



## 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

## Rocky Boy's Reservation

### Tribal Council Chambers

### October 7, 2009

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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. RICK LAIBLE  
SEN. JONATHAN WINDY BOY

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

#### **COMMITTEE MEMBERS EXCUSED**

SEN. JOHN BRUEGGEMAN  
SEN. SHARON STEWART-PEREGOY

#### **COMMITTEE MEMBER ABSENT**

REP. J. DAVID ROUNDSTONE

#### **STAFF PRESENT**

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

#### **Visitors/Agenda**

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

## **COMMITTEE ACTION**

The State-Tribal Relations Committee (STR)

- took place off-site on the Rocky Boy's Reservation, Chippewa Cree Tribe (CCT). The audio doesn't start until 10:06 a.m. when Jeremy Gersovitz, the LSD staff attorney, read a report on extraditions. The time on the left side of the minutes is actual time.
- approved the written minutes from the June 29, 2009, STR Committee meeting.
- made a motion to authorize STR staff and the Governor's Office to form a working group that will work with the seven Tribes on historic preservation.

## **Call to Order and Introductions**

9:39 Chair Reichner opened the committee hearing at 9:39 a.m. He asked the Council Members and the Committee Members to introduce themselves. The secretary called the roll. Attachment #3. Sen. Brueggeman and Sen. Sharon Stewart-Peregoy were excused and provided proxies. Rep. J. David Roundstone was absent.

### **Tribal Council Members introduced themselves**

Jake Parker, Chair came in late due to a family emergency  
Jonathan Windy Boy, Vice Chair and Montana Senator  
Kelly Eagleman  
John Chance Houle  
Harlan Baker  
Russell Gopher  
Joe LaFromboise  
Bruce Sunchild  
Rick Morsette

Chair Reichner presented the Rocky Boy Council with the newly published 2009 set of MCA code books.

### **Opening Prayer**

9:45 Bruce Sunchild offered a prayer in the tribe's Chippewa Cree language.

## **AGENDA**

### **Update on Indian Affairs - Presenter: Ms. Jennifer Perez Cole, Director of Indian Affairs, Governor's Office**

9:46 Ms. Perez Cole introduced herself and distributed several handouts. She gave an overview of her appointment and her duties. **(Exhibit 1)** She also distributed a handout explaining how her office was established by Legislative Policy. **(Exhibit 2)** She distributed and explained a handout on the Tribal Relations Report for 2009 - The Art of Cooperation. **(Exhibit 3)**

9:45 Ms. Perez Cole discussed HB 645 and the grants available for the State Tribal Economic Development Commission Projects. **(Exhibit 4)** It list the projects for each of the Tribes and the dollar amount that will be distributed to the Tribes. Ms. Perez Cole informed the committee of a training that will take place at the Red Lion in Helena in December 2009, which will address issues that impact the Tribal nations and state-tribal relations.

### **Minutes approval**

10:01 The motion was made to approve the written minutes from the STR meeting held on June 29, 2009. The motion **passed**. Sen. Brueggeman and Sen. Stewart-Peregoy voted by proxy. Attachment #4 and Attachment #5. Rep. Roundstone is absent.

### **Law Enforcement: Extradition**

10:06 Mr. Jeremy Gersovitz, STR staff attorney, discussed a memo he had written to the State-Tribal Relations Committee Members regarding extradition agreements between Montana and the Tribes within the state's boundaries. **(Exhibit 5)**

#### **STR questions and comments**

10:10 The committee members asked further questions of Gina Dahl, Hill County Attorney, on extradition and how it is handled in her office. Sen. Windy Boy also talked about the agreements between the Tribes and law enforcement.

#### **Public Comment**

10:15 Jim Smith, representing the Montana Sheriffs and Peace Officer's Association, discussed improving the relationships between the Tribes and the state's law enforcement. He thanked the Council members and the committee members for working with the Tribal governments regarding public safety and domestic violence. He gave some examples of how the relationships are working.

