

**JOURNAL OF THE HOUSE**  
**Sixty-eighth Legislative Assembly**  
\*\*\*\*\*

**Bismarck, North Dakota, January 3, 2023**

The House convened at 10:00 a.m., with Speaker D. Johnson presiding.

The prayer was offered by Chaplain Bobby Grey Eagle, Nations Movement-Cru, Bismarck.

**MOTION**

**REP. BOSCH MOVED** that a committee of two be appointed to escort Mr. Jamie Azure, Tribal Chairman for the Turtle Mountain Band of Chippewa to the podium, which motion prevailed.

**THE SPEAKER APPOINTED** Reps. Davis and Finley-DeVile.

**THE SPEAKER ANNOUNCED** the colors will be presented by the UTTC Honor Guard and two veterans from Turtle Mountain Band of Chippewa, Lancelot Azure and Howard Longie.

**TRIBAL AND STATE RELATIONSHIP ADDRESS**

Jamie Azure, Tribal Chairman  
Turtle Mountain Band of Chippewa  
North Dakota House of Representatives Chamber, State Capitol  
Bismarck, North Dakota  
January 3, 2023  
As printed in the House Journal

Good morning.

My name is Jamie Azure and I proudly hold the position of Turtle Mountain Band of Chippewa Tribal Chairman.

Before I begin with the official address, I'd like to thank a few individuals who have honored us all by beginning this day in a good way.

Mr. James Decoteau for accepting tobacco on behalf of our Turtle Mountain Drum Group. Facilitating for events like this is no easy task but when offered tobacco, Mr. Decoteau immediately accepted that honor. I have known Mr. Decoteau for many decades and I am proud to watch him progress into a cultural leader for our people. As many have heard from not only myself but many tribal leaders over the years, that drum is our nations heartbeat. That sound of a drum is our PEOPLES heartbeat. I'd also like to thank our singers here today who help make that heartbeat loud and strong. It always amazes me the dedication of these singers and many more that make themselves available for not only events such as this, but also traditional spirit fire through educational teachings in our schools and tribal entities. You are all appreciated more than I can express in words.

Our Honor Guard representatives Mr. Howard Longie and Lancelot Azure. These two men represent so many veterans from not only the Turtle Mountains but across Native Nation. Each and every Veteran is a prime example of what Warrior Blood means to their respective Tribes.

I'd like to acknowledge Tribal leadership who understand the importance of this day and upcoming legislation.

MHA Nation Chairman Mark Fox (description)  
Spirit Lake Chairman Doug Yankton (description)  
Standing Rock Chairwoman Janet Alkire (description)  
Sisseton Wahpeton representatives.  
Turtle Mountain Tribal Council representatives  
Chad Counts

Jon Jon Keplin  
Blaine Davis  
Ron Trottier Secretary Treasurer  
Vice Chairman Elmer Davis for being here in support.

Also a few of the most important people in my life. My daughters Sophie and Ashlyn. I also see a few close family members in the back and the balcony.

Also, my gratitude towards Governor Doug Burgum, who I have had the privilege to not only work with as a Nation-to-Nation Leader, but who I have come to call a friend in these past years. Brent Sanford who has always been one of the first individuals to reach out on any State/Tribal situation, no matter if it were testing supplies through 2020 when supplies were high in demand and short in numbers, through reaching out when we lost Tribal leadership as those individuals started their next journey. I also look forward to working with Lt. Governor Tammy Miller for the duration of her term.

Let's not forget the State Senate and State House of Representatives. As we move on from a pandemic that has affected each and every one of us in this room, I am grateful that I do see so many familiar faces and look forward to the opportunity to meet many more for the first time.

While today's words do have a focus on the Turtle Mountain Band of Chippewa, it's important to remember that many of the Macro issues that face my Nation, also faces the other five tribes located within the great state of North Dakota. While our demographics will vary, we are still Native Nation at our core.

I am Turtle Mountain Anishinaabe. As of December 16, 2022 we have 33,208 enrolled tribal members (459 increase from April 2020). Turtle Mountains is unique in the fact that we are a Tribe with such a small land base and large membership number. The old saying amongst our people is that we live on the old 6x12, which is the square mileage of our Turtle Mountain reservation. I am proud to say that phrase is now dated as the Tribe has aggressively acquired lands connected to our reservation boundaries and unfortunately because of an act of congress called the Homestead Act, purchasing within our boundaries also.

