



State-Tribal Relations Committee

64th Montana Legislature

SENATE MEMBERS

JONATHAN WINDY BOY--Chair
JILL COHENOUR
JENNIFER FIELDER
KRISTIN HANSEN

HOUSE MEMBERS

ALAN DOANE--Vice Chair
EDWARD GREEF
GEORGE KIPP III
ZAC PERRY

COMMITTEE STAFF

HOPE STOCKWELL, Lead Staff
LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

July 13, 2016
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. JONATHAN WINDY BOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JILL COHENOUR
SEN. KRISTIN HANSEN

REP. EDWARD GREEF
REP. GEORGE KIPP III
REP. ZAC PERRY

COMMITTEE MEMBERS ABSENT

SEN. JENNIFER FIELDER

STAFF PRESENT

HOPE STOCKWELL, Lead Staff
LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

- The committee voted 7-0 to draft a committee bill to remove redundancy from the statute reimbursing tribal colleges for resident nonbeneficiary student costs.
- The committee voted 6-1 to draft language to review at its August meeting that would expand the Indian language immersion program, authorize the use of state funds as matching funds, and fund an annual language conference.

CALL TO ORDER AND ROLL CALL

00:00:02 Sen. Windy Boy called the meeting to order at 8:01 a.m. The committee secretary took roll ([Attachment 3](#)).

OPENING PRAYER

00:01:16 Rep. Kipp gave the opening prayer.

ADMINISTRATIVE MATTERS

Budget Overview -- Hope Stockwell

00:02:22 Ms. Stockwell updated the committee on the status of its budget and asked the members to provide feedback on the committee's draft report ([Exhibit 1](#)).

GOVERNOR'S OFFICE OF INDIAN AFFAIRS UPDATE -- Jason Smith, Director

00:04:16 Mr. Smith

00:05:37 Sen. Hansen joined the meeting at 8:07 a.m.

Committee questions

00:18:02 Rep. Kipp asked how the state might certify individuals with specific native and cultural knowledge.

00:21:29 Rep. Doane asked Mr. Smith to further discuss tribal community development financial institutions and their ability to grant loans to business owners.

00:22:18 Rep. Doane asked if the money loaned is from federal and state funding.

00:23:03 Rep. Doane asked if the loans have been a successful business model for the tribal community.

00:23:51 Rep. Kipp responded to Rep. Doane's question.

00:26:40 Mr. Smith commented on Rep. Kipp's response.

Public comment

None

IMPACTS OF SB 410 ON RESERVATION SCHOOLS

Overview of SB 410 -- Jaret Coles, LSD attorney

00:28:08 Mr. Coles ([Exhibit 2](#))([Exhibit 3](#))

Lee Baerlocher, Administrator, Business & Income Taxes Division, Dept. of Revenue

00:45:19 Mr. Baerlocher ([Exhibit 4](#))

Committee questions

00:57:32 Rep. Doane asked if a donation contributor for an SSO would write a check to that school.
00:58:24 Rep. Doane asked how the donation money is distributed to a public school.
00:59:00 Rep. Doane asked if the donation distribution would be easier if all the money was handled like the SSO system.
00:59:19 Sen. Hansen responded to Rep. Doane's question.
01:02:14 Sen. Windy Boy asked how SB 410 impacts reservation schools.
01:03:54 Sen. Hansen added to the response to Sen. Windy Boy's question.
01:05:10 Sen. Cohenour asked if SB 410 says that a contributor cannot donate to a specific district.
01:05:35 Sen. Hansen responded to Sen. Cohenour's question.
01:06:44 Rep. Kipp explained his concern that there are no incentives for reservation schools in SB 410 and suggested incentives be added.
01:08:08 Sen. Hansen responded to Rep. Kipp's comments.