10:19 Richard Sangrey, CCT, talked about the Highway Patrol who wait on the border of the reservation and profile Native Americans. Sen. Windy Boy questioned the state's responsibility on extraditions.

10:25 Rep. Peterson wanted to know how to go about executing a warrant and how the process takes place and he talked about how he perceives handling parole.

10:29 Russell Gopher, CCT Member, and Gina Dah, discussed problems they have with a sitting judge and who should their complaints go to. There was discussion on how the Montana Supreme Court oversees all judges.

10:32 Bruce Sunchild wanted to know about making calls from jail and the time of day or night they are allowed to call.

10:36 Don Meyers, Administrative Assistant, CCT, stated he has 10 years of law enforcement experience. He discussed a hostage situation that had taken place and how the jurisdiction issue was handled by the Hill County law enforcement.

- 10:39 Rep. Peterson talked about a bill on racial profiling that passed and wanted to know if anything has changed. Sen. Windy Boy said he isn't sure at this time. He talked about a process that is in place before the bill passed. Rep. Peterson talked about cross-deputization and non-Indians who live on the reservation.
- 10:41 Bruce Sunchild discussed and explained extraditions and how a person is escorted from one jurisdiction to another.
- 10:45 Frankie Laible, Ravalli County Administrator, talked about filing a judgment against the sheriff and wanted to know where to go to do this. Mr. Gersovitz said that each police force has its own board where a person can submit a complaint.
- 10:46 Jim Smith commented that the county attorney and the Department of Justice are both resources that people can use.
- 10:47 Mike Bosch, Highway Patrol, responded to questions in regard to law enforcement between the Tribes and the state. He explained how the process could take place. He said that policy needs to be in place to provide guidelines. He discussed data they can download from software that allows them to edit and enter citations, etc. He talked about being reactive and proactive.
- 10:50 Alvin Windy Boy talked about his experiences. He provided an example of how everyone should get together. The Tribal Council members and the public discussed racial profiling and how law enforcement works.

### Health: Disparities in Care

Presenter:

- **Ms. Mary Dalton, Medicaid and Health Services Branch Manager, Department of Public Health and Human Services**

- 11:05 Ms. Dalton discussed the programs that she oversees, Mental Health, Medicaid and the CHIP program. She distributed a PowerPoint (**Exhibit 6**) and several handouts explaining how the programs work:
- Income Eligibility Guidelines 100% - 300% FPL (Federal) - a chart showing the poverty level and where families are eligible for the CHIP program. (**Exhibit 7**)
  - Healthy Montana Kids (HMK), who qualifies and the costs. (**Exhibit 8**)
  - HMK application form. (**Exhibit 9**)
  - A table showing age-adjusted mortality rates for selected conditions among American Indians and Montanans overall, 2008. (**Exhibit 10**)
  - A table showing selected chronic conditions and risk factors for diseases. (**Exhibit 11**)
- 11:21 Sen. Windy Boy talked about disparities of Tribal members as compared to other nationalities. He discussed the goal of a regional health center for the Tribes.
- 11:28 Sen. Laible addressed the charts that Ms. Dalton had distributed. A comment was made about health care services are better for inmates than the health services are on the reservation. He asked Ms. Dalton how she would solve the

problem when there is such a disparity between Indian and non-Indian. Sen. Laible commented that Ms. Dalton's agency could work thru OPI on problems to educate the children. Ms. Dalton talked about children becoming more active and healthy.

- 11:37 Renita Watson, Tribal Medicaid Eligibility Coordinator, discussed the redesign of Indian Health Care Services (IHS). She said the purpose is for enrolled members to have access to health care. She addressed barriers and getting those who are eligible for IHS to free up more funds for Medicaid. Ms. Watson said that one of the barriers is Native Americans have to prove their identity when others do not. She talked about some new programs they have started that will help Tribal members become eligible. Ms. Watson talked about the services and what is available.
- 11:49 Chair Reichner discussed the chart showing the guidelines for poverty and who qualifies. Sen. Windy Boy said their program is working well. Bruce Sunchild said when the Indian population bypasses the clinic they lose federal funds.
- 11:52 Alvin Windy Boy addressed the committee. He talked about the Tribal members going to the clinics in Havre and have their prescriptions filled on the reservation. He distributed a handout on his talking points: **(Exhibit 12)**
- diabetes.
  - collaboration with the Tribes working with the various health programs.
  - Rocky Boy's Reservation being the demonstration pilot project on Kidney disease - diabetes. He said statistics of Tribes show they are more likely to perish from the various diseases.
  - solutions to all these problems is the IV-E funds.

