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State-Tribal Relations Committee
61st Montana Legislature

SENATE MEMBERS

SHARON STEWART-PEREGOY--Vice Chair
JOHN BRUEGGEMAN
RICK LAIBLE
JONATHAN WINDY BOY

HOUSE MEMBERS

SCOTT REICHNER--Chair
FROSTY BOSS RIBS
KEN PETERSON
J. DAVID ROUNDSTONE

COMMITTEE STAFF

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

MINUTES

Blackfeet Tribal Business Council Room Browning, Montana July 7, 2010

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COMMITTEE MEMBERS PRESENT

REP. SCOTT REICHNER, Chair
SEN. SHARON STEWART-PEREGOY, Vice Chair
SEN. RICK LAIBLE
REP. FROSTY BOSS RIBS
REP. KEN PETERSON

COMMITTEE MEMBERS ABSENT

SEN. JOHN BRUEGGEMAN
SEN. JONATHAN WINDY BOY
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:

- approved the minutes of January 14, 2010 & April 8, 2010.
- agreed to write a letter congratulating the first Native American Northern Cheyenne woman, Micah Highwalking, who has graduated from the U.S. Military Academy at West Point.

CALL TO ORDER AND ROLL CALL

00:00:01 Chair Reichner called the committee to order at 9:18 a.m. The secretary called the roll. Attachment #3. Sen. John Brueggeman, Sen. Jonathan Windy Boy, and Rep. J. David Roundstone were absent.

Opening prayer

00:03:18 Mr. Henry Butterfly, Tribal Council Member, offered a prayer in his native language.

00:05:56 Chair Reichner thanked the Tribal Council members for their hospitality and welcomed the members to the State-Tribal Relations Interim Committee meeting by speaking their native tongue. Chair Reichner presented Council Member Vice-Chair Rusty Tatsey, with a set of the 2009 Montana Code Annotated and a CD version.

00:07:17 The committee members and council members introduced themselves.

Motion Approval of January 14 and April 8 committee minutes

00:14:51 Rep. Boss Ribs made the motion to approve the minutes for January 14, 2010, and April 8, 2010. Chair Reichner noted that there was a quorum at the April 8 committee meeting. The secretary made the changes. The motion **passed**.

Update on Indian affairs

00:16:55 Ms. Lesa Evers, Acting Director, Governor's Office of Indian Affairs, talked about the transition between herself and Jennifer Perez Cole, the former Director of Indian Affairs. She distributed a handout and gave an update of the funds available for the Tribal Infrastructure Energy Efficiency Reinvestment Program between the seven Tribes in Montana. **(Exhibit 1)** Ms. Evers also talked about her work with the State Tribal Economic Development Commission, and ensuring the Tribes' voices are heard.

00:26:42 Sen. Stewart-Peregoy asked about the status of the Little Shell Tribe and their funding. Ms. Evers said that the money allocated for the Little Shell has not yet been distributed. Sen. Stewart-Peregoy asked if the \$200,000 has to be spent by September 30th, 2010. Ms. Evers replied that the \$200,000 is on hold and is only for the Little Shell Tribe.

Status of Fort Belknap – Blaine County road maintenance gas tax issue

- **Mr. Jeremy Gersovitz, STR committee staff attorney**

00:29:34 Mr. Gersovitz distributed a handout and made a presentation updating the status of the Fort Belknap and Blaine County road maintenance and gas tax issue.
(Exhibit 2)

00:34:05 Sen. Laible asked if that was a pro rata share. Mr. Gersovitz said yes. Rep. Peterson asked if any one is working on resolving this issue with Blaine County. Mr. Barrs responded that he doesn't know at this time. Sen. Laible questioned if the statutes were to be changed to include tribal governments, would it solve the problem? Mr. Gersovitz responded that it is not the solution and said it might be challenged as special interest legislation. He said that rewriting the law will not solve the problem. Sen. Laible commented about non-Indians living on the reservation who pay taxes too. Sen. Stewart-Peregoy said other Tribes are having the same problem and the STR committee could draft legislation for the Tribes to enter into a compact agreement.

00:40:26 TJ Show, Tribal Council member, talked about the tribes receiving only 50% of the oil and gas production taxes, and suggested the tribe receive another 15% instead of giving it to the county. Chair Reichner and the committee members talked about drafting legislation to address the compact and involving the State, County and the tribes. Mr. Show said the extra 15% revenue would create 15 to 20 jobs. Chair Reichner informed the Council that the staff will explore this and report back to the committee or discuss the issue at its next meeting. He indicated his belief that it was an issue that could be worked out. There was committee discussion about involving the Montana Association of Counties(MACo). Sen. Stewart-Peregoy suggested that Jim Lynch, Director of the Montana Department of Transportation, address the committee regarding the road issues. Shannon Augare, Tribal Council Member Elect, asked why the State does not sit down and tell the tribe why they will not give them the extra 15%.

Update on IV-E foster care

- **Ms. Lesa Evers, Acting Director, Governor's Office of Indian Affairs**

01:04:03 Ms. Evers presented information on foster care for the tribes on behalf of Anna Whiting Sorrell, Department of Public Health and Human Services (DPHHS) Director. Ms. Evers explained the state contract extensions currently being negotiated with the tribes.

