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# State-Tribal Relations Committee:

## The Legislature's Liaison



A report to the 65<sup>th</sup> Legislature  
September 2016



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# State-Tribal Relations Committee Members

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Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the STRC, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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# Introduction

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This report is a summary of the work of the State-Tribal Relations Committee in the 2015-2016 interim as outlined in the STRC's [work plan](#), adopted by the committee in October 2015. Members received additional information and public testimony on each of these topics. This report is an effort to highlight key information and activities of the STRC. To review additional information, including written minutes, exhibits, and audio minutes, visit the STRC website: <http://leg.mt.gov/tribal>.

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# History of the STRC

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5-5-229, MCA, establishes the STRC and tasks it with the following responsibilities:

- (1) acting as a liaison with tribal governments;
- (2) encouraging state-tribal and local government-tribal cooperation;
- (3) conducting interim studies as assigned; and
- (4) reporting its activities, findings, recommendations, and any proposed legislation to the

legislature.

The Committee's first iteration was as the Committee on Indian Legal Jurisdiction in 1977. That Committee was charged with meeting with the various Indian tribes to identify common bonds between Indians and non-Indians and to propose legislation for the mutual benefit of both groups.

The Committee's major recommendation to the 1979 Legislature was the creation of a select committee on Indian affairs to be followed by a permanent committee if the 1981 Legislature felt the select committee proved valuable in improving Indian/non-Indian relations.

The 1979 Legislature accepted the recommendation and created the Select Committee on Indian Affairs. However, although subsequent Legislatures recognized the importance of the Committee's work, there was a reluctance to create a permanent committee.

Finally, in 1989, the Committee on Indian Affairs was established as a permanent, statutory committee. In 1999, the Legislature passed Senate Bill No. 11 (SB 11) that reorganized the interim committee structure by consolidating committees and establishing permanent interim committees with membership drawn from specific session standing committees. SB 11 eliminated the Committee on Indian Affairs and folded its responsibilities into the newly created Law, Justice, and Indian Affairs Committee (LJIAC).

The LJIAC was selected to serve as the forum for state-tribal relations because many of the issues affecting state-tribal relations would most likely be addressed by the House and Senate Judiciary Committees. The membership of the LJIAC was drawn from these committees.

At the same time, the Coordinator of Indian Affairs (a position created by the Legislature in 1951 and appointed by the governor) was circulating a proposal to create a Commission on Indian Affairs that would be attached to the Executive Branch. This proposal eventually became a study resolution assigned to the LJIAC.

At the end of the 1999-2000 interim, after months of study, the LJIAC recommended that because of a lack of general support for the idea, the proposal for a Commission on Indian Affairs be tabled. In its place, the LJIAC recommended to the Legislative Council and the 57th Legislature that a separate State-Tribal Relations Committee be created that would assume the LJIAC's state-tribal liaison responsibilities.

The STRC, as we know it today, was established during the 2001 legislative session with the passage of Senate Bill No. 10.

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# The Legislature's Liaison

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Perhaps the most important responsibility of the STRC is to act as a liaison between the state and the eight tribal governments of Montana. Historically, the STRC has visited two to four reservations per interim in fulfilling this duty. This interim, the STRC visited the Blackfeet Reservation in July 2015 and the Fort Peck and Rocky Boy's Reservations in March 2016. The decisions about which reservations to visit and when are up to the committee's discretion and subject to coordination with the respective tribal government.



BLACKFEET TRIBAL BUSINESS COUNCIL MEMBERS, JULY 2015, BROWNING, MT



STRC AND FORT PECK TRIBAL EXECUTIVE BOARD MEMBERS, MARCH 2016, POPLAR, MT



CHIPPEWA CREE BUSINESS COMMITTEE MEMBERS, MARCH 2016, BOX ELDER, MT

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The STRC met in joint session with members of the Blackfeet Tribal Business Council, the Fort Peck Tribal Executive Board, and the Chippewa Cree Business Committee. The purpose was to discuss issues of mutual concern that could be addressed cooperatively between the state and the tribes.

Members of the STRC and the Blackfeet Tribal Business Council discussed:

- transparency in tribal government;
- rebuilding and reshaping the tribe's courts;
- cross-jurisdictional law enforcement;
- economic development and tribal budgets;
- oil and gas leases on the Badger-Two Medicine;
- transportation of bison;
- state-tribal tax agreements and the potential for a resort tax;
- process for proposing a county name change;
- consultation on species protected by the Endangered Species Act;
- water compact ratification;
- state grants for recreational properties;
- land buyback under the Cobell Settlement; and
- Indian language preservation.

