



State-Tribal Relations Committee 64th Montana Legislature

SENATE MEMBERS

JONATHAN WINDY BOY--Chair
JILL COHENOUR
JENNIFER FIELDER
KRISTIN HANSEN

HOUSE MEMBERS

ALAN DOANE--Vice Chair
EDWARD GREEF
GEORGE KIPP III
ZAC PERRY

COMMITTEE STAFF

HOPE STOCKWELL, Lead Staff
LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

March 24, 2015

Bingo Room, Northern Winz Casino
Rocky Boy's Reservation, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. JONATHAN WINDY BOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JILL COHENOUR
SEN. JENNIFER FIELDER
SEN. KRISTIN HANSEN

REP. EDWARD GREEF
REP. GEORGE KIPP III
REP. ZAC PERRY

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

HOPE STOCKWELL, Lead Staff
LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The Committee voted unanimously to send a letter to DPHHS asking it to redirect its use of Indian youth suicide prevention funding to direct grants for prevention programs.

CALL TO ORDER AND ROLL CALL

00:00:01 Sen. Windy Boy called the meeting to order at 8:07 a.m.
00:01:15 Ms. Stockwell introduced and discussed the draft letter to DPHHS that was proposed by Sen. Hansen yesterday, March 22, 2016 ([Exhibit 1](#)).
00:02:30 The committee discussed the letter and suggested edits.

Motion

00:34:21 Sen. Fielder moved to make the suggested changes to the DPHHS letter and to send the letter ([Attachment 3](#)).

Vote

00:34:38 The motion passed with a unanimous roll call vote.

BREAK (Reconvened at 8:53 a.m.)

STUDY OF CULTURAL PATRIMONY

**Alvin Windy Boy, Sr., Chippewa Cree Tribal Historic Preservation Officer
Kelsey Noack-Myers, Tribal Archaeologist, Chippewa Cree Tribal Historic
Preservation Office**

Other traditionalist perspectives, Rep. Kipp

00:46:29 Mr. Windy Boy and Ms. Noack-Myers ([Exhibit 2](#))
01:14:05 Sen. Windy Boy asked what kind of relationship the preservation office has with the State Historic Preservation Office.
01:16:10 Sen. Windy Boy asked how the legislature can assist the program within its jurisdiction.
01:18:38 Sen. Windy Boy discussed the 2003 version of the government-to-government consultation act.
01:20:22 Rep. Kipp commented on the preservation program and discussed possible collaboration with the state.
01:33:30 Sen. Cohenour asked how the fees are collected in the program.
01:36:50 Mr. Windy Boy and Ms. Noack-Myers continued the presentation.
01:40:17 Rep. Kipp asked if the panel was aware of the Canadian assessments for preservation work.
01:42:31 Rep. Kipp began his portion of the presentation.

Public Comment

None

**JOINT SESSION OF THE STATE-TRIBAL RELATIONS INTERIM COMMITTEE AND THE
CHIPPEWA CREE BUSINESS COMMITTEE**

STRC Committee Members

Chippewa Cree Business Committee

Ted Whitford, Vice Chairman

Dustin Whitford, Member

Ted Russette, Member

Richard Sangrey, Chief of Staff

01:53:01 Mr. Dustin Whitford
01:56:17 Mr. Ted Whitford
01:59:50 Sen. Windy Boy
02:00:38 Sen. Hansen asked if they had any specific examples of the over-regulation mentioned in the presentation.
02:02:12 Rep. Kipp commented on the importance of regulation of online gaming and agreed that it should be re-visited.
02:04:35 Mr. Dustin Whitford
02:07:59 Rep. Doane asked if HB 208 could be reviewed for changes from the last session.
02:08:44 Sen. Fielder asked what the state law is regarding stolen property found in a pawn shop.
02:09:57 Sen. Cohenour asked if there are jurisdiction agreements between the Chippewa Cree and Havre.
02:10:47 Sen. Windy Boy discussed the topics covered so far by the tribal members.
02:11:24 Sen. Cohenour asked about jurisdictional agreements with the Highway Patrol.
02:12:16 Sen. Hansen commented about previous jurisdiction agreements with law enforcement.
02:13:59 Rep. Kipp commented on the different tribal concerns on jurisdiction agreements with law enforcement.
02:17:45 Ms. Stockwell discussed the current statute regarding pawn shops relinquishing stolen property.
02:18:20 Rep. Doane asked for the definition of a peace officer and if it could be applied to the problem presented by the tribal members.
02:19:40 Mr. Sangrey
02:24:35 Sen. Fielder asked why gaming is considered economic prosperity for the tribe.
02:29:00 Mr. Russette
02:30:18 Rep. Kipp commented on the distribution of funds in the tribes.
02:33:00 Sen. Hansen asked what the economic barriers are that are not attracting businesses to establish on Rocky Boy's.
02:35:33 Sen. Hansen asked the committee to have a discussion about businesses establishing on Rocky Boy's and the ownership of property.
02:41:12 Sen. Hansen commented about the economic development of the Havre area and surrounding towns and communities.
02:43:49 Rep. Kipp discussed economic development on the reservation and in the surrounding areas.
02:47:34 Rep. Greef asked the panel to define the status of the reservation land

regarding establishing a business.

02:51:22 Rep. Greef suggested that they consider options to assist economic development and business establishment on the reservation.

02:55:13 Mr. Ted Whitford

02:56:12 Mr. Dustin Whitford

02:57:34 Sen. Windy Boy recommended that the mentioned material could be used during the next legislative session orientation.

02:58:27 Ms. Stockwell discussed legislative orientation.

03:00:04 Mr. Windy Boy commented on the materials and topics that could be presented in the next legislative orientation.