BREAK

TRIBAL COLLEGE ECONOMIC IMPACTS AND FUNDING

Overview -- Ms. Stockwell

01:21:46 Ms. Stockwell ([Exhibit 5](#))([Exhibit 6](#))([Exhibit 7](#))([Exhibit 8](#))

Community College and University System funding overview -- Chuck Jensen, Office of the Commission of Higher Education

01:31:40 Mr. Jensen

Tribal college economic valuation study results and methodology -- Aaron Olanie, Vice President, Esmi (by phone)

01:36:33 Mr. Olanie
01:45:35 Ms. Stockwell (**refer to Exhibit 6**)
01:47:05 Mr. Olanie

David Small, Dean of Administration, Little Big Horn College (by phone)

01:50:25 Mr. Small

Joe McDonald, former President, Salish Kootenai College

01:57:44 Mr. McDonald ([Exhibit 9](#))([Exhibit 10](#))([Exhibit 11](#))

Committee questions/discussion

02:07:09 Rep. Kipp asked Mr. McDonald to discuss the cost of the school curriculum and the salaries the teachers.
02:14:03 Rep. Kipp asked Mr. Olanie to discuss the financial need assessments of students.
02:16:40 Rep. Kipp asked Mr. Olanie if any tribal colleges offer student loans as part of the financial package.

02:18:02 Rep. Kipp asked Ms. Stockwell if her study included information on student loans.
02:18:33 Mr. McDonald also responded to Rep. Kipp's question.
02:19:48 Rep. Kipp commented on student loans and financial needs for education and asked Mr. McDonald if studies have been done on the financial needs of their students and how Native Americans are handling those needs on reservations.
02:20:53 Rep. Kipp commented on the financial assessments done on Native American students.
02:23:10 Mr. McDonald responded to Rep. Kipp's comments.
02:24:49 Rep. Perry asked Mr. McDonald if Salish Kootenai College partners with Ronan High School to increase enrollment in the college.
02:27:02 Sen. Cohenour asked Mr. Jensen if the tribal colleges see dual enrollment.
02:29:10 Sen. Windy Boy commented on credit transfers between colleges and asked Mr. Small to relay his recommendations to the college presidents.
02:33:00 Rep. Kipp asked Mr. Jensen how involved the tribal colleges are with the university system regarding transferable course credits.
02:37:37 Rep. Kipp asked Mr. Jensen if there is collaboration between the schools regarding technical and vocational transferable college credit.
02:39:54 Mr. McDonald commented on Rep. Kipp's question and Mr. Jensen's response.
02:40:38 Sen. Windy Boy asked Mr. Small to tell the college presidents that there will be discussion later in the meeting about the colleges' role in language immersion.
02:44:39 Sen. Windy Boy asked Mr. McDonald if inflation is calculated in the figures on the provided data sheet (**refer to Exhibit 10**).
02:45:50 Sen. Windy Boy commented on the remaining time the committee has to act on requests for review and possible action.

Public comment

02:47:43 Michael DesRosier, Glacier County Commissioner
02:51:35 Sen. Windy Boy commented on veteran issues that will be further discussed at the next State Administration and Veteran Affairs Interim Committee.

Committee action

02:54:40 Sen. Windy Boy recommended a motion to draft a committee cleanup bill to remove the redundant language identified in the tribal college reimbursement statute (**refer to Exhibit 2**).

MOTION

02:55:04 Sen. Cohenour moved to draft a cleanup bill to be reviewed by the committee at its August 2016 meeting.

VOTE

02:55:37 The motion passed 7-0 on a unanimous voice vote.

MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM UPDATE -- Margaret Cook, Program Manager, Department of Commerce

02:56:38 Ms. Cook

Committee questions/discussion

03:09:13 Sen. Windy Boy commented on the information given at the Fort Peck Language Summit hosted March 2016.

Public comment

None

LUNCH (Reconvened at 12:15 p.m.)

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE STRC

None

CHARTER SCHOOLS ON RESERVATIONS

Overview of STRC Mapping Tool

04:20:28 Ms. Stockwell

Committee questions

04:26:14 Rep. Greef asked Ms. Stockwell to show an example of an urban school on the mapping tool.

04:28:01 Rep. Kipp asked Ms. Stockwell to show Browning High School on the mapping tool.

04:29:23 Sen. Windy Boy asked what grades are being represented in the map data.

04:31:06 Rep. Kipp asked if the mapping tool included middle schools.

04:32:15 Rep. Kipp asked if the data shows dropout rates in the schools.

