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Appropriations Committee  
March 07, 2013

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[AGENCY 76]

SENATOR MELLO: ...thank you, Kim. Are there any other testifiers here wishing to testify on Agency 70, the Nebraska State Foster Care Review Office? Seeing none, that will close today's hearing on Agency 70 and take us next to Agency 76, the Nebraska Indian Commission. Good afternoon, Judi. [AGENCY 70 AGENCY 76]

JUDI GAIASHKIBOS: Good afternoon. It's a beautiful day; the sun is shining. Sorry I have a cold. I wanted to say that we're the last, you saved the best for last, and we're a breath of fresh air and all that, but since I have a cold I don't know if that's true. But...I am Judi gaiashkibos; do I need to spell it? [AGENCY 76]

SENATOR MELLO: Yes, just for the record... [AGENCY 76]

JUDI GAIASHKIBOS: Okay. [AGENCY 76]

SENATOR MELLO: ...that would be great, Judi. [AGENCY 76]

JUDI GAIASHKIBOS: For the record: Judi, J-u-d-i; gaiashkibos, g-a-i-a-s-h-k-i-b-o-s. I am a member of the Ponca Tribe, and I'm also Santee Sioux. I am the executive director of the Nebraska Commission on Indian Affairs, Agency 76. And this is my 18th year as the director of the Indian Commission, so I've been to a few of these hearings. And it's always very nice to be with you. I have a packet that my staff has prepared for you; it has our organizational chart. And I've brought four others that are going to have a little bit of testimony, so I'm not going to be real long, partly because of my cold, and I think you'd rather hear from others besides myself. But I'd like to first just basically go over just a little teeny bit for two or three minutes about the mission of the Indian Commission and, you know, what our purpose is and the uniqueness of our agency. And then I would...going to speak just a bit about the budget, what our request is and why we are requesting this, and then I'll let my other staff and testifiers give you a little

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bit more. And I'd be happy to answer questions. So as a member of the Ponca Tribe, I have dual citizenship. I am a citizen of the state of Nebraska and--or the United States, so maybe tri-citizenship--and we are sovereign citizens within the state. Our schools in Nebraska are public schools, therefore the state of Nebraska has a responsibility to our Indian children living on reservations and off. Eighty percent of Indian people live off reservation; a lot of people don't realize that. We have three land-based reservations in Nebraska. The four tribes that are headquartered in our state, that are members of my board, are the Omaha, Winnebago, Santee, and Ponca. The Ponca Tribe had a reservation; they were terminated in '62 and restored in '90 without a land base; so they have service areas. We do have membership of other tribes. I have 14 Indian commissioners that are on my board. The Pawnee Nation has ex-officio status; Roger Welsch represents them on behalf of the Pawnee who were forcibly removed from the Genoa area, where their reservation was, to Oklahoma. And as a result of LB340, the human remains legislation, and the battle over the human remains, they came back to Nebraska when Roger gifted them lands over there at Dannebrog. So they have lands that they're in the process of putting into trust, and they return human remains there. So they're ex-officio, as is the Oglala Lakota Sioux Nation, who have land that extends into Nebraska. And then we have the Ioway and the Sac and Fox on the southern border, that also extend into Nebraska. And my job is to serve as a liaison between state and tribal and federal government. And we work not only for those four headquarters tribes but for all Indian people that live in this state. And there are over 60 tribes that are reflected in the OPS school system and LPS, so we work for Navajo Nation, anyone. And with a staff of three and this small budget, that's a large task. I'd also like to remind you that we have a memorandum of government-to-government with Governor Heineman that requires all state agencies to remove any barriers to working with our sovereign nations. And that goes back to Governor Nelson and Governor Johanns, and it was modeled after President Clinton's government-to-government. So that's kind of the technical mission of our agency: that we interface with every state agency, and we advocate and help, we facilitate dialogues. And sometimes we also implement programs that require us to raise monies outside of our budget. Some of those

