



PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

State-Tribal Relations Committee

65th Montana Legislature

SENATE MEMBERS
JEN GROSS
STEVE HINEBAUCH
JASON SMALL
FRANK SMITH

HOUSE MEMBERS
ALAN DOANE--Vice Chair
JAMES O'HARA
RAE PEPPERS

COMMITTEE STAFF
HOPE STOCKWELL, Lead Staff
LAURA SANKEY KEIP, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

March 29, 2018
Room 152, 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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

COMMITTEE MEMBERS PRESENT

REP. STEWART-PEREGOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JEN GROSS
SEN. STEVE HINEBAUCH
SEN. JASON SMALL
SEN. FRANK SMITH

REP. RAE PEPPERS

COMMITTEE MEMBERS EXCUSED

REP. JAMES O'HARA

STAFF PRESENT

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

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

- The committee elected Rep. Stewart-Peregoy as chair.
- The committee agreed to give staff latitude to complete the SJ 3 study work.

CALL TO ORDER AND ROLL CALL

00:00:02 Rep. Doane called the meeting to order at 8:03 a.m. The committee secretary took roll ([Attachment 3](#)).

Opening Prayer and Welcome

00:00:43 Rep. Stewart-Peregoy gave the opening prayer.

ADMINISTRATIVE MATTERS

STRC Budget Overview and Overview of committee bill process -- Ms. Stockwell

00:01:34 Ms. Stockwell gave a brief update on the committee's meeting dates, committee budget, and the committee bill process.

00:03:00 Rep. Doane asked Ms. Stockwell to speak further on the committee bill process.

00:03:55 Rep. Peppers arrived to the meeting at 8:07 a.m.

Election of presiding officer

00:04:45 Rep. Doane asked for committee chair nominations.

00:05:09 Rep. Peppers nominated Rep. Stewart-Peregoy.

00:05:28 Rep. Doane reminded the committee of the voting requirements for a new chair.

VOTE

00:05:45 The motion passed unanimously on a roll call vote ([Attachment 4](#)).

00:08:17 Rep. Stewart-Peregoy commented on her new chair position and the meeting agenda.

SUBSTANCE USE IN MONTANA, A SUMMARY OF STATE LEVEL INITIATIVES -- Jon Bennion, chief deputy, Office of the Attorney General

00:10:10 Mr. Bennion presented on substance use in the state and what the state government is doing on the issue ([Exhibit 1](#)).

Questions/discussion -- STRC

00:43:05 Sen. Small asked if the state has data on the number of children born with drug dependency and what this costs the state (see Exhibit 1, page 52).

00:45:11 Sen. Small asked if there is a benefit for the Urban Indian Health Clinics with SUD treatment facilities to become state approved (see Exhibit 1, page 59).

00:46:36 Rep. Peppers asked who the stakeholders are that the department visits with at their stakeholder meetings.

00:47:30 Rep. Peppers asked that the department notify her of the stakeholder meetings.

00:49:07 Rep. Peppers commented on the heroin crisis in the state.

00:50:44 Rep. Doane commented on previous committee work, history of drug use in reservations, criminal jurisdiction issues on reservations, and asked what the state can do in regards to law enforcement on reservations.

- 00:55:18 Rep. Doane asked if the department has identified obstacles in state law that prevents or hinders law enforcement jurisdiction on reservations.
- 00:56:03 Sen. Gross asked Mr. Bennion to speak on substance abuse by pregnant women and what the department does to handle this issue.
- 00:57:30 Sen. Gross asked if the department has been in communication with the Beaverhead County Attorney to discuss solutions.
- 00:58:13 Rep. Peppers asked if a member of the Highway Patrol could sit in on the department's taskforce to discuss dual jurisdiction.
- 01:00:08 Rep. Stewart-Peregoy asked if has there been a request for the Crow Reservation to be a High Intensity Drug Trafficking Area (HITDA) (see Exhibit 1, page 21).
- 01:02:12 Rep. Stewart-Peregoy asked that the department review the issues of law enforcement jurisdiction and consider federal solutions and reversing the Major Crimes Act.
- 01:04:04 Rep. Stewart-Peregoy commented on the history of the Major Crimes Act.

Public comment

None

AMERICAN INDIAN STUDENT ACHIEVEMENT STUDY

ESSA and high priority schools -- Susie Hedalen, OPI Director of Education Services

- 01:12:36 Ms. Hedalen updated the committee on the implementation of the Every Student Succeeds Act (ESSA) ([Exhibit 2](#)).

English Learners in Montana

Pad McCracken, research analyst for the Education Interim Committee

Yvonne Field, OPI Assessment Specialist

- 01:29:02 Mr. McCracken reviewed English Learners in the state through story mapping ([Exhibit 3](#)).
- 01:35:22 Ms. Field provided an overview of English Learners in the state ([Exhibit 4](#)).