LANGUAGE IMMERSION -- PILOT PROGRAM PROPOSAL -- Chairman Windy Boy

04:33:05 Sen. Windy Boy

Committee questions/discussion

04:38:31 Rep. Kipp commented on the language immersion program advancements in the Browning middle school.

04:43:02 Sen. Hansen asked Ms. Stockwell for clarification of the chair's request. The question was redirected to Sen. Windy Boy.

04:49:11 Sen. Cohenour recommended that the committee draft language reflecting Sen. Windy Boy's proposals but not draft a committee bill.

Committee action

MOTION

04:50:10 Sen. Cohenour moved that the committee draft language that would fund a state language conference, expand immersion pilot projects to one per reservation, and allow state funding to be used as matching funds.

DISCUSSION ON THE MOTION

04:52:12 Sen. Hansen asked for clarification of the motion and asked if sections should be amended regarding SB 272 (2015).

04:53:09 Sen. Windy Boy responded to Sen. Hansen's comments and asked Ms. Stockwell to have the language drafted for the August meeting.

- 04:54:45 Rep. Kipp commented on the importance of native language as a state treasure and asked if native language has any specific type of designation.
- 04:56:09 Rep. Kipp asked if there is a type of designation that the state has for a native language.
- 04:57:26 Rep. Greef asked if the floor was open for other questions.
- 04:57:50 Rep. Doane asked for the motion to be reiterated before the committee voted.

SUBSTITUTE MOTION

- 04:58:09 Sen. Cohenour reiterated the pieces of her previous motion and added a fourth component to remove the requirement that 50% of the instruction day be conducted in an Indian language to qualify as an immersion school.

VOTE

- 04:59:53 The motion passed on a 6-1 vote, with Rep. Doane voting 'no' ([Attachment 4](#)).

Committee question

- 05:01:12 Rep. Greef asked for clarification between Indian language preservation and Indian language immersion.

LANGUAGE IMMERSION -- CLASS 7 TEACHER CERTIFICATION AND PROFESSIONAL DEVELOPMENT -- Dr. Jioanna Carjuzaa, Executive Director, Center for Bilingual and Multicultural Education, MSU

- 05:06:28 Ms. Carjuzaa

Committee questions/discussion

- 05:15:11 Rep. Kipp commented on the teaching workshop and native teaching styles and asked Ms. Carjuzaa to list him as one of the resources for the workshop.

Public comment

None

- 05:20:02 Ms. Stockwell added to the response to Rep. Greef question (**refer to time stamp 05:01:12**).

CHARTER SCHOOLS ON RESERVATIONS

American Indian student achievement data and charter school case study review -- Ms. Stockwell

- 05:23:12 Ms. Stockwell showed the committee a video highlighting one of the charter schools included in her presentation ([Video](#)).
- 05:28:26 Ms. Stockwell ([Exhibit 12](#))([Exhibit 13](#))([Exhibit 14](#))
- 05:31:36 Sen. Windy Boy asked if the two Montana charter programs listed in the presentation are up and running.
- 05:31:42 Ms. Stockwell continued her presentation.
- 05:34:12 Sen. Windy Boy asked if there is a mechanism in place for immersion programs to be charter programs.
- 05:34:58 Ms. Stockwell continued her presentation ([Exhibit 15](#)).

Committee questions/discussion

- 05:57:25 Sen. Cohenour asked for clarification of the Harvard case study schools' funding.
- 05:58:42 Sen. Hansen added to the response to Sen. Cohenour's question.
- 06:01:11 Rep. Kipp asked if high levels of student achievement were attributed to the study of two languages and language proficiency.
- 06:02:12 Sen. Windy Boy asked if there is any data so far on the programs that were approved this May.
- 06:02:52 Sen. Hansen added to the response to Sen. Windy Boy's question.
- 06:04:01 Rep. Kipp asked if alternative schools are chartered by the school district. The question was referred to Deb Halliday, Office of Public Instruction.

Public comment

None

INDIAN SUICIDE PREVENTION

DPHHS Strategic Plan RFP Update -- Director Richard Opper

- 06:06:23 Mr. Opper ([Exhibit 16](#))([Exhibit 17](#))([Exhibit 18](#))
- 06:21:34 Mary Lynne Billy-Old Coyote, Director of Indian Affairs at the Department of Public Health and Human Services.