Members of the STRC and the Fort Peck Tribal Executive Board discussed:

- trust relationships between the tribes and federal government;
- state implementation of the Indian Child Welfare Act;
- purpose of state-tribal tax agreements;
- relocation of bison from Yellowstone National Park to a Fort Peck quarantine facility;
- current oil and gas production; and
- future of state Indian language immersion programs.

Members of the STRC and the Chippewa Cree Business Committee discussed:

- suicide prevention and tribal consultation on state funding;
- expanded gaming on the Rocky Boy's Reservation;
- recourse for the pawning of stolen goods;
- memorandums of understanding between law enforcement agencies;
- support for funding and programs that affect Indian Country;
- incentivizing businesses to locate on the reservation;
- providing state legislator orientation and training about tribal governments and nations; and
- tribal consultation with the governor.

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# Committee Activities

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## Study Topics

In its [work plan](#) adopted in October 2015, the STRC opted to study the following topics during the 2015-2016 interim. Committee work papers and reports on these topics are included in the noted appendices. Other related materials not produced by the committee are available on the STRC website at <http://leg.mt.gov/tribal>.

- Cultural patrimony and sacred objects and sites ([Appendix A](#))
- Economic impacts and financing of tribal colleges ([Appendix B](#))
- State implementation of the Indian Child Welfare Act ([Appendix C](#))
- State-tribal tax agreements ([Appendix D](#))
- Public charter schools' impact on reservations

## Meeting Agenda Items

In addition to the above study topics, the STRC chose to receive information on the following:

- Indian language preservation program implementation, [July 2016](#)
- Cultural Integrity Commitment Act implementation (language immersion), [every meeting](#)
- Native American Collateral Support Program, [October 2015](#)
- Suicide prevention, [every meeting](#)
- Participation of federally funded Bureau of Indian Education schools in interscholastic competitions, [July 2016](#)
- Impacts of Senate Bill 410 (2015) on reservation schools, [July 2016](#)
- Upgrades to St. Mary's Diversion and Canal, [March 2016](#)

Although not included in the STRC work plan, the committee also discussed these topics:

- Supplemental funding equity for Bureau of Indian Education tribal grant schools, [October 2015](#), [July 2016](#), and [August 2016](#)
- Reservation labor statistics, [October 2015](#)
- Office of Public Instruction wraparound services for youth, [March 2016](#)
- Priorities and initiatives of the Rocky Mountain Tribal Leaders Council, [March 2016](#)

## Letters to State Agencies

During the interim, the STRC wrote two letters to state agencies. The first ([Appendix E](#)), sent in July 2015, asked the Office of Public Instruction to keep the STRC apprised of implementation of the Cultural Integrity Commitment Act (Senate Bill 272, 2015). The second ([Appendix F](#)), written in March 2016, asked the Department of Public Health and Human Services to reconsider its plan to hire a contractor to develop a suicide prevention strategic plan.

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## Statutory Considerations

At its July 2016 meeting, the STRC opted to draft potential statutory changes related to tribal colleges and the state's Indian language immersion program. A formal public comment period was held for the proposals (linked below) between July 20 and August 10, 2016. The committee reviewed the language, and comments received, at its August 2016 meeting.

Tribal college reimbursement statute:

[Draft committee bill to remove redundant language](#)

Indian language immersion program proposals:

[Proposal #1](#): Expand program eligibility

[Proposal #2](#): Allow state funds to be used as matching funds

[Proposal #3](#): Provide funding for an annual conference

[Proposal #4](#): Fund an immersion program on each reservation and in Great Falls

Of the above proposals, the STRC approved as committee bills for the 2017 legislative session the draft to remove redundant language from the tribal college reimbursement statute ([LC 305](#)) and the proposal to allow state funding for Indian language immersion programs to be used as matching funds ([LC 308](#)).

In addition, the STRC tweaked and approved as a committee bill the proposal to expand eligibility for Indian language immersion program funds such that students must receive content area instruction in an Indian language at least 30 percent of the day in the first year of the program, at least 40 percent in the second year, and at least 50 percent in the third and subsequent years ([LC 306](#)).

The STRC also agreed to draft as a committee bill an amended version of House Bill 509 from the 2015 session, which authorizes the Native American and rural youth suicide prevention pilot grant program ([LC 307](#)). The bill draft outlines eligibility requirements and includes a \$250,000 appropriation.

Lastly, the STRC approved committee bills to extend the Montana Indian language preservation program for another years until June 30, 2019 ([LC 304](#)) and to prohibit the sale or trade of cultural patrimony and sacred objects ([LC 309](#)).