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STATE-TRIBAL RELATIONS INTERIM COMMITTEE
67th Montana Legislature

SENATE MEMBERS

Jason Small - Chair
Jen Gross
Daniel Salomon
Frank Smith

HOUSE MEMBERS

Rae Peppers – Vice Chair
Jade Bahr
Alan Doane
Casey Knudsen
Joe Read
Sharon Stewart Peregoy

COMMITTEE STAFF

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

MINUTES LOG

August 24, 2020

8:00 AM

Video Conference

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

ROLL CALL

Members Present:

Sen. Jason Small, Chair (R)
Rep. Rae Peppers, Vice Chair (D)
Rep. Jade Bahr (D)
Rep. Casey Knudsen (R)
Rep. Joe Read (R)
Rep. Sharon Stewart Peregoy (D)
Sen. Jen Gross (D)

Sen. Daniel Salomon (R)

Sen. Frank Smith (D)

Members Excused:

Rep. Alan Doane (R)

Staff Present:

Hope Stockwell, Research Analyst

Laura Sankey Keip, Attorney

Laura Sherley, Secretary

COMMITTEE BUSINESS SUMMARY

- The committee adopted the following as committee legislation for the 2021 session:
 - HJR 48/49-1, amending the timeframe to 5 business days instead of 72 hours;
 - PD0006, PD0007HS, and PD0014 resulting from the study of runaway youth;
 - PD0001, making statutory changes in light of federal recognition of the Little Shell;
 - PD0007TH, revising motor carrier services authority on reservations;
 - PD0015, revising how certain highway funds are distributed;
 - PD0008, PD0010, PD0011, PD0012 resulting from the recommendations of the Missing Indigenous Persons Task Force.
- The committee agreed to send the following letters:
 - to the Secretary of State, cc'ing all county election administrators, urging a concerted campaign to remind voters to verify their mailing addresses in the voter database;
 - to tribal leaders encouraging them to provide data to the decennial report on the economic impacts of tribal governments in Montana;
 - to congressional leaders urging passage of the Montana Water Rights Protection Act (S. 3019).

CALL TO ORDER – ROLL CALL

08:04:20 Sen. Small called the meeting to order at 8:04 a.m.

Opening prayer

08:05:46 Sen. Smith gave the opening prayer.

Administrative matters

08:06:38 Ms. Stockwell gave an overview of the agenda ([Exhibit 1](#)).

STUDY OF IMPROVING COMMUNICATIONS BETWEEN THE STATE AND TRIBES IN CHILD NEGLECT CASES

Update on Yellowstone County emergency protective service hearings pilot project

08:09:10 The Honorable Jessica Fehr, Yellowstone County

STRC questions and discussion

08:17:44 Rep. Stewart Peregoy asked if there has been assistance from the county for kinship placement families impacted by COVID-19.

08:21:43 Rep. Stewart Peregoy asked if there have been cases involving school-aged children placed during COVID-19 and how they are being supported.

- 08:24:42 Rep. Stewart Peregoy asked the Honorable Ashley Harada, Yellowstone County, how children are being tested for COVID-19 before placement and are there additional provisions for these children since they are not able to be in school due to COVID-19.
- 08:25:21 Rep. Peppers joined the meeting.
- 08:27:13 Sen. Salomon asked Judge Fehr and Judge Harada how the 3-day timeframe to hold an initial hearing might affect outcomes that may not be able to meet the timeframe.

Presentation continued

- 08:35:32 Jim Reintsma, parents' attorney, Office of Public Defender
- 08:43:13 Marti Vining, CFSD Administrator, DPHHS

STRC questions and discussion

- 08:47:26 Sen. Small asked Ms. Vining to comment on the 3-day versus 5-day timeframe to hold an initial hearing.

Hearing timeline bill drafts for Children, Families, Health, and Human Services Interim Committee

- 08:49:54 Ms. Stockwell
- 08:51:01 Sue O'Connell, Research Analyst, Legislative Services Division
([Exhibit 2](#)) ([Exhibit 3](#)) ([Exhibit 4](#))

STRC questions and discussion

- 08:56:32 Sen. Salomon commented on the 5-day timeframe to hold a show cause hearing in the HJR48/49-2 bill draft (see Exhibit 3).
- 08:57:34 Rep. Stewart Peregoy asked Judge Fehr and Judge Harada for their perspectives on the appropriate timeframe to hold a show cause hearing.
- 09:05:03 Sen. Gross commented on the judges' perspectives.
- 09:06:45 Sen. Gross asked Ms. Stockwell to discuss how and when a fiscal note could be attached to the HJR48/49-2 bill draft.
- 09:08:00 Sen. Gross asked Ms. O'Connell if the Children, Families, Health, and Human Services (CFHHS) Interim Committee planned to consider an appropriation for HJR48/49-2.
- 09:09:45 Ms. O'Connell shared the CFHHS Interim Committee's discussion on HJ48/49-1 and HJR48/49-2 (see Exhibits 2 and 3).
- 09:10:28 Sen. Salomon asked Mr. Reintsma if he had comments to share on the hearing timeframes.

