



## State-Tribal Relations Committee

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### 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  
CJ JOHNSON, Secretary

# MINUTES

July 20, 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. CARMINE MOWBRAY  
SEN. SHARON STEWART-PEREGOY  
REP. GORDON HENDRICK  
REP. CAROLYN PEASE-LOPEZ  
REP. JOE READ  
REP. FRANK SMITH

#### **COMMITTEE MEMBERS ABSENT**

SEN. SHANNON AUGARE

#### **COMMITTEE MEMBERS EXCUSED**

SEN. TAYLOR BROWN

#### **STAFF PRESENT**

CASEY BARRS, Lead Staff  
CJ JOHNSON, Secretary

## Visitors/agenda

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

## COMMITTEE ACTION

The State-Tribal Relation's Interim committee:

- approved the April committee minutes.
- approved at the request of members to write a letter to Montana's congressional delegation.

## CALL TO ORDER AND ROLL CALL

00:00:32 Sen. Mowbray called the committee to order at 10:05 a.m. The secretary called roll. [Attachment #3](#)

## AGENDA

### **Approve STR committee minutes**

#### **Motion**

00:01:34 Rep. Hendrick made a motion to approve the April 4 & 5, 2012 minutes as is. The **motion** passed.

The committee discussed books that had been presented to the STR committee from the Fort Peck Council at its meeting in April 2012. The books are shelved in the Legislative Services library.

### **Office of Indian Affairs work in Indian country**

- **Lesia Evers, Acting Director, Office of Indian Affairs**  
00:04:39 Ms. Evers explained her duties and the purpose of her office. She talked about the tribal government, the tribal leaders summit, and other tribal issues. She gave an update of the Buffalo that were returned to the Fort Peck reservation from Yellowstone Park. She reported on the Ash Creek fire and the devastation that took place. FEMA is on the ground at this time investigating the fire and offering federal assistance. Ms. Evers said her office is working on the 2012 tribal report, and stated this is the final report from this administration. She gave an overview of her followup visits this spring and summer to the reservations in Montana. She reported on the Crow Water Compact signed by Governor Schweitzer.
- 00:23:41 Ms. Evers talked about: the Little Shell Tribe and how they have resolved their issues and are now back in service; her attendance at the State-Tribal Economic Development commission; unemployment among the tribes; her attendance at the Alaskan Indian Summit; the Crow Tribe's hosting of the American Indian Summit next year; the Indian Country Economic Development program and how her office has approved a grant for a person in Ashland to start a Laundromat called the Wash Tub; legislation assisting with funds for projects that would not have happened without the grants to help them get started.

### Committee comments and questions

The committee talked about several members that were involved assisting with the fires, suggestions on improving telecommunications, a followup on the progress of the fire situation at the next committee meeting, and outlining resources that are available during a time of disaster.

00:38:48 Sen. Mowbray  
00:38:54 Mr. Barrs  
00:39:48 Rep. Hendrick  
00:42:58 Ms. Evers  
00:46:23 Rep. Smith  
00:47:47 Rep. Read  
00:50:24 Ms. Evers  
00:53:58 Sen. Mowbray  
00:58:05 Rep. Hendrick  
00:59:24 Sen. Stewart-Peregoy  
01:04:09 Ms. Evers  
01:08:09 Sen. Mowbray  
01:09:12 Rep. Hendrick  
01:10:36 Mr. Barrs  
01:11:41 Rep. Hendrick  
01:12:53 Rep. Pease-Lopez

01:13:34 **Break**

01:24:47 Sen. Mowbray called the committee back to order.

### Indian Country Economic Development (ICED) programs

- **Ms. Heather Sobrepena-George, Program Manager, Indian Country Economic Development Program, Department of Commerce**

01:26:33 Mr. Barrs distributed and explained an updated handout of The Indian Country Economic Development (ICED) program. [Exhibit 1](#)

01:28:44 Ms. Sobrepena-George gave an overview of the economic tools and resources that are critical to the tribe's projects. She reported on the total funding for Indian Entrepreneur training and technical assistance, jobs training, and the business equity fund. She talked about several of the tribal projects that have benefitted from ICED grants and matching funds. She said that tribes are being more communicative and open about funding for infrastructure.

### Committee comments and questions

The committee discussed ways that tribes can apply for grants through the Community Development Program, Department of Commerce, for starting businesses. The committee discussed Rep. Smith's HB 158, the Big Sky Trust Fund, resources for the Bakken Oil and Gas field in Eastern Montana, and potential legislation.

01:47:41 Sen. Stewart-Peregoy

### Public comment - None

02:07:28 **Break.**

03:11:47 Sen. Mowbray called the committee back to order.

#### Indian veteran's access to services

- **Kelly Ackerman, Veterans Services Program Manager, Montana Department of Veterans Affairs Division (MVAD)**
- **Lyn Hellegaard, Executive Director, Montana Transit Association**

03:12:23 Ms. Ackerman, gave an overview of her office and duties. She discussed two veterans' issues: Primary health care and vans for transportation. She distributed a handout showing the VA's main focus. **Exhibit 2** Ms. Ackerman discussed the census of 2000 showing the status of Montana veterans population of reservations, but it didn't capture the Native Americans that are veterans. **Exhibit 3** She distributed and explained a handout of the FY 2010 financial impact that MVAD activities have on counties.

#### Committee comments and questions

The committee talked about the Veterans Administration in Helena being too far for veterans that live in Eastern Montana. It was suggested that these veterans be driven to services in other states that are closer.