BREAK (Reconvened at 10:07 a.m.)

Teacher Retention/Recruitment: A "Grow Your Own" program at Blackfeet Community College

BCC Education and Health Division Chair Dee Hoyt

Dr. Vikki Howard, Education Dept Chair, UM Western

Dr. Jen Gilliard, Early Childhood Ed Director, UM Western

Corrina Guardipee-Hall, Browning Public Schools Superintendent

- 02:05:15 Ms. Hoyt
- 02:14:36 Ms. Guardipee-Hall
- 02:15:45 Ms. Howard
- 02:19:22 Ms. Gilliard
- 02:20:36 Ms. Guardipee-Hall

Education Interim Committee HJ 1 study update -- Mr. McCracken

- 02:21:34 Mr. McCracken gave a brief update on the Education Interim Committee's (EDIC) work on HJ 1: *Request study of funding for education programs for special needs students.*

Public comment

None

Questions/discussion -- STRC

- 02:25:54 Rep. Peppers asked Mr. McCracken how recent the data is on his English Learners story map (see Exhibit 3).
- 02:27:05 Rep. Peppers asked Mr. McCracken for a list of the schools reported as struggling in the OPI presentation. The question was redirected to Ms. Hedalen.
- 02:29:26 Sen. Gross asked Ms. Hedalen if the department had any resistance from school administrators.
- 02:32:48 Rep. Peppers asked Ms. Hedalen for clarification of the financial aspects that the department will be reviewing in schools.
- 02:36:42 Sen. Gross asked Ms. Guardipee-Hall what happens if positions are not filled in the school and how does the low staffing at Browning Schools impact reaching targeted improvements.
- 02:40:03 Sen. Gross asked Ms. Guardipee-Hall what the legislature can do to bolster efforts in the program.
- 02:41:46 Rep. Stewart-Peregoy asked Ms. Field how English Learner assessments are completed and how students are identified.
- 02:44:00 Rep. Stewart-Peregoy asked Ms. Field who administers training and assessments.
- 02:44:26 Rep. Stewart-Peregoy asked Ms. Hedalen how language immersion programs intersect with English Learners.
- 02:49:23 Rep. Stewart-Peregoy commented on the history of language programs in the state and national studies on language learning programs.
- 02:54:57 Rep. Stewart-Peregoy asked Ms. Hoyt what the plan is for sustaining the school's programs and activities.
- 02:58:11 Ms. Guardipee-Hall responded to Sen. Gross's questions.
- 02:59:20 Rep. Stewart-Peregoy asked the committee how it wishes to proceed on the HJ 1 study and asked Ms. Stockwell if the committee received information on the study ([Exhibit 5](#)) and ([Exhibit 6](#)).
- 03:01:44 Rep. Stewart-Peregoy commented on the meeting agenda and time available for committee action on the HJ 1 study.
- 03:02:25 Sen. Gross asked for clarification of the EDIC's work on the study.
- 03:03:56 Rep. Stewart-Peregoy requested information from EDIC and recommended the committee review it and make recommendations to EDIC on funding for English Learners.
- 03:05:20 Ms. Stockwell reminded the committee of its meeting dates and the EDIC's meeting dates.

DPHHS UPDATE: SUICIDE PREVENTION, PAX GOOD BEHAVIOR GAME, TRIBAL HEALTH IMPROVEMENT PLAN, AND BUDGET CUTS AFFECTING INDIAN COUNTRY --

Director Sheila Hogan

- 03:06:13 Director Hogan updated the committee on the department's work on suicide prevention, PAX Good Behavior Game, tribal tours, Tribal Health Improvement Plan, and budget cuts affecting Indian country ([Exhibit 7](#)) and ([Exhibit 8](#)).

Public comment

- 03:23:34 Carol Anderson, American Life League

Questions/discussion -- STRC

- 03:27:46 Rep. Doane asked for an update on the Indian youth suicide prevention program payments and how many entities received those payments.
- 03:28:51 Rep. Doane asked if the original dollars have been dispensed and if the next segment of money from SB 118: *Provide for uniform act regarding fiduciary access to digital assets* will be treated equally.
- 03:30:03 Sen. Small asked if there is benefit for urban Indian health clinics with SUD treatment facilities to become state approved (see Exhibit 1, page 59).
- 03:31:25 Rep. Doane asked for a breakdown of the suicide prevention program expenditures.
- 03:32:04 Sen. Smith asked if the chemical dependency re-certification is annual.
- 03:32:43 Rep. Peppers asked what benefits do tribes have being state certified.
- 03:34:52 Rep. Doane commented on the legislative intent behind the funding allotted to the suicide prevention program.
- 03:36:45 Rep. Stewart-Peregoy asked Rep. Doane if he would like further information.

