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State-Tribal Relations Committee

62nd Montana Legislature

SENATE MEMBERS

SHANNON AUGARE
TAYLOR BROWN
CARMINE MOWBRAY
SHARON STEWART-PEREGOY

HOUSE MEMBERS

GORDON HENDRICK
CAROLYN PEASE-LOPEZ
JOE READ
FRANK SMITH

COMMITTEE STAFF

CASEY BARRS, Lead Staff
DANIEL WHYTE, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

DRAFT

June 28, 2011
Room 137

Capitol Bldg
Helena, MT

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. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

SEN. TAYLOR BROWN
SEN. CARMINE MOWBRAY
SEN. SHARON STEWART-PEREGOY

REP. GORDON HENDRICK
REP. CAROLYN PEASE-LOPEZ
REP. JOE READ
REP. FRANK SMITH

COMMITTEE MEMBER EXCUSED

SEN. SHANNON AUGARE

STAFF PRESENT

CASEY BARRS, Lead Staff
DANIEL WHYTE, Staff Attorney
Cj JOHNSON, Secretary

Visitors

Visitors' list, [Attachment #1](#).
Agenda, [Attachment #2](#).

COMMITTEE ACTION

The State-Tribal Relations Interim Committee (STR):

- voted to accept proxies by teleconference, electronics, and phone calls to staff.
- voted to select Sen. Mowbray as presiding officer.
- voted to select Rep. Pease-Lopez as vice presiding officer.
- accepted the tentative STR meeting dates.

CALL TO ORDER AND ROLL CALL

- 00:09:31 Sen. Stewart-Peregoy, senior Senator and acting chair, opened the committee hearing at 8:54 a.m. The secretary called the roll. [Attachment #3](#)
- 00:11:11 Sen. Stewart-Peregoy asked Henry Anderson, Little Shell Tribe, to bless the meeting. Mr. Anderson offered prayer in his native Cree language.
- 00:12:47 The committee members introduced themselves.

AGENDA

- 00:17:33 **Bonnie Stevens, Grants/Patient Advocate, Little Shell Tribe, Helena Indian Alliance**, gave an overview of the Alliance and the people it serves. She distributed a handout that explains the activities of the Alliance and the programs they are involved in. [Exhibit 1](#)

Election of Officers

- 00:22:45 Sen. Stewart-Peregoy opened the hearing for discussion of a presiding officer to chair the State-Tribal Relations Interim Committee.

Motion

- 00:24:13 Sen. Taylor Brown made a motion to select Sen. Mowbray as presiding officer of the STR committee.
- 00:24:57 Sen. Mowbray nominated Rep. Hendrick as presiding officer. Rep. Hendrick declined the nomination.

Vote

- 00:27:11 The motion for Sen. Mowbray to be presiding officer **passed** unanimously by voice vote. **SEN. AUGARE IS EXCUSED.**

00:28:53 Sen. Mowbray opened the meeting to select a vice presiding officer.

Motion

00:29:23 Rep. Hendrick made a motion to select Rep. Pease-Lopez as vice presiding officer. The motion **passed** unanimously by voice vote. **SEN. AUGARE IS EXCUSED.**

Responsibilities and Guidelines

00:31:08 Casey Barrs, LSD staff, distributed a handout that explains the rules, procedures and guidelines for the interim committees. **Exhibit 2** He talked about staff, statutory duties, the expense form, and recapped the 2009 state-tribal legislation.

Committee comments and questions

00:43:43 Sen. Mowbray and the committee members discussed how proxies will be handled.

Motion

00:55:10 Rep. Read made a motion that electronic voting be accepted.

Discussion

00:56:49 Mr. Barrs asked if a proxy should be specific or general. Rep. Hendrick and committee members discussed voting by teleconference, electronic, or a fellow STR committee member.

Motion/vote

01:00:15 Rep. Read made a motion to accept proxies by teleconference, electronics, and phone calls to STR staff. The motion **passed** unanimously by voice vote. **SEN. AUGARE IS EXCUSED.**

Committee Minutes

01:00:55 Mr. Barrs said he will determine if there is any conversation during the committee hearings that would require verbatim minutes.

Summary of bills of interest to the STR

01:05:58 Mr. Barrs addressed a memo by Dan Whyte, Legal Staff, a summary of legislation that was introduced and pertinent to the State-Tribal Relation's process. **Exhibit 3**

01:07:33 **Lisa Evers, Acting Director, Office of Indian Affairs**, gave an overview of the office's duties and activities that are in statute of the Governor's Office. She discussed the Art of Cooperation booklet put together by the Office of Indian Affairs. **Exhibit 4** Ms. Evers explained the legislative bills from 2011 that impact the Reservations.

01:21:59 **Anna Whiting Sorrell, Director of the Public Health and Human Services (DPHHS)**, talked about her duties through the DPHHS, and her service to the Governor's Office. Director Whiting Sorrell discussed Indian health services that

are offered to the Tribal members.

Committee comments and questions

The committee members discussed and asked questions about contracts between the DPHHS and the Tribes; testing water wells; and working with DEQ regarding the floods on the Reservations.

01:43:16 Sen. Stewart-Peregoy

01:45:24 Sen. Mowbray

01:46:42 Rep. Smith

01:48:27 Rep. Read

01:50:54 **Break**

02:08:55 **Jason Smith, Program Manager, State Tribal Economic Development, Department of Commerce**, gave a PowerPoint presentation that addressed the Governor's Office of Economic Development's statutory duties, and the economic development of the seven Tribal nations. [Exhibit 5](#)

Committee comments and questions

The committee discussed the impact of the oil boom on the Fort Peck Reservation; correlation between government jobs and the economic development by out-sourcing, but able to remain diversified; the housing situation from the oil boom, and leverage and seed money for businesses.

02:22:35 Rep. Hendrick

02:23:58 Sen. Taylor Brown

02:26:05 Sen. Mowbray

02:27:31 Sen. Stewart-Peregoy

02:30:10 Rep. Smith

02:31:17 Sen. Mowbray

Public Comment

02:33:07 **Lisa Evers, acting Director of the Governor's Office of Indian Affairs**, said she serves on the Economic Development panel, and discussed how leverage and seed money are used and distributed to the Tribes.

02:37:07 **Jim Smith, Co-Executive Director, Montana Sheriffs and Police Officers Association(MSPOA)**, said that the Economic Development Program is a good partner by assisting the Tribes. Mr. Smith will provide information at the next committee meeting that will show the amount of funds brought into the state from the various projects on the Reservations.

Public Comment

02:39:43 **Joe Lamson, Districting and Appropriations, DofA Commission**, distributed a handout and talked about the census data regarding the population of the Reservations. [Exhibit 6](#)

Committee comments and questions

The committee and Mr. Lamson discussed the census data and their

concerns of leaving approximately 9,000 Native Americans off of the census.

02:48:41 Rep. Smith
02:49:38 Sen. Mowbray
02:51:26 Sen. Mowbray
02:53:10 Rep. Read

02:57:45 **Lunch**

04:05:13 Sen. Mowbray called the committee back to order.

Law Enforcement and Indian Country

04:06:09 **Jim Smith, Co-Executive Director, Montana Sheriffs and Police Officers Association(MSPOA)**, distributed a memo of his talking points. **Exhibit 7** He discussed racial profiling, and the need for education and training of law enforcement personnel regarding profiling on both sides of law enforcement.

Committee comments and questions

The committee discussed racial profiling and public awareness; former legislation that addresses profiling; training for profiling at the police academy; and cultural awareness.

04:19:45 Sen. Taylor
04:23:57 Rep. Hendrick
04:27:01 Rep. Pease-Lopez
04:30:54 Rep. Smith
04:32:48 Sen. Mowbray
04:33:55 Sen. Peregoy
04:35:55 Rep. Read

04:38:01 Sen. Mowbray asked Mr. Smith if he could have someone from the Attorney General's Office speak at the next committee meeting and provide information on cross-deputization.

