with our future negotiations.

With that in mind, our expression of appreciation is in order.

We would like to thank North Dakota's congressional delegation for casting votes in support of the Violence Against Women Reauthorization Act of 2013, which included a historic provision to allow 566 federally recognized tribes to prosecute non-Indians who commit certain violent acts against Native women.

Additionally, we are grateful to North Dakota Senator Heidi Heitkamp for introducing a bill to create a Commission on Native American Children to conduct an intensive study on issues effecting Native children, including high rates of poverty, staggering unemployment, child abuse, domestic violence, crime, substances abuse, and economic opportunities.

Another thanks to former North Dakota Senator and Chairman of the US Senate Committee on Indian Affairs, Byron Dorgan, he continues to be a tireless advocate for Indian Country. Since leaving Congress, former Senator Dorgan has founded the Aspen Institute's Center for Native American Youth; he played an instrumental role in the efforts to develop the Oceti Sakowin Power Project, an inter-tribal wind energy project; and he also served as co-chair of the Attorney General's Advisory Committee on American Indian/Alaska Native Children

Exposed to Violence initiative, which issued a comprehensive report on its findings and recommendations this past November.

We applaud U.S. Attorney Tim Purdon for his efforts in Indian Country.

Mr. Purdon serves as the Chairman of the Attorney General's Native American Issues Subcommittee. Mr. Purdon is working to improve public safety in Indian Country. He has increased the number of prosecutors assigned to tribal nation cases, and requires his prosecutors to visit the reservation several times a year to listen to tribal concerns and interact with tribal youth.

We would like to recognize Mr. Scott Davis – an enrolled member of the Standing Rock Sioux Tribe – who serves as the Executive Director of the North Dakota Indian Affairs Commission. Since his appointment to this instrumental position, Mr. Davis has demonstrated a strong commitment to improving relations between the State of North Dakota and our five Tribal Nations.

And, finally, I would like to distinguish the young men and women from the Standing Rock Sioux Tribe who are here with me today. Please stand. These are the youth who met with the President and First Lady last year, and who were key to changing how federal agencies now view Indian Policy. Prior to the President's visit with these youth, very little was being done to help reform policy concerning tribal nations. I want to say thank you, to each and every one of you.

I. CHILDREN AND EDUCATION

Nelson Mandela said, "Education is the most powerful tool which you can use to change the world." - I agree. And I believe the answer to fixing many of our current problems lies in improving the educational system that is currently failing our Indian Children.

Let me illustrate something to you. If you were to hold out both of your hands in front of you. Let's say that your ten fingers represent our Indian children in school today. Now take one hand away. What you now have before you is the dropout rate that Indian children experience. Now clench four fingers. What you now see is how many Indian children will be skilled enough to go on and be successful in advanced levels of education. This is an alarming fact, isn't it?

As our youth that are here today know, growing up on a reservation is difficult. Often forced to face stark realities at an early age, these children endure poverty, homelessness, violence, suicide, hunger, and addiction.

Native American children are more likely than non-native children to suffer from severe health problems, and to face obstacles in attaining educational opportunities.

When engaged in an everyday struggle for survival, it is difficult for our children to dream of a better life.

For our Tribal Nations, our children are considered our most valuable resource source and our source of hope. Without them, our Tribes would cease to exist; our ancestors' culture, traditions, and language would be forgotten.

The White House Native Youth Report was released in November, acknowledging past failures of federal policy on education pertaining to Native students. The Native Youth Report declares Native youth and Native education are in a "state of emergency," due to the past "misguided federal policies."

The White House report found several key factors responsible for this state of emergency on education, including (1) lack of tribal control; (2) lack of comprehensive student support; (3) challenges in recruiting and retaining highly effective teachers and school leaders; (4) lack of Native languages and cultures in school; and (5) insufficient funding.

The White House Native Youth Report further states that the educational, socioeconomic, health and other issues facing young people on reservations are "nothing short of a national crisis." This report is a reflection of the stories shared with the President and First Lady.

I find these stories very inspirational. These young people were able to speak so eloquently

about the challenges they face and overcome, and obviously, spurred the President of the United States to take action. I am very proud of these young people – who will one day become the leaders of our Tribe. I ask that you give them a round of applause.

Of course, the President's new initiatives are only the first step.

We ask that the State support the Tribes' continuing efforts to improve education in Indian Country. "In the spirit of Partnership" we can work together to ensure that all citizens of our state have access to a high-quality education.

II. TRIBAL COLLEGES

In the past, we have embraced the spirit of partnership as educational partners in post secondary education. As you may know, Tribal Colleges play a vital role in Indian Country. Many young Native Americans cannot easily leave their reservations to attend state or private universities. This can be for any number of different reasons – including limited financial means and family obligations.

In 2013, the North Dakota State Legislature established workforce development grants for the five tribal colleges located in North Dakota. A total of five million dollars in grants were awarded. Those Grants are helping the state's tribal colleges prepare individuals living on our reservations for future success, and I commend this legislature for that.

Last month, Governor Dalrymple released his 2015-2017 Executive Budget in which he recommends six-million-dollars for workforce development grants to tribal colleges.

I hope, as you learn more about the tribal colleges' successes and challenges, you will agree to adopt Governor Dalrymple's recommendations and continue to support these workforce development programs.

III. ECONOMIC DEVELOPMENT

When discussing potential solutions to the problems facing Indian Country, the conversation turns to economic development.

-How do we create opportunities for our Native population with limited resources?

-How do we create an environment that will improve the quality of life for our members, but especially our youngest members?

The statistics on Standing Rock and across Indian Country are unsettling, especially in light of North Dakota's current economy.

Despite a booming state economy, the Department of Interior's 2013 American Indian Population and Labor Force report estimates that unemployment on Standing Rock may be as high as 66-point-3 percent.