In 1891, Agent Waugh of Fort Totten, convened a committee of 16 full bloods and 16 mixed bloods to take a census of the Chippewa and set boundaries for a new reservation. Little Shell III wanted to obtain a 30-square-mile tract at Turtle Mountain, but when that proposal was rejected, he and his followers abandoned the meeting. The McCumber Agreement was reached on 22 October 1892, which granted two townships within the traditional area ceding all other lands the Chippewa might possess in North Dakota. The land granted was inadequate to meet the needs of granting allotments to all tribal members, so negotiations continued. Finally in 1904, Article VI was added which provided that "All members of the Turtle Mountain Band of Chippewas who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property, the same as if located on the reservations." With this provision, the Chippewa agreed to the terms and the final agreement was ratified by Congress on 21 April 1904.

In the decades after signing the McCumber agreement and the Great Depression, the Chippewa adopted farming and gardening as a way of survival. They developed a Big Store in 1922 to sell goods and operated a creamery. They sold farm goods, chopped lumber, farm labor, and medicinal herbs. Under the WPA, men gained training in construction jobs and women learned to sew and can goods. Congress approved the first charter of the Turtle Mountain Chippewa in 1932 and because of their successful endeavors and distrust of government programs, the tribe chose not to participate in setting up a new government under the Indian Reorganization Act.

The tribe filed numerous claims for compensation of having been forced to accept a below market value settlement on the lands they ceded to the US in the McCumber Agreement. In 1934, Congress passed a law for the Indian Court of Claims to determine a settlement with the Chippewa, but it was vetoed by

President Franklin D. Roosevelt in May 1934. A second attempt was also vetoed by the president in June 1934. Finally in 1946, Congress established the Indian Claims Commission. The Turtle Mountains filed a claims petition in 1948. On 9 June 1964 an Act established their claim and a method of distribution of the judgment award.

In the early 1950s, federal policy changed and the government proposed that some tribes would have their special relationships with the federal government terminated. The intent was to declare these tribes successful in having made progress in assimilation and judged no longer needing special status. On 1 August 1953, the US Congress passed House Concurrent Resolution 108 which called for the immediate termination of the Turtle Mountain Chippewa. Termination of a tribe meant the immediate withdrawal of all federal aid, services, and protection, as well as the end of reservations. Though termination legislation was introduced (Legislation 4. S. 2748, H.R. 7316. 83rd Congress. Termination of Federal Supervision over Turtle Mountain Band of Chippewa Indians), the law was not implemented. In 1954, at the Congressional hearings for the Turtle Mountain Band of Chippewa Indians, tribal Chairman Patrick Gourneau and a delegation spoke in Washington, DC. They testified that the group was not financially prepared, had high unemployment and poverty, suffered from low education levels, and said that termination would be devastating to the tribe. Based on their testimony, the Chippewa were dropped from the tribes to be terminated.

I felt it was important to summarize a brief history of my Tribe. The resilience of a people that makes a Nation strong. The resilience of Native Nation to overcome an attempted genocide only to become stronger. Tribes are sovereign Nations. The simplest explanation of a sovereign Nation is "A Nation within a Nation with the right to govern itself." That strength and history I've just summarized gives you examples in black and white of what sovereignty is. The Turtle Mountains are not alone. Each of the five Tribes represented here today have their own unique histories that make their Nations who they are. In order to truly move forward, we need to understand how we came to be.

All of what I've said and much more are why we will continue to focus on two 'Key Words' today and moving forward. Those key words are respect and partnership.

Under the leadership of Governor Burgum, North Dakota has made many great strides in recent years in restoring those two key words through open communications. Empowering the Native Affairs Commission through previous director Scott Davis and now current director Nathan Davis by having that direct open communication between Tribal Leadership and the Governor's office. Even reinstituting the Tribal Relations Committee which holds quarterly meetings focused on the five tribes and legislative issues such as taxation which affect both the Tribes and the State. We had the honor of hosting such a meeting in the Turtle Mountains at our beautiful Turtle Mountain Community College. While it may not seem like that big of a deal, it takes legislators who sit on the committee out of the capital and allows them to see in real time the beauty of our communities and the issues we all face. That new perspective may lead to new discussions and new solutions to bring down barriers to partnerships.

Prime examples of Nations working together happened during the Covid 19 Pandemic. We look back in hindsight now and it seems like we all had a structured approach but during real time, nothing was certain. Everyone's main priority was the health of our people and to save lives. Weekly online meetings were immediately scheduled in which the Governor and his team would give updates with the State and each Tribal Nation was allowed time to express concerns, needs, and share valuable information that each Nation was able to collect. Meetings like this allowed Tribes and the State to work together in saving lives and protecting all our people.

Through the Data Collected by our Tribe. The Turtle Mountains moved forward with relief efforts to our own people by our own people. We quickly developed a Tribal Contact Tracing team consisting of Tribal members not only on the reservation but throughout North Dakota. These Tracers allowed direct contact to our Turtle Mountain Cares Team who would contact any covid positive tribal member within our service areas and provide that household with medical supplies, groceries, even pet food for the animals to sustain during quarantine.

