



State-Tribal Relations Committee
65th Montana Legislature

SENATE MEMBERS
JEN GROSS
STEVE HINEBAUCH
JASON SMALL
FRANK SMITH

HOUSE MEMBERS
SHARON STEWART-PEREGOY--Chair
ALAN DOANE--Vice Chair
JAMES O'HARA
RAE PEPPERS

COMMITTEE STAFF
HOPE STOCKWELL, Lead Staff
LAURA SANKEY KEIP, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

July 6, 2018
Room 102, Capitol Building
Helena, 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 (via phone)

REP. SHARON STEWART-PEREGOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JEN GROSS
SEN. JASON SMALL
SEN. FRANK SMITH

REP. JAMES O'HARA

COMMITTEE MEMBERS EXCUSED

SEN. STEVE HINEBAUCH
REP. RAE PEPPERS

STAFF PRESENT

HOPE STOCKWELL, Lead Staff
LAURA SANKEY KEIP, Staff Attorney
LAURA SHERLEY, Secretary
RACHEL WEISS, Research Analyst

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The committee voted unanimously to send a letter about enforcement related issues to the Bureau of Indian Affairs.

CALL TO ORDER AND ROLL CALL

00:00:02 Rep. Stewart-Peregoy called the meeting to order at 9:33 a.m. The committee secretary took roll ([Attachment 3](#)).

Welcome prayer

00:01:15 Sen. Small gave the welcoming prayer.

00:02:35 Ms. Stockwell reviewed meeting details and introduced the staff.

00:03:45 Rep. Stewart-Peregoy reviewed public comment procedures.

ADMINISTRATIVE MATTERS -- Ms. Stockwell

00:04:37 Ms. Stockwell gave an update on the committee budget.

00:05:00 Rep. Stewart-Peregoy asked the members to discuss the next meeting date at the end of the meeting.

INDIAN STUDENT ACHIEVEMENT STUDY

English Learner program funding

Bill draft review (LCELGF, LCELMS) and use of natural resource revenue -- Pad McCracken, research analyst

00:05:40 Mr. McCracken reviewed the bill draft requests on English Learner program funding and potential use of natural resource revenue ([Exhibit 1](#)), ([Exhibit 2](#)), ([Exhibit 3](#)), ([Exhibit 4](#)), and ([Exhibit 5](#)).

Questions/discussion -- STRC

00:14:56 Sen. Gross asked for clarification on the potential use of natural resource revenue for a funding source.

00:17:16 Rep. Doane asked if the English Learner program could be funded by local mill levies rather than state-based funding.

00:20:12 Rep. Doane asked for clarification on the appropriation detailed in section 2 of LCELMS (see Exhibit 3) and commented on how the English Learner funding could be appropriated.

00:22:40 Sen. Gross commented on the Indian student achievement gap and how the draft legislation is related to the issue.

00:23:27 Rep. Stewart-Peregoy commented on the achievement gap of English learners and asked Ms. Stockwell and Mr. McCracken to review the data provided by the Office of Public Instruction (OPI) at the committee's September 2017 meeting.

00:25:42 Rep. Stewart-Peregoy commented on OPI's work on Indian student achievement and asked for clarification on the bill drafts.

00:30:15 Rep. Stewart-Peregoy asked Rep. Doane to comment on the LCELMS with the recommended amendments.

00:30:38 Rep. Stewart-Peregoy asked if LCELMS falls under the ESSA program protocols.

00:31:50 Rep. Stewart-Peregoy asked how LCELMS compares to funding structures for other special groups of students.

00:32:39 Rep. Stewart-Perego asked the committee for discussion on the bill drafts LCELMS and LCELGF.

00:33:16 Sen. Small recommended directing staff to continue to move LCELMS through the drafting process.

00:33:34 Sen. Gross asked for clarification on the committee amendments to LCELMS.

00:34:43 Rep. Doane asked what the procedure would be if section 2 of LCELMS were removed and the draft was moved through the committee.

00:35:56 Rep. Doane commented on the funding outlined in LCELMS.

00:36:25 Rep. Stewart-Perego made recommendations to amend LCELMS and spoke on the state budget.

