

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 3, 2011

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

**MOTIONS**

Senator Essmann moved the Senate recess and proceed to the House of Representatives for the State of the Tribal Nations address. Upon adjournment of the joint session, the Senate will reconvene. Motion carried.

The Senate recessed and proceeded to the House of Representatives.

President Peterson assumed the chair.

Senator Essmann moved that the body resolve itself into a joint session for the purpose of receiving the State of the Tribal Nations address. Motion carried.

Senator Essmann moved that the President be authorized to appoint a committee of four to notify Willie A. Sharp, Jr., Chairman of the Blackfeet Nation, that the House and Senate were in Joint session and ready to receive the State of the Tribal Nations address. Motion carried. President Peterson appointed Senator Brown, Senator Windy Boy, Representative Evans, and Representative Frank Smith. The committee was discharged to escort Chairman Sharp into the House chambers. The committee escorted Chairman Sharp to the rostrum.

Invocation was given by Calvin Two Teeth from the Confederated Salish-Kootenai Tribe.

Chairman Sharp delivered the following address to the Joint session:

Ho kaa hii - ho kaa hii Campcrier signal) Oki! Sa Nee Dah Ne Koo: Mii Staa ke Kyi-yo (Mountain Bear) and Holy Ground Walker, (testimonial of Indian name acquisition: I was given Mountain Bear by adopted father Mr. Bruce Wolf Childo Blood Elder and I received my baby name Holy Ground Walker from Cree Spiritual Leader John Good Runner.

I extend greetings to the people of the great state of Montana, leaders of the 62nd Legislature, members of the press and media, distinguished tribal leaders and officials of our tribal nations and to the friends of Indian country.

I want to welcome you to the original territory of the Blackfeet Confederacy. I would like to explain the composition of the Blackfoot Confederacy (Situating in Alberta Canada: Siksika-Northern Blackfoot Tribe/Band, Kainai-Blood Band, Southern Piegan-Piikuni, and USA: Amskapii Piikuni-Blackfeet). Since the time that Governor Schweitzer was elected to lead Montana as governor, Tribal Leaders from their respective reservation homelands have had the pleasure

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

to come and render an address. This honorable opportunity provides a means to give insight and information that serves as a nexus between Tribal Nations and to the Montana Congress that highlights Indian successes and progress. It serves as a format to illustrate and plot a course that each respective Tribal Nation envisions as they move forward toward the many challenges that exist today. I am deeply honored to be here today and presenting this message to you and conveying pertinent information about Tribal Nations. I feel that this message is very significant in the fact that all of you here today are able to hear and be partakers of this historic message between Montana and Tribal Nations relations.

I am Willie A. Sharp, Jr., of the Amskapii Piikuni, in 2009; I and other heads of the respective Tribes of the Blackfoot Confederacy were confirmed as Chiefs in the historical grounds of Glacier National Park at St. Mary. More commonly I am known as the Chairman of the Blackfeet Tribe. I currently am serving my second two-year term as Chairman. I am a member of the Montana Wyoming Tribal Leaders Council and have previously served on the National Congress of American Indians as the Rocky Mountain region vice chairman under President Joe Garcia. I might add that the Indian and Eskimo Nations of America now have their own Embassy located in Washington DC promoting Indian issues and lobbying for a better life for all Indian and Eskimo people. I am proud to announce that a fellow Blackfeet leader helped to forge and establish the foundations of the National Congress of American Indians. Please acknowledge Mr. Walter "Blackie" Wetzal whose Indian name is "Flying Eagle."

Before I bring you the message of shaping the Frontiers in Indian Country, I want to acknowledge my wife of 36 years, my First lady, Mrs. Denise Bear Medicine Sharp: we have three children, Arlen, Willeena, and Billy Dee and four grandchildren. My mother is here today, Leona Fish Wolf Robe Sharp, whose grandfather was born near this valley, and her grandmother and mine lived and was buried in this very valley. Also, I would like to mention my mother-in-law, Mrs. Thelma White Grass Bear Medicine. The honor drum group here today is named Young Grey Horse. Members of this group are: my son Arlen Sharp-Leader, nephews Durand Bear Medicine, Galen Sharp, Austin Bear Medicine. A point of interest I might add, this group is a result of our youth undertaking and continuing the ways and culture of our Indian people. Today they sang the "Grand Entry and Flag Songs," and are an international renowned drum group that earned them a Grammy nomination. The popularity of American Indian music earned its own separate category in the annual competition known as the Native American Music Awards or Nammy's. Please help me to honor these fine young gentlemen. I would like to recognize my fellow Blackfeet Tribal Council members and any other Tribal Council members from the other Tribal Nations who are here in support of this address please stand and be recognized. Also in attendance from the Piikuni Nation, please welcome Chief Reggie Crowshoe from Brocket, Alberta, Canada. Thank you.

