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State-Tribal Relations Interim Committee

60th Montana Legislature

SENATE MEMBERS

RICK LAIBLE
FRANK SMITH
DONALD STEINBEISSER
JOSEPH TROPILA

HOUSE MEMBERS

GORDON HENDRICK
JOEY JAYNE
KEN PETERSON
JONATHAN WINDY BOY

COMMITTEE STAFF

PATRICIA MURDO, Lead Staff
EDDYE MCCLURE, Staff Attorney
DAWN FIELD, Secretary

MINUTES

Date: June 15, 2007

Room 137, State Capitol Building
Helena, Montana

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording.

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COMMITTEE MEMBERS PRESENT

SEN. RICK LAIBLE
SEN. FRANK SMITH
SEN. DONALD STEINBEISSER
SEN. JOSEPH TROPILA

REP. GORDON HENDRICK
REP. JOEY JAYNE
REP. KEN PETERSON
REP. JONATHAN WINDY BOY

STAFF PRESENT

PATRICIA MURDO, Lead Staff
EDDYE MCCLURE, Staff Attorney
CYNTHIA A. PETERSON, Acting Secretary

AGENDA & VISITORS' LIST

Visitors' list (Attachment 1)

Agenda (Attachment 2)

COMMITTEE ACTION

- The State-Tribal Relations Interim Committee (STRIC) elected Sen. Frank Smith as presiding officer and Sen. Don Steinbeisser as vice presiding officer.
- The STRIC voted to allow proxies to be sent in writing, either by letter, fax, or e-mail, to the person who is carrying the proxy, required proxies to include the specific scope of the proxy, and required that all proxies be copied to staff.
- The STRIC voted to pursue an invitation to visit the Crow Reservation during the Crow Tribe's Legislative Session in October.
- The STRIC voted to pursue an invitation to visit the Flathead Reservation in 2008 and to designate the Rocky Boy Reservation as an alternative site visit if an invitation is not received from the Flathead.
- The STRIC agreed to visit the Little Shell Reservation in conjunction with holding one of the STRIC's regular meetings in Great Falls.

CALL TO ORDER AND ROLL CALL

Sen. Joe Tropila called the STRIC meeting to order at 9:02 a.m., in Room 137, Montana State Capitol Building. The secretary noted the roll (Attachment 3).

ELECTION OF OFFICERS

Rep. Gordon Hendrick nominated Sen. Frank Smith as presiding officer of the STRIC. Rep. Ken Peterson nominated Rep. Joey Jayne as presiding officer of the STRIC. Sen. Smith was elected presiding officer 4-3 by voice vote.

Rep. Jayne nominated Rep. Peterson as vice presiding officer of the STRIC. Rep. Hendrick nominated Sen. Don Steinbeisser as vice presiding officer of the STRIC. Sen. Steinbeisser was elected as vice presiding officer 4-3 by voice vote.

Sen. Smith assumed chairmanship of the STRIC.

OVERVIEW OF RESPONSIBILITIES AND GUIDELINES

Pat Murdo, Lead Legislative Staff, reviewed the responsibilities and guidelines of the STRIC. Ms. Murdo explained the procedure for processing pay vouchers. Ms. Murdo stated she would present a budget report at the next meeting. Ms. Murdo distributed a calendar for use in planning travel to Montana's Reservations and explained that the budget would allow the STRIC to visit two reservations. Ms. Murdo stated she spoke with members of the Crow Tribe because some of the STRIC members had an interest in visiting the Crow Reservation. Ms. Murdo noted the Crow Tribe's legislature would be meeting in October.

Rep. Jayne inquired whether there were proposed dates that the Crow Tribe's legislature would be meeting. Ms. Murdo did not have the exact dates in October but stated she would obtain the exact dates. **Eddy McClure, Staff Attorney**, suggested the Crow Tribe's Legislature would be interesting to visit.

Ms. Murdo submitted: a list of the STRIC members and contact information (EXHIBIT 1); a flowchart depicting the framework of the Governor's American Indian Nation (GAIN) (EXHIBIT

2); Demographic & Economic Information for the following Reservations: Rocky Boy, Fort Peck, Fort Belknap, Flathead, Blackfeet, Crow, and Northern Cheyenne (EXHIBITS 3-9).

