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State-Tribal Relations Committee

61st Montana Legislature

SENATE MEMBERS

JOHN BRUEGGEMAN
RICK LAIBLE
SHARON STEWART-PEREGOY
JONATHAN WINDY BOY

HOUSE MEMBERS

FROSTY BOSS RIBS
KEN PETERSON
SCOTT REICHNER
J. DAVID ROUNDSTONE

COMMITTEE STAFF

CASEY BARRS, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

June 29, 2009
Room 137

Capitol Bldg.
Helena, MT

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. JOHN BRUEGGEMAN
SEN. RICK LAIBLE
SEN. SHARON STEWART-PEREGOY
SEN. JONATHAN WINDY BOY

REP. FROSTY BOSS RIBS
REP. KEN PETERSON
REP. SCOTT REICHNER

COMMITTEE MEMBERS EXCUSED

REP. DAVID ROUNDSTONE

STAFF PRESENT

CASEY BARRS, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (Cj) JOHNSON, Secretary

Visitors

Visitors' list, Attachment #1.
Agenda, Attachment #2

COMMITTEE ACTION

- ▶ The State-Tribal Relations Committee (STR) elected Rep. Scott Reichner as Chair and Sen. Sharon Stewart-Peregoy as Vice Chair.
- ▶ The STR approved a standard form for proxies.
- ▶ The STR approved a meeting and travel schedule, and the studies to be addressed during the interim.

CALL TO ORDER AND ROLL CALL

00:00:00 Sen. Rick Laible called the committee to order at 9:00 a.m. The secretary noted the role. Attachment #3 Rep. Roundstone is excused.

AGENDA

ELECTION OF OFFICERS

00:01:12 The committee and staff discussed past legislators that have been chair and vice chair for the STRC.

00:04:50 Casey Barrs, Research Analyst, LSD, gave an overview of the agenda, and explained how the election for the chair and vice chair have been held in the past.

Motion

00:08:59 Sen. Windy Boy nominated Rep. Reichner to be Chair. The motion **passed**.

Motion

00:12:45 Sen. Laible nominated Sen. Stewart-Peregoy to be Vice Chair. The motion **passed**.

CEREMONY

00:14:55 Sen. Jonathan Windy Boy introduced his brother, Alvin Windy Boy, Sr. who then offered a prayer in his Chippewa Cree language. Mr. Windy Boy gave an overview of his achievement with the tribes.

Responsibilities and Guidelines

00:29:28 Mr. Barrs explained the duties of the staff and the committee's assignments and obligations. **Exhibit 1**

Committee statutory duties

00:35:10 Jeremy Gersovitz, Staff Attorney, LSD, distributed a handout explaining the committee's statutory duties. **Exhibit 2**

Administrative Matters- Casey Barrs, Lead Researcher, LSD

00:40:20 Mr. Barrs distributed and explained the handout on the Legislative Council Guidelines. **Exhibit 3** Mr. Barrs explained how proxies are handled, and he asked the committee to decide at this meeting how they want to proceed with proxy voting.

STR discussion and comments on proxies

00:44:39 Rep. Reichner asked the committee how they want to handle proxies. The committee decided to allow the use of proxies under the following terms: (1) Members shall designate a proxy by sending a written statement - either on paper or in an email - to both the intended proxy holder and to the STR staff. (2) The statement does not need to specify "yea" or "nay" votes, but does need to indicate which subject(s) on the meeting agenda the absent member is authorizing the intended proxy-holder to vote on. (3) Staff will have at each meeting the proxy forms used during session and will fill one out for any proxy action (proxy authorizes, holders, and actual votes) that takes place.

Motion

00:50:44 Sen. Laible made the motion to accept the terms of the proxy as described. The motion **passed**.

00:54:12 Mr. Barrs explained the expense and travel form and how to fill it out.

Recap of 2009 state-tribal related legislation

00:55:47 Jeremy Gersovitz, Staff Attorney, distributed a handout that gives an overview of the 2009 Legislation that relates to State-Tribal Affairs. **Exhibit 4**. He addressed each of the bills that are assigned or related to this committee.

Office of Indian Affairs

01:02:07 **Jennifer Perez-Cole, Director of Indian Affairs, Office of the Governor**, introduced herself. She gave an overview on the accomplishments of the Indian Affairs Office and what her priorities are for the future. **Exhibit 5**. She also distributed a handout called "Tribal Relations Report 2008 - The Art of Cooperation." **Exhibit 6**.

STR comments and questions

01:12:24 Sen. Stewart-Peregoy wanted to know what the current situation is with the legal case at the Shelby Prison. Ms. Cole said that Crossroads

Correctional Center (CCC) is contracted with the Department of Corrections. She said the case is still on-going regarding treatment of Native Americans. **Exhibit 7**

State-federal jurisdiction in Indian Affairs

01:14:00 **Bill Mercer, United States Attorney, District of Montana**, distributed his written statement on law enforcement and public safety in Indian Country in Montana. **Exhibit 8**. He distributed a book called "Federal Prosecution in Indian Country" that explains the investigative guidelines. **Exhibit 9**

STR comments and questions

01:47:07 Rep. Peterson asked about crimes such as domestic abuse that are committed by a non-Indian against an Indian on the reservation. Mr. Mercer responded that the Bureau of Indian Affairs (BIA) is still in charge of such crimes on the reservations.