Today's Tribal Leaders across Montana are the designated Leaders within their respective reservation land and are charged with the task of leading and helping to shape the course of their people's livelihood. The hopes and dreams of our people and newer generations each look upon the course that is sought and conveyed to by the efforts of our Tribal Leaders 2011, State Of Tribal Nations Address and through the support to realize the paths. Many difficult challenges arise or spring from the paths or courses along the way presenting themselves as adversaries to the goals of those Tribal Leaders. I and many other Indian people are here today as a result of the generations and generations of our ancestors who've faced a challenging world in their times.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Today the course of many Tribal Leaders is one to shape and bring about results that will endure and provide for the Indian people today. It is possible for me to be here because I, too, am a direct descendent of many of my ancestors who made it possible. We, too, realize that in this complex world there exists many challenges and uncertainty that we must endure and overcome to achieve success.

Our paths as Indian Nations were forged with the ingenuity and perseverance that helped to make each Nation unique as a people; our paths were filled with pride and integrity. Our modern day survival is dependent upon many facets that confront our quest towards the achievement of new frontiers on many fronts. Our commonalities are similar, yet each Indian Nation differs in respect to their own cultures, languages, traditions and history. I can say that as Tribal Leaders we must consider our stature, sovereignty, and character respectively. We must also consider the tasks to bring each of our Nations back to a vibrancy state. The aspiration and dreams that we envision can be dependent on each of us connected and bound together to collectively shape and achieve the quest. We must look upon each other not as separate entities labeled as Republicans, Democrats, Independents, Liberals, Conservatives; or distinguished by coloration of brown, white, red, yellow, black. I say, together we can work and strive for economic sovereignty for each of our nations, we can together work to improve and enhance the quality of life for our nations, and allow for social independency among our nations. I say again, that our nations are willing and empowered to regain their ownership of the unique environments that made each of us such powerful contenders. Our regained stewardship will ensure that our lands and resources serve and provide for our next generation of children and their children, and ultimately will be part of the new frontier that our Tribal Leaders strive for.

Together no matter whom we are time marches on in the new millennia, and as Indian Nations it is evident that we will need to evoke the processes and paradigms of tribal governments, economic sovereignty, higher order learning, education opportunities, health and natural resources. We can together in a strategic fashion bear upon these areas to help assist each of our quests to impact our economic, social and political challenges. We invite you, leaders of this Congress as partners. As I stand before each of you here today, our world exists in an extraordinary time. No longer are we in such a remote corner of the world. Through technology and modern means, our Montana and its citizens are in touch with the entire world at the touch of a tab or click of a mouse. Montana's Indian Nations have emerged and are in tune with the global structure and how we are impacted by this modern innovation of growth. Indian Nations have emerged as a strong and growing group of people in terms of population growth, they are considered the fastest growing segment of people and expected to continue to grow. For example, along the Hi-line area from the Rocky Mountains east to the eastern border of Montana, cities and towns are experiencing an exodus of people leaving these areas, yet not so in Indian communities. Despite the many past federal and state policies, we as Indian people have emerged as survivors against those policies meant to diminish or result in our destruction; still we are surviving and experiencing growth in our populations. I might point out in the 2009 U.S. Census Bureau it was reported that the Native American population was fixed at 62,873 which makes up for 6.45 of the state's population of minorities. Accordingly, it was also reported that 11,574 comprised of Native American decedents, which would result in 7.40/o and translate into the largest minority group in this state.

The enormous task is evident as pointed out, and as Tribal leaders, we face a broad spectrum of

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

problematic areas to wrangle with and in the face of a growing population of people see a diminishment of funding cuts currently. Tribal Leaders in the face of these kinds of challenges and obstacles are looked upon to lead and chart the course for this generation of our fellow tribal members. I see our Tribal Leaders as the newest modern day warriors stepping forward and symbolically resembling the "north star," pointing the way to a new realm and staying fixated despite the shifts and changes along the way. The new frontier as it pertains to Indian Nations again can be realized and achieved through the collective efforts. I would like to say, "Thank you" to Governor Schweitzer for providing an opportunity and forging a relationship that strengthens Tribal-State relations through the State of Tribal Nations address. I would like to also say "Thank you" to the members of the House of Representatives and Senate.