Committee questions/discussion

- 06:31:06 Rep. Doane asked Mr. Opper to clarify who the contract was awarded to.
- 06:31:33 Rep. Doane asked Mr. Opper what the dollar amount of the contract was.
- 06:31:55 Mr. Opper responded that he will get that information for the committee before the meeting adjourns.
- 06:32:09 Rep. Doane asked Mr. Opper if the company that was awarded the contract is based out of Spokane, WA.
- 06:32:41 Rep. Kipp commented on the suicide prevention programs that the committee had heard from earlier and the funding for those programs.
- 06:39:34 Rep. Greef added to Rep. Kipp's comments about current suicide prevention programs on the reservations.
- 06:42:36 Sen. Windy Boy commented on the work of the committee and recommended that Mr. Opper attend the upcoming presentation regarding veteran suicide prevention.
- 06:44:15 Mr. Opper responded to Rep. Kipp's information request regarding the notes from the department's tribal consultation and promised to get copies of the notes to the committee.

Public comment

None

Veteran Suicide Prevention -- Juliana Hallows, Suicide Prevention Coordinator, U.S. Dept. of Veterans Affairs

- 06:45:31 Ms. Hallows ([Exhibit 19](#))([Exhibit 20](#))([Exhibit 21](#))

Committee questions/discussion

- 07:18:08 Rep. Doane asked if poverty was addressed in the study as a suicide risk factor.
- 07:20:06 Rep. Doane asked if the decline of jobs in the coal mining business was addressed in the study.

- 07:21:45 Rep. Doane asked how the United States' suicide rates compare to suicide rates in communist countries.
- 07:22:35 Sen. Windy Boy recommended that the Department of Public Health and Human Services and U.S. Department of Veterans Affairs collaborate to form a report on the state's suicide prevention programs for Native Americans and veterans.
- 07:23:02 Ms. Billy-Old Coyote responded to Sen. Windy Boy's comments.

Public comment

None

BREAK

STATE IMPLEMENTATION OF INDIAN CHILD WELFARE ACT

ICWA Case Data, Yellowstone County -- Corbit Harrington, Senior Deputy County Attorney (by phone)

- 07:47:36 Mr. Harrington ([Exhibit 22](#))([Exhibit 23](#))

Follow ups from March STRC meeting -- Mick Leary, CFSD Program Bureau Chief, DPHHS

- 08:02:27 Mr. Leary
- 08:03:10 Ms. Stockwell
- 08:05:32 Mr. Leary

Committee questions/discussion

- 08:06:26 Rep. Kipp discussed caregiver/provider depression and the high turnover rate for caregivers/providers.
- 08:08:56 Rep. Kipp asked if there has been an increase in the number of qualified expert witnesses.
- 08:10:16 Sen. Hansen asked Mr. Harrington if he had information regarding the children not adopted in Yellowstone County.
- 08:12:15 Sen. Hansen asked Mr. Harrington if the children not adopted are in the foster care system or on the reservations.
- 08:13:54 Sen. Hansen asked Mr. Harrington if the tribes are exercising their rights before the state court termination is completed.
- 08:15:25 Sen. Hansen asked Mr. Harrington if the percentage of children not adopted would be potentially higher if the tribes were not exercising their rights.
- 08:18:21 Rep. Greef asked Mr. Harrington if he has met with the Attorney General regarding the Indian Child Welfare Act.
- 08:21:35 Rep. Kipp asked Mr. Harrington how a child is reunited with a mother with a history of substance abuse.
- 08:25:09 Rep. Kipp asked Mr. Harrington if there are any prevention programs available to mothers with a history of substance abuse and how wide spread they are.
- 08:29:40 Mr. Leary responded to the comments regarding the reunification of a child with a mother with a history of substance abuse.
- 08:30:28 Sen. Windy Boy asked Mr. Leary if there has been cooperation between the courts and tribes.

