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STATE-TRIBAL RELATIONS COMMITTEE
67th Montana Legislature

SENATE MEMBERS

Jen Gross
Daniel Salomon
Jason Small
Frank Smith

HOUSE MEMBERS

Jade Bahr
Alan Doane
Casey Knudsen
Rae Peppers
Joe Read
Sharon Stewart-Peregoy

COMMITTEE STAFF

Hope Stockwell - Research Analyst
Laura Sankey - Attorney
Laura Sherley - Secretary

MINUTES LOG

March 06, 2020
Capitol Room 137

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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COMMITTEE MEMBERS PRESENT:

SEN. JASON SMALL, Chair (R)
REP. RAE PEPPERS, Vice Chair (D)

REP. JADE BAHR (D)
REP. ALAN DOANE (R)
REP. JOE READ (R)
REP. SHARON STEWART PEREGOY (D)

SEN. JEN GROSS (D)
SEN. DANIEL SALOMON (R)
SEN. FRANK SMITH (D)

COMMITTEE MEMBERS EXCUSED:

REP. CASEY KNUDSEN (R)

COMMITTEE STAFF PRESENT:

HOPE STOCKWELL, Research Analyst
LAURA SANKEY, Attorney
LAURA SHERLEY, Secretary

AGENDA (ATTACHMENT 1)

VISITORS LIST (ATTACHMENT 2)

RECONVENE

08:02:52 Sen. Small reconvened the meeting at 8:02 a.m.

IMPROVING COMMUNICATION BETWEEN TRIBES & THE STATE IN CHILD NEGLECT CASES

Show cause hearing timeline discussion

08:03:50 Ms. Stockwell

Legislative history and other states' timelines

08:04:51 Ms. Stockwell (**Exhibit 1**)

08:05:30 Rep. Read joined the meeting at 8:05 a.m.

Update on emergency protective service hearings pilot project

08:08:54 Hon. Jessica Fehr, Yellowstone County District Court

08:10:28 Rep. Stewart Peregoy joined the meeting at 8:10 a.m.

08:16:36 Hon. Ashley Harada, Yellowstone County District Court

Continued perspectives from November speakers

08:20:05 Ms. Stockwell

08:20:35 Hon. Rod Souza, Yellowstone County ICWA Court

08:27:23 Jim Reinstma, Billings parent attorney

08:34:07 Ms. Stockwell (**Exhibit 2**)

08:35:00 Marti Vining, Children & Family Services Division

08:37:18 Rep. Peppers joined the meeting at 8:37 a.m.

08:47:20 Ms. Stockwell

Committee questions

08:48:17 Sen. Salomon asked Ms. Vining what Labor Management Committee (LMC) stood for, and if the pilot program needs any legislative action. Hon. Fehr and Mr. Reinstma also responded to the question.

08:56:01 Rep. Stewart Peregoy asked Ms. Vining to clarify her comments regarding potential legislation needed to change the initial hearing timeframe.

08:57:45 Sen. Gross asked the panel if there will be enough data on the pilot program by the next legislative session to report if it was beneficial.

09:01:04 Rep. Peppers asked the panel if information or comments are being gathered from parents regarding the initial hearing timeline.

09:02:58 Rep. Peppers asked the panel how much input they receive from tribes.

09:06:04 Rep. Stewart Peregoy asked the panel to comment on qualified expert witnesses.

09:10:08 Sen. Smith commented on the issue of initial hearing timelines.

09:10:40 Rep. Stewart Peregoy asked Ms. Vining about aftercare for families in drug related cases.

- 09:14:13 Rep. Stewart Peregoy asked Ms. Vining how the division works with additional resources such as employment for families. Hon. Fehr also responded to the question.
- 09:17:51 Sen. Gross commented on peer support specialists being billed to Medicaid.
- 09:18:19 Rep. Peppers asked the panel what the biggest challenges are placing children with families.
- 09:22:03 Rep. Peppers asked Ms. Vining how closely her office works with ICWA and tribal offices.
- 09:23:29 Rep. Peppers commented on Yellowstone County's ICWA related work.

Review of other information requests

Introduction

- 09:24:03 Ms. Stockwell (see Exhibit 1) ([Exhibit 3](#)) ([Exhibit 4](#))

ICWA position update and ICWA training practices

- 09:34:47 Ms. Vining

Public comment

- 09:55:28 Bruce Meyers, self
- 10:07:59 Dana Eaglefeathers, Northern Cheyenne Tribal Councilman

Committee questions

- 10:29:46 Rep. Doane asked Ms. Vining what the official tracking system is for a child in the ICWA system.
- 10:30:58 Rep. Doane asked Ms. Vining if tracking numbers are monitored or audited by an outside agency.
- 10:31:45 Rep. Doane asked Ms. Vining what holds CPS accountable when they need to remove children from homes.
- 10:32:56 Rep. Doane asked Ms. Vining if the division can at any time pull up a report of all children in the CPS system and their exact locations.
- 10:37:24 Sen. Gross asked Ms. Stockwell to gather information for the committee on the ICWA court agreement between the state and Fort Peck tribe.
- 10:38:22 Sen. Smith asked Ms. Vining if tribal partners are invited when the division does their training in other districts.
- 10:39:19 Sen. Small asked Ms. Vining who the contacts are within tribes that the division communicates with regularly.
- 10:39:50 Sen. Small asked Ms. Vining what the standard is for utilizing qualified expert witnesses and who requests them.