I would like to pause and take this time to acknowledge a very distinguished group of individuals who not only are Native American, but come from all parts of Montana. These are our veterans who've taken the time out of their lives to faithfully serve in the United States Armed Forces. There are an estimated 1,500 men and women who come from the various tribes across Montana, and are involved in wars in Afghanistan and Iraq or in security duty in other parts of the world. I would like to express the deepest respect and honor upon the veterans who have served and the service men/women on active duty now. I say Thank you for protecting our homelands and freedom. I want to specifically mention that among our Blackfeet Nation in the latter part of the 1800's lived a young female who became a powerful warrior in a time when men dominated in our society. Her name was, "Piita Mah Khann," or Running Eagle. Situated on the east side of Glacier National Park in the Two Medicine valley is a unique water fall formation that formally was known as "Trick Falls." Near this location many years ago, Running Eagle would travel there to fast and pray as part of her spiritual way of life. Today, this Water Falls bears her name, "Running Eagle Falls," testimony of a brave and courageous warrior who transcended. In addition our Blackfeet population is at about 17,000 enrolled members and still growing, I might add that the highest number of service men and women today come from the Blackfeet Nation serving on active duty status. Young Blackfeet tribal members serve in all branches of the US Armed Forces including the CIA. I ask at this moment if you will join me in a brief moment of silence for one of our Blackfeet members killed in recent years in the region of Shkin in eastern Afghanistan tracking and battling high level Taliban and Al Qaeda terrorists loyal to Osama Bin Laden. William F. "Chief" Carlson, 43, whose Blackfeet Indian name was "Ee-see-n-ah- MAH'-kan that means "Takes Rifle Ahead" was part of a CIA presence and faithfully performed his duties and role as part of the operation at the time his final request was to drape the Blackfeet Nation Flag over his coffin and display it yearly on Memorial day in addition to the U.S. flag. He and another officer (also killed) saved the lives of others that were in this remote region area without hesitating or regard for their own safety, but performed their duties and roles. Thank you! I have in our audience one of his relatives here, Ms. Trish Carlson Augare, my administrative assistant and sister-in-law to Senator/Councilman Shannon Augare.

I would like to bring attention and pay respect to those individuals who serve in our Law Enforcement departments all across Montana and to the local firefighters in each of our communities each of these respective professions help keep our families safe. They are a unique group of warriors who serve in their varying roles and guard and provide for our safety every day. Thank you for your dedication and for keeping all of us safe.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Tribal Leaders across Montana are similar to our elected Senators and Representatives sitting here today. We have aspirations of the tasks of running and maintaining a viable government and providing for a healthy budget to operate within. As First Nation people we envision ourselves as being able to work through the challenges of today's world with regard to poverty, high unemployment rates, and working to provide for improving our people's life expectancy and developing better educational health awareness that will improve the quality of life of our people. Establishing and maintaining good relations with government to government entities will foster and strengthen this area necessary to achieve those things that are paramount in Indian country.

In developing and strengthening the relationship in recent years we as Tribal Leaders appreciate the involvement of Indian people to work side by side on many of the issues that confront all of Montana and in Indian Country, it is evident with the essential part of state government. We saw after the elections in recent years where Ms. Denise Juneau became a vital part and function of this relationship by being elected to serve in the Office of Public Instruction Superintendent, the first Native American woman. Please help me to recognize Ms. Juneau who is Blackfeet but also part of the Three Affiliated Tribes- Mandan/Hidatsal/Arikira of North Dakota. She is representative of the generation who have excelled through hard work and determination by achieving a sound educational understanding and returning home to work for Indian people. She is an inspiration for Indian country and is representative of what hard work and dedication will bring a person to. Another example can be seen in the Director of Indian Affairs Office and the role it plays in the relationship connection. Lesa Evers, who oversees that office, also has roots in Blackfeet country; she is also proud of her Cree side and lineage. Thank you to Lesa for all your hard work and to maintain a constant communication network that serves and keeps Montana's Tribes in the loop. Anna Whiting-Sorrell, who hails from the Confederated Salish Kootenai, is in command of a very important department. The Department of Health and Human Services is vital in support of the types of services and programs that is available for Tribes and their programs. These individuals play an important facet from a government to government setting and provide for a voice that keeps in mind all groups of people across Montana. Thank you.