Standing Rock is located in two of the poorest counties in the United States, based on U-S Census data.

These, of course, are deep-rooted problems – which cannot be fixed in one legislative session. But what we can do is continue to build upon a foundation that will improve the lives of future generations.

During my administration, I am focused on two goals: (1) to improve quality of life through ownership; and (2) to create a self-sustaining private industry.

The Standing Rock Sioux Tribe understands that one key to economic development is the creation, adoption and enforcement of equitable laws and codes to govern the relationships between private sector businesses and our members. To that end, our Tribe adopted a Secured Transaction Code. As the first Tribe in the state to adopt the Code, we look forward to working with the Secretary of State to develop a Memorandum of Understanding.

Our Tribe is also in the process of developing a draft Business Code and a Natural Resources Code. Once passed, these codes will provide security to financial institutions, young businessmen and women, and homeowners, creating the foundation for a more opportunity in the private sector on the reservation.

A second fundamental component of sustainable economic development is ensuring access to affordable credit. Our Tribal members living on-reservation have encountered significant barriers when seeking loans or other financing from off-reservation sources.

In order to build sustainable economic development, our members must be able to access outside, capital resources. This is a unique challenge as many tribal members living on the reservation – even those with “good” credit - are denied access to loans. This is where I believe the state can help by improving access to affordable credit.

By improving access to credit for such economic development, our tribal members’ dreams of starting a business or owning a home would become more attainable.

As such, we ask you, the legislators, to support non-discriminatory lending laws that address the problems tribal members living on reservation face when trying to secure a loan.

Also, the state could provide incentives to the Bank of North Dakota or private financial institutions that provide low-interest loans for economic development on reservations within the state. Perhaps, the state could set aside funds – or otherwise partner with the tribes – to create jobs in our states’ poorest counties.

Remember we are all citizens of this state; we all contribute to the state’s economy. Unfortunately, it is the individuals living on our reservations – the most impoverished areas of the state – that face the greatest barriers. We ask that you help us remove those barriers, so that these individuals can help build a better future for themselves, their families, our Tribal Nations, and our State.

BAKKEN

I’d like to speak briefly about the state’s Oil Boom

Since 2006, when advances in hydraulic fracturing and horizontal drilling made it economically feasible to extract crude oil trapped in the Bakken shale formation – the State of North Dakota has experienced tremendous growth.

North Dakota is now the second-leading oil-producing state in the nation, behind only Texas, and enjoys the fastest growing economy and lowest unemployment rate in the country.

The oil boom is bringing hundreds of millions of dollars to North Dakota and has lured thousands of workers from around the country.

The increase in highly paid oil workers in northwestern North Dakota has also created problems. There is now a very large market for illegal drugs, such as heroin and methamphetamine. And our communities are experiencing dramatic increases in violent crimes, including murders, rapes, robberies, and human trafficking.

We thank Senator Heidi Heitkamp for creating a task force of North Dakotans to focus on the increase in drug-related crime and human-trafficking in the Bakken.

We also applaud Senator Heitkamp and Senator Hoeven for their efforts to bring a permanent FBI office to Williston.

However, the federal government, state government, and tribal government must do more to protect public safety in the North Dakota.

This session, we hope the state legislature considers allocating additional dollars for mental-health services, drug treatment facilities, and drug courts, to benefit all citizens of the state who struggle with addiction.

We are also concerned about the increasing number of environmental incidents occurring in the Bakken.

The environmental impacts of overflowing waste, radioactive waste, leaking pipelines and flaring gas cannot be ignored. Increased oversight – whether it be at the federal, state or tribal level – is necessary to protect the land – and the water – for future our generations. We

also urge the Legislature to provide funds for state pipeline inspectors to oversee the large network of pipelines not regulated by the federal government.

GOVERNMENT-TO-GOVERNMENT RELATIONSHIP

No doubt there is a lot of work to be done this upcoming session.

It's my understanding that state lawmakers, agencies, and committees pre-filed a total of 279 bills and 13 resolutions for this upcoming legislative session, with hundreds more expected to be introduced before the end of this month.

Thus, we leave you with one last request.

We ask that North Dakota reconsider its approach to its government-to-government relationships with the five Tribal Nations, and bear in mind that although tribes embrace elements of a shared history, each tribe is also unique. Each tribe has its own laws, history, culture, and traditions. And each tribe faces its own challenges and seeks its own opportunities. When it comes to policy-making, one size doesn't always fit all.

For example, Colorado's relationship with the United States is different than North Dakota's relationship with the United States. It follows that North Dakota's relationship with one tribe will be different than its relationship with other tribes.

At Standing Rock, our efforts to improve the quality of life on our lands includes entering into tax agreements and gaming compacts with North Dakota, as the revenue helps supplement the services we provide to our members.

We appreciate the state's willingness to work with the tribes on these agreements. Standing Rock, which borders two states, respects the uniqueness of North Dakota and South Dakota during interactions with each state. When it comes time to negotiate agreements with North Dakota, we hope North Dakota will work independently with each tribe, respecting its uniqueness, to develop an agreement that works best for that particular tribal government and its members.

On behalf of the Standing Rock Sioux Tribe, and all North Dakota Tribes, thank you.

MOTION

REP. VIGESAA MOVED that the address of Chairman Archambault be printed in the journal, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the Joint Session be dissolved, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1121: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1121 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1122: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1122 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Porter, Toman and Sen. Cook introduced:

HB 1140: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for receipts from bowling, pool, and darts; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Larson, Beadle, Boschee, Hanson, Louser introduced:

HB 1141: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to inclusion of a dispute over disposition of earnest money or other money deposit arising from a contract to purchase real property within the jurisdiction and venue of small claims court proceedings.