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programs are reflected in this brochure that my staff has put together for you. The Sovereign Native Youth Leadership Program that we're very proud of, that's a program that was funded through a grant from DHHS; and we were funded \$85,000, and we have had a leadership program each month for the last year. So that's a grant that we administer. We have a breakfast every year. This year it will be May 10 in Omaha for 700 people at the La Vista Embassy, and our keynote speaker will be Roger Welsch. At that breakfast we award four \$2,500 scholarships for Native youth. We've given 20 scholarships. We raise all the money for that breakfast; that's outside of the agency monies for our staff and our everyday operations. I also, in addition to being the director of the Indian Commission, I teach at the Journalism College a class called "Native Daughters." This is our second class starting this past year, and it focuses on Indian women of Oklahoma. And we think that that's something that's really great for Nebraska, to help propel and to promote what's going on in our state and how we work with Indian people. Not only are we number one, we believe, in football--or we used to be--we think that we're number one in Indian affairs. We were...recently we were awarded a grant from the Nebraska Humanities Council, for \$3,000, to work on the Standing Bear Trail. Congressman Fortenberry is honorary chair of that. And we applied for \$5,800, and we were awarded \$3,000. So we have a working committee made up of people such as Dr. John Wonder (phonetic), different people from NET, the head of the Department of Roads. And what we're going to do is we're going to work with Nebraska, Kansas, and Oklahoma. It'll probably take 10 to 15 years to get the federal designation of the trail. But that's a partnership that we are proud to say that Union Pacific is also supporting. And one of our friends over there, Lynden Tennison, he's the vice president of UP, he donated \$5,800 to that effort. So that's another project that we're working on outside of the scope of our everyday budget. And it's ongoing, and once...we are also working with the Centennial Mall project that you've been recently reading about, with Susan Rodenburg. They came to us kind of at the back end of it. They're short about \$2 million, and so they want to make sure that they include the Indian presence, on the mall. So I'm working with them to help identify different people that we work with that would lend support to having different things going on. We'd like to make that a living

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mall, where there are performances and speakers, different Native people that we could bring in and that we are...our office works with. So that's another effort where we collaborate and we work together to help Nebraska learn about the First Peoples. And it's beneficial to not just Indian people but to non-Indian people as well. It helps with tourism; ecotourism is a big thing here in Nebraska. So let's see, "Standing Bear's Footsteps," that was a documentary that I was a principal advisor on; it told the story about Standing Bear returning to bury his son up at Niobrara. Again, a good way to educate people about the First Peoples, the sovereign citizens of the state. And as I said before, Senator, when you were out of the room, we have a memorandum of government-to-government with our Governor, going back to Governor Nelson, because we are unique First Peoples--we're not a minority--we have a federal trust relationship: we're citizens of a sovereign within the state. So we're very honored that we get to help facilitate that dialogue. Well, let's see. So all of that said, we work on helping with legislation; this year we worked with Senator Campbell. We took a committee out to the Omaha reservation, and we conducted an interim hearing on the Indian Child Welfare Act. And we're going to be working on introducing a bill the next session to maybe clean that up and improve that. So with a small staff and a small budget, I believe that the Indian Commission provides a great service to our state. And after 18 years I still wake up every morning and I look forward to coming to work, and I love my work. And it would be a little less stressful if I knew that I had three staff and that I didn't have to always worry. I think raising money for projects is great, but I don't think it's my job to raise money to keep the three staff. I can't go ask people to pay for that. So that's what we're here today to ask you, to...oh, we have the budget history here. Back in 2008-09 our budget was \$198,763. And with the cuts that we received in the last biennium, my secretary had to go to half-time without benefits, and then she left. So we were left in a quandary. We were able to cobble together some funds to hire one of the testifiers today, Racheal Strong, as an SOS worker. So she's worked with us--with very high skill sets, and is overqualified--without benefits for the last year and a half. But she's leaving to go to law school, but I don't want to tell all of her story and steal her thunder, because she has a beautiful story to tell. So what we're asking for is \$28,262 to bring us to full