When the Turtle Mountains had to close the doors to two of our biggest revenue providers, Sky Dancer and Grand Treasurer Casinos, we were able to provide employment to those displaced employees through our Turtle Mountain Cares Programs. Again, providing relief to our people by our people on many levels.

Pandemic shelters were planned and created if Covid hit levels that would overrun our health care system. Supplies that became increasingly difficult to acquire during the pandemic were acquired through various supply chains through the State. Mass testing with help from the North Dakota National Guard were scheduled and completed. Testing Kits were made available from the State cache if needed. And finally, vaccinations that were in extreme short supply were made available as the state received.

I wish I could stand here today and say we were 100% successful but we were not. Tribes, along with many of you unfortunately lost people that were important to us. Many of which back home were elders. To many Tribal communities, our elders are our history books. Our history is still passed down in many ways by our teachings. Remember, the Freedom of Religion Act did not pass federal legislation until the late '70s. Our people were told that practicing cultural acts like Sundance were illegal and punishable by federal law. So many of those teachings were and still held by our elders who pass those teaching down by word of mouth. A prime example of historical trauma that you can see today.

Were Tribes dependent on the State of North Dakota? Absolutely not. But we all worked together to provide as much protection and relief to the people who needed it most. That exemplifies what Tribes are striving to be. Self-Sustainable. That doesn't mean that we drop our Treaty Rights but it means that Tribes move forward to using those rights as supplemental because we are sustainable.

I'd like to give a few examples of what we are doing in the Turtle Mountains that is helped by our intergovernmental agreements and partnerships.

### **Turtle Mountain Recovery Center**

Construction for the Center is well underway. The center is in week 18 of construction. The projected opening of the Center is Summer 2024. However, we currently have an outpatient program open in our Future Recovery Homes. The Outpatient offers three outpatient services and has 3 staff members. In July 2022, the State of ND came up to provide a weeklong training for Peer Recovery Coaches. Our next benchmark, to hire 3 for the Outpatient Program.

When the Center opens, the outpatient staff will move into the center as well as 48 additional staff members. The Center will hold 16 beds and follow the State Policy set for Medicaid Reimbursement.

### **Repatriation Efforts**

Currently our Legal Department/TMBCI Team is working with State Historical Director, Bill Peterson and Director of Archaeology, Andrew Clark, to finalize a Scope of Work for the Memorandum of Understanding between the State Historical Society of North Dakota and the Turtle Mountain Band of Chippewa.

The purpose of this scope of work for the Memorandum of Understanding (MOU) between the Turtle Mountain Band of Chippewa and the State Historical Society of North Dakota, is to facilitate an interdisciplinary approach to the cooperative effort with the respect to strategy, historical, and archaeological research, and findings at the Fort Totten State Historic Site. The overall intent of this scope of work is to identify a process for the SHSND and TMBCI to collaborate and complete the proposed purpose of the preservation of past, present, and future findings at the Fort Totten State Historic site.

While this particular MOU states Fort Totten and Camp Grafton, it allows the Turtle Mountains to duplicate services so that we may decide to perform our own efforts. Our Tribe, like many others, are currently in talks with other States, Tribes, and even nations in regards to our tribal members who were lost during the Boarding School Era. Governmental policies and procedures are well underway with my tribe but just

as important, making sure that we are culturally and traditionally accurate as we bring our member's home. Those procedures are being used right now in regards to the remains and historically significant artifacts found within the University of North Dakota, Boarding Schools in Canada and South Dakota. Our Historic Preservation Department and Officers have been prioritized by our Tribe moving forward to respectfully bring our people home for years to come. Those grass roots levels of detection and identification will be greatly expedited through partnerships like this particular MOU with the State Historical Society. And allows unique expertise that Tribes can use to build up our own departments and people.

The SHSND Director of Archaeology and Historic Preservation, State Archaeologist, and Research Archaeologists shall provide geophysical and archaeological expertise in aerial and surface-based geophysics including drones, magnetometer, and GPR. An SHSND archaeologist will operate SHSND drones. An SHSND archaeologist shall provide access to training for SHSND staff and TMBCI members for the operation of the UAS.

The SHSND state archaeologist and archaeological staff will operate the SHSND magnetometer and GPR. The SHSND magnetometer will be used to scan and survey the surface and near surface depth to provide a plan view image of the area. The findings will be analyzed for potential surface and near surface features. The SHSND GPR will be used to scan below the surface to provide a profile view image of potential buried features including burials. The findings will be analyzed for potential buried features. The state archaeologist shall provide access to training for SHSND staff and TMBCI members for the operation of the geophysical archaeological investigative equipment.

