



State-Tribal Relations Committee
62nd Montana Legislature

SENATE MEMBERS

SHANNON AUGARE
TAYLOR BROWN
CARMINE MOWBRAY
SHARON STEWART-PEREGOY

HOUSE MEMBERS

GORDON HENDRICK
CAROLYN PEASE-LOPEZ
JOE READ
FRANK SMITH

COMMITTEE STAFF

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

MINUTES

January 13, 2012
Room 137

Capitol Bldg
Helena, MT

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

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

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

COMMITTEE MEMBER ABSENT

SEN. SHANNON AUGARE

STAFF PRESENT

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

Visitors

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

COMMITTEE ACTION

The State-Tribal Relations Committee (STR) approved the minutes of September 28, 2011.

CALL TO ORDER AND ROLL CALL

00:02:09 Chair Mowbray called the committee to order at 9:00 a.m.

00:02:24 Mr. Barrs introduced Dan Whyte, Legal Staff, LSD.

00:03:24 The secretary called roll. [Attachment #3](#)

Minutes approved

00:04:16 A motion was made to approve the State-Tribal Relations committee minutes from the September 28, 2011 meeting. The motion was approved.

AGENDA

Governor's Office of Indian Affairs

- **Lesa Evers, Acting Director, Office of Indian Affairs**
- 00:05:09 Ms. Evers gave an update of the Reservations and the activities taking place. She talked about the tribal training in October 2011 that provided information about Indian Country Economic Development projects, and John Sanchez, a professor from Pennsylvania State, who was the key note speaker and also the first Native American to give the State of the State-Tribal Relations Address. She recapped training that took place at the conference about history, culture, and the tools provided for state employees who work with the tribes. Ms. Evers talked about tribes being sovereign governments, and the 20/20 TV program produced by Diane Sawyer about the Pine Ridge Reservation standoff. Ms. Evers discussed the high unemployment on the reservations. She noted that the ornaments on the Christmas tree in Washington D.C., 2011, were made by Alaina Buffalo Spirit, from the Northern Cheyenne Reservation. She gave an update of her visit to the Native American women in the women's prison in Billings. Ms. Evers informed the committee that the tribal judges have declared John Gilbert as leader of the Little Shell Tribe. She also informed the committee that the Tribal Relations report will be the last one from this administration.
- 00:26:02 The committee discussed the Crow Agency, its financial crises and personal tragedies that have taken place on the Reservation. There was discussion about the Little Shell tribe moving its headquarters to a different location, and plans for the property that has been given to the Little Shell tribe. There was an update of the Yellowstone buffalo being transferred to several Montana Reservations.

State-Tribal Economic Development

- **Heather Sobrephena-George, Program Manager, Indian Country Economic Development Program, Department of Commerce**
- 00:41:32 Ms. Sobrephena-George gave an update of the Indian Country Economic Development (ICED) program. [Exhibit 1](#) She distributed handouts that explain what programs and services are provided. [Exhibit 2](#) She talked about grants and equity funds, and a Small Business Development Center Program (SBDC), used for technical assistance of Indian-owned businesses on the reservations. [Exhibit 3](#) Ms. Sobrephena-George distributed a handouts showing Native American Made in Montana products from the reservations. [Exhibit 4 & Exhibit 5](#)

Committee comments and questions

The committee asked questions about progress regarding start-up businesses and Indianpreneurship on the reservations, finding ways to track businesses on the reservations, measuring accountability, promoting economic development, and a way to measure accountability.

- 01:10:34 Sen. Brown
01:27:45 Rep. Pease-Lopez
01:35:49 Rep. Read
01:41:16 Rep. Smith
01:43:41 Rep. Hendrick
01:46:14 Sen. Stewart-Peregoy
01:52:25 Chair Mowbray

01:58:35 **Break**

Law Enforcement - Cross-Deputization

- **Colonel Mike Tooley, Chief, Montana Highway Patrol (MPH)**
 - **Mr. Kevin Olson, Administrator, Montana Law Enforcement Academy**
- 02:13:30 Mr. Barrs gave an update regarding the Fort Peck cross-deputization agreement with the highway patrol, and jurisdictions between the tribes and the highway patrol.
- 02:18:44 Col. Tooley talked about the MHP's efforts to reduce profiling by having cultural awareness training at the Montana Law Enforcement Academy. He said the academy has applied for a grant to do a study of accidents involving Native Americans. There was discussion about GR-5, the Montana Highway Patrol bias-based policy on profiling. [Exhibit 6](#)
- 02:26:41 Mr. Olson gave an overview of the Montana Law Enforcement Academy and its training courses regarding diversity and racial profiling.

