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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

April 4 & 5, 2012
Fort Peck Tribal Executive Board
Fort Peck Community College campus

Fort Peck Reservation
Greet the Dawn Bldg

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities.

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 are listed by meeting date on the interim committee's web page.

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

REP. GORDON HENDRICK
REP. FRANK SMITH
REP. JOE READ

COMMITTEE MEMBERS ABSENT

SEN. SHANNON AUGARE
SEN. SHARON STEWART-PEREGOY

COMMITTEE MEMBERS EXCUSED

SEN. TAYLOR BROWN
SEN. CARMINE MOWBRAY
REP. CAROLYN PEASE-LOPEZ

STAFF PRESENT

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

Visitors

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

COMMITTEE ACTION

None

CALL TO ORDER AND ROLL CALL

9:21 a.m. Rep. Hendrick welcomed everyone to the State-Tribal Relations committee meeting with the Fort Peck Executive Board members.

Introductions

9:22 Mr. Barrs gave opening remarks and asked the committee members to introduce themselves.

The Fort Peck Executive Board also introduced themselves: Mr. Floyd G. Azure, Chairman, Mr. Gerald Jackson, Mr. Mike Thompson, Annette Lambert, Vice Chair, and Mr. Walter Clark.

9:26 Rep. Hendrick called the committee to order. He presented the Executive Board members with a set of the 2012 Montana Code Annotated. The secretary called roll. [Attachment #3](#) Proxies for Sen. Mowbray and Sen. Brown. [Attachment #4](#)

Opening Blessing

9:27 Mr. Walter "IronStar" Clark offered the prayer in his native tongue.

AGENDA

Office of Indian Affairs update on work in Indian Country

- **Ms. Lesa Evers, Acting Director, Governor's Office of Indian Affairs**
- 9:35 Ms. Evers introduced herself, and gave an overview of her office and duties. She updated the members of several agreements the tribes have with the state of Montana. She talked about several bills that have passed out of the past Legislatures: one provides funding for the tribes when there is an emergency such as the flooding that took place in 2011; and acquisitions for the tribes to take their lands back. The bill revises laws to temporarily exempt tribal fee land in the trust land process. She discussed rules that have currently been adopted through the Secretary of State's office. Ms. Evers also talked about positive changes and feedback regarding the return of the buffalo, its impact and infrastructure.

Comments and questions for Ms. Evers from the Executive Board members, Larry Wetsit, Mike Thompson, and Gerald Jackson regarding the buffalo.

State-Tribal Economic Development

- **Mr. Walter White Tail Feather, Director, Energy and Economic Development Office, Fort Peck Assiniboine & Sioux Tribes**
- 10:07 Mr. White Tail Feather talked about his duties and how the Indian Country Economic Development (ICED) programs are essential for the tribes. A handout was distributed explaining the various projects on the reservation, and how they are funded. [Exhibit 1](#) He discussed several startup businesses that have used Indianpreneur funds.

Executive Board members

10:00 Mr. Mike Thompson commended Mr. White Tail Feather for the outstanding work that he has done with economic development on the reservation.

10:45 Mr. Azure presented the committee with a set of books on the history of the Fort Peck Indian Reservation.

Cultural and Historical Preservation

- **Mr. Casey Barrs, Legislative Analyst, Legislative Services Division**
- **Mr. Curley Youpee, Tribal Historic Preservation Officer, Fort Peck Assiniboine and Sioux Tribes**

10:47 Mr. Barrs explained several approaches to cultural and historic preservation, its funding, and how to go forward. **Exhibit 2**. He gave an update of LC-6666, and how to redefine its language making it more clearer to present to the next legislature. **Exhibit 3** There is no fiscal note attached to the bill at this time.

11:02 Mr. Youpee presented a PowerPoint of the Fort Peck Culture Preservation, the Youpee family history, and photographs of his ancestors. He talked about round stone sites and their meaning, and how they are located throughout the nation.

Public Comment

Mr. Mike Thompson stated that a larger penalty needs to be handed out to people that take Indian artifacts.

Ann Lambert, Vice Chair, Fort Peck Tribal Executive member, wanted to know how much time the tribe had to get comments to Mr. Barrs regarding LC-6666 before it becomes a final bill. Rep. Smith informed the members that even with a committee bill, it will still have a hearing at the legislature.