The TMBCI, will identify individuals to participate in training provided by SHSND archaeological staff on geophysical archaeological equipment. TMBCI will send members to participate in archaeological explorations at Fort Totten and other locations as necessary and secure collaboration with other Tribal partners as necessary for the same work.

### **Reasonability of Findings**

If any potential or identified humans remains or burials goods are identified during the onsite field investigation, adequate communication and handling of the materials (if present) will be done by the SHSND state archaeologist, SHSND archaeological staff, and TMBCI members on location. When potential remains or burials goods are suspected or identified through the geophysical archaeological investigative, a new scope of work shall be created. The new scope of work shall include additional work including excavations, as determined through communication with the TMBCI and other parties. Additionally, if remains are excavated and onsite determination of direct ancestry cannot be established, then and the handling and temporary curation of the remains will be outlined in the scope of work. The temporary curation shall be utilized for determination of ancestry and then permanent interment as determined by a collaboration with both parties in the MOU.

### **Designation of the Promise Zone**

TMBCI signed its designation agreement on September 27, 2017. Through the Promise Zone Initiative, the Federal government will work strategically with local leaders to boost economic activity and job growth, improve educational opportunities, reduce crime and leverage private investment to improve the quality of life in these vulnerable communities. The Turtle Mountain Recovery Center utilizes New Market Tax Credits to fund the construction of the building. Native American Bank financed the source Loan, and the CDE Entities were Midwest Minnesota and Bremer Bank. We approached our first quarter in the transaction and appreciate the help of all of the partners helping use navigate the transaction.

In lieu of monetary support, the Promise Zone offered close working relationships with State and Federal Partners to help with PZ Initiatives that each Promise Zone set out. The State Partners have stuck to this agreement and meet quarterly with TMBCI to help provide funding opportunities they offer to any projects the Tribe has identified as being a priority of the Tribe. This past phone call, we discussed Homelessness

and how the State can help. The Recovery Center was the main focus of the group for the past 2 years. ND USDA-RD awarded the Tribe a Rural Economic Development Initiative Grant which helped build the Business Plan for the TMRC. HUD offered Technical Assistance for a Housing First Model for the Tribe. Other State Entities that have been extremely helpful during with our Initiatives include, Corporation for National Community Service, EDA, SBA, ND Fair Housing Agency and ND DOT.

### **Economic Development**

Binni Inc. was created out of need. It started with hand sanitizer. When supply and demand was at its most difficult in 2020, [hand sanitizer and holiday candles from the] tangible store connected many tribal members, while people around the globe found themselves quarantined.

### **Sky Dancer Casino and Resort Sports Betting Grand Treasure 10-Year Economic Development Plan**

While the big gem will be our massive indoor water park and trampoline park, which both will open their doors this coming July, a major focus will be our Tribal Member Business owners, with a small business incubator and Community Development building, being constructed to foster and provide opportunity to our Tribal members.

Turtle Mountain Adventure Park does have contracts with professional management companies for the first 3 years of operations with our major businesses like the new parks. These establishments will not only provide a destination for our region but provide numerous jobs to our young professionals who we hope will take that knowledge and apply it to the next chapters in their lives.

Blue Chip Financial started as a lending agency owned by the Tribe and now is a major contributor to Economic Planning into the future. We look ahead and I'm proud to announce the unveiling of Little Shell Technologies whose initial products are algorithms developed by our tech developers acquired by similar Tribal and non-Tribal businesses across the world. The Turtle Mountain Band of Chippewa are not inhibited by invisible reservations lines. We strive to be a powerhouse across this globe.

It's all symbiotic. It's all a full circle. Our jobs as legislators mirror what it means to be a Tribal Member. Every decision we make needs to provide opportunity and resources to the next generations. Tribes are masters of reactionary because our ways of life have been threatened for the last two-hundred-years. We have evolved. Tribes are now high functioning governments. Tribes are now major economic powerhouses in our regions. Tribal Colleges, like TMCC, are major institutions providing everything from GED courses to Masters in Leadership.

We do all of this and more in a good way. We have moved on from Tribes being reliant on governments. We move on from the stigma and mindsets that some still have of Tribes. We move on by asking questions of culture and sovereignty. And yes, it's important to have those hard discussions moving forward. I end this address by reminding everyone here that we are wards of mother earth. We are wards of the futures of the next generations. It is our responsibility to provide safety and opportunity to people like my daughters. Let's remember that every decision that we make will affect them. So, let's affect those generations in a good way through Respect and Partnerships.

Thank You for the honor and privilege for allowing me this time today.

Miigwetch on behalf of the Turtle Mountain Band of Chippewa

### **MOTION**

**REP. BOSCH MOVED** that the Tribal and State Relationship Address of Chairman Jamie Azure be printed in the journal, which motion prevailed.

<><><><><>