BREAK

MAINTENANCE OF HIGHWAYS WITHIN RESERVATION BOUNDARIES

Overview

- 10:55:52 Toni Henneman, LSD ([Exhibit 5](#)) ([Exhibit 6](#)) ([Exhibit 7](#))
- 11:11:07 John Healy, Fort Belknap Transportation Director
- 11:16:38 Heidy Bruner, Montana Division of the Federal Highway Administration
- 11:17:07 Brian Allen, Federal Highway Administrative Office of Tribal Transportation

Committee questions

- 11:19:40 Sen. Small asked for clarification on the presentation. Ms. Stockwell also responded to the question (**Exhibit 8**).
- 11:22:12 Rep. Stewart Peregoy asked the panel if the formula for tribal transportation monies has been changed.
- 11:25:45 Sen. Small asked Mr. Healy to clarify his recommendations. Ms. Stockwell also responded to the question.
- 11:27:24 Sen. Smith commented on the issue and discussions with the county.
- 11:27:56 Sen. Salomon asked if the revenue from the increase of gas tax is going to tribes. The question was redirected to Larry Flynn, Chief Financial Officer for the Department of Transportation.
- 11:32:52 Sen. Small asked Mr. Flynn if his department would compile a chart for the committee on where gas tax revenue is going in the state.
- 11:33:24 Rep. Peppers asked Ms. Henneman to comment on the issue of road maintenance in Indian Country and Highway 212.
- 11:36:53 Sen. Gross asked that the Motor Carrier Division be invited to address the concerns regarding Highway 212.
- 11:37:27 Sen. Small asked Jon Swartz, Administrator of the Department of Transportation's Maintenance Division, to comment on the snowplow issues on Highway 212.
- 11:39:22 Sen. Small asked Mr. Swartz what the policy and process is to make changes to state highways.
- 11:41:30 Sen. Smith asked Mr. Swartz to comment on the placement of road berms.
- 11:42:33 Sen. Smith asked Mr. Swartz to comment on flooding around the Poplar roundabouts.

RUNAWAY YOUTH: REASONS WHY THEY RUN MULTIPLE TIMES

- 11:45:21 Heather Denny, Homeless Education, Family and Community Engagement, OPI (**Exhibit 9**)
- 11:53:29 Jordann Lankford-Forster, Immersion and Indian Education for All Facilitator, Paris Gibson Education Center, Great Falls

Committee questions

- 11:56:53 Rep. Stewart Peregoy asked Ms. Lankford-Forster if she has access to local resources, especially in schools, to help students.
- 11:58:29 Rep. Stewart Peregoy asked Ms. Lankford-Forster what the school board policy is for the Great Falls district regarding runaway youth.
- 11:59:14 Rep. Stewart Peregoy asked Ms. Denny what the policy is for OPI regarding runaway youth.
- 12:00:47 Sen. Small asked Ms. Denny if OPI has suggestions or recommendations for the committee to consider (**Exhibit 10**) (**Exhibit 11**). Ms. Lankford-Forster also responded to the question.
- 12:04:30 Sen. Salomon asked how an evaluation is done on high risk youth.
- 12:07:10 Sen. Small asked what the benefit is of a 20-credit diploma versus a GED.
- 12:08:52 Rep. Peppers asked Ms. Denny what the funding provided to schools is used for.

Public comment

- 12:11:33 Ms. Lankford-Forster

TREATY RIGHTS PUBLICATION UPDATE

12:13:33 Ms. Stockwell ([Exhibit 12](#))

Committee questions

12:18:08 Rep. Doane asked Ms. Stockwell for clarification on the overlap of some treaties.

12:19:21 Rep. Read commented on the 1855 treaties (see Exhibit 12).

12:20:42 Rep. Stewart Peregoy commented on the history of tribal treaty rights.

Public comment

None

LUNCH

IMPLEMENTATION OF SB 309 (2017)

13:39:03 Ms. Stockwell

13:39:52 Heather Sobrepena, Department of Commerce ([Exhibit 13](#)) ([Exhibit 14](#)) ([Exhibit 15](#))

Public comment

None

Committee questions

14:03:09 Sen. Small asked if the department had any legislation requests for the committee.

14:03:38 Rep. Stewart Peregoy asked if the department is communicating with economic development corporations in Indian country tourism regions.