Ms. Murdo directed the STRIC members to a list of information on each tribe contained on the Indian Health Services website. Ms. Murdo stated she would present more information to the STRIC as health issues arise.

Ms. McClure explained the past interim committee's visits to Montana Reservations and how those visits were conducted. Sen. Tropila stated the STRIC was invited verbally by Sen. Pease to visit the Crow Reservation. Rep. Peterson recalled his past visits to Reservations as a member of the STRIC.

Ms. Murdo reviewed staff responsibilities and explained there were no official studies assigned to the STRIC. Ms. Murdo solicited ideas for speakers from the STRIC members.

Ms. McClure suggested the STRIC would need to adopt rules and explained Legislative Council discourages the use of proxies. If proxies are utilized, those proxies should be in writing or electronic. Ms. McClure believed a more specific proxy would be better. Ms. McClure stated that by statute, a member could be present at a meeting electronically.

Sen. Rick Laible moved the STRIC allow written proxies that designate a particular legislator to work on behalf of the absent legislator.

Rep. Jayne stated she did not believe the STRIC presiding officer should be able to decide when a proxy could be voted if there were changes outside what is specified in the proxy.

Ms. McClure reiterated that proxies should be specific. Ms. McClure explained there are gray areas regarding how far proxies can go.

Sen. Laible noted if a STRIC member is not present, he/she would not know what amendments were offered, and only the person in attendance who is carrying the proxy would know. Sen. Laible stated he did not see the voting of proxies as problematic since interim committees are nonpolitical and operate for the best interest of the people.

Ms. McClure commented that she would like the record to be clear as to how the STRIC is going to handle proxies.

Rep. Peterson believed the proper procedure would be for a STRIC member to give his/her proxy in writing with instructions on how to vote on amendments. The voting instructions could be either *carte blanche* or very specific.

Sen. Smith agreed proxies should be specific.

Sen. Laible thought proxies should be in writing and should instruct the person carrying the proxy that they can vote on the bill and/or any amendments, or that proxies could specify that the person can vote on the bill only. Ms. McClure reminded the STRIC members that all

proxies must be presented at the meeting and invited the STRIC members to copy staff on proxies.

Sen. Tropila inquired about conference calls, and Ms. McClure clarified that conference calls are electronic and according to statute represent a committee member's participating electronically. Ms. Murdo added that faxed or written proxies would also be acceptable.

Sen. Steinbeisser suggested a separate proxy should be used regarding amendments. Ms. McClure urged the STRIC to be clear on its use of proxies. Ms. McClure suggested that staff should always receive a copy of a proxy. Ms. McClure recalled instances where proxies were challenged.

Rep. Hendrick emphasized a written proxy should be turned in for the record.

Sen. Laible amended his motion to say proxies will be handled with an e-mail or fax being sent to the person who is carrying the proxy and will include the scope of the proxy, and that the proxy will be copied to staff. Sen. Laible's motion carried unanimously by voice vote.

Rep. Jayne inquired whether proxies would be necessary for a STRIC member who is participating electronically, Ms. McClure replied if a STRIC member is participating electronically, it is the same as that member being in the room physically. Therefore, a proxy would not be needed.

Rep. Hendrick recalled his past experiences when he was participating in a meeting electronically. Ms. McClure reiterated a STRIC member could be present physically or electronically.

REVIEW OF 2007 LEGISLATION

Ms. Murdo reviewed legislation that passed the 2007 Legislature (EXHIBIT 10).

Rep. Jayne recalled racial profiling legislation and the quota legislation introduced by Rep. Bixby. Ms. Murdo acknowledged those pieces of legislation should have been included. Sen. Smith commented the quota legislation should come before the STRIC because of funding issues. Ms. Murdo agreed to put the issue on the agenda for the next meeting.

SCHEDULE FOR INTERIM

Ms. Murdo directed the STRIC members to the draft Work Plan (EXHIBIT 11). Ms. Murdo suggested the STRIC could update the publication *The Tribal Nations of Montana*, which was created in 1995. Ms. Murdo added the publication has been quite popular.