**Education: Drop Out Rates :**

Presenter: **Mr. Casey Barrs, STR committee staff**

- 12:08 Casey Barrs distributed and explained three handouts:
- The first handout addressed the impact of student dropouts from school and why, the data and analysis of dropout rates, and how to prevent dropouts. **(Exhibit 13)**
  - The second handout showed statistics of students who have dropped out of school due to pregnancy reasons. **(Exhibit 14)**
  - The last handout is a PowerPoint titled: "Raising the Bar Improving the educational experience and outcomes for American Indian Students" produced by Denise Juneau, Superintendent, Montana Office of Public Instruction (OPI). It showed trends and categories comparing American Indians, whites and statewide dropout rate statistics. **(Exhibit 15)**
- 12:15 Sen. Laible discussed a work group that he, Rep. Frosty Boss Ribs and Sen. Sharon Stewart-Peregoy have put together that will provide information on education and address dropout issues. He distributed a handout that provides an update on K-12, Board of Regents and Commissioner of Higher Education and the Department of Corrections. **(Exhibit 16)** He asked that the above

agencies come to the next committee meeting to give an overview of the programs that could provide more information for the Tribes.

12:19 Sen. Laible and Sen. Windy Boy talked about a committee bill and what they would like to see on the bill. Rep. Peterson talked about dropout rates. He doesn't feel the numbers provide good information. He would like to see information regarding education on reservation and off reservation and what has been provided.

**Lunch** Lunch was provided by the CCT.

### **Cultural and Historical Preservation**

Presenters:

- **Mr. Casey Barrs, STR committee staff**
- **Sen. Jonathan Windy Boy**
- **Alvin Windy Boy, Sr.**

12:50 Mr. Barrs addressed three handouts:

- SB 448 and parts of the MCA. **(Exhibit 17)**
- recognition of historic preservation. **(Exhibit 18)**
- federal law for protection of Native American graves. **(Exhibit 19)**

12:55 Sen. Windy Boy talked about SB 448 that he had presented at the 2009 Legislature and addressed why it had failed.

01:01 Alvin Windy Boy discussed the seven Tribes in Montana and the other Tribes located throughout the nation that are working on their history preservation. Mr. Windy Boy introduced Bob O'Boyle, Archaeologist from the University of Montana (U of M).

1:13 Bob O'Boyle, graduate student at U of M, gave a PowerPoint presentation on Indian culture and the various historic sites he has identified on the reservations. **(Exhibit 20)** He talked about:

- resources,
- tourists and outreach,
- economy,
- law.

He talked about the Antiquities Act that addressed:

- logging,
- oil and gas, and
- development of projects.

1:20 Mr. O'Boyle discussed the Tribal Historic Preservation Offices. He addressed SB 488 and what Sen. Windy Boy has done regarding the bill. He talked about Alvin Windy Boy and his involvement in the historic preservation of the reservations.

1:32 Kenny Roan, a Chippewa Cree from Alberta, Canada (land of the living people), gave a presentation on treaty laws, the universe and the earth. He talked about Indian government and the laws of God's creation.

2:11 Sen. Windy Boy asked that the STR staff and the Governor's staff come up with recommendations for a committee bill on preservation. He would like his brother Alvin Windy Boy to take the lead for the historic preservation project.

2:15 Sam Vernon Windy Boy introduced himself as the oldest of the Windy Boys that are attending the meeting today. Mr. Windy Boy discussed:

- research that has been taking place on the reservation,
- education, and
- the Institutional review board.

