



STATE-TRIBAL RELATIONS COMMITTEE: THE LEGISLATURE'S LIAISON

September 2018

FINAL REPORT TO THE 66TH MONTANA LEGISLATURE

STATE-TRIBAL RELATIONS COMMITTEE

MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the State-Tribal Relations Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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This report is a summary of the work of the State-Tribal Relations

Committee as outlined in the State-Tribal Relations Committee’s [work plan](#), adopted by the committee in September 2017 for the 2017-2018 interim. Members received additional information and public testimony on each of these topics. This report is an effort to highlight key information and activities of the STRC. To review additional information, including audio minutes, exhibits, and links included in this report, visit the STRC’s website: www.leg.mt.gov/tribal.

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HISTORY OF THE STRC

Section 5-5-229, MCA, establishes the STRC and tasks it with the following responsibilities:

- (1) acting as a liaison with tribal governments;
- (2) encouraging state-tribal and local government-tribal cooperation;
- (3) conducting interim studies as assigned; and
- (4) reporting its activities, findings, recommendations, and proposed legislation to the Legislature.

The committee's first iteration was as the Committee on Indian Legal Jurisdiction in 1977. That committee was charged with meeting with the various Indian tribes to identify common bonds between Indians and non-Indians and to propose legislation for the mutual benefit of both groups.

The committee's major recommendation to the 1979 Legislature was the creation of a select committee on Indian affairs to be followed by a permanent committee if the 1981 Legislature felt the select committee proved valuable in improving Indian/non-Indian relations.

The 1979 Legislature accepted the recommendation and created the Select Committee on Indian Affairs. However, although subsequent Legislatures recognized the importance of the committee's work, there was a reluctance to create a permanent committee.

Finally, in 1989, the Committee on Indian Affairs was established as a permanent, statutory committee. In 1999, the Legislature passed Senate Bill 11, which reorganized the interim committee structure by consolidating committees and establishing permanent interim committees with membership drawn from specific session standing committees. SB 11 eliminated the Committee on Indian Affairs and folded its responsibilities into the newly created Law, Justice, and Indian Affairs Committee (LJIAC).

The LJIAC was selected to serve as the forum for state-tribal relations because many of the issues affecting state-tribal relations would most likely be addressed by the House and Senate Judiciary Committees. The membership of the LJIAC was drawn from these committees.

At the same time, the Coordinator of Indian Affairs (a position created by the Legislature in 1951 and appointed by the governor) was circulating a proposal to create a Commission on Indian Affairs that would be attached to the Executive Branch. This proposal eventually became a study resolution assigned to the LJIAC.

At the end of the 1999-2000 interim, after months of study, the LJIAC recommended that, because of a lack of general support for the idea, the proposal for a Commission on Indian Affairs be tabled. In its place, the LJIAC recommended to the Legislative Council and the 57th Legislature that a separate State-Tribal Relations Committee be created that would assume the LJIAC's state-tribal liaison responsibilities.

The STRC, as we know it today, was established during the 2001 legislative session with the passage of Senate Bill 10.

THE LEGISLATURE'S LIAISON

Perhaps the most important responsibility of the STRC is to act as a liaison between the state and the eight tribal governments of Montana. Historically, the STRC has visited two to four reservations per interim in fulfilling this duty. This interim, the STRC visited the Northern Cheyenne and Crow Reservations in September 2018, the Fort Belknap Reservation in May 2018, and with the Little Shell Tribal Council in Great Falls in May 2018. The decisions about which tribal governments to visit and when are up to the committee's discretion and subject to coordination with the respective tribal government.

The STRC met in joint session with members of the Northern Cheyenne Tribal Council and the Crow Tribal Council in September 2017 and the Fort Belknap Indian Community Council and the Little Shell Tribal Council in May 2018. The purpose was to discuss issues of mutual concern that could be addressed cooperatively between the state and the tribes.