Education Interim Committee memo on HJ 1 options

- 03:37:57 Rep. Stewart-Peregoy asked Mr. McCracken to speak on the EDIC memo on the HJ 1 study regarding options to change funding for special needs ([Exhibit 9](#)).

Questions/discussion -- STRC

- 03:42:18 Sen. Gross asked if the EDIC discussed any of the options to change English Learner funding and why were none of the recommendations pursued.
- 03:43:05 Rep. Pepper asked where the program funding will come from.
- 03:44:36 Rep. Pepper asked for clarification of the tax based funding option.
- 03:45:23 Ms. Stockwell reminded the members that the committee staff attorney also staffs the EDIC and can answer further questions.

LUNCH (Reconvened at 1:04 p.m.)

SJ 3 STUDY

Department of Corrections Follow Ups

American Indian offender data -- Ms. Stockwell

- 05:00:40 Ms. Stockwell reviewed the American Indian offender data and map ([Exhibit 10](#)), ([Exhibit 11](#)), and ([Exhibit 12](#)).

Overview of parole and probation terms and conditions for common offenses; Montana Incentive and Intervention Grid -- Kim Lahiff, western bureau chief, Probation and Parole Division

- 05:06:55 Ms. Lahiff gave the committee an overview of parole and probation terms and conditions for common offenses.

Development of offender reentry resource guide -- Marcia Levitan, reentry program manager

- 05:12:57 Ms. Levitan presented on the offender reentry process and development of the offender reentry resource guide ([Exhibit 13](#)).

Reentry Resources Panel Discussion

Introduction -- Ms. Stockwell

- 05:20:40 Ms. Stockwell introduced the reentry resources panel discussion, spoke to the Department of Corrections (DOC) resource guide, and spoke to ideas for how the state might partner with a tribe to provide/leverage tribal resources.

Overview of Flathead Reservation Reentry Program -- Ann Miller, managing attorney, CSKT Tribal Defenders Office

05:24:54 Ms. Miller gave the committee an overview of the Flathead Reservation Reentry Program.

Serving American Indian offenders in an urban setting

Jen Bauer, reentry case manager, Alpha House, Billings (by phone)

Mindy Brookshire, Licensed Clinical Professional Counselor, Passages, Billings (by phone)

Kathleen Little Leaf, Licensed Addition Counselor, Missoula

Kevin Kicking Woman, instructor at UM and Loyola HS, Missoula

05:38:51 Ms. Bauer

05:45:57 Ms. Brookshire

05:50:35 Mr. Kicking Woman

06:00:51 Ms. Little Leaf

Questions -- STRC

06:13:09 Rep. Peppers asked Mr. Kicking Woman what the difference is with offenders that don't re-offend.

06:15:10 Sen. Gross asked Ms. Lahiff if administrative rules are easy to change and asked for clarification of the process on how offenders obtain employment ([Exhibit 14](#)).

06:19:17 Sen. Gross asked Ms. Brookshire if she has been involved in the conversation regarding the development of an urban Native American health center.

06:21:15 Sen. Small asked Ms. Bauer what the recidivism rates are for offenders moving back to reservations versus the urban area. Adrienne Cotton, Government Relations Director, Department of Corrections and Ms. Miller also answered the question.

06:24:01 Rep. Peppers asked Ms. Levitan how many landlords are willing to provide housing to offenders, if there is enough housing and jobs for reentry, and how her department handles housing.

06:26:07 Sen. Gross asked Ms. Little Leaf and Mr. Kicking Woman if their recommendations can be actionable by the legislature.

06:29:59 Sen. Gross asked Ms. Little Leaf and Mr. Kicking Woman how much their programs receive from the Jonathan MacArthur Foundation grant.

06:31:39 Rep. Stewart-Peregoy asked Ms. Brookshire and Ms. Bauer to speak to employment availability for reentry in the Billings area.

06:36:50 Rep. Stewart-Peregoy asked Ms. Lahiff if internships or training for reentry could be part of probation.

06:40:06 Rep. Stewart-Peregoy commented on the presentations given to the committee on the SJ 3 study and possible committee action.

BREAK (Reconvened at 3:00 p.m.)

Feasibility of Using Tribal Defense Attorneys to Represent Tribal Members in State Court

Ann Miller, managing attorney, CSKT Tribal Defenders Office

Peter Ohman, administrator, Office of the State Public Defender

06:58:12 Ms. Miller

07:02:20 Mr. Ohman

07:03:36 Ms. Miller

07:05:32 Mr. Ohman

Questions -- STRC

- 07:06:20 Rep. Peppers asked Ms. Miller if legal advocate classes could be implemented on reservations.
- 07:08:18 Rep. Peppers commented on the lack of funding for legal advocate training and asked Ms. Miller if legal advocate classes could be an option.
- 07:11:36 Rep. Doane asked Ms. Miller if there is cultural significance for a tribal member having a tribal attorney.