CFSD updates

- 09:12:44 Ms. Vining

Review of draft study report

- 09:28:32 Ms. Stockwell ([Exhibit 5](#))

Public comment

- 09:29:36 None

STRC questions and discussion

- 09:29:50 Sen. Small reviewed the committee's discussion on bill drafts HJR48/49-1, HJR48/49-2, and HJR48/49-3.
- 09:31:00 Rep. Stewart Peregoy commented on the judges' perspectives given on bill drafts HJR48/49-1, HJR48/49-2, and HJR48/49-3.
- 09:32:06 Sen. Salomon made recommendations on bill drafts HJR48/49-1, HJR48/49-2, and HJR48/49-3.
- 09:33:07 Rep. Bahr commented on the perspectives given on HJR48/49-2 and asked if there was the ability to distinguish between urban and rural cases and provide different timeframes for each, and if other states with similar rural make-up have run into the same issues.
- 09:37:27 Sen. Small reviewed the committee's discussion on HJR48/49-1 and asked for possible action.
- 09:37:54 Rep. Bahr commented on the possible action for HJR48/49-1.
- 09:38:19 Rep. Stewart Peregoy asked for changes to the HJR48/49-1 bill draft language to clarify legislative intent.
- 09:39:37 Committee discussion on HJR48/49-1.
- 09:43:56 Sen. Salomon moved HJR48/49-1 as a committee bill with the amendment to extend the hearing timeframe to 5 business days.

Vote:

- 09:43:56 Carried unanimously by roll call vote.
- 09:46:00 Ms. Stockwell commented on the possible action to be taken on the bill drafts by the CFHHS Interim Committee.
- 09:46:29 Sen. Small reviewed the committee's discussion on HJR48/49-2 and HJR48/49-3 (see Exhibits 3 and 4).

BREAK

STUDY OF RUNAWAY YOUTH

Review of legislative proposals and draft report

- 10:03:42 Ms. Stockwell ([Exhibit 6](#)) ([Exhibit 7](#)) ([Exhibit 8](#)) ([Exhibit 9](#)) ([Exhibit 10](#))

Public comment

- 10:10:19 Nikki Hannon, Browning Parent Community Outreach Program
- 10:13:22 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

STRC questions and discussion

- 10:15:22 Sen. Salomon commented on bill draft PD0007HS (see Exhibit 7) and the opportunity given to high school students.
- 10:16:21 Sen. Small recommended the committee discuss each bill draft and take possible action.
- 10:18:15 Sen. Salomon moved PD0006 as a committee bill.

Vote:

- 10:18:15 Carried unanimously by roll call vote.

10:19:57 Sen. Smith moved PD0007HS as a committee bill.

Vote:

10:19:57 Carried unanimously by roll call vote.

10:21:24 Rep. Knudsen asked how PD0014 impacts an emancipated minor. The question was redirected to Patricia Julianelle, SchoolHouse Connection.

10:25:31 Sen. Salomon moved PD0014 as a committee bill.

Vote:

10:25:31 Carried 8 - 1 by voice vote with Rep. Knudsen voting no.

LEGISLATIVE SERVICES UPDATE

10:27:16 Joe Kolman, Director of Environmental Policy, Legislative Services Division ([Exhibit 11](#))

STRC questions and discussion

10:41:45 Sen. Salomon asked when Legislative Council will be making decisions on the 2021 legislative session.

UPDATES FROM THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS, INCLUDING COVID-19 RELATED

10:45:05 Jason Smith, Governor's Office of Indian Affairs

10:46:00 Lesa Evers, Department of Public Health and Human Services

10:54:14 Mr. Smith

10:54:35 Russ Katherman, Department of Administration

10:55:32 Mr. Smith

Public comment

10:58:49 Laurie Little Dog, self

STRC questions and discussion

11:00:10 Sen. Small discussed state COVID-19 numbers and asked the committee for any discussion or possible action.

STATUTORY REPORTS FROM THE DEPARTMENT OF COMMERCE

90-1-132, MCA - biennial report of State Tribal Economic Development Commission activities

11:01:16 Maria Valandra, Interim Program Manager, Indian Country Economic Development Program, Dept of Commerce ([Exhibit 12](#))

11:13:57 Shawn Real Bird, chair, State Tribal Economic Development Commission

Public comment

11:17:46 None

STRC questions and discussion

11:18:09 Rep. Peppers welcomed Ms. Valandra to the discussion.