00:37:34 Rep. Stewart-Perego asked the committee for discussion on LCELMS.

00:38:12 Ms. Stockwell reviewed the drafting process for LCELMS.

00:38:52 Sen. Gross recommended directing staff to move LCELMS forward in the drafting process and open the bill draft up for public comment ahead of the September 7, 2018, committee meeting.

00:39:30 Rep. Stewart-Perego asked Ms. Stockwell to review the bill draft process and asked the committee if there is a consensus to move LCELMS forward in the drafting process.

00:40:32 Committee discussion on LCELMS.

00:42:50 Rep. Stewart-Perego asked staff to move LCELMS, with amendments, forward for public comment and directed staff to include a link to ESSA Title III information.

Public comment

None

Extension of termination dates for Montana Indian Language Preservation Program and Cultural Integrity and Commitment Act

Bill draft review (LCMILP, LCMIL2, LCCICA, LCCIC2) -- Ms. Stockwell

00:44:48 Ms. Stockwell reviewed the bill draft options for the Montana Indian Language Preservation Program and Cultural Integrity and Commitment Act ([Exhibit 6](#)), ([Exhibit 7](#)), ([Exhibit 8](#)), and ([Exhibit 9](#)).

Questions/discussion -- STRC

00:48:47 Rep. Stewart-Perego asked the committee to discuss the termination date for the Montana Indian Language Preservation Program and Cultural Integrity and Commitment Act.

00:50:15 Rep. Stewart-Perego asked if the bill drafts that would repeal the termination date are considered unfunded mandates.

00:51:21 Sen. Gross asked Rep. Doane for clarification on his comments regarding the potential opposition that may come if the termination date is repealed.

00:52:41 Sen. Smith recommended extending the termination date rather than repealing.

00:53:00 Rep. Stewart-Perego commented on and asked for clarification on the funding outlined in each bill draft.

00:55:02 Rep. Stewart-Perego commented on LCMILP and asked if all programs that are state funded are reviewed during the budget process.

00:56:14 Sen. Gross commented on the importance of reviewing appropriations in the state budgeting process.

00:57:04 Rep. Stewart-Perego asked for clarification on LCMIL2 and LCCIC2 and if there is any appropriation language in the bill drafts.

00:58:34 Committee discussion on LCCIC2.
01:00:32 Ms. Stockwell asked the committee to clarify whether a 4-year extension was the appropriate length for both programs.

Public comment
None

SJ3 STUDY OF INCREASING REENTRY RESOURCES FOR INDIAN OFFENDERS
Bill draft review (LCsj31, LCsj32) and potential peer support funding carve-outs -- Ms. Stockwell

01:03:25 Ms. Stockwell reviewed bill draft proposals LCsj31 and LCsj32 ([Exhibit 10](#)) and ([Exhibit 11](#)).
01:04:56 Sen. Gross updated the committee on work by the Law and Justice Interim Committee on reentry programs.
01:06:16 Ms. Stockwell continued her presentation and reviewed peer support funding carve-outs.

Questions/discussion -- STRC

01:11:05 Sen. Gross commented on state-approved facilities and asked if they could be asked to give feedback on the peer support funding issue.
01:12:48 Rep. Stewart-Peregoy asked if legislation could be drafted to give state-approved programs access to block grants and asked if there were any legislative proposals similar to these issues currently in draft.
01:18:35 Sen. Gross asked to direct staff to research further into the issue and consider drafting legislation requiring the Department of Public Health and Human Services (DPHHS) to include tribal communities in future RFP processes.
01:20:01 Rep. Stewart-Peregoy asked Ms. Stockwell if legislation could be drafted to require DPHHS to include tribal communities in future RFP processes.
01:20:33 Rep. Stewart-Peregoy asked the committee for further discussion on the issue and asked Ms. Stockwell to draft legislation requiring DPHHS to include tribal communities in future RFP processes.
01:21:15 Ms. Stockwell asked the committee for direction on LCsj31 and LCsj32.
01:21:33 Rep. Stewart-Peregoy asked Ms. Stockwell to contact DPHHS regarding the state Medicaid plan and where the agency is in determining whether it should include coverage for peer support.

