

Lawmakers cancel judiciary, tribal addresses to 2017 Legislature

By NICK SMITH, *Bismarck Tribune*, November 17, 2016

In light of ongoing Dakota Access Pipeline protest activities and increased demand on law enforcement, lawmakers broke with tradition Thursday by canceling the traditional State of the Judiciary Address and Tribal-State Relationship message held during the first week of the upcoming legislative session.

The motion was brought forward by House Majority Leader Al Carlson, R-Fargo, at the end of the two-day meeting of North Dakota Legislative Management in the state House chambers.

"Because of the burden placed upon the Highway Patrol and other law enforcement agencies, it is in the best interests of the Legislative Assembly and law enforcement to not further contribute to the depletion of those resources and place additional burdens upon law enforcement," Carlson said in his motion.

The Republican majority passed the motion along party lines by a 10-3 vote with four members absent.

The governor's State of the State Address is the only required address to be delivered by statute and will take place on the first day of the 2017 session, Jan. 3.

During the first week of each legislative session the Chief Justice of the North Dakota Supreme Court is traditionally invited to deliver an address before a joint session of the Legislature, as is one tribal chairman.

Prior to the motion, the judiciary address had been scheduled for the morning of Jan. 6 and the tribal address the same afternoon.

Protesters camping near the Standing Rock Sioux Tribe's reservation boundary in recent months have been opposing a \$3.8 billion, four-state pipeline that is planned to run under the Missouri River less than a mile from the reservation border.

Carlson said before every session leadership meets with North Dakota Highway Patrol officials to go over security, which has been increased slightly in each of the past few sessions.

"This is ... a first step to make sure we can do the business of the state while we're here," Carlson said. "We're trying to be proactive to ensure it's safe in the building. This in no way infringes on their First Amendment rights."

A security plan for the session will be developed, balancing lawmaker and Capitol employee safety with public access to committee meetings and the building at large, he said.

Rep. Marvin Nelson, D-Rolla, was among the Democrats who voted against the motion to cancel the speeches, saying they could have been re-scheduled.

Nelson served as chairman of the interim Tribal and State Relations Committee and called the decision "another insult" to tribes, which he said further damages tribal-state relations.

"North Dakota needs to be talking to our tribal leaders. It's unnecessary," Nelson said of the decision. "We should be making an extra effort to reach out to the tribes at this time."

North Dakota Legislative Council Director Jim Smith said no tribal chairman had yet been chosen to deliver the address. He said it's usually coordinated through the North Dakota Indian Affairs Commission.

Smith said the judiciary address dates back to the 1970s while the tribal address dates back the mid-1980s, to the best of his knowledge.

"There's no precedent for it," Smith said of Thursday's decision.

Messages left with spokesmen for the Standing Rock Sioux Tribe and the Three Affiliated Tribes for comment weren't immediately returned.

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