11:19:00 Sen. Small asked what routes of marketing the department normally uses.

90-1-105, MCA - update on decennial report on economic contributions of reservations in Montana

11:22:55 Tino Sonora, Bureau of Business and Economic Research, University of Montana

Public comment

11:26:24 Jason Smith, Governor's Office of Indian Affairs

STRC questions and discussion

11:28:03 Sen. Small recommended the department use a media campaign to get movement on the economic contributions project.

11:30:23 Mr. Real Bird responded to Sen. Small's recommendation.

11:32:57 Sen. Small asked Ms. Stockwell to draft a letter on behalf of the committee to send to tribes in the state, urging them to respond to the economic contribution project.

CENSUS 2020 UPDATE

11:34:11 Mary Craigle, Department of Commerce

11:50:17 Colleen McCarthy, US Census Bureau

Public comment

11:55:18 Jason Smith, Governor's Office of Indian Affairs

11:56:21 Shawn Real Bird, chair, State Tribal Economic Development Commission

12:00:05 Laurie Little Dog, self

12:05:47 Mr. Smith

12:07:22 Sen. Small asked Ms. McCarthy to respond to public comment.

12:08:32 Gale Eversole, self

STRC questions and discussion

12:12:04 Rep. Peppers asked if Census volunteers are going to people's homes to help take the census in person.

12:15:05 Sen. Small asked Ms. Stockwell if the committee had any action to take on the agenda item.

LUNCH

HJ 10 STUDY OF BARRIERS TO AMERICAN INDIAN VOTING IN MONTANA
Draft letter to SOS/county election administrators and draft study report

13:32:24 Ms. Stockwell ([Exhibit 13](#)) ([Exhibit 14](#))

Public comment

13:35:09 None

STRC questions and discussion

13:35:52 Committee discussion on the draft letter and draft report.

13:43:21 Sen. Salomon moved to finalize and send the draft letter to the SOS and county election administrators.

Vote:

13:43:21 Carried unanimously by roll call vote.

STATUTORY CHANGES IN LIGHT OF FEDERAL RECOGNITION OF THE LITTLE SHELL

Review

13:45:07 Ms. Sankey Keip ([Exhibit 15](#))

Public comment

13:46:28 None

STRC questions and discussion

13:46:44 Sen. Small asked for clarification on the bill draft.

13:47:43 Peppers moved PD0001 as a committee bill.

Vote:

13:47:43 Carried unanimously by roll call vote.

13:49:02 Sen. Gross commented on voting for PD0001.

HIGHWAY MAINTENANCE WITHIN RESERVATION BOUNDARIES

Review of PD0007TH - motor carrier services authority on reservations

13:50:16 Toni Henneman, Research Analyst, Legislative Services ([Exhibit 16](#))

13:51:51 Sen. Small reviewed the legislative intent of the PD0007TH bill draft (see Exhibit 16).

Public comment

13:53:04 None

STRC questions and discussion

13:53:09 Ms. Stockwell informed the committee that no written public comment was submitted on PD0007TH.

13:53:30 Sen. Salomon asked what the agreement between tribal government and the Department of Transportation entails and how it is reached.

13:54:59 Sen. Salomon asked Ms. Henneman if the agreement is reached with the Department of Justice or Department of Transportation.

13:55:47 Rep. Peppers moved PD0007TH as a committee bill.

Vote:

13:55:47 Carried unanimously by roll call vote.

13:57:36 Ms. Stockwell reminded the committee that each bill needs to be assigned to a sponsor.

13:58:57 Committee discussion on bill sponsors.

Review of Fort Belknap legislative proposal on highway maintenance funding

14:01:15 Ms. Stockwell ([Exhibit 17](#))

14:06:08 Andy Werk, Jr., President, Fort Belknap Indian Community Council

BREAK

Review of Fort Belknap legislative proposal on highway maintenance funding continued

14:20:13 President Werk (see Exhibit 17)
14:24:06 Daniel Belcourt, Fort Belknap Tribal Attorney
14:24:30 Ms. Stockwell
14:26:02 Sen. Small

Public comment

14:28:30 None

Presentation continued

14:28:51 President Werk
14:29:50 Sen. Small reviewed the legislative proposal PD0015 (see Exhibit 17).
14:30:41 President Werk
14:33:17 John Healy, Transportation Director, Fort Belknap Indian Community ([Exhibit 18](#))
14:38:00 President Werk

STRC questions and discussion

14:39:05 Sen. Smith asked President Werk when tribes claimed all roads on their respective reservations.
14:40:48 Sen. Smith moved PD0015 as a committee bill.