(Tape 1; Side B)

Rep. Jayne recalled the Indian Affairs Office had performed a substantial amount of work that could be incorporated into the publication. Sen. Smith commented that there is a lot of new information available.

Ms. Murdo commented that the *Tribal Report 2006* is also a good report, but that no more copies of the report are available.

- **The two Reservations the Committee wants to request to visit**

Sen. Tropila moved to have the STRIC visit the Crow Reservation.

Sen. Laible added he would like the visit to occur during the Crow Tribe's Legislative Session. Sen. Tropila accepted the suggestion as part of his motion. The motion carried unanimously by voice vote.

Rep. Hendrick moved to have the STRIC visit the Flathead Reservation in 2008.

Rep. Jayne agreed the Flathead Tribe had made a lot of strides since the last visit in 2001-02. Rep. Jayne suggested that the Rocky Boy or Fort Belknap Reservations may have more challenges right now and could benefit more from the STRIC's assistance.

Ms. Murdo clarified that Rocky Boy and Flathead were the two Reservations that had not been visited by the interim committee for the longest period of time.

Sen. Laible wondered about the intent of the trip. Ms. McClure identified the purpose of the trip as getting Legislators out on a Reservation and educated on Indian culture. Sen. Laible agreed with Rep. Jayne that the visits should be to those Reservations with the most challenges.

Rep. Peterson relayed his experiences in visiting various reservations. Rep. Peterson believed the STRIC should visit the Rocky Boy and the Salish Kootenai Reservations.

Rep. Hendrick's motion carried unanimously by voice vote.

Rep. Hendrick thought the Rocky Boy Reservation should be a back up visit site if there is no invitation forthcoming from the Flathead Reservation. Sen. Smith suggested adding a visit to the Women's Prison in Billings as part of the visit to the Crow Reservation.

Rep. Peterson agreed since there are many issues concerning American Indians incarcerated within the prison system.

Sen. Tropila commented the state and the Governor have recognized the Little Shell Chippewa, but the federal government has not. Sen. Tropila suggested visiting the Little Shell Reservation. It was agreed the visit could be facilitated by holding one of the STRIC's meetings in Great Falls.

- **Other activities that the Committee would like to pursue**

Ms. McClure suggested after the visit to the Crow Reservation in October, the STRIC could receive updates from different agencies, and that the STRIC should decide what people they would like to hear from. Sen. Tropila commented there could be a special session to address water compacts between the state and the tribes. Ms. McClure suggested the STRIC should just schedule the meeting date for the visit to the Crow Reservation in October.

Sen. Laible inquired about the STRIC's Work Plan. Ms. McClure explained there were no formal studies assigned to the STRIC, so it is up to the STRIC to decide what will be on its agendas. Sen. Laible cited unemployment rates, high-school drop out rates, and Indian health and human services issues as important and wondered if there was something the STRIC could do within the law to change what is going on and stop the poverty cycle. Sen. Laible wondered whether gaming could be an economic engine that could be utilized. Sen. Laible inquired why

some reservations have gaming and other Reservations do not. Sen. Laible was curious what direction the STRIC would go.

Ms. Murdo explained the STRIC would need to develop its own Work Plan.

Sen. Steinbeisser agreed unemployment is an issue the STRIC should address. Sen. Smith urged the Committee to get facts and not rely on rumors. Ms. McClure stated the STRIC had looked at gaming issues in the past and offered to provide the STRIC with background on the federal law and identify areas of disagreements. Past committees also looked at economic development and what the state could do to impact economic development.

Rep. Windy Boy commented that he was recently in Washington, D.C., and that every time he visits D.C., he is told that Indians are eligible for state funds and grants. Rep. Windy Boy believed there needs to be a collaboration of efforts to address common issues. Rep. Windy Boy identified mental health issues and juvenile justice as large issues. Rep. Windy Boy suggested being more pro active to these needs because of the resulting cost savings. Rep. Windy Boy believed it would be important for the STRIC to think outside the box.

Ms. McClure informed the STRIC of the State Tribal Cooperative Agreements Act. Ms. McClure stated there are currently over 1,000 cooperative agreements. Ms. McClure suggested talking with Human Services at the January meeting and identifying existing cooperative agreements within mental health.