Lunch

1:44 p.m. Rep. Hendrick called the committee back to order. Rep. Read arrived and introduced himself.

Bullying in Schools

- **Mr. Dan Whyte, LSD staff attorney**

1:44 Mr. Whyte gave an overview of Legislation prohibiting bullying and harassment. He said that Denise Juneau, Director of the Office of Public Instruction (OPI), is drafting a bill regarding bullying that will be presented in the upcoming legislative session. He explained a handout that addresses the concerns of the educational agencies, and bills that have been drafted. **Exhibit 4** Mr. Whyte discussed how other states are handling the bullying issue.

Committee comments and questions

1:57 The committee and executive board members talked about having a bullying policy placed in statute, and the number of schools that are currently following the rules already in place. The members discussed their concern which is, "is everyone following the rules". There was discussion about suicide among teenagers on the reservation resulting from bullying, and that it will be a big issue at the next legislature.

2:01 Rep. Smith

2:04 Rep. Hendrick

2:06 Rep. Smith

- 2:08 Mr. Whyte discussed bullying policy in school districts, and that it is up to the individual schools how they handle bullying.
- 2:10 Walter White Tail Feather questioned that "we don't allow bullying in the work place, why is it allowed in the schools?"

Suicide Prevention

- **Ms. Sue Parker, Suicide Prevention Systems Coordinator and consultant, Fort Peck Tribal Health Department**
 - **Ms. Antonia Klein, Mental Health Community Program Officer, Addictive and Mental Disorders Division, Department of Public Health and Human Services (DPHHS)**
 - **Ms. Marilyn J. Bruguier Zimmerman, Director, National Native Children's Trauma Center; and Associate Director, Institute for Educational Research and Service, University of Montana**
- 2:20 Ms. Parker gave an update on the tribe's health department; the development of a partnership with the Montana State University; and awareness of education and healthy relationships. She talked about several ways that suicide can be prevented.
- 2:30 Ms. Klein talked about her work with Karl Rosston, LCSW, suicide prevention coordinator for DPHHS. She referred to a handout written by Mr. Rosston called, Suicide Among American Indian Youth. **Exhibit 5** She distributed a brochure that explains a program called National Native Children's Trauma Center (NNCTC). **Exhibit 6** She said that DPHHS staff provides training to hospitals, jails, and prisons regarding suicides,
- 2:38 Ms. Zimmerman distributed a handout showing proposed healthcare projects, their goals and objectives for NNCTC and the tribes. She talked about the implementation of the goals, and the agencies that will be responsible for delivering the services. **Exhibit 7**

Committee comments and questions

The committee talked about bullying being a liability issue especially in the schools, pregnancies and relationships causing suicides, and coordination between the tribes and DPHHS in finding resources and training for bullying and suicides.

- 2:48 Rep. Read
2:50 Ms. Parker
2:54 Ms. Read
2:58 Ms. Zimmerman
3:00 Rep. Hendrick
3:03 Mr. Big Horn
3:05 Ms. Klein
3:13 Rep. Hendrick

Full Faith and Credit Act

- **Mr. Dan Whyte, State Tribal Relations Committee staff attorney**
- 3:20 Mr. Whyte stated his comments are in response to a question by Rep. Frank Smith regarding whether Montana district courts were following orders coming from the tribal courts, specifically if the district courts were giving what is known as full faith and credit

to tribal child custody orders, support orders, and protective orders. He said that Rep. Smith understood that some district courts are still following a 1991 Attorney General (AG) Opinion that only some support orders from the tribes would be followed by district courts, and that tribal orders were foreign judgements that did not have to be followed by district courts. He referred to a letter he had written to Rep. Smith regarding the tribal court judgments having full faith and credit, which explains the AG opinion and the law.

[Exhibit 8](#)

Public comments

- 3:28 Rene Martell, attorney for the tribes, said he is working with other attorneys outside the reservation on how to handle tribal domestic abuse cases. He talked about how tribal judges make judgement on full faith and credit, and gave an example of a legitimate protective custody case. He said there are self-help forms for people to fill out making it easier to file. Rep. Hendrick asked Mr. Martell and Mr. Whyte if they will work together on language for a bill draft proposal.
- 3:33 Ernie Bighorn with the Fort Peck Reservation Independent Living program, talked about Job Corps monies being used toward programs for the kids. Rep. Smith commented that the Job Corp program is for kids, and how some of these kids even go on to college.