Vote:

14:40:48 Carried 7 - 1 by roll call vote with Sen. Salomon voting no. Rep. Knudsen was absent.
14:42:20 President Werk thanked the committee for their support.

OTHER BUSINESS

14:43:09 Ms. Stockwell provided draft language for findings and recommendations as discussed this morning for the HJ10 study report ([Exhibit 19](#)).
14:45:30 Sen. Small asked the committee for discussion on the draft language and if it may be used in the findings report. There was no objection to adding the language to the report.

BREAK

MISSING PERSONS

Missing Indigenous persons task force report

15:02:39 Ms. Stockwell ([Exhibit 20](#))
15:03:44 Tina Chamberlain, Looping In Native Communities Coordinator, Department of Justice

Review of legislative proposals

15:16:45 Ms. Stockwell

PD0008

15:17:25 Ms. Stockwell ([Exhibit 21](#))

15:19:19 Melissa Schlichting, Missing Indigenous Persons Task Force, Department of Justice

STRC questions and discussion

15:22:48 Sen. Small asked for clarification on expenses.

15:23:38 Sen. Gross commented on the work of the task force and the importance of reaching out to stakeholders to help with funding.

Presentation continued

15:24:53 Ms. Schlichting

PD0010

15:27:53 Ms. Stockwell ([Exhibit 22](#))

15:29:23 Ms. Schlichting

15:30:12 Ms. Stockwell

STRC questions and discussion

15:31:01 Sen. Small commented on public interest in the establishment of a missing persons response team training grant program.

PD0011 and PD0012

15:32:02 Ms. Stockwell ([Exhibit 23](#)) ([Exhibit 24](#))

15:33:36 Ms. Schlichting

STRC questions and discussion

15:34:24 Sen. Small asked if the bill draft PD0011 had an appropriation and commented on the work of the task force.

15:37:37 Sen. Gross commented on how state budgets might change due to COVID-19 and how that might affect funding for the task force.

15:39:39 Sen. Salomon commented on moving forward bills that may need appropriations so the Finance and Claims Committee may be able to make decisions.

Public comment

15:42:00 Gale Eversole, self

STRC questions and discussion

15:46:11 Sen. Small reviewed the bill drafts PD0008, PD0010, PD0011, and PD0012.

15:47:57 Sen. Small moved PD0008 as a committee bill.

Vote:

15:47:57 Carried unanimously by roll call vote.

15:49:37 Sen. Salomon moved PD0010 as a committee bill.

Vote:

15:49:37 Carried unanimously by roll call vote.

15:50:45 Rep. Bahr moved PD0011 as a committee bill.

Vote:

15:50:45 Carried 7 - 1 by roll call vote with Rep. Peppers voting no. Rep. Knudsen was absent.

15:52:02 Rep. Stewert Peregoy moved PD0012 as a committee bill with amendments.

Vote:

15:52:02 Carried unanimously by roll call vote.

15:53:21 Sen. Small commented on the work of Ms. Chamberlain and Ms. Schlichting.

15:54:06 Sen. Small asked the committee to assign sponsors to the bill drafts.

15:58:53 Ms. Stockwell commented on the work of Ms. Schlichting and the assistance she has provided to the committee.

GENERAL PUBLIC COMMENT ON ANY MATTER UNDER THE JURISDICTION OF THE STRC BUT NOT ON THIS AGENDA

16:00:50 Nikos Pastos, Pablo

LETTER RE: CSKT WATER COMPACT

16:05:16 Ms. Stockwell ([Exhibit 25](#))

Public comment

16:07:48 Gale Decker

STRC questions and discussion

16:11:20 Sen. Small asked Ms. Stockwell how many remaining bills need to be discussed and assigned a sponsor.

16:12:40 Sen. Small asked Ms. Stockwell to review the draft letter encouraging tribes to provide the data needed for the decennial report on economic impacts of tribal governments ([Exhibit 26](#)).

16:16:10 Sen. Salomon moved to send the letter to tribal leaders.

Vote:

16:16:10 Carried unanimously by roll call vote.

Public comment

16:18:18 Nikos Pastos, Pablo

STRC questions and discussion

16:19:55 Sen. Salomon moved to send the letter related to the CSKT water compact.

Discussion on the motion:

16:20:19 Sen. Salomon

16:25:24 Rep. Read
16:28:05 Sen. Smith
16:29:08 Rep. Stewart Peregoy
16:32:38 Sen. Small

Vote:

16:33:05 Carried 7 - 1 by roll call vote with Rep. Read voting no. Rep. Knudsen was absent.

CONTINUED DISCUSSION OF POTENTIAL LEGISLATIVE PROPOSALