



State-Tribal Relations Committee
66th Montana Legislature

SENATE MEMBERS

JEN GROSS
DAN SALOMON
JASON SMALL
FRANK SMITH

HOUSE MEMBERS

JADE BAHR
ALAN DOANE
DALE MORTENSEN
RAE PEPPERS
JOE READ
SHARON STEWART PEREGOY

COMMITTEE STAFF

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

MINUTES LOG

November 11, 2019
Montana Board of Oil and Gas
Billings, 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>. From the homepage, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu, Meeting Minutes. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From here, use the calendar to select the date of the meeting you wish to view/listen to.

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COMMITTEE MEMBERS PRESENT

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

REP. JADE BAHR
REP. RAE PEPPERS
REP. JOE READ
REP. SHARON STEWART PEREGOY

COMMITTEE MEMBERS EXCUSED

REP. ALAN DOANE
REP. DALE MORTENSEN

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The committee voted 8-0 to write a letter to the Montana congressional delegation about the public hearing and tribal consultation process for the Keystone XL Pipeline.

CALL TO ORDER AND ROLL CALL

10:06:50 Sen. Small called the meeting to order at 10:06 a.m. The secretary took roll ([Attachment 3](#)).

Opening Prayer

10:08:40 Sen. Bogner, SD 19, gave the opening prayer.

ADMINISTRATIVE MATTERS

STRC Budget Overview

10:09:59 Ms. Stockwell

IMPROVING COMMUNICATIONS BETWEEN TRIBES AND CHILD PROTECTIVE SERVICES IN CHILD NEGLECT CASES

Department of Public Health and Human Services (DPHHS) current practices

10:12:03 Lesa Evers, Tribal Relations Manager, DPHHS
10:14:34 Rep. Stewart Peregoy joined the meeting at 10:14 a.m.
10:17:15 Marti Vining, Children & Families Division Administrator, DPHHS
10:38:31 Ms. Evers and Ms. Vining

The Yellowstone County District ICWA Court experience

10:48:19 Hon. Rod Souza, District Court Judge
10:54:15 Edie Adams, Qualified Expert Witness
11:00:46 Kerrera Pretty Paint, Crow Tribe ICWA Coordinator
11:01:13 Ingrid Firemoon, Fort Peck Assiniboine & Sioux Tribes Program Manager
11:05:26 Brooke Baracker-Taylor, Assistant Attorney General
11:10:05 Juli Pierce, ICWA Court Guardian ad Litem
11:14:40 Jenn Weber, DPHHS Child Protection Specialist Supervisor
11:19:42 Heather Eleazer, DPHHS Child Protection Specialist Supervisor
11:21:29 Jim Reintsma, Parent Attorney

Questions/discussion

11:26:16 Sen. Small asked Hon. Souza if cases involving native children are automatically assigned to ICWA court.

- 11:27:35 Sen. Small asked panel members what their suggestions would be to improve communications between tribes and child protective services.
- 11:30:04 Sen. Gross asked the panel to comment on the 20-day timeline for a show cause hearing when a parent can appear before a judge regarding the removal of their child.
- 11:38:51 Rep. Peppers asked for information regarding the population of children from each county that are in foster care and how case workers are monitored and evaluated. The question was redirected to Ms. Vining.
- 11:43:41 Rep. Peppers asked Ms. Vining if diversity training is provided to the ICWA court staff. Ms. Baracker-Taylor also responded to the question.
- 11:50:32 Rep. Stewart Peregoy asked Hon. Souza how the ICWA court will be sustained when the Casey Family Foundation Funding is spent.
- 11:52:04 Rep. Stewart Peregoy asked Hon. Souza if Yellowstone County has entered into Memorandums of Understanding with tribes regarding the ICWA court.
- 11:53:22 Sen. Smith asked Ms. Vining how much diversity training a case worker receives before being transferred to a tribal community.
- 11:55:35 Rep. Bahr asked Ms. Vining if there are court training materials available to the public and asked what are the conditions for return.
- 11:58:35 Rep. Peppers asked Ms. Vining if tribes choose to accept cases from the ICWA court and why a case might be refused by a tribe.
- 12:00:47 Sen. Salomon asked Hon. Souza to discuss how cases are assigned to his court and how they might be transferred to tribal court.
- 12:03:12 Sen. Salomon asked Ms. Firemoon to discuss her work with ICWA cases in other states.

Public comment

- 12:07:07 Dana Eaglefeathers, Northern Cheyenne Tribal Council
- 12:17:05 Jestin Dupree, Fort Peck Tribal Executive Board
- 12:18:43 Cheryl Eagle, self
- 12:20:24 Rynalea Pena, Northern Cheyenne Tribal Council President
- 12:31:24 Mr. Eaglefeathers
- 12:36:20 Henry Speelman, Northern Cheyenne Tribal Council
- 12:37:24 Michaelynn Hawk, Indian People's Action
- 12:41:14 Charlie Headdress, Fort Peck Tribal Executive Board Vice President

Committee action/discussion

- 12:43:40 Sen. Small reviewed the public comment received.

LUNCH (Reconvened at 1:22 p.m.)

GOVERNOR'S OFFICE OF INDIAN AFFAIRS UPDATE

- 13:23:12 Jason Smith, Director ([Exhibit 1](#))

13:32:38 Harlan Trombley, Department of Corrections American Indian Liaison
([Exhibit 2](#))
13:38:50 Director Smith

Questions/discussion

13:40:10 Sen. Gross asked Director Smith to discuss the Indian affairs cabinet structure and what process the cabinet will use to consult tribes on policy.
13:42:32 Sen. Small asked Director Smith for clarification of the \$20,000 given to each tribe through the Native American Business Advisors program and if the money is to assist the organizations with operating costs.
13:44:37 Rep. Stewart Peregoy commented on the Shelby prison contract.
13:47:34 Rep. Bahr asked for clarification on sweat lodge ceremony cancellation policies within state prisons.
13:51:23 Rep. Peppers recommended an audit of Shelby prison be requested.
13:51:53 Sen. Small asked Ms. Stockwell to review the 2016 Shelby prison audit ([Exhibit 3](#)).
13:53:04 Sen. Gross asked Ms. Stockwell if a state agency has to respond within a timeframe if an audit makes a recommendation.
13:53:58 Sen. Gross requested a followup on the process of the 2016 Shelby prison audit.

Public comment

13:54:36 Jestin Dupree, Fort Peck Tribal Executive Board
13:55:39 Director Smith responded to Mr. Dupree's comments.
13:57:59 Majel Russell, Fort Peck Legal Counsel

Committee action

14:00:25 Rep. Stewart Peregoy recommended writing a letter to the congressional delegation regarding the public hearing and tribal consultation process for the Keystone XL Pipeline.

MOTION

14:01:25 Rep. Stewart Peregoy moved to write a letter to the congressional delegation regarding the public hearing and tribal consultation process for the Keystone XL Pipeline.

VOTE

14:02:21 The motion passed on an 8-0 roll call vote ([Attachment 4](#)). Rep. Done and Rep. Mortensen were excused.

TREATY RIGHTS AND TRIBAL LAND STATUS

Overview

14:03:56 Majel Russell, attorney
14:05:24 Rep. Peppers left the meeting at 2:05 p.m.

Tribal treaty hunting and US Supreme Court Herrera decision followup

14:10:22 Ms. Russell and Kyle Gray, attorney

Questions/discussion

14:51:34 Sen. Gross commented on the information the panel provided.
14:54:09 Ms. Russell provided recommendations to the committee.
14:55:35 Rep. Stewart Peregoy commented on the Yellowstone bison tribal treaty hunting issues.
14:58:29 Sen. Salomon asked Ms. Russell to comment on tribal land title trusts and how those title trusts affect taxes.
15:09:33 Sen. Small asked what the land types are within reservation properties and which are taxable by the state.
15:11:15 Sen. Smith asked if a North Dakota Supreme Court ruling on the ownership of lands flooded by dams pertained to Montana as well.

Public comment

15:14:21 Ladd Edmo, Fort Hall Business Council Chairman

Committee action

15:25:43 Sen. Gross commented on action the committee can take regarding the Herrera decision.
15:26:45 Rep. Bahr asked for continued updates on the Herrera Case.

BREAK (Reconvened at 3:50 p.m.)

HJ 10 STUDY OF BARRIERS TO AMERICAN INDIAN VOTING IN MONTANA

Current law and rules for voter registration, address, and ID requirements

15:52:50 Ms. Stockwell ([Exhibit 4](#)) ([Exhibit 5](#)) ([Exhibit 6](#)) ([Exhibit 7](#)) ([Exhibit 8](#)) ([Exhibit 9](#))

Summary of litigation history

15:59:05 Ms. Sankey Keip

Indian Country perspectives

16:07:16 Cheryl Eagle, Indian People's Action
16:16:30 Moana Vercoe, Indian People's Action ([Exhibit 10](#))
16:26:57 Marci McLean Pollock, Western Native Voice ([Exhibit 11](#))

Election administrator perspectives

16:38:50 Dulcie Bear Don't Walk, Big Horn County ([Exhibit 12](#)) ([Exhibit 13](#))
16:57:20 Joan Duffield, Rosebud County ([Exhibit 14](#))

Public comment

None

17:03:40 Cheryl Eagle, Indian People's Action

Questions/discussion

17:05:56 Rep. Stewart Peregoy asked Ms. Bear Don't Walk if the Big Horn County 911 addressing has been helpful to the election administrators.

17:07:18 Rep. Bahr asked the election administrators and Ms. McLean to comment on the satellite election office request form process.

17:10:41 Sen. Salomon asked if tribes have been asked to help pay for the satellite offices.

17:12:05 Sen. Small asked Ms. McLean to comment on all-mail ballot elections. Ms. Duffield and Ms. Bear Don't Walk also responded to the question.

Public comment

17:17:53 Cheryl Eagle, Indian People's Action

17:20:03 Justin Dupree, Fort Peck Tribal Executive Board

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

17:23:00 Michaelynn Hawk, Indian People's Action

RECESS

17:25:19 Sen. Small recessed the meeting at 5:25 p.m. to reconvene at 8:00 a.m. on November 12, 2019, at the Montana Board of Oil and Gas in Billings, MT.

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