STRC AND NORTHERN CHEYENNE TRIBAL COUNCIL MEMBERS, SEPTEMBER 2017, LAME DEER

Members of the STRC and the Northern Cheyenne Tribal Council discussed:

- State budget cuts
- Medicaid expansion
- Law enforcement issues and safety concerns on Highway 212
- Suicide
- Drug abuse
- State funding for the Bureau of Indian Education school in Busby
- Unemployment rates on the reservation
- Tourism
- Access to driver licensing and motor vehicle registration offices
- Impacts from the closure of electricity generation facilities at Colstrip
- Improving tribal consultation
- Bison



**CROW CHAIRMAN AJ NOT AFRAID SPEAKS WITH MEMBERS OF THE STRC
CROW AGENCY, SEPTEMBER 2017**

Crow Tribal Council Chairman AJ Not Afraid and members of the STRC discussed:

- State economic development grant funds
- Coal tax revenues
- Relations with foreign entities interested in doing business on the reservation
- Health care and impacts of the closure of the Billings Indian Health Board
- Unemployment
- Senate Joint Resolution 3 study of increased access to reentry resources for Indian offenders

Members of the STRC and the Fort Belknap Indian Community Council discussed:

- Universal gaming compact
- Medicaid expansion
- 2020 Census
- Land buyback under the Cobell settlement
- Tribal consultation related to the Keystone XL Pipeline and a recent Federal Communications Commission rule
- Impact of Keystone XL Pipeline route on cultural sites
- Water pollution at the Zortman-Landusky mine site
- Victims' rights, missing persons, and violence against women in Indian Country
- Flood damage
- Jurisdictional issues on submarginal lands
- Fort Belknap water compact
- Lake 17 diversion and dam repair project



**MEMBERS OF THE STRC AND THE FORT BELKNAP INDIAN COMMUNITY COUNCIL
FORT BELKNAP AGENCY, MAY 2018**

Members of the STRC and the Little Shell Tribal Council discussed:

- Bison hunts near Yellowstone National Park
- Tribe's purchase of a travertine quarry
- Impact of Keystone XL Pipeline route on cultural sites
- Federal recognition of the Tribe
- Tribal wellness programs
- Black Eagle smelter clean-up



LITTLE SHELL CHAIRMAN GERALD GRAY AND VICE CHAIRMAN CLARENCE SIVERTSEN SPEAK TO THE STRC IN GREAT FALLS, MAY

Tours in Indian Country

During its visits, the State-Tribal Relations Committee toured several sites, including the Northern Cheyenne Development Corporation's Commerce Center in Lame Deer, the language immersion program at Crow Agency Elementary School, the King Ranch south of Fort Belknap Agency where horse work is used to help combat youth suicide, and Aaniiih Nakoda College's nursing, welding, and carpentry programs. Each of these visits, as well as tours of the Montana Women's Prison in Billings and the Helena Indian Alliance and the Leo Pocha Clinic in Helena, added depth and context to the STRC's discussions on its various work plan topics this interim.



STRC MEMBERS LISTEN TO TODD WILSON, EXECUTIVE DIRECTOR OF THE HELENA INDIAN ALLIANCE, JULY 2017

COMMITTEE ACTIVITIES

Study Topics

In its work plan adopted in September 2017, the STRC opted to study the following topics during the 2017-2018 interim.

- [SJ 3](#) – study of tribal resources for tribal members involved in the criminal justice system
- [Improving Indian student achievement](#)
- Economic development in Indian Country
- [Indian health care](#)
- [Drug use in Indian Country](#)

In addition, the STRC dedicated significant time to learning about [missing persons](#), [human trafficking](#), and [violence against women](#) in Indian Country and related enforcement and jurisdictional issues. In May 2018, the STRC sent a [letter of support](#) for federal legislation ([S. 1870](#) and [S. 1942](#)) aimed at improving tribal victim services, cooperation among investigating agencies, and collection of data about crimes against Indians. In July 2018, the committee agreed to send a [letter](#) to the Bureau of Indian Affairs asking the agency to better address myriad issues related to enforcement of these crimes in Indian Country.

Committee work papers and [reports](#) on these topics are available on the [committee topics](#) page of the STRC [website](#).