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three employees, which is what we've always had. If we stay with what the funds are, it would cut a third of our agency. And cutting one person from DHHS is one thing; they wouldn't even...you know, that's a blip. But for us, it's major. And so we would hope that you would support the work that we do and keep us funded with three people so that we can afford to pay the fringe benefits. The third, new person that we will hire--we won't know if they'll have a family--so, you know, the insurance package will vary as to how much we'll need. And still that's not going to give us a lot of operating...if you look at the budget you'll see that it leaves us with \$16,000 to operate on. So I will be continually tasked to raise outside monies for these other projects that I have a passion for and I'd like to do. So I will continue to work with other entities, work with the university on grants; right now we're working on possibly doing a grant to the Department of Justice. Typically, though, the university gets half the money for their indirect costs, as you know how they operate, and it leaves very little money for the program itself. And managing these grants with a small staff is quite challenging. We've outsourced our payroll and accounts payable over to the State Office Building, so that would allow us more time to do our actual work. And so I think I've given you kind of a good summary of what we do, and then the staff will talk a little bit more. And if you have any questions, I'd be happy to answer. [AGENCY 76]

SENATOR MELLO: Thank you, Judi. Are there any questions from the committee?  
[AGENCY 76]

JUDI GAIASHKIBOS: Great. Thank you. [AGENCY 76]

SENATOR MELLO: See... [AGENCY 76]

SENATOR KINTNER: I have a question. [AGENCY 76]

SENATOR MELLO: Senator Kintner. [AGENCY 76]

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JUDI GAIASHKIBOS: I had a feeling you were going to. [AGENCY 76]

SENATOR KINTNER: Where is your office? [AGENCY 76]

JUDI GAIASHKIBOS: It's up on the sixth floor. [AGENCY 76]

SENATOR KINTNER: Okay. [AGENCY 76]

JUDI GAIASHKIBOS: Yes. [AGENCY 76]

SENATOR KINTNER: Wow, I've never been there. [AGENCY 76]

JUDI GAIASHKIBOS: Yes, well, you should come up. [AGENCY 76]

SENATOR KINTNER: I...I will... [AGENCY 76]

JUDI GAIASHKIBOS: It's very small, but we love the view, and we have some beautiful art. And I like being in the building, because it's...as you know, life is all about building relationships. And every day when I go down for coffee or walk through the halls we get a lot of work done. So I don't want to be in the State Office Building, where we were before my time. And I don't want to merge with any other agencies, as the scenario was two years ago, because, as I said, we are not like anyone else in the state. We are the First People. And we're not a minority. We have a legal standing that is unique, and that's where we have a memorandum of government-to-government. So it wouldn't be appropriate for our tribes to give up their unique sovereign status and just be melded into working on behalf of other immigrants. [AGENCY 76]

SENATOR KINTNER: Thank you. [AGENCY 76]

JUDI GAIASHKIBOS: Um-hum. So any other questions? Thank you so much for

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listening to me. And, again, it's an honor to serve and work with all of you. And I really do enjoy what I do. [AGENCY 76]

SENATOR MELLO: See no further questions. [AGENCY 76]

JUDI GAIASHKIBOS: Wi'Bthu Ho. [AGENCY 76]

SENATOR MELLO: Thank you, Judi. [AGENCY 76]

JUDI GAIASHKIBOS: Um-hum. [AGENCY 76]

SENATOR MELLO: Are there any other testifiers here today on behalf of Agency 76, the Nebraska Indian Commission? [AGENCY 76]