Tribal Leaders across Montana feel that their voices can be heard and conveyed to the respective Representatives and Senators at the State level through during this 62nd Montana Legislature. This Legislature has in its midst many fine Senators and Representatives who are Native American. Will you please stand and be recognized. Our elected officials come from all parts of Montana and within each of their respective districts diligently strive to meet and address the many citizens' concerns and issues at the State Capitol. In the most recent election held, citizens of Glacier County elected a Republican woman, Ms. Lila Evans who is Blackfeet and is evident that Native Americans do elect and send Republicans to the Legislature. On a personal note, one day my son Billy Dee arrived home from high school and said he wanted to share something with me and his mother about something on his mind. Fearful that he was into something bad or had committed an unspeakable act, so we toughened up and sat down with Billy Dee, speaking slowly he said, "Mom, Dad, I want to tell you that I'm a Republican and believe in their views. Bracing for the worst you can imagine our look when it was revealed, and his mother and I took several deep breaths and said "Okay, is that all?" He said yes, and went off for cross-country practice. His mother replied to me, "Well, it looks like he's following in the footsteps of his great-great-grandmother Mary Grounds," who was a staunch Republican. Some of her decedents are here today including my wife.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

One committee who deserves a significant amount of respect and recognition is the Senate Appropriations Committee comprised of as a bipartisan effort working together on behalf of all Montana's citizens. One part that should be noted is the Indian Equity fund that was partially restored. On another front, the Indian Country Economic Development battle is ongoing and not over yet. I urge the members of this committee to restore a very important element with the ICED funds.

I had previously mentioned our respective elected officials. One person that I'd like to mention and has worked on this committee is fellow Blackfeet Tribal Council member and State Senator, Mr. Shannon Augare. Please stand and be recognized, Shannon participated in four elections in 2010. It is an honor to serve with on the Blackfeet Tribal Government level and appreciate your efforts at the State level for all the hard work you do. Thank you.

There are many important pieces of legislation that come to mind that ultimately serve the needs of Indian Nations; HB-2 Economic Development program that will aide business owners and spurn growth, HB-49, sponsor-Betsy Hands, that allows for the sale of bonds to help settle the Blackfeet water issues, HB-79 sponsored by Lila Evans that provides for authority for Blackfeet mitigation accounts/payments, HB-279 sponsored by Frank Smith that allows for access to the Governors' emergency fund in time of disasters, LC-1990 sponsored by Caroline Pease-Lopez, for issues of equality purpose with regard to tribal property used for governmental services and exemption from taxation, as local counties, cities and other entities get to enjoy, LC-2144 sponsored by Representative Gary Branae. Passage would allow tribal governments to continue their land acquisition programs by temporarily exempting tribal fee land from taxes while property moves into trust status. The federal process is lengthy and expensive. I previously had mentioned that the efforts of Betsy Hands in the revenue bonds for the settlement of the Blackfeet water compact are an ongoing process that in itself has many issues that are spurned from the topic. The upgrades and improvements will ultimately serve to better develop and enhance the water storage on the Blackfeet Reservation. Much of the work has involved bipartisan working relationships to continually move towards an agreeable solution. The water compact must be approved by the U.S. Congress and finally by a vote of the Blackfeet people. Water is a sacred element among tribes and is held in reverence as it is able to bring forth life and helps to nurture and sustain life.

The quest for success in these areas is dependent on the available resources on many fronts, locations, funding, and ability to market Tribes' product in a competitive market. The challenges existing are comprised in many different variables as Indian Nations struggle to tap into the realm of developing their own projects or opportunities. In recent years Indian Nations are mindful of the nature of the wind spirits and the power contained in the movement of our Montana winds. In a global sense more and more efforts are seen in the untapped renewable energy market that is yet to be harnessed and tamed that will in turn serve and provide for the needs of those Tribal Nations as they develop and create jobs and marketing the power to others. Federal funding is a source to assist and help Tribes by closely working to secure and develop such large variable wind projects, I encourage the State of Montana to assist and help in areas that pose a possible source to assist and help Tribes in their quests. Transmission lines should be considered among Tribes as an alternative to the large scale issues of land leasing, condemnation, and time spent in courts off the reservations. Tribes offer the available land sites for projects by way of the blocks of land that are in tribal status and can quickly be utilized without the process of land leasing problems

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

encountered off the reservation. We are good neighbors and when sincere Tribal Leaders and their array of technicians are willing to sit and meet with potential investors, developers, and discuss the issue of an agreeable and equitable contract that hammers out the issues that each side may have. Please be advised that to realize the jurisdictional problem that companies or investors may have can be mutually agreed upon in a choice of legal resolution court system. Many Tribes are mindful of the concerns that this may pose and have developed policy changes from within their own respective governments, for example the Crow Nation implemented a version of the Model Secured Transaction Commercial Code that helps to provide protection and safeguard the private sector's interests and transactions. I might add that to help realize economic gains for our respective people, it is necessary to think outside the "circle."