Rep. Jayne stated she requested to be on the STRIC because of the need to follow up on the legislation that was passed in 2007. Rep. Jayne asked that the STRIC receive reports and updates from the appropriate department on each initiative. Rep. Jayne cited Indian unemployment and drop-out rates as huge. In addressing the Indian drop-out rate, Rep. Jayne suggested closing the Indian achievement gap and piggybacking on other relevant bills. Rep. Jayne would like to see the STRIC present specific goals and objectives. Rep. Jayne also would like to review incarceration and recidivism rates among Indian inmates.

Sen. Laible stated the best approach is to hear from people and the Tribes. Sen. Laible stated he would like to hear from each tribe on the gaming issue. Sen. Laible summarized the goal as identifying the problem and determining how state legislators can assist. Sen. Laible agreed with developing goals and objectives for the issues, so the STRIC could make a difference.

Rep. Hendrick believed the STRIC's priority should be to update *Tribal Relations for Montana*.

(Tape 2; Side A)

Ms. Murdo summarized the STRIC's Work Plan ideas. The STRIC will meet in October and visit the Crow Reservation and the Women's prison. The STRIC will address quotas and incarceration and recidivism at the October meeting. In January, the STRIC will follow up on legislation and hear from the Executive Branch. The January meeting will be a two-day meeting, and the STRIC will invite tribal representatives from all tribes. The next two meetings could be planned at the January meeting. The STRIC members agreed.

Rep. Windy Boy added that 40 percent of the prison population is American Indian and 80 percent of that number are incarcerated because of meth-related crimes. Rep. Windy Boy

believed there is no way to rehabilitate American Indians since they are released back into the same environment. Rep. Windy Boy explained that mental health, emotional health, and physical health are addressed through modern medicine, but the forth portion, spiritual health, needs to be addressed in rehabilitation. Another issue identified by Rep. Windy Boy was the transferability of credits from Indian education institutions to state universities.

Ms. McClure summarized that interim committees spend a substantial amount of time talking about problems, and identified a need to focus on solutions.

Rep. Peterson reminded the STRIC that any person with American heritage in the state prison system has committed a crime off the reservation. If a person commits a crime on the reservation, he/she goes to federal prison. Rep. Peterson noted many Indians live in Billings. Rep. Peterson suggested reaching out to American Indians who live off the reservation. Sen. Smith believed the same statement was true for health care.

Rep. Jayne added many American Indians receive their tickets off the reservation and that is what places them in the state system.

Ms. Murdo noted the Great Falls meth court pilot project could be included in the visit to Great Falls.

Sen. Smith stated he has received numerous e-mails complaining about counterfeit Indian articles being sold over the internet. Sen. Smith thought the STRIC should be informed about the laws that could be enforced to control the problem. Sen. Smith identified another problem as being when medical providers are pulled off the Reservation to serve in the Iraq War, the vacant positions on the Reservations are not being filled. Sen. Smith would like to see the STRIC investigate these two issues.

BREAK

(Rep. Peterson departed the meeting).

PRESENTATIONS

- **The Sacred Hoop Journey, Tommy Stiffarm**

Mr. Stiffarm is a resident of Great Falls is, he said, an "Urban Indian." Mr. Stiffarm is a recovering alcoholic and addict and believed he has a better chance of succeeding at recovery if he lives off the Reservation. Mr. Stiffarm discussed the Sacred Hoop Journey 2007 (EXHIBIT 12).

Robert Benton (who referenced himself as Little Big Man), discussed the Sacred Web Recovery and Four Nations Warrior Down. Mr. Benton was incarcerated at Montana State Prison and admitted to abusing alcohol and drugs and leading a violent life. Mr. Benton praised the Sacred Hoop Journey and cited a real need for the program in the Great Falls area to serve Native Americans and their families. Mr. Benton believed bringing back their own culture would be helpful in treating Native Americans. Mr. Benton identified Home Land Security laws as one of the main problems for people coming out of prison since state and federal laws require everyone to have an identification card. Mr. Benton cited the need for a person to have an identification card on the first day a person exits prison. Mr. Benton explained that people are released out of prison without a birth certificate, social security card, or picture identification

card. Mr. Benton reminded the STRIC that a person cannot get a job without a social security card.