01:58:02 Sen. Windy Boy questioned the authority of Multi Disciplinary Teams (MDT). Mr. Mercer responded that the purpose of the MDT is mostly on a need to know basis for example, a collaborative effort with law enforcement.

02:08:30 Rep. Boss Ribs asked questions of Mr. Mercer about crimes that happen on the reservation and if they go directly to the U. S. Attorney's office. Mr. Mercer said no. His receives a form from the BIA if they want his office to take over a case.

State-Tribal Economic Development Issues

02:20:22 **Andrew Poole, Deputy Director, Department of Commerce**, distributed a handout on the Tribal Infrastructure and Energy Efficiency Reinvestment Program. This handout provides guidelines and application information. **Exhibit 10**

STR comments and questions

02:26:48 Rep. Reichner asked about the Quick Start Program. Mr. Poole said it is included in the energy efficiency program.

02:27:36 Rep. Peterson wanted to know about performance and payment bonds. Mr. Poole responded that the department holds back 10% of the funds until the projects are completed.

02:29:18 Mr. Poole distributed a handout on the Indian Country Economic Development Program (ICED). **Exhibit 11**. He explained how the \$800,000 for the ICED was used.

- ▶ Tribal Government Priority Economic Development Projects

- ▶ Montana Indianpreneur Equity Fund
- ▶ Indianpreneurship

02:36:16 Rep. Peterson wanted to know if the monies given to the entrepreneurs are grants or loans. Mr. Poole replied they are loans.

Public Comment

02:39:28 **Pete Carparelli, representing the Secretary of State's Office**, gave a brief overview of his position, and explained his working relationship with the Native American tribes.

02:40:39 **Jim Smith, Lobbyist for the Montana Sheriffs and Peace Officers**, discussed racial profiling and how the Native Americans are effected by this.

02:49:02 **Pam Bucy, representing the Confederated Salish and Kootenai Tribe**, said she is available for any questions the committee may have.

02:49:36 **Mr. Windy Boy, Sr.** addressed:

- ▶ the lack of health care for the tribes,
- ▶ Native Americans being addicted to prescription drugs, and
- ▶ Native Americans in Montana raise the highest percentage of beef cattle.

03:14:10 **Break**

Committee Budget

03:14:59 Mr. Barrs gave an overview of the committee's budget for the interim.

Overview of the State-Tribal Relation's work plan:

Mr. Barrs discussed the 2009-2010 Work Plan. **Exhibit 12**. He distributed a handout that addresses the topics that U.S. Attorney Bill Mercer would like the committee to work on. **Exhibit 13** He also had a handout on topics the committee may want to included in the work plan. **Exhibit 14**

Committee Meeting Schedule

03:31:02 The committee discussed travel dates for future meetings.

- ▶ Fort Belknap/Rocky Boy Reservation on October 5,6,7, 2009 (later changed to October 7, 8, and 9).
- ▶ The committee will meet in Helena on January 14, 2010.
- ▶ The committee will meet in Helena on April 18, 2010.
- ▶ The last STR meeting will be held in Helena on September 1, 2010.

03:55:39 Rep. Reichner said the committee will invite the Montana-Wyoming Tribal Leaders Council to Helena for the January 14, 2010 meeting. This meeting will be coordinated with Jennifer Perez Cole.

Committee Work Session

03:57:26 A discussion was held by the committee on its proposed work plan.

04:55:36 Mr. Barrs recapped the target issues from the work plan discussion, and the members who will research those issues:

- ▶ **Law Enforcement** - Describe the status of extradition agreements between Indian and non-Indian jurisdictions, and determine if substantive problems exist and if the STR can offer remedies.
Rep. Peterson
- ▶ **Cultural & Historical Preservation** - Overview pertinent laws, literature, and legislation, including SB 488, which requires state agencies to cooperate with and recognize the authority of Montana tribal governments in the protection, preservation, and management of tribal cultural resources. Convene stakeholders to produce contentious legislation. **Sen. Windy Boy and Chair Reichner**
- ▶ **Education** - Overview of Indian K-12 student dropout rates, including analysis of the at-risk variable of teen pregnancy. Delineate action by OPI and Vo-Techs on this issue. **Sen. Laible, Rep. Boss Ribs, and Sen. Stewart-Peregoy**
- ▶ **Health care disparities - SJ 38 - Sen. Stewart-Peregoy's bill from 2007** - a study on disparities between Indian and low-moderate income Montanans vs. other Montanans.
 - Metrics for comparing general care among various populations, and metrics for comparing diabetes, mental health and suicide, cancer, heart and cardiovascular disease.
- ▶ **Indian health care service delivery** - review sources and methods of Indian health care in Montana - federal, state, and tribal.
- ▶ **Responsibility for Indian health care** - Jeremy Gersovitz, Legal staff, will research the Snyder Act of 1921.
Sen. Stewart-Peregoy, Sen. Brueggeman, Rep. Boss Ribs, Rep. Peterson, and Sen. Windy Boy

Motion

05:10:19 Sen. Stewart-Peregoy made the motion to adopt the above issues the committee will address during this interim. The motion **passed**.

Adjournment

05:10:35 Rep. Reichner adjourned the committee at 2:20 p.m.

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