Public comment

None

MONTANA BIE TRIBAL GRANT SCHOOLS AND SUPPLEMENTAL FUNDING EQUITY

Superintendent Loverly Erickson, Northern Cheyenne Tribal School, Busby

Superintendent Rodney Bird, Two Eagle River School, Pablo

Shelly Fyant, Two Eagle River School Board Member

Shane Morigeau, CSKT Attorney

08:34:36 Panel introductions
08:35:19 Mr. Bird
08:42:26 Ms. Fyant
08:45:29 Ms. Erickson
08:53:23 Mr. Morigeau

Committee questions/discussion

08:58:00 Sen. Windy Boy commented on the work of the panel and what actions can be taken moving forward.

09:01:23 Rep. Kipp asked Mr. Bird how many students there are in his school.

09:02:55 Sen. Hansen asked the panel to what extent do their schools voluntarily adhere to the state's requirements.

09:04:40 Sen. Hansen clarified her question about what standards each of the presenter's schools are adhering to rather than what standards they are meeting.

09:06:36 Sen. Hansen asked if the schools are operating as private schools.

09:09:48 Sen. Windy Boy responded to Sen. Hansen's comments.

09:11:23 Sen. Hansen commented on school funding in the state and that it is not allocated per student but instead by formula.

09:12:53 Rep. Kipp asked Mr. Bird if they have nonbeneficiary students.

09:13:38 Rep. Kipp commented on the work of the panel and their educational service.

09:20:38 Mr. Morigeau responded to Sen. Hansen's comments.

09:21:48 Ms. Erickson responded to Rep. Kipp's comments.

09:23:02 Ms. Fyant responded to Rep. Kipp's comments.

09:26:45 Sen. Windy Boy commented on the funding for the schools.

09:27:11 Ms. Stockwell responded to Sen. Windy Boy's comments.

09:29:07 Sen. Windy Boy recommended that the committee continue to consider and discuss school funding and requested staff to review the current school funding and what actions the committee can take.

09:30:50 Sen. Hansen responded to Sen. Windy Boy's request to staff.

09:32:12 Ms. Stockwell responded to Sen. Hansen's comments and clarified her recommendations for the committee.

09:33:09 Rep. Kipp added to Ms. Stockwell's comments and recommended reviewing school funding formulas in other states.

09:34:10 Sen. Windy Boy recommended that the committee staff research the funding formulas for the states of Washington, Minnesota, North Dakota, and Wyoming.

09:35:26 Sen. Cohenour requested a representative from the Office of Public Instruction discuss the options of public charter schools and cooperative agreements between school districts.

09:36:56 Mr. Morigeau responded to Sen. Cohenour's comments.

Public comment

None

PARTICIPATION OF BIE SCHOOLS IN INTERSCHOLASTIC COMPETITIONS

Introduction -- Ms. Stockwell

09:38:26 Ms. Stockwell

Superintendent Loverly Erickson, Northern Cheyenne Tribal School, Busby

09:39:40 Ms. Erickson

Superintendent Rodney Bird, Two Eagle River School, Pablo

09:39:56 Mr. Bird

Public comment

None

Committee questions/discussion

None

Committee action

None

OTHER BUSINESS

09:41:10 Rep. Doane commented on the funding for Native American suicide programs.

09:41:57 Ms. Stockwell responded with information from Mr. Opper to Rep. Doane's earlier request on the dollar figure of the DPHHS contract (**see time stamp 06:31:55**).

09:42:51 Rep. Greef responded to Rep. Doane's comments.

09:44:20 Sen. Cohenour recommended that the committee not step in between government to government consultations.

09:49:23 Rep. Kipp responded to Sen. Cohenour's and Rep. Greef's comments.

09:51:38 Sen. Windy Boy commented on the presentations given earlier on suicide prevention programs.

09:54:57 Rep. Doane commented on the unemployment rates in the state.

INSTRUCTIONS TO STAFF

09:56:35 Ms. Stockwell commented on possible agenda items for the meeting in August.

09:57:32 Sen. Cohenour responded to Ms. Stockwell.

09:59:44 Sen. Windy Boy commented on the motion made by Sen. Cohenour earlier in the meeting regarding the language for the immersion proposals.

10:00:27 Sen. Cohenour asked that the draft language be posted on the committee website for the public to review and comment.

ADJOURNMENT

10:01:38 Sen. Windy Boy adjourned the meeting at 6:03 p.m.