Public comment on all of the SJ 3 study discussion

None

Committee questions, discussion, and action

- 07:16:13 Rep. Doane asked Ms. Stockwell to speak on her research of reentry resources.
- 07:20:32 Rep. Doane asked Ms. Stockwell if she has a recommendation for how the committee can better utilize her staff research and time.
- 07:21:32 Sen. Gross asked Ms. Stockwell if any other states have been able to centralize an updated community reentry resource guide.
- 07:23:10 Rep. Stewart-Peregoy commented on the recommendations given by the presenters.

MOTION

- 07:27:01 Rep. Doane commented on the staff FTE and moved to allow Ms. Stockwell the latitude to complete the committee work as she sees best.
- 07:27:48 Rep. Peppers seconded the motion.

VOTE

- 07:27:58 The motion passed unanimously on a voice vote.
- 07:28:20 Ms. Stockwell commented on the joint work with Rachel Weiss, Research Analyst, LSD.
- 07:30:17 Ms. Weiss commented on the use of mentors and the peer support model.
- 07:31:47 Ms. Stockwell commented on the peer support model.
- 07:32:18 Rep. Stewart-Peregoy commented on the models.
- 07:33:06 Sen. Gross commented on continued cultural competency training for staff in correctional facilities.

STATE TRIBAL ECONOMIC DEVELOPMENT COMMISSION (STEDC)

Overview of programs, SB 309 update, SB 251 update -- Casey Lozar, Department of Commerce Business and Technical Assistance Bureau Chief

- 07:35:22 Mr. Lozar introduced the presenters and gave an overview of jobs and economic development programs in Indian country ([Exhibit 15](#)).

Perspectives of STEDC Commissioners -- Vice Chair Richard Sangrey

- 07:43:18 Mr. Sangrey presented on the perspective of STEDC commissioners.
- 07:46:40 Mr. Lozar commented on the presentation and introduced the next speaker.

Fort Belknap Indian Language Program -- Manager Ray Cichosz

- 07:52:32 Mr. Cichosz presented on the Fort Belknap Indian Language Program.
- 07:57:49 Mr. Lozar commented on the presentation and introduced the next speaker.

Indian equity funding recipient -- Shanna Stack, Stack Speech Therapy

08:01:08 Ms. Stack spoke on being a recipient of the Indian equity fund (**Exhibit 18**).
08:09:11 Mr. Lozar commented on the presentation.

Public comment

08:18:20 Brandi King, Fort Belknap Indian Community Council

Questions/discussion -- STRC

08:20:26 Rep. Doane asked Mr. Lozar about the status of the Native American Collateral Support funding (see Exhibit 17, page 12).
08:22:58 Rep. Doane asked Mr. Lozar if the demand is larger than the allotted \$500,000.
08:23:27 Rep. Doane asked Mr. Lozar for the program data.
08:23:37 Rep. Doane asked Mr. Lozar what type of businesses the program is focused on.
08:27:01 Rep. Peppers asked Mr. Lozar for data on the businesses that have benefitted from the collateral monies.
08:29:36 Rep. Stewart-Peregoy asked Mr. Lozar to deliver the requested data information.
08:29:52 Rep. Doane asked Mr. Lozar about the funds balance.
08:32:08 Rep. Doane asked Mr. Lozar if there is federal pass-through money.
08:33:17 Rep. Stewart-Peregoy commented on the amount of money that the state gives these programs and the state budget cuts.

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

08:35:29 Rep. Kipp, HD 15

COMMITTEE DISCUSSION

08:37:05 Rep. Doane commented on his information request for collateral program data.
08:38:06 Rep. Stewart-Peregoy commented on the history of economic development in Indian country.
08:39:14 Rep. Doane commented on the availability of programs and funding for economic development in Indian country.
08:40:11 Rep. Peppers commented on the legislative intent of the economic development in Indian country legislation and the need for data on the programs.
08:41:36 Sen. Smith commented on the success of the grant program.
08:42:32 Rep. Doane asked how available and widely known are the grant programs.
08:43:12 Rep. Stewart-Peregoy responded to Rep. Doane's question and commented on the level of funding for the grant programs.
08:45:06 Sen. Smith responded to Rep. Doane's question and commented on the grant program paybacks.
08:45:58 Sen. Hinebauch commented on the importance of reviewing the success of the equity program and grant program and making the data transparent.
08:47:00 Sen. Smith commented on tourism economic development in Indian country.
08:47:51 Rep. Peppers commented on the tourism website and data transparency.
08:48:42 Ms. Stockwell commented on developing a statistic data sheet.

RECESS

08:49:16 Rep. Stewart-Peregoy recessed the meeting at 4:52 p.m. until 8:00 a.m. on March 30, 2018.