RACHEAL STRONG: I guess Scott doesn't want...I'll do it. Hello. My name is Racheal Strong: Racheal, R-a-c-h-e-a-l, Strong, S-t-r-o-n-g. I'm an enrolled member of the Rosebud Sioux Tribe of South Dakota. I was a former Fulbright scholar to China, and I came back after that and started working at the Indian Commission in 2011, graduate of the university here, and on my way to law school. So I'm the third staff person here today. As Judi mentioned earlier, I work for very little pay and don't get benefits, but I love working at the Indian Commission, because it's a great learning opportunity for me. On my way to law school, and I want to become a tribal lawyer. So it's provided me with a lot of opportunity and experience. But there aren't a whole lot of people who are willing to do that. And so they've been able to find money to keep me for the time that I'm here; I'll be leaving in June. But when I leave, and if the proposed budget goes through without the additional \$28,000, they will probably have to go to a part-time position. And it's harder to find somebody who's going to be committed at a part-time level to do the kind of work that we do in our commission. I'll just kind of tell you some of my duties so you'd get an idea of what it's like. I field constituent requests. So it could be anything from 8(a) contracting, Indian Health Service...let's see, I have my list here: the Cobell

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settlement; Individual Indian Money Accounts; research and genealogy questions; purchasing tribal flags; enrolling in a tribe, how do I enroll in a tribe; you know, requesting burial assistance; questions about legislative bills; tribal courts, do tribal courts exist, and what are their roles; what is sovereignty, what does that mean; emergencies, we had an emergency over in Macy, the water pipeline broke earlier this year; discrimination, we've had people call in about discrimination in public schools. And so I field those requests, to ask--if I don't know the answer--ask to Judi or Scott, and we all kind of work together to find an answer for that. I mentioned burial assistance, and I just wanted to share with you just a quick story. This was last year, that it happened. We got a call on November 13 in 2012; our office took a call from Tammy Horse Chief. Emergency responders found the body of her son, Taylor Horse Chief, near a water tower at the old Deshler broom factory on November 10 at 6 a.m. He was a recent high school graduate and a Pawnee tribal member. I'm sorry, I get...it appeared that a fall may have caused his death. It seemed like an accident, but it very well could have been suicide. So Taylor's mom called our office, seeking burial assistance. When she initially contacted the Pawnee Nation, they said they could only provide assistance if his family buried him in Oklahoma. But Taylor lived in Nebraska, and he was going to be buried in Nebraska with his family in the Pawnee homelands. So we called our NCIA Pawnee ex-officio commissioner, Roger Welsch, to assist. And he put us in touch with his contact at the Pawnee Nation, and she responded that they were eligible for \$1,500 in burial assistance. It's a very sad...and suicide is a problem among the Native American community. They lowered their tribal flags that day for Taylor. And each member of our staff had a role in helping this Native American family in their very tragic loss of their son. Scott took the initial phone call, Judi called Roger Welsch, and I followed up with Donna (inaudible). So each person had a role in getting this family help. And I've worked here for the last year and a half, and we work as a team, and we play a very important role with the Native Americans. Though our population numbers seem small in Nebraska and across the U.S., we suffer disproportionately higher rates of rape, sexual abuse, domestic violence, suicide, drug and alcohol addiction, high school dropouts, fetal alcohol syndrome, but we're a staff of three individuals, barely enough

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support for the many challenges that we have to face. And I'm very passionate about my work, as a Native woman. And I love working here. But, like I said, I do it because I love it, but it's hard to find somebody that's going to do that. And when I leave and there's two people left in our office and they have...Judi every day comes in with these wonderful ideas of how we can better serve our Indian people in this state; and I'm just so astounded at all of her wonderful ideas and the youth leadership and our breakfasts and all the things that we do to help Nation people, and I want to see that work continue on. And so I hope that you would consider funding us at the full level, of what it was four years ago, so that we can keep the staff of three to do the wonderful work that Judi has set for us to do. Thank you. [AGENCY 76]

SENATOR MELLO: Thank you, Racheal, for your testimony. Are there any questions? Seeing none... [AGENCY 76]