Foster care on the Blackfeet Reservation

- **Mr. Reese Fisher, Tribal Business Council Member**
- **Ms. Mary Ellen LaFromboise, Director, Blackfeet Family Services**
- **Ms. Sandra K. Watts, Tribal Attorney**

- 01:12:56 Mr. Fisher provided information regarding the economic conditions on the reservation. He talked about foster parents and not having the same services on the reservation as they have off the reservation. .
- 01:17:58 Ms. LaFromboise talked about how the reservation has been trying to sustain life on its own. She commented that she is proud and honored to have so many Indians on the STR committee. She talked about negotiations on compacts and hopes the state and the tribes will work together better in the future regarding the negotiations.
- 01:31:58 Ms. Watts talked about the problems with the IV-E situation. She said they had to send a letter to the Governor's Office because their contract is expiring this month. She talked about the Blackfeet children not receiving the same benefits as other children who are not on the reservation. She closed by stating the tribe has not been able to solve the negotiation between the Governor's Office and the tribes for the IV-E funds. Chair Reichner asked Ms. Watts to put a report together regarding number of cases, suggestions, and areas of concern.
- 02:05:37 The committee discussed family structure and families supporting education on the reservation.

Public Comment

- 02:17:42 Mr. Butterfly talked about comments made by the committee members, and how the Indians have to speak up for themselves. He gave reasons why the tribe wants the extra 15% tax from the oil and gas revenue. He pointed out that the money from the federal government that is dispersed through the state is to be distributed to all of the Indians on reservations in Montana.
- 02:22:30 Bruce Meyers, Montana Mediation Association, said he does mediation, facilitation and grant writing. He addressed comments about re-writing the compacts. He talked about the gap that is missing, which is true mediation. He proposed to the committee to involve the tribes on common ground.
- 02:28:34 Mr. Sangrey, a Tribal Councilman-elect, addressed several issues, especially his concerns with the negotiations of agreements for Foster Care - IV-E program.

Motion

- 02:37:09 Rep. Peterson made a motion that the committee write a letter congratulating the first Northern Cheyenne woman, Micah Highwalking, to have graduated from the U.S. Military Academy at West Point. The motion **passed**.

Lunch 11:53 a.m. back at 1 p.m.

Civil rights issues

- 03:13:26 Mr. Patrick Black Weasel said he is substituting for Mr. Rodney Gervais, a Tribal Business Council Member, discussed civil rights in Indian Country.

Cultural and historic preservation

- **Mr. Casey Barrs, STR committee Research Analyst, Legislative Services Division**

04:06:27 Mr. Barrs gave an update of the historic preservation workgroup. He talked about the Antiquities Act and its scope. He distributed a copy of a draft bill, LC6666, that expands the definition of heritage property and the requirements. **(Exhibit 3)** Mr. Barrs will work with Sen. Windy Boy on what should be included in the bill draft.

Law enforcement cultural awareness training at the Blackfeet Reservation

- **Mr. John Salois, President Blackfeet Community College**
- **Ms. Lea Whitford, Blackfeet Studies Department Chair, Blackfeet Community College (BCC)**
- **Mr. Jim Smith, Co-Director of Montana Sheriffs and Peace Officers Association.**

04:14:54 Ms. Whitford discussed teaching a cultural training class at the BCC. She distributed a handout showing the studies the students have taken to broaden their understanding of the Blackfeet culture. **(Exhibit 4)**

- law enforcement
- Blackfeet history.
- treaty and trust obligations.
- ceremonial customs.
- historical trauma and PTSD, and
- security and sovereignty

04:22:21 Mr. Smith distributed a PowerPoint presentation that addresses the Blackfeet Nation, their language traditions, collective agreement, and their right to govern. **(Exhibit 5)** Mr. Smith talked about working with the faculty of the BCC and the Justice Department regarding racial profiling. He distributed a brochure showing the BCC goals and its training opportunities. **(Exhibit 6)** He said people have to answer for themselves if the training is to make a difference.

04:27:36 Mr. Salois talked about the studies at BCC, Indian culture, and the studies that encourage the Indians to take law enforcement training. Mr. Salois talked about how the enrollment at the BCC increased between 2001 to 2005, but currently it is holding steady.

Law enforcement cultural awareness issues

- **Mr. Henry Devereaux, Director, Blackfeet Public Safety**
- **Ms. Sandra K. Watts, Tribal Attorney**
- **Mr. John Murray, Tribal Historic Preservation Officer**

05:02:15 Mr. Devereaux gave an update of the law enforcement program and how they are working on full assumption of law enforcement. He said they have established a 911 call center and are hiring police officers.

05:36:05 Ms. Watts commented that tribal police cannot arrest non-tribal individuals off the reservation. She stated that when a highway patrolman (MHP) comes onto the reservation they have become the "tribes" MHP, and the tribal police should be cross-deputized. She talked about training for prosecutors, judges, and other law enforcement people beside the police officers.

05:43:00 Mr. Murray said he developed the original historic preservation course for the BCC. Mr. Murray talked about the various locations of Indian antiquities throughout Montana. He said that the original Blackfeet land used to be over 5 million acres. It covered an area from Yellowstone over to Glacier, and up to Lethbridge, Canada.

Public Comment

05:56:05 Ms. Jo'Etta Buckhouse with the Bureau of Indian Affairs (BIA), talked about the Antiquities Act, and said that it does not allow for consultation. She said it is outdated and needs to be brought in to the 21st century. She said they are looking for expanded protection to save their heritage.

06:20:00 Gary Racine, Sheriff from Glacier County, said there is no room for politics in law enforcement.

Adjournment

06:30:00 Chair Reichner thanked the committee and the Council members for their good work. There being no further discussion, he adjourned the committee at 4:30 p.m.

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