Committee comments and questions

The committee discussed the 4-hour training course on cultural awareness and diversity. The committee questioned if there is assistance by a tribal member about the training course. The committee talked about how data is collected from traffic stops on the Reservations, and how to file a complaint through the Department of Justice's website.

02:29:54 Rep. Pease-Lopez
02:30:57 Rep. Smith
02:32:20 Chair Mowbray
02:35:49 Sen. Stewart-Peregoy

Committee comments and questions

The committee talked about how the reservations have improved over that past 20-years, and how the STR committee is working in the right direction helping the reservations reach their goals and financial needs, training on racial profiling, and cross-deputization.

02:38:43 Rep. Hendrick
02:40:05 Rep. Smith
02:41:43 Sen. Mowbray

02:43:37 **Lunch**

03:00:13 Chair Mowbray called the committee back to order.

Cultural and historical preservation

- **Stan Wilmoth, State Archaeologist, Montana State Historic Preservation Office, Montana Historical Society**

03:00:54 Mr. Barrs talked about LC-6666, stating it would amend and expand Montana antiquities laws.

03:10:17 Sen. Stewart-Peregoy talked about LC-6666-on cultural and historic preservation, and how to redefine the bill with clearer language to introduce to the next legislature.

03:12:03 Mr. Wilmoth described his duties at the Montana State Historic Preservation office. His funding is mostly federal oversight, and much of his work is with the Department of Natural Resources and Conservation (DNRC).

Disaster and Emergency Services

- **Mr. Ed Tinsley, Division Administrator, Disaster and Emergency Services**
- 03:15:13 Mr. Tinsley discussed several handouts about the Federal Emergency Management Agency (FEMA). He distributed a project worksheet that showed payments made to six of the seven tribes effected by the 2011 spring flooding. [Exhibit 7](#) Mr. Tinsley talked about the projects that are currently under progress. [Exhibit 8](#)

Committee comments and questions

The committee talked about the FEMA trailers on the Reservations, HB 279 by Rep. Smith that has helped the tribes by allowing them to request assistance from the Governor who then is reimbursed by the FEMA.

03:24:01 Chair Mowbray asked about the FEMA trailers on the Northern Cheyenne and Crow Reservations. Mr. Tinsley will make a call and get back to the committee.

- 03:25:15 Rep. Pease-Lopez informed the committee the trailers are being used by the tribes.
- 03:26:42 Mr. Tinsley said the interaction between the tribes and the law is working due to Rep. Smith's bill, HB 279. Rep. Smith thanked Mr. Tinsley for helping get his bill through.

Bullying in schools

- **Mr. Tom Mexicancheyenne, Community Health Director, Northern Cheyenne, Tribal Health Department**
- 03:36:25 Mr. Mexicancheyenne talked about bullying that is not only taking place on the reservations, but all over the country. He discussed the consequences for kids who are bullied. He hopes that a bill will be written that will address bullying.

Committee comments and questions

The committee discussed bullying, its effect on kids and the community, legislation on bullying, and searching for ways to approach cyber bullying. The committee also talked about how other states are handling this issue, and a wrap-around program through the schools that addresses kids at-risk. Montana is one of four states that allow school boards to make policy regarding bullying.

- 03:46:28 Rep. Hendrick
 03:48:28 Chair Mowbray
 03:52:47 Sen. Stewart-Peregoy
 04:01:55 Mr. Whyte
 04:10:46 Rep. Smith
 04:14:40 Rep. Pease-Lopez
 04:24:28 Rep. Read

Committee comments

- 05:26:11 Rep. Read recommended that the committee write a letter of recommendation to the state's Congressional delegation in support of timber businesses on the Reservations. Chair Mowbray thanked Rep. Read for going forward with this issue.
- 05:34:49 Rep. Hendrick requested a resolution that will require people that are protesting timber sales to put up the same amount of dollars that contractors have to put up for bonding, so if it fails they will not lose their money.
- 05:38:53 The committee talked about taking a tour of the reservations where the buffalo will be transferred to from Yellowstone Park. The committee would also like a report about "full faith and credit" placed on the next meeting's agenda.
- 05:41:53 Chair Mowbray acknowledged a letter by Ruby Eagle Feathers. She said if there is urgency in Ms. Eagle Feather's letter, that a conference call can be arranged for discussion at the next meeting. [Exhibit 9](#)

Adjourn

- 01:43:51 Chair Mowbray adjourned the STR committee at 2:43 p.m.

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