Public comment
None

Questions/discussion -- STRC

01:23:02 Rep. Stewart-Peregoy asked the committee for discussion on LCsj31 and LCsj32.

MISSING PERSONS BILL DRAFT REVIEW
LCdoj1, LCdoj2, LCdoj3, LCdoj4, LCFOT2 -- LSD staff

01:24:32 Ms. Stockwell reviewed bill drafts related to missing persons ([Exhibit 12](#)), ([Exhibit 13](#)), ([Exhibit 14](#)), and ([Exhibit 15](#)).
01:33:27 Ms. Laura Sankey-Keip reviewed LCFOT2 ([Exhibit 16](#)) and ([Exhibit 17](#)).

Questions/discussion -- STRC

- 01:37:55 Sen. Gross asked for clarification on the bill draft procedure.
- 01:38:11 Rep. Stewart-Peregoy asked the committee for discussion on LCdoj1, LCdoj2, and LCdoj3.
- 01:39:51 Sen. Gross asked for clarification on LCdoj2 and LCdoj4 and if they required language to be updated in various sections of state law.
- 01:43:15 Rep. Doane commented on LCFOT2 and the staff's work on the bill.
- 01:43:55 Sen. Gross commented on the process of entering children's information as outlined in LCFOT2.
- 01:45:08 Sen. Gross asked Ms. Sankey-Keip who would approve foster children for inclusion in the photo database.
- 01:45:48 Sen. Gross asked if tribal schools were considered in LCFOT2.
- 01:46:52 Sen. Gross commented on missing children who are most at risk and asked Ms. Sankey-Keip if there has been any formal public comment received on LCFOT2.
- 01:48:08 Rep. Stewart-Peregoy asked Ms. Stockwell for clarification on how to proceed with the bill drafts.

Public comment

None

Questions/discussion -- STRC

- 01:50:15 Rep. Stewart-Peregoy asked the committee for discussion on LCdoj1, LCdoj2, LCdoj3, LCdoj4, and LCFOT2.
- 01:52:07 Ms. Stockwell reviewed information given to the committee from the Department of Justice about the technological needs of DPHHS for storing photos of foster youth. The committee asked for more information at its September meeting.

DRAFT LETTER TO BUREAU OF INDIAN AFFAIRS REGARDING INVESTIGATION AND ENFORCEMENT ISSUES RELATED TO DRUG ABUSE, MISSING PERSONS, HUMAN TRAFFICKING, AND VIOLENCE AGAINST WOMAN IN INDIAN COUNTRY -- Ms. Stockwell

- 01:53:50 Ms. Stockwell reviewed the draft letter to the Bureau of Indian Affairs (BIA) ([Exhibit 18](#)).

Questions/discussion -- STRC

- 01:55:22 Rep. Doane asked that staff be allowed to change the listed committee meeting date in the letter if needed.
- 01:56:02 Sen. Smith commented on discussion had with other state legislators regarding the letter.
- 01:56:19 Sen. Gross asked when the letter will be sent.

Public comment

None

Committee action

MOTION

- 01:58:22 Rep. Doane moved to pass and send the letter regarding investigation and enforcement issues related to drug abuse, missing persons, human trafficking, and violence against women in Indian Country to the Bureau of Indian Affairs.

VOTE

- 01:58:35 The motion passed on an unanimous voice vote.

DRAFT REPORT SUMMARIZING STRC'S 2017-2018 INTERIM WORK -- Ms. Stockwell

01:59:39 Ms. Stockwell reviewed the committee's draft final report ([Exhibit 19](#)).

Questions/discussion -- STRC

02:03:06 Committee discussion on the draft final report.

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE STRC

None

OTHER BUSINESS AND INSTRUCTION TO STAFF

02:06:50 Committee discussion on its next meeting date.

02:08:13 Ms. Stockwell reviewed the committee's planned work for the September 7, 2018, meeting.

ADJOURNMENT

02:09:22 Rep. Stewart-Peregoy adjourned the meeting at 11:42 a.m.

CI0106 8199I3xa