UPDATE FROM GOVERNOR'S OFFICE OF INDIAN AFFAIRS

Overview

14:06:46 Jason Smith, Director of Governor's Office of Indian Affairs ([Exhibit 16](#))

Public comment

None

Committee questions

14:12:15 Rep. Doane asked if selenium in Lake Kooconusa is naturally occurring.

Update on sweats at Shelby prison

14:13:22 Harlan Trombley, American Indian Liaison, Department of Corrections

14:16:06 Colleen Ambrose, chief legal counsel, Department of Corrections

Committee questions

14:16:47 Rep. Bahr asked for clarification on protocol regarding logging of canceled sweats.

14:19:32 Rep. Stewart Peregoy asked the panel who authorizes the cancellation of sweats and commented on cultural sensitivity by prison staff.

14:23:02 Rep. Bahr asked Mr. Trombley if his department's cultural awareness training is tribe specific.

14:24:22 Sen. Smith asked Mr. Trombley how long sweats had been cancelled and who authorizes the cancellation.

ADDING TRIBAL ENTITIES TO SECRETARY OF STATE LIEN FILING SYSTEM

Background

14:29:45 Ms. Sankey-Keip ([Exhibit 17](#))
14:37:56 Austin James, Secretary of State's Office (SOS) ([Exhibit 18](#))

Public comment

None

Committee questions

14:44:18 Rep. Read asked for clarification on mortgage lien filing to the SOS.
14:45:51 Rep. Read asked if SOS lien transactions are the responsibility of the tribe to come forward and ask for lien filing agreements.
14:48:11 Rep. Read asked how the state could reach out to tribal governments to establish lien filing agreements.
14:50:04 Rep. Stewart Peregoy commented on the use of the Uniform Commercial Code (UCC) on tribal land.
14:52:57 Sen. Small commented on economic development in Indian county.
14:53:52 Rep. Peppers commented on economic development on reservations.

OTHER BUSINESS

14:57:31 Committee discussion on HJ 10
14:59:28 Committee discussion on REAL ID
15:00:53 Rep. Stewart Peregoy asked for clarification on the REAL ID.
15:02:15 Committee discussion on REAL ID
15:07:31 Sen. Small asked Ms. Stockwell to talk with the SOS office about communicating to county election administrators regarding the use of tribal IDs during elections.
15:08:18 Committee discussion on draft letter to election administrators
15:08:48 Committee discussion on the SB 40 update
15:09:29 Committee discussion on missing person legislation implementation ([Exhibit 19](#)) ([Exhibit 20](#))
15:13:20 Committee discussion on a draft letter to Attorney General Fox regarding the missing person legislation implementation process.

MOTION

15:16:47 Rep. Doane moved that the committee send a letter to Attorney General Fox regarding the missing persons legislation implementation process.

VOTE

15:16:47 The motion passed on a unanimous voice vote.
15:18:01 Committee discussion on Indian gaming ([Exhibit 21](#))
15:21:04 Committee discussion on improving communications between tribes and law enforcement
15:24:17 Committee discussion on maintenance of highways

CENSUS 2020 UPDATE

15:30:08 Colleen McCarthy, Partnership Specialist, US Census Bureau

Public comment

15:40:49 Ta'jin Perez, Western Native Voice ([Exhibit 22](#))

Committee questions

- 15:43:47 Rep. Doane asked how people are not counted twice in the Census.
- 15:45:20 Rep. Doane asked how people without residential addresses respond to the Census.
- 15:46:06 Rep. Peppers asked how homeless persons are counted in the Census.
- 15:48:07 Rep. Peppers asked if family members can be trained to help their family report in the Census.
- 15:50:17 Rep. Peppers commented on tribal communities reporting on the Census.
- 15:50:47 Sen. Smith asked how many Census takers they currently have employed.

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

None

OTHER BUSINESS

- 15:53:25 Committee discussion on the treaty rights publication
- 15:54:00 Committee discussion on OPI runaway youth update
- 15:54:14 Committee discussion on the implementation of SB 309
- 15:54:30 Committee discussion on the update from Governor's office
- 15:55:04 Committee discussion on adding tribal entities to the SOS lien filing system
- 15:55:34 Committee discussion on the Census 2020 update
- 15:55:55 Committee discussion on a Little Shell cleanup bill
- 15:58:04 Rep. Doane asked for clarification on committee meeting dates.
- 16:00:21 Rep. Doane asked that the committee explore the accountability of CPS numbers.
- 16:03:34 Rep. Read asked for a presenter to be added to the June 24-26, 2020 committee meeting agenda (**Exhibit 23**, full exhibit is available upon request at the Montana Legislative Services Division).
- 16:05:15 Committee discussion on meeting agendas during reservation visits.

ADJOURNMENT

- 16:15:15 Sen. Small adjourned the meeting at 4:15 p.m.