Other Topics

The committee also chose to receive information on the following:

- Available municipal infrastructure funding programs
- Implementation of Senate Bill 309 (related to Indian tourism regions)
- Tribal Health Improvement Plan developed by the Department of Public Health and Human Services
- Suicide prevention

Although not included in the STRC work plan, the committee also discussed:

- Impacts from budget cuts affecting programs in Indian Country
- Impacts from a roundabout constructed in Lame Deer
- Verizon wireless coverage in rural Montana
- Training grants received by the state to mitigate impacts from the closure of electricity generating facilities in Colstrip
- 2020 Census preparation in tribal communities
- Tribal language preservation
- Requiring designated state agencies to submit reports to the governor's budget office related to financial assistance provided to tribal entities (House Bill 562, 2015)

Legislative Proposals

Between March and July 2018, the STRC opted to draft potential statutory changes related to missing persons, increasing reentry resources for American Indian offenders on parole and probation, and funding for school districts serving English Learners.

Missing Persons

These proposals are based on recommendations made by the Montana Department of Justice (DOJ) regarding gaps in the state's current missing persons statutes.

- [LCdoj1](#): authorizing the DOJ to assist with all missing persons investigations and creating a missing persons specialist at the DOJ. The bill includes a \$100,000 appropriation.
- [LCdoj2](#): revising laws related to missing persons reports and requiring all law enforcement authorities to accept a report without delay
- [LCdoj3](#): proposed resolution to study options to break the youth runaway cycle
- [LCdoj4](#): requiring a missing persons report if a child's location is unknown in a custodial interference case
- [LCFOT2](#): requiring the Office of Public Instruction to establish a repository for school photos of children whose parents give permission for the photo to be held and shared with law enforcement if the child goes missing

SJ 3: Tribal Resources for Tribal Members Involved in the Criminal Justice System

This study started out exploring ways to increase access to tribal resources for tribal members who are in the state's criminal justice system. The STRC transitioned to looking at access to all reentry resources after data received from the Department of Corrections showed that 51% of American Indians on parole or probation are supervised in urban areas of Montana while 30% are on reservations and 18% are in communities near reservations. Three proposals grew out of these discussions.

- [LCsj31](#): creating the reentry cultural programming grant program. The bill includes a \$150,000 appropriation.
- [LCsj32](#): dedicating supportive housing grant program funding to those serving American Indians
- [LCpmed](#): allowing certified behavioral health peer support services to qualify as medical assistance under the Montana Medicaid program

Improving Indian Student Achievement

As the STRC studied ways to improve Indian student achievement, the committee learned that English Learners (those with limited English proficiency and who also have another language of significant impact spoken at home) struggle the most in school. Nearly 70% of Montana's English Learners are American Indian. Montana is one of four states that do not provide state funding for English Learners.

The committee considered two proposals that take different approaches to matching federal Title III funding given to districts serving English Learners with state funds.

- [LCELGF](#): creating an English Learner payment to be included in school district general fund budgets and BASE aid payments. (The STRC did not move LCELGF forward for further consideration after its July 2018 meeting.)
- [LCELMS](#): providing funding for school district programs serving English Learners via a 1:1 match of any federal Title III subgrant the district receives. The bill includes a \$500,000 annual appropriation.

In their discussions, STRC members asked whether previous legislation to preserve tribal languages (Senate Bill 342, 2013) and support language immersion programs (Senate Bill 272, 2015) is at odds with the goal to adequately teach students English. The STRC learned that some research finds students who are proficient in two languages have improved attention, executive function, reading comprehension, and school performance and engagement, while other research calls some of those claims into question. However, a number of states support dual language immersion classrooms. The STRC opted to draft proposals that would extend the termination dates for both SB 342 and SB 272, which are set to expire on June 30, 2019.

- [LCMILP](#): extends the termination date for the Montana Indian Language Preservation Program by 4 years to June 30, 2023
- [LCCICA](#): extends the termination date for the Cultural Integrity and Commitment Act by 4 years to June 30, 2023

Economic Development

As part of its study of economic development, the STRC tracked the Senate Joint Resolution 20 study of unemployment in high-poverty areas conducted by the Economic Affairs Interim Committee (EAIC) in the 2017-2018 interim.¹ After reviewing the EAIC's SJ 20 [report](#), the STRC opted to adopt one of the legislative proposals the EAIC considered but did not move forward.

- [LCbsd3](#): revises the Big Sky Economic Development Program to provide additional grant funds for high unemployment counties

At its September 2018 meeting, the STRC moved 12 of the proposals forward, adopting all but LCELGF as committee bills.

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¹ STRC member Senator Jason Small sponsored SJ 20 in the 2017 session.