03:21:09 Rep. Hendrick

03:24:10 Ms. Ackerman

03:26:24 Rep. Hendrick

#### Motion

03:27:50 Rep. Hendrick made a motion requesting that the STR committee write a letter to Montana's congressional delegation urging that the new Veterans Transportation Service (VTS) be supported and expedited, and that it be made easier for veterans to be transported to facilities in neighboring states when facilities within Montana are further away.

#### Discussion

03:28:37 Rep. Pease-Lopez

03:29:25 Rep. Smith

03:29:40 Mr. Barrs

#### Vote

03:30:45 The motion **passed** unanimously by voice vote.

03:36:21 Ms. Hellegaard distributed several handouts **Exhibit 4 & Exhibit 5** regarding the DAV. She said that the VA is not the only agency involved in this. She talked about a \$360,000 grant for transportation, and how she is currently writing a grant for \$3 million to receive over a three-year period for a program called Montana Transit Association (MTA), and explained how the program will work.

#### Committee comments and questions

The committee talked about which tribes will be involved with the MTA progra. Ms. Hellegaard will work with Mr. Barrs to research Arkansas legislation that raises money for veterans' transportation through a fee on rental cars.

03:53:15 Rep. Read

03:55:45 Rep. Hendrick

03:57:37 Rep. Smith  
04:00:11 Sen. Mowbray  
04:02:53 Rep. Smith  
04:04:57 Mr. Barrs

#### **Cultural and historic preservation**

- **Senator Sharon Stewart-Peregoy, SD-21**
  - **Casey Barrs, Legislative Analyst, Legislative Services Division**
- 04:05:42 Mr. Barrs gave an overview and explained three approaches to cultural and historic preservation. [Exhibit 6](#)
- 04:38:12 Sen. Stewart-Peregoy discussed the Department of Natural Resources and Conservation (DNRC). [Exhibit 7](#) She talked about indigenous people who "owned the property" before Montana became a state. She referred to LC6666, a bill draft that expands the definition of heritage property to include tribal traditional cultural places. [Exhibit 8](#) Sen. Stewart-Peregoy explained "tribal consultation" - best practices in historic preservation, and how it occurs. [Exhibit 9](#) She distributed a handout describing Arizona's guidelines working with tribal governments regarding cultural and historic preservation. [Exhibit 10](#) She thanked the Department of Transportation for working with the tribal historians and archeologists in saving artifacts from a road that was widened.

#### **Committee comments and questions**

The committee talked about the definition of heritage, ownership of state lands, and how other states handle heritage preservation.

05:01:22 Rep. Hendrick  
05:05:21 Sen. Mowbray  
05:06:48 Rep. Pease-Lopez  
05:10:19 Sen. Mowbray  
05:14:56 Rep. Read

#### **The Affordable Care Act and preauthorization of Indian Health Care Improvement: Implications for Indian country and legislators**

- **Garfield Little Light, Associate Area Director, Office of Administrative Support, Billings Area, Indian Health Service - Via poly com phone**
- 05:19:52 Mr. Little Light talked about the Affordable Health Care Act and how it has made the Indian Health Care Improvement Act permanent. [Exhibit 11](#) He explained the state and federal health insurance exchanges. He does not feel that the reservations will make use of the health insurance exchange through the federal government. He talked about the duties of the Indian Health Services, the populations they serve, and working with Indian veterans, physician providers, counties, the CHIP program, and Medicaid and Medicare.

#### **Committee comments and questions**

The committee talked about funds coming from other agencies for the tribes, bill draft LC6666, Arizona policy on health services, consultation with the tribes, and transportation for veterans.

05:45:55 Sen. Mowbray

05:48:17 Mr. Barrs  
05:48:49 Sen. Stewart-Peregoy  
05:52:05 Sen. Mowbray  
05:53:10 Sen. Stewart-Peregoy  
05:59:29 Sen. Mowbray  
06:07:26 Rep. Hendrick  
06:15:09 Mr. Barrs

#### **Governors Office of Indian Affairs**

06:15:53 Ms. Lesa Evers talked about the cultural and historic preservation and how important consultation is with the tribes. She distributed the State-Tribal handbook, a guide for state employees on preserving the state-tribal relationship. [Exhibit 12](#)

#### **Committee comments and questions**

The committee talked about state agencies that do not work with the tribes.

06:20:06 Sen. Mowbray  
06:23:29 Rep. Pease-Lopez

#### **Full faith and credit for tribal court judgments**

- **Casey Barrs, LSD**  
06:25:55 Mr. Barrs gave an update of LC7001-a bill draft that would have Montana state courts extend full faith and credit to tribal court judgments. He said there are several questions regarding regulation of courts. [Exhibit 13](#)

#### **Committee comments and questions**

The committee talked about bill draft LC7001 legislation.

06:31:14 Sen. Mowbray  
06:34:04 Rep. Hendrick  
06:35:05 Mr. Barrs  
06:35:44 Rep. Hendrick  
06:36:38 Sen. Stewart Perogay  
06:39:39 Sen. Mowbray  
06:40:24 Rep. Hendrick  
06:42:23 Rep. Smith  
06:42:46 Rep. Hendrick  
06:43:12 Sen. Mowbray

A handout from Rep. Carolyn Pease Lopez was distributed for the committee to review regarding contracts between state agencies and tribal governments. [Exhibit 14](#)

#### **Adjournment**

06:45:07 Sen. Mowbray adjourned the State-Tribal Relations Interim committee at 4:49 p.m.

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