Recess

4:05 Rep. Hendrick recessed the committee at 3:39 p.m.

RECONVENED ON APRIL 5, 2012

Visitors/Agenda

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

COMMITTEE ACTION

None

CALL TO ORDER AND ROLL CALL

9:02 a.m. Rep. Hendrick called the committee back to order at 9:02 a.m. Mary Lambert gave the opening blessing. The secretary called roll. [Attachment #3](#)

AGENDA

Education

- **Mr. Neil Taylor, Director of Fort Peck Tribes Education Department**
- 9:12 Mr. Taylor talked about his duties as the director of the K-12 education department.
- 9:20 Rep. Smith talked about grant monies that Ernie Big Horn had mentioned previously in committee that could be available for Mr. Taylor to use for his educational programs. Rep. Smith talked about school-to-work programs.

Public comment

9:28 Jill Read talked about resources for after-school activities such as theater or music for K-12 children. Mr. Taylor said the larger schools have music, but he didn't know about the

smaller rural schools. Rep. Smith said that the Poplar school did have a band until the band teacher left three years ago.

Health

- **Mr. Kenny Smoker, Jr., Director of the Fort Peck Tribes Health Promotion/Disease Prevention Wellness Program**

9:34 Mr. Smoker said he is a federal employee contracted through the tribes. He talked about his duties and the medical services offered through school-based health clinics. He distributed a handout and explained the provided services. [Exhibit 1](#)

Workforce Development

- **Mr. Rodney Miller, Director of Work Force Development**

10:01 Mr. Miller gave a brief background of the Work Force Development program. He talked about his duties and the services the program provides. He distributed a handout of his talking points. [Exhibit 2](#)

10:16 Rep. Read talked about the Job Corp program that works with the Salish Kootenai Community College (CC), and he questioned why there is only one Job Corp for Native Americans, and why does a reservation has to put in a bid to have a Job Corp facility.

10:21 Mr. Kevin Buckles talked about a pro-active approach of the Salish Kootenai CC assisting in the training of quality workers that will be available for current projects and future projects. He discussed a multi-million dollar job that Job Corp students will be able to participate in and put their training to use.

10:26 Rep. Hendrick talked about the Work Force program and having a training program in the high school to train high school kids for upcoming projects.

Public Comment - None

Veterans' Issues

- **Mr. Robert "Bobby" Daniels, Fort Peck Tribes Director of Veterans Affairs**

10:31 Mr. Daniels talked about working with local veterans across the reservation. He discussed certificates of eligibility and phone calls made to Fort Harrison and how he is put on hold and does not receive calls back.

10:34 Rep. Hendrick and Mr. Daniels talked about having a van for taking veterans to Fort Harrison. There was discussion about the requirement of two minimum drivers available, and the location of services.

10:43 Rep. Smith talked about a bill from a past Legislature that provides funding to support a van to transport veterans. Rep. Smith said that two vans were taken away and he asked Mr. Daniels if he has heard about federal vans that are available for transfer of veterans.

Ground Source Heat Pump Successes

- **Ms. Tashina Tibbetts, Fort Peck Tribes Department of Energy**

10:53 Ms. Tibbetts gave a PowerPoint presentation on geothermal drilling for individual homes. She talked about her duties, LIEAP - an energy assistance program, and how her program was able to create and train six people to work on geothermal projects on the

reservation. She talked about Native Americans are not able to receive tax credits for having ground thermal units because they do not pay Montana state tax. She questioned why her clients cannot receive an energy credit through their energy company when they have geothermal heating. Ms. Tibbetts talked about putting in a geothermal unit in a new \$15 million jail. [Exhibit 3](#)

Minerals

- **Stoney Anketell**

11:15 Stoney Anketell gave a PowerPoint of the tribal's perspective on the development of the tribe's oil wells.

Discussion

11:25 The committee and public members discussed Continental Resources, Amsden-a new bulge, Sampson Oil, and a well called "Charles". There was discussion about the number of wells being drilled, and bureaucrats not working with the tribes.

Public Comment

12:16 Helen Big Horn talked about an oil company drilling on her land, and said the oil company did not take into account the affect the drilling would have on the tribes antiquities.

Adjournment

12:20 Rep. Hendrick gave closing remarks and thanked the executive board for their hospitality. Rep. Hendrick adjourned the STR interim committee at 12:31 p.m.