- **Questions from the Committee**

Sen. Laible asked for an explanation of the reference that going home to a Reservation is like going to a dead forest and asked Mr. Stiffarm to expand. Mr. Stiffarm spoke about growing up with alcohol abuse and how that lifestyle can impact someone who is healthy. Mr. Stiffarm pointed out how the root system needs to be changed to heal an unhealthy forest. Mr. Stiffarm believed in healing the individual, family, and community.

Sen. Tropila suggested the Law and Justice Interim Committee should address the issue of obtaining proper identification for individuals being released from prison.

Rep. Jayne suggested the STRIC could make the request and draft a committee bill. Sen. Tropila did not believe a committee bill would be necessary. Ms. McClure agreed to research the issue and report back to the STRIC.

Mr. Benton invited the STRIC to stop by the Sacred Web Recovery Coalition in Great Falls.

(Tape 2; Side B)

Sen. Tropila asked Mr. Stiffarm whether he had any response from the City of Great Falls on the information that was presented at their recent City Council meeting. Mr. Stiffarm responded they will attempt to get on the agenda and make a presentation next week.

Sen. Laible asked Mr. Benton about funding sources. Mr. Benton identified funding sources as donations collected at meetings and from himself and Mr. Stiffarm. Sen. Laible was confident the STRIC could solve the problem of obtaining state identification and social security cards for inmates being released from prison, but wondered whether inmates had the skills necessary to obtain employment. Mr. Benton explained inmates receive some training in farm work, dairy work, and other jobs. Mr. Benton stated that in Great Falls, they work with all the available resources and know places that will hire ex-felons. Mr. Benton thought it was important for a released inmate to obtain employment as quickly as possible, so they do not have a lot of time on their hands. Mr. Benton believed it is critical to get the community to work with the Sacred Hoop Program.

Sen. Laible inquired how many people are currently being served by Sacred Hoop and what Mr. Benton has found to be the biggest issues. Mr. Benton identified a large issue as getting people involved and attending the meetings. Mr. Benton explained when an inmate comes out of prison, he/she may be on probation. Mr. Benton suggested the probation/parole office needs to restructure, so it mandates the Sacred Hoop Program.

Sen. Laible asked whether all Reservations have community centers or whether Mr. Benton was speaking about Native Americans living off the reservation. Mr. Benton clarified his comment was specifically directed to Native Americans living in the Great Falls area. Mr. Benton explained the Great Falls program is seeking to procure a building of its own, so the program can be open seven days a week.

- **Advisors from the Governor's Office and the State Tribal Economic Development Commission, Major Robinson and Anna Whiting-Sorrell**

Major Robinson, Acting Coordinator of Indian Affairs, Governor's Office, submitted a flyer from the Governor's Office of Indian Affairs (EXHIBIT 13); Appendix A - State of Montana Annual Indian Nations Agreement Summary (EXHIBIT 14); and a flyer from the State - Tribal Economic Development Commission (EXHIBIT 15). Mr. Robinson reviewed those handouts with the STRIC.

- **Questions from the Committee**

Sen. Laible noted that money has been put into economic development for quite some time and wondered what had been accomplished. Mr. Robinson explained every tribe in Montana, including Little Shell, had used the funding, including studies for economic development in Montana.

Mr. Robinson referred to Appendix A - State of Montana Annual Indian Nations Agreement Summary (Exhibit 14) and explained the purpose of the agreement database and requested the STRIC members to review the information contained in the report. Exhibit 15 provides information on the State-Tribal Economic Development Commission. As of 2007, the Governor's Office on Economic Development will also have a representative on the State - Tribal Economic Development Commission. Mr. Robinson believed the appropriated funds during the last session specifically for Indian economic development were very helpful. Mr. Robinson thanked the STRIC for the appropriation and for additional funds for the next biennium. Mr. Robinson believed the additional money will assist projects in moving forward.