KHLOE KEELER: Good afternoon. My name is... [AGENCY 76]

SENATOR MELLO: Good afternoon. [AGENCY 76]

KHLOE KEELER: ...Khloe Keeler, K-h-l-o-e K-e-e-l-e-r. I am from California, and I'm a recent graduate from Creighton University. And I'm currently a journalism graduate student at UNL. I am here now because Judi recruited me during my last semester at Creighton and introduced me to the Native Daughters program. So I just started...I'm working on the Native Daughters program with her and Racheal at UNL in the Journalism College. And I'm currently an unpaid intern here; I work ten hours a week. I just started in January, so I'm able to help them out a little bit with the Chief Standing Bear Breakfast, with table sales; with the Sovereign Native Youth Leadership students; and mailing and stuff like that. But I'll still be leaving as soon as I'm done with the master's program and going back to California. So, unfortunately, I can't help them. And so right now I'm playing a good role for them, but unfortunately they still need the funding for the three people, so... [AGENCY 76]

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SENATOR MELLO: Thank you for your testimony, Khloe. Are there any questions from the committee? [AGENCY 76]

KHLOE KEELER: Thank you. [AGENCY 76]

SENATOR MELLO: See none. Thank you. Any further testifiers on behalf of Agency 76? [AGENCY 76]

TOM BREWER: Good afternoon. I'm Colonel Tom Brewer, T-o-m B-r-e-w-e-r. I'm a member of the Oglala Sioux Tribe. I have had a number of years of experience working with the Nebraska Commission on Indian Affairs. I was lucky enough to be selected for the Chief Standing Bear Award a few years ago. December 16 in 2011 I was wounded in Afghanistan and sent home. Been kind of a long recovery, but it did provide some time and opportunity to do other things. And so I had volunteered to help the commission with their Native Youth program. And first off, you know, the revelation working with state government as opposed to federal government is, you know, we would just throw out some money at it and solve the problem, realizing their staffing and all. Once I was, kind of, given the plan for the youth program that they conducted at Ponca this past year, I was shocked to have roughly 30 students that were participating and, essentially, the 3, Scott, Racheal, and Judi, that are trying to put this on. And to have the number of classes they're teaching and the number of activities and all, so I volunteered to help with that. My skill sets were somewhat limited compared to some of the others'; I focused on throwing tomahawks and things like that. But the fact of the matter is that, you know, growing up near White Clay, Nebraska, and seeing what limited opportunities there were for youth and how much of the youth were lost to alcoholism and other things, to see a program where they were able to kind of cherry-pick the best and the brightest and give them an opportunity to excel, I wished I would have had that. You know, at the time, for me, growing up, our options were pretty limited. If you wanted to stay on the reservation, either you were going to be somehow

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involved within the tribal government or you were going to be an alcoholic or you were going to join the military and leave. There wasn't a lot of other opportunities. And I think, to a degree, you know, we had lost some of what I considered to be our best and brightest out of--I went to Gordon High School--who never left the reservation, and, you know, a lot of them are no longer with us. And it's a horrible cycle. Now with this youth program, even though it was put on on a shoestring budget with a pretty limited staff, you know, it looked like a great opportunity. And one of the things that I'm working with Scott now is to see if there's some way we could do something like that in White Clay. We're still working on the details of that. But to try and visualize how they could put on these type of events with essentially a staff of two--and if one of those is the director, you're really down to a staff of one--I don't know if that's really very realistic. And, you know, the commissioners can, you know, help with that, but it's usually a one-shot deal, because most of them are involved with their personal lives and jobs, and it's hard to break away, especially for a week, to go and support one of these camps. You know, whether lucky or not that I got shot, at least I got to go and do something like this. But, you know, as I prepare to return to active duty and probably finish my time in the military, you know, I'm trying to assist them as much as I can and in making sure that the opportunities...because the idea is, you know, and the concept they have of this youth leadership program is a great deal. But it can't be done without the staff to support it. So I guess what I'd like to leave you with today is that, you know, if you look at the return for the investment, I can't imagine another program that would give that same bang for the buck. So please consider this. And thank you for this opportunity to speak, and I guess I'm available for questions. [AGENCY 76]