03:00:45 Mr. Ted Whitford

03:01:30 Rep. Kipp discussed the tribal summit and the importance of state and tribal relations in the legislature.

03:05:49 Mr. Russette

03:10:20 Sen. Fielder asked about the tribe using the natural resources of the reservation for prosperity for the tribe.

03:16:47 Sen. Windy Boy commented on the natural resources of the reservation and how they relate to the beliefs of the tribe.

03:21:15 Mr. Sangrey

03:27:01 Sen. Fielder asked if it is worth revisiting the topic of using the reservation's natural resources with the new methods of resource extraction.

03:29:30 Rep. Kipp commented on the history of extracting natural resources.

03:39:10 Sen. Hansen commented on the importance of spiritual beliefs in the tribes and how that relates to the use of natural resources.

03:44:54 Mr. Ted Whitford

BREAK (Reconvene at 12:01 p.m.)

GOVERNOR'S OFFICE OF INDIAN AFFAIRS UPDATE

Jason Smith, State Director

03:54:29 Mr. Smith

Questions/Discussion -- STRC

04:02:13 Sen. Windy Boy provided the DPHHS letter to Mr. Smith ([Exhibit 3](#)).

04:04:18 Rep. Doane asked where the bison meat goes from the bison slaughter in Yellowstone National Park and the tribal treaty hunting of bison.

04:07:59 Rep. Doane asked if it is the state or tribes preventing other tribes from participation in treaty hunting.

04:08:52 Rep. Doane commented that it seems to be an administrative problem rather than a legislative problem.

04:10:16 Rep. Kipp clarified the conversation about the Fort Peck tribe's bison request.

04:15:28 Rep. Doane asked for clarification on the process is available for tribes to hunt bison under treaty rights.

04:16:22 Sen. Cohenour asked what is included in the IBMP.

04:18:05 Ms. Stockwell commented on the status of the statewide bison management plan.

04:19:02 Rep. Greef commented on the lack of understanding between the tribes about

- the bison management plan.
- 04:21:43 Rep. Doane commented on the system of lawmaking when it comes to trying to find relations between the tribes and lawmakers.
- 04:23:31 Sen. Windy Boy said it is important that every tribe and company affected by the IBMP be addressed.
- 04:24:25 Rep. Kipp asked if the state has any obligations regarding protection of the treaty rights of the Indians.
- 04:25:28 Rep. Kipp said the Governor's Office should revisit bison management.
- 04:29:35 Ms. Stockwell said the committee could consider a study bill or resolution for the next legislature since there is limited work time left in the interim.
- 04:31:08 Sen. Windy Boy asked about the current committee budget and setting up a study resolution.
- 04:33:38 Rep. Doane commented on the role of the executive branch in the future of bison management.
- 04:35:12 Sen. Cohenour recommended that the staff first research the IBMP prior to considering a study bill or study resolution.
- 04:37:13 Mr. Windy Boy commented on the IBMP and opportunities for changes that could be made.
- 04:41:00 Sen. Windy Boy remarked about the discussed education topics throughout the meeting and the topics on the agenda for the July STRC meeting.

Public Comment

None

COMMITTEE DISCUSSION OF OCTOBER 2015 PUBLIC COMMENT

Sen. Jennifer Fielder

- 04:45:15 Sen. Fielder ([Exhibit 4](#))([Exhibit 5](#))

Questions/Discussion -- STRC

- 05:02:28 Sen. Windy Boy commented on the subject matter and requested that the American Lands Council Public Policy Statement be posted online.
- 05:03:47 Rep. Kipp commented on the letter received from the Citizen's Equal Rights Alliance.
- 05:11:35 Sen. Fielder responded to the comments from Rep. Kipp and Sen. Windy Boy.
- 05:13:15 Rep. Kipp recommended that Sen. Fielder accept the invitation from the Fort Belknap tribal members to sit down with them and clarify her comments and views.
- 05:14:24 Sen. Fielder responded to Rep. Kipp's comments.
- 05:14:57 Sen. Windy Boy stressed the importance of being cautious of public statements while holding a position such as a committee member on the STRC.
- 05:15:29 Sen. Fielder commented about SJR 15 (2013) and the discussion she had with the council members.

Public Comment

- 05:17:00 Rep. G. Bruce Meyers, HD 32

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS

WITHIN THE JURISDICTION OF THE STRC

05:20:07 Mr. Meyers
05:27:33 Bruno Arkinson
05:29:49 Teresa Tendoy
05:39:10 Rep. Meyers
05:39:55 Jamie Gonzolez
05:44:37 Sen. Hansen asked Ms. Gonzolaz to clarify the current legal guardianships over her grandchildren.
05:45:15 Rep. Meyers
05:47:20 Ms. Stockwell commented on the committee's plans for the ICWA study that were discussed in Poplar on Tuesday, March 22, 2016.
05:49:09 Rep. Meyers asked Ms. Stockwell if there will be more discussion on licensed foster care homes.
05:49:45 Rep. Meyers
05:50:16 Sen. Cohenour commented on the alternate licensing that was discussed for foster care.
05:53:28 Rep. Meyers
05:55:10 Rep. Kipp commented on the licensing needed by grandparents for fostering their grandchildren.

OTHER BUSINESS / INSTRUCTIONS TO THE STAFF

05:58:59 Sen. Windy Boy and the committee discussed and agreed that the letter on suicide prevention funding will be sent to Director Opper at the DPHHS and to the Governor's office.
05:59:15 Rep. Kipp commented that the ICWA issues should be discussed at the July STRC meeting.
06:00:00 Ms. Stockwell and the committee discussed upcoming meeting dates.

ADJOURNMENT

06:04:31 Sen. Windy Boy adjourned the meeting at 2:11 p.m.