### **Motion**

2:27 Sen. Windy Boy made the motion to authorize STR staff and the Governor's Office to form a working group that will work to coordinate the seven Tribes for historic preservation. The motion **passed**. Sen. Brueggeman and Sen. Stewart-Peregoy voted by proxy. Rep. Roundstone was absent.

2:29 Break

### **Economic Development**

Presenter:

- **Mr. Richard Sangrey, Chief of Staff, Chippewa Cree Tribe**

2:40 Mr. Sangrey talked about the state becoming involved with the Tribes only in the last couple of years. He talked about:

- the water project.
- how they have received a \$4,000 grant to put together on how to distribute the grants.
- there are 48 projects through the state.

Mr. Sangrey said he is on the state tribal economic board and addressed the:

- EPA project, and
- irrigation project.

2:43 Council Member Chair Raymond Parker, Jr. talked about what economic development means to him. He distributed a handout on Tribal Infrastructure and Energy Efficiency Reinvestment Program. **(Exhibit 21)** Council Member Parker talked about the logging industry and using their timber to build homes.

2:51 The Committee and the Tribal members talked about wind energy, tax credits, and marketable credits. Chair Parker talked about tax credits being developed and enticing investors to come into Montana. They discussed economic development and the resources available.

Sen. Laible talked about passing resolutions to pass on to our congressional delegation in Washington D.C. They discussed the unemployment rate on the reservation is at 72%. Richard Sangrey said the main duty of the Council is to find and create jobs on the reservation.

3:16 Chair Parker discussed Indian Veterans (from all wars) He wanted to know what programs are out there within the state for the veterans. The committee

members discussed services that are provided by the state and can offer assistance to veterans. Ms. Perez Cole said she helped coordinate the state veterans association for the Tribes. She said that the Governor's Office is available to assist the Tribes with any issues they have.

- 3:32 Judy Houle, Director, Senior Citizens Programs, Chippewa Cree Tribe, discussed the census from 2000. She said that Jim Nolan who heads the Energy Assistance Program (LIEAP) is giving money to the Township of Box Elder for LIEAP but not to the Rocky Boy's Reservation. She wants to know what can be done to correct the problem. Rep. Peterson said the committee could write a letter to Jim Nolan. The committee and the Tribal members talked about census taking to include Rocky Boy's Reservation that will include them to participate in the LIEAP program. A memo addressed to Jim Pellegrini, Deputy Legislative Auditor, Performance Audit regarding LIEAP Tribal Allocation (#2201) was distributed to the committee members. **(Exhibit 22)**
- 3:50 Rep. Peterson asked that a letter be written to the Governor's Office that will address the LIEAP issue.

### **State-Funded Programs**

- 3:53 Richard Sangrey talked about the number of contracts they have with the state. He said if the funding for K-12 is given up front they wouldn't have a problem. He discussed subsidies that are state funded.

Andy Huff, Legal Counsel from the Governor's Office-Indian Law and Policy Legal Advisor, said that DPHHS does a blanket contract which can be re-negotiated.

### **Public Comment**

- 4:04 Ms. Montes discussed contracts and wants to move forward to work on a master contract. She said the Tribes are looking to amend their contracts with the state and she would like to see the contracts become more streamlined.
- 4:06 Mr. Huff talked about negotiations with Rocky Boy and several other Tribes on oil and gas leases and sharing the tax between the Tribes and the state. He asked Chair Parker to call him and they will re-negotiate.
- 4:10 Wilma Heiner, Social Director, talked about the Foster Care Grant program contract with DPHHS.
- 4:11 Richard Sangrey closed, stating he would like the Department of Revenue to use their count numbers for their various programs, i.e., LIEAP.
- 4:14 Chair Parker gave closing comments on how the Tribes and the state need to work together. He said if there was a way to work around bureaucracy and paperwork it would be more simple.

### **Wrap Up and Adjourn**

4:17

Chair. Reichner closed the committee hearing by thanking everyone for their participation and he thanked the Council for their hospitality. He adjourned the STR committee at 4:17 p.m.

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