04:41:22 **Ms. Mandy Smoker-Broaddus, Director of School Transformation, Office of Public Instruction (OPI)**, distributed several handouts which she explained.

- school statistics of children on Reservations. **Exhibit 8**,
- a PowerPoint that explains the achievement gap on the Reservations **Exhibit 9**

Ms. Broaddus closed stating that progress has been made by OPI regarding educational issues on the Reservations.

Committee comments and questions

The committee discussed various ways to solve communication problems in the schools for students to achieve better academic skills by bringing various trades into the classroom, and explain to the students what can happen when they achieve and education; How to measure success; and what happens when the one time federal funding is done.

05:08:58 Rep. Hendrick

05:15:57 Sen. Peregoy
05:23:43 Rep. Pease-Lopez
05:27:58 Sen. Mowbray
05:32:21 Rep. Read

Ms. Broaddus will provide a report of the \$13 million grant distribution between the Reservations and OPI at the next STR meeting.

Interim Work Plan

05:39:52 Mr. Barrs distributed the STR work plan **Exhibit 10**, and a map **Exhibit 11**, showing the locations of the Reservations the members may want to visit during the 2011/2012 interim.

05:42:43 Mr. Barrs distributed the interim committee calendar, **Exhibit 12**, and discussed meeting dates, and traveling to various Reservations.

05:48:17 Sen. Mowbray and the members discussed issues to study that are listed in the work plan for the committee's agenda.

Committee comments and questions

The committee talked about the Reservations, which ones they would like to visit; and the Reservations impacted by the flood. A bill by Rep. Smith was discussed that passed in the Legislature, and is part of the STR process.

05:50:54 Rep. Hendrick
05:52:36 Sen. Stewart-Peregoy
05:58:17 Mr. Barrs
06:00:40 Sen. Stewart-Peregoy
06:02:57 Rep. Smith

06:05:59 Mr. Barrs and the committee discussed FEMA, DEQ and DES, regarding the flood situation, and ask these agencies to report at the next STR meeting.

06:08:47 Sen. Brown talked about the impact that Otter Creek will have on the Northern Cheyenne Tribe.

06:15:56 Sen. Mowbray, Mr. Barrs, and the committee members discussed the committee's priorities.

- Sen. Taylor - job creation on the Reservations
- Rep. Hendrick - 1) water compacts, 2) incarceration, and 3) the use of natural resources.

06:20:27 Mr. Barrs will send out invitations to Tribal leaders to attend meetings in Helena.

06:32:22 Sen. Mowbray suggested the committee study funding of the Flathead Reservation.

06:36:34 Rep. Read asked if a letter could be sent to the Federal Government regarding the impact on the Flathead Reservation from closing the Plum Creek Sawmill.

- 06:41:32 Rep. Pease-Lopez asked if the committee could study and find ways for solutions of suicide prevention of teens on the Reservations.
- 06:42:44 Sen. Mowbray, Mr. Barrs, and **Niki Zupanie, ACLU of Montana**, talked about a grant awarded the University of Montana - Billings, to be used to study teen suicides. Mr. Barrs will provide a list of programs available regarding teen suicide at the next committee meeting.
- 06:48:20 Sen. Stewart-Peregoy discussed LC6666, **Exhibit 13**, a bill that will expand the definition of heritage property to include Tribal traditional cultural.

Committee comments and questions

- 06:53:05 Sen. Mowbray
- 06:54:30 Mr. Barrs
- 07:11:19 Sen. Mowbray asked Rep. Hendrick and Rep. Smith to report at the next committee regarding the flooding on the Reservations.
- 07:12:07 Mr. Barrs summarized the issues the committee will study. The next meeting will be held on January 16, 2012.

Motion

- 07:20:48 Rep. Hendrick made a motion to accept the STR meeting dates. The committee **agreed** to accept the tentative dates.

Adjournment

- 07:44:36 Sen. Mowbray adjourned the committee at 4:05 p.m.