- **Questions from the Committee**

Rep. Jayne asked if there were reports available for each project. Mr. Robinson replied the Tribes report to the Department of Commerce. Mr. Robinson believed some of the projects were completed. Rep. Jayne wondered whether the Department of Commerce could supply detailed information. Rep. Jayne was concerned that studies were funded but not followed up on. Rep. Jayne explained the information could determine whether additional funding is needed or whether jobs were created. Mr. Robinson replied he would be happy to provide that information to Rep. Jayne. Rep. Jayne suggested the STRIC may be able to provide additional assistance if it had the necessary information.

Sen. Tropila directed Rep. Jayne to the numbers listed for each project in Exhibit 14. Rep. Jayne stated she believed the STRIC needed more detailed information.

Ms. McClure suggested when the STRIC travels to the Crow Reservation that it have information regarding the Crow Tribe agreements such as the development of their business revolving loan fund.

Sen. Laible noted the Department of Commerce oversees the funding and, therefore, probably has copies of the reports. Sen. Laible asked what happened in past years and what previous funds were used for. Sen. Laible asked what the goals were going forward. Mr. Robinson responded there were no economic development funds prior to the last biennium. Mr. Robinson added that during the last legislative session, the sunset on the program was removed, so now

the Commission is part of government. Mr. Robinson state the Office of Indian Affairs will continue to work with the Tribes and introduced Anna Whiting-Sorrell, the Governor's Family Policy Advisor.

Rep. Windy Boy thought that the information being presented by the Governor's Office would be pertinent to updating the *Tribal Relations for Montana*.

- **Anna Whiting-Sorrell**

Anna Whiting-Sorrell, Governor's Family Policy Advisor, noted that Governor Schweitzer has made a significant number of Native American appointments to various Montana boards and commissions. Ms. Whiting-Sorrell submitted a list of those appointments (EXHIBIT 16).

(Tape 3; Side A)

Ms. Whiting-Sorrell also mentioned that the Governor's Office was working with the Commissioner of Higher Education, the Office of Public Instruction, and the National Conference of State Legislators on a meeting aimed at closing the achievement gap for Native American children. The meeting is being planned for September 28-29, 2007, in Helena.

- **Questions from the Committee**

Rep. Jayne asked if the Governor appoints Native Americans who do not live on Reservations. Ms. Whiting-Sorrell replied there are numerous appointees who are not from Reservations. Ms. Whiting Sorrell expressed a desire to hire qualified individuals and identified an absolute effort to include urban Native Americans.

PUBLIC COMMENT ON ISSUES NOT ON AGENDA

William Tuss, Hot Springs, explained the work of Vantage West, a nonprofit organization created out of the Northwest Area Foundation program to address poverty issues on Reservations in the eight northwestern states. The three towns targeted on the Salish-Kootenai Reservation are Arlee, Elmo, and Hot Springs. Mr. Tuss reviewed the three objectives that Vantage West addressed, including (1) intergovernmental meetings between the Sanders County Commissioners and the Salish-Kootenai Tribal Council; (2) renaming of the Hot Springs School District logo and mascot; and (3) promotion of economic development through education program by establishing an extended campus at Hot Springs.

- **Questions from the Committee**

There were no questions from the STRIC.

PUBLIC COMMENT ON ISSUES NOT ON THE AGENDA (Cont'd)

Tracy "Ching" King, a member of the Assiniboine Nations of the Fort Belknap Tribe, explained that he comes from a family of veterans as far back as the Battle of the Little Big Horn. Mr. King stated his daughter, a veteran of the Iraq war, was poorly treated at the Fort Harrison Veteran's Hospital in Helena. Mr. King suggested that Native Americans do not want to work off the Reservation because of racial profiling. Mr. King would like to see the STRIC address racism.

- **Questions from the Committee**

There were no questions from the STRIC.

WRAP UP

- **Confirm date of next meeting**

Ms. Murdo will obtain the next meeting date as soon as she receives information from the Crow Tribe.

- **Identify agenda items for next meeting**

Sen. Laible requested Ms. McClure to work on the issue of obtaining identification cards and social security cards for inmates prior to release from prison. Ms. McClure will report on the issue at the next meeting.

ADJOURN

There being no further business to come before the STRIC, the meeting adjourned at 12:28 p.m.

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