SENATOR MELLO: Thank you, Colonel, for your testimony. Are there any questions from the committee? [AGENCY 76]

TOM BREWER: Yes, sir. [AGENCY 76]

SENATOR MELLO: Senator Kintner. [AGENCY 76]

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SENATOR KINTNER: Where do you live now? [AGENCY 76]

TOM BREWER: I live between Lincoln and Omaha, little town of Murdock. [AGENCY 76]

SENATOR KINTNER: Yeah. I know where...I probably knocked on your door at some point. And so you're still in recovery mode right now? You're...you're doing... [AGENCY 76]

TOM BREWER: I am. I do three hours a day at Madonna four days a week, doing speech therapy, neuropsychology, therapy. They had to reattach my thumb; they had to take shrapnel out of my back; they fused my right foot together. And daily I ask the nurse psychologist if I could get a letter saying I wasn't crazy; he hasn't come in with one yet, so I still attend. I'll probably be doing that for at least a couple more months before they give me the green light to return to duty. [AGENCY 76]

SENATOR KINTNER: Well, thank you for your service. I appreciate that. [AGENCY 76]

TOM BREWER: Thank you. [AGENCY 76]

SENATOR MELLO: Any further questions from the committee? Seeing none, thank you. And thank you for your service, Colonel. [AGENCY 76]

TOM BREWER: Thank you. [AGENCY 76]

SENATOR MELLO: Are there any further testifiers on Agency 76, the Nebraska Indian Commission? [AGENCY 76]

SCOTT SHAFER: Seeing as we're having some good momentum here, I'll try to make

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my remarks brief and let you finish up. My name is Scott Shafer, S-c-o-t-t S-h-a-f-e-r. And I'm an administrative assistant with Nebraska Commission on Indian Affairs. I guess I just want to touch on and clarify a few things that we've already talked to you about. But just a personal observation, there's almost a day...no day that goes by at our office that we have an opportunity to possibly work with somebody on many a good and worthy project but the question always goes back to, before we even move forward one step, is: Do we have the capacity to take this on? Are we going to overextend ourselves? Are we going to overtax ourselves? As much as we'd like to do and as much as we already do, there's so much more that we could do, but the consideration always enters into the equation of: Do we have the capacity? And with the possibility of losing that third position--which is almost certainly going to happen if we're funded at either what the Governor is suggesting or the Appropriations Committee is suggesting--we would almost certainly cut at least half an FTE but more than likely a full position. And that would render our ability to do almost anything we already do a near impossibility, without that key support. There are so many times that if I didn't have Racheal in our office covering the phones, taking the constituency phone calls, I would never be able to engage in the Standing Bear Trail project planning or in the planning for the Standing Bear event or any of the other events that we put on. It's key to have that support available in the office. So I just wanted to just go over that quickly. I don't want to bore you with a lot of figures, but that \$28,262 is over and beyond what the Appropriations Committee is at this point suggesting. And so I can't emphasize enough the importance that we have that money so we can continue doing the things that we are doing and also...as well as new and worthy programs that we want to do in the future that we think are beneficial to not just the Native constituencies but the entire state. [AGENCY 76]

SENATOR MELLO: Thank you for your testimony, Scott. Are there any questions from the committee? Seeing none, thank you for your testimony. [AGENCY 76]

SCOTT SHAFER: Yes. [AGENCY 76]

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SENATOR MELLO: Are there any other testifiers here today on Agency 76, the Nebraska Indian Commission? Seeing none, that will close today's hearing on Agency 76 and will end today's Appropriation Committee hearings. Thank you. [AGENCY 76]