A vast potential also exists with the tourism arena. Many Tribal lands are unique and or situated close to a special feature or landscape that they are able to draw from or utilize to promote and enhance their tourism industry. In the Blackfeet area we share the location with Glacier/Waterton National-International Park, most recently saw the celebration of the 100 year anniversary of Glacier. During the height near the end it is estimated that millions of visitors travel through our part of Montana in either direction; each of these visitors seek out new adventures or renew old ones by venturing back to Glacier National Park. The potential of these millions of visitors each year translates into dollars that help to vitalize and boost many businesses; that help them to grow by creation of jobs, and ability to upgrade their businesses' potential. Our Native people can tap into this market through small or large business ventures that caters to the desires of the visitors; for example, the arts and crafts can be tremendous for persons having this type of business, yet the vendors market and sell items crafted from foreign countries. Our visitors need to be aware that the frontier of Montana is not a lawless and unforgiving place to visit, yet the notion that Tribal communities are a place to quickly traverse without stopping. Improved awareness and knowledge about our Montana Tribes is necessary for the Tribes to expand and grow their interests in this area. Visitors need up-to- date information about our great state and our First Nation people, through improved tourist centers, or on the internet that is accurate and complete. Let us rid the old racial stereotypes and misunderstandings that Natives hear constantly as factors people express when they do stop on or near our reservation lands.

I would like to say that our Tribal people contribute in a large way to the border towns near reservations or to the larger cities like Billings, Great Falls, Helena, Kalispell, Butte, Missoula, Cut Bank, Conrad, Glasgow, Havre, Hardin, Williston ND to name a few. There needs to be a two-way partnership in that economic money must be transmitted back into communities located on the respective reservations. In a meeting I recently had with James Parker Shields, of War Shield Development Corporation, our people's hard earned dollars flow out, but in the ebb movement nothing comes back in. Our people are known for their generosity in many ways. During the high school basketball games off the reservation is a boom time in that clubs, 50-50, raffles, and other fund-raising projects benefit from the Native fans' dollars. Our presence has enhanced many.

The development of infrastructure and other economic opportunities are desired and appreciated that assists with Tribal economic progress. Other noted ventures such as the Northern Cheyenne's awarded stimulus funding to help with and provide for broadband opportunities for their communities and schools in that part of Montana. The potential for such a project not only will help the people in many ways, but will provide a quicker solution or results for the problems that

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

they contend with in an array of settings. Schools, government offices, medical professions, and private citizens are able to complete their solutions faster by a broadband network with other parts of Montana and the world. In another setting Community Tel of Ronan partnered with a Blackfeet project company, Oki Communications, that will assist and bring about improvements and potential for both the Blackfeet and Confederated Salish and Kootenai tribes in many ways, also similar to the issues with the Northern Cheyenne Tribe.

The problems associated with life on the reservations is widely known, high death rates, low life expectancy, poverty issues, economic woes, and remoteness that confront our citizens on our reservations. It is important that the current Congress be mindful of the need to allow Health Care mandates for all of Montana. Please be mindful of the situation of those that depend on the facets of available and quality health care. I can stress that it is imperative that thoughts be focused on the newer generations of Montana's Tribal communities who have endured the inadequate health care as a result of budget cuts or disproportional formulas that factor allocations for our Indian Nations. I would like to take this time to recognize and mention a Blackfeet Elder whose eyes have seen a great deal throughout her life, Mrs. Lillian Henault Bullshoe, she is 103 years old and still going strong. Thank you.

Recently, I sat in this very room and heard Governor Schweitzer's State of the State address on the topic of education and how to lead a better life was to work hard and get a good, sound education that would provide for our youth out of high school. Our elders have encouraged us to stay in school, learn all that you can each and every day, "because" some day you're going to need it, and it will help you to survive in the world. I am extremely proud of the work with the bipartisan effort to promote and help establish "Indian Education For All." In other states and parts of the United States, Tribal Leaders and educators in those areas have expressed a desire to see a similar statute begin or be enacted in their respective states. Today you see the Young Grey Horse drum group carry on the culture, yet each are graduates of high school and some have entered the post secondary colleges/universities, and recently many of you witnessed the Blackfeet and Crow Tribes high school students perform through song and dance. Our local school districts can help to foster and assist to carry on the distinct cultural ways through a sound educational setting that brings about pride and encourages our students to proceed towards the next generation of leaders and citizens. Previously, I mentioned that many populations in smaller communities, towns, and school districts are diminishing and consolidating or merging together 2-3 at a time to create a larger school. Being an educator I know that this results in saving the taxpayers money in those areas, but at the same time creates a loss of identity or culture for those towns/communities that saw their schools close. On a flip side, Indian communities are seeing an increase in population growth; for example, our Blackfeet Tribe experienced an increase from last year when our population was 16,500 in comparison to this year's population that saw an increase to about 17,000 enrolled members excluding decedents. In our local district this resulted in the need to build a bigger high school and create more classroom space for the students. I might add that many of our area students either attend schools on the reservation in Browning and Heart Butte, others go off to attend BIA boarding schools, De LaSalle, Valier, Cut Bank or across the border in Cardston, Alberta, Canada. Other reservations may have similar growth spikes that result in the reorganization of their schools being reclassified such as Rocky Boy Reservations high school "Northern Stars" jumping from Class C to Class B.



SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

As the state government wrangles with changes in the priorities of budgeting for our schools and institutions, as an educator and tribal leader I urge you to continue to provide for our students education across Montana. In reference to the Governor's statements you will be providing an opportunity for the generations to come with an opportunity and means to gain a good education that will improve their lives and provide for them. I want to add that I am a product of our Montana's school systems, Browning high school graduate, 1972, Blackfeet Tribal Community College 1985, University of Montana-BA degree in elementary education-2, 1994, MSU Masters of Education(M. Ed.)--School Administration/Leadership 2000, endorsements as K-12 principal and superintendent. So, in my house we have to bear on our bumpers the divided sticker advocating our loyalty for both the "Griz and Bobcats." I mentioned that the funding for the high school through the college/university eras for myself helped me to become a newer generation where I came back to provide for my family and enabled me to help educate our reservation students. My years as an educator/teacher saw me teach fourth grade for five years, seventh grade middle school for six years, and principal for six years, and I am proud to be apart of this professional group. Let's together look to support this very important foundation in our communities. They are our hopes and dreams for the future. Many of the tribal community colleges help to contribute and prepare students for the next level of their educational paths and are improving their ability to provide two-four year programs for a variety of degree opportunities. For example, Salish Kootenai College offers new four-year bachelor programs at an affordable cost, but the tribal colleges need our help. Rising costs for improvements to facilities, curriculum and staff are rising. We can attest to the fact that the costs have risen in many other areas that taxes student funds to stay and maintain themselves or families. Tribal institutions serve a variety of different students, members, non-members, while tribal institutions serve the needs of students as described. State institutions receive federal and state benefits that help cover their costs; tribal institutions do not have this opportunity. Non-Beneficiary Payments would most certainly provide and serve the needs of tribal institutions.

Indian Nations have always been mindful of the homeland security issue and in this decade have seen it soar to the front as a concern for our country and state. Each Tribal Leader is aware of the encroachment or trespass problem in terms of protecting their tribal lands or environments. In today's globally changing world we are all concerned with the issue of providing for and maintaining a safe community that connects all our respective forces together in the Indian community. Close coordination of law enforcement agencies, medical and disaster agencies, and municipal entities such as towns/cities, and tribal security forces-Fish and Game, Indian Health Service (IHS) security, Housing Security, Facilities Security. Our Blackfeet Nation borders that of Alberta, Canada, with approximately 70 miles of fence that is largely unprotected. Funding is necessary to provide for our own Tribal Nation's forces to enable each Tribe to provide for their own internal agency charged with providing for our safety and that of the country. As it is, funding for the Blackfeet amounts to a trickle-down process and is significantly diminished in the amount to maintain and provide for a fully equipped department comprised of tribal members with law enforcement background. Presently our Tribe has one full-time employee and two part-time employees, yet the federal agencies-Border Patrol, ICE, Customs, Immigration, and Canadian Southern Alberta region RCMP, seek out our department staff due to the tribal lands of the Blackfeet Nation. All we ask is that Tribes be afforded any funding or consultation as it pertains to our homeland security and for the protection of our tribal members.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

I would like to say that our new frontier is upon us again in these new millennia. The Schweitzer Administration have provided an opportunity for Tribal Nations that are self governing and the State of Montana to come together and work towards resolving the issues that present themselves as barriers or obstacles for the growth in Indian Country. Many Tribes have taken the risk and have taken the steps towards forging progress and economic growth in their communities: Blackfeet Nation established inroads into the military contracting with the creation of Blackfeet Advanced and Radiance Technologies and Chief Mountain Technologies with ability for Super 8a status; Crow Nation ventured into the Coal-to-Liquid Plant; Confederated Salish, Kootenai Nation established S & K Technologies; Fort Peck Nation forged ahead with A & S Industries; Fort Belknap Indian Community Council developed beef processing and packaging.

We are witnessing a great segment of time for Montana and for the Indian Nations. We ask and promise you a results and a return on the investments if you join us in the Circle. I ask if the legislature to restore funding to the Indian Economic Development grant. Through this opportunity my tribe was able to utilize the appreciated funding to establish a facility to manufacture materials. The \$70,000 investment was a part to bring about a \$3.2 million military project onto the Blackfeet Reservation employing tribal members with jobs, education and an opportunity to demonstrate to everyone we are serious and want to succeed. Our tribal members have showcased our Adaptive Lightweight Material Construction products to our Montana Senators in recent times. This opportunity capital has been a nexus to the success that Tribal Leaders and the movers and shakers envision and realize with the Indian Equity Funding that assisted Indian businesses around the state.

There can be many victories and together we can all count coup on those challenges that confront the Indian Nations that are self governing and together we can share in the growth of all Montana's citizens no matter what color we are. Tribes are ready for assembling their respective tribesmen and conquering the foes of economic setbacks, poverty, poor health care issues, and social ills that confront us all. I ask that all of us here today resolve our issues with the dialogue processes and empower yourself to better understand those that inhabit Montana. In the historic old days strength and unity resulted in the large camp of lodges. Let us not set ourselves away into smaller camps of lodges and remain disconnected. Together let us forge our progress collectively and achieve the dreams by maintaining One Lodge, One Circle, and One Home Campfire. Thanks to the Creator, for all the things we enjoy, our families/friends, our health, and let us not forget our obligations as we live in this Great State of Montana. Always remember that on this day we were a family of brothers and sisters together, Soo ka pii, Hun yii.

The benediction was given by Representative Small.

The committee escorted Chairman Sharpe and honored guests from the Joint session.

Senator Essmann moved that the Joint session be adjourned. Motion carried.

The joint session adjourned and the Senators resumed at 2:15 p.m.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

**BILLS AND JOURNALS:**

2/3/2011

Correctly printed: **SB 35, SB 58, SB 173, SB 179.**

Correctly engrossed: **SB 201.**

**MOTIONS**

Senator Buttrey moved **SB 258** be moved from the Business, Labor, and Economic Affairs committee to the Highways and Transportation committee. Without objection, so ordered.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):**

2/3/2011

SB 223, introduced bill, be amended as follows:

1. Page 1, line 26.

**Strike:** "the board may adopt rules to increase"

2. Page 1, line 27.

**Strike:** "continued"

**Insert:** "continues"

**Strike:** "an active"

**Insert:** "a"

**Following:** "30 years of"

**Insert:** "credited"

**Following:** "service"

**Insert:** "must be increased"

3. Page 1, line 28.

**Following:** "year of"

**Insert:** "credited"

4. Page 2, line 1.

**Strike:** "board may reduce a"

**Following:** "benefit"

**Insert:** "must be reduced"

5. Page 2.

**Following:** line 2

**Insert:** "(c) This subsection (5) applies only to members who retire after [the effective date of this act]."

And, as amended, do pass. Report adopted.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

**NATURAL RESOURCES (Barrett, Chairman):**

2/2/2011

SB 89, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "HEALTH;"

**Insert:** "CLARIFYING PROCEDURES FOR PROVIDING EVIDENCE OF SYSTEMS COMPLIANCE; REQUIRING THE DEPARTMENT TO NOTIFY APPLICANTS UNDER CERTAIN CIRCUMSTANCES IF AN APPLICATION DOES NOT INCLUDE EVIDENCE OF CERTIFICATION FROM THE LOCAL HEALTH DEPARTMENT OR APPROVAL FROM THE LOCAL GOVERNING BODY; REVISING PROCEDURES FOR DEPARTMENT REVIEW OF SUBDIVISION APPLICATIONS;"

2. Page 3, line 5.

**Following:** "plat"

**Strike:** "; and"

**Insert:** ". Evidence that the systems will comply with local laws and regulations must be in the form of a certification from the local health department as provided by department rule."

3. Page 3, line 10.

**Strike:** "20"

**Insert:** "45"

4. Page 3, line 12.

**Strike:** "30"

**Insert:** "55"

5. Page 4, line 10.

**Following:** line 10

**Insert:** "(b) Within 5 working days after receipt of an application that is not subject to review by a local reviewing authority under 76-4-104, the department shall provide a written notice for informational purposes to the applicant if the application does not include a copy of the certification from the local health department required by 76-4-104(6)(j) or, if applicable, contain an approval from the local governing body under title 76, chapter 3, together with any public comments or summaries of public comments collected as provided in 76-3-604(7)(a).

(c) If the reviewing authority denies an application and the applicant resubmits a corrected application within 30 days after the date of the denial letter, the reviewing authority shall complete review of the resubmitted application within 30 days after receipt of the resubmitted application. If the review of the resubmitted application is conducted by a local department or board of health that is certified under 76-4-104, the department shall make a final decision on the application within 10 days after the local reviewing authority completes its review."

**Renumber:** subsequent subsection

6. Page 4, line 12.

**Strike:** "30"

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

**Insert:** "55"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION (Shockley, Chairman):**

2/2/2011

SB 34, do pass. Report adopted.

SB 182, do pass. Report adopted.

SB 194, do pass. Report adopted.

SB 204, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Strike:** "COUNTIES"

**Insert:** "LEGISLATIVE DISTRICTS"

2. Page 1, line 16.

**Strike:** "counties"

**Insert:** "legislative districts"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/2/2011

HB 19, introduced by Sands

HB 24, introduced by McChesney

HB 53, introduced by Klock

HB 66, introduced by Swanson

HB 142, introduced by Sands

House joint resolution passed and transmitted to the Senate for concurrence:

2/2/2011

HJR 5, introduced by Regier

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 263**, introduced by Facey, Dick Barrett, referred to Natural Resources.

**SB 264**, introduced by Hinkle, Balyeat, Hendrick, Miller, Regier, Murphy, O'Neil, , Wagner, O'Hara, Harris, Jackson, Skees, Read, Hale, Osmundson, referred to Business, Labor, and Economic Affairs.

**SB 265**, introduced by Hamlett, Murphy, Jones, McNutt, Larsen, Brown, McChesney, Wilmer, referred to Taxation.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

The following House bills were introduced, read first time, and referred to committees:

**HB 12**, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 21**, introduced by Dick Barrett (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**HB 37**, introduced by McChesney (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 52**, introduced by Ankney (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 57**, introduced by Hiner (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

**HB 61**, introduced by MacLaren, referred to Local Government.

**HB 62**, introduced by MacLaren (by request of the Public Service Commission), referred to Local Government.

**HB 69**, introduced by Menahan (by request of the Law and Justice Interim Committee), referred to Judiciary.

**HB 76**, introduced by Mehlhoff (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 84**, introduced by Boland (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.

**HB 89**, introduced by Ingraham (by request of the Commissioner of Political Practices), referred to State Administration.

**HB 103**, introduced by Fitzpatrick (by request of the Department of Revenue), referred to Taxation.

**HB 111**, introduced by Stahl (by request of the Department of Revenue), referred to Taxation.

**HB 119**, introduced by Hendrick (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 120**, introduced by McGillvray (by request of the Legislative Council), referred to State Administration.

**HB 132**, introduced by Hoven (by request of the Department of Revenue), referred to Taxation.

**HB 250**, introduced by Menahan, Hansen, referred to Judiciary.

**HB 269**, introduced by Lavin, Noonan, Hollenbaugh, O'Neil, Brodehl, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Facey in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 6** - Senator Olson moved **SJR 6** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan,

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 109** - Senator Barrett moved **SB 109** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 90** - Senator Essmann moved **SB 90** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Jent, Kaufmann, Tropila, Williams.

Total 5

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Facey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Erickson, Kaufmann.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 35** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 44

Nays: Caferro, Kaufmann, Moss, Sonju, Tropila, Van Dyk.

Total 6

Absent or not voting: None.

Total 0



SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Excused: None.

Total 0

**SB 133** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Erickson, Kaufmann, Van Dyk.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 173** passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Erickson, Jackson.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

SENATE JOURNAL  
TWENTY-SEVENTH LEGISLATIVE DAY - FEBRUARY 3, 2011

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Friday, February 4, 2011. Motion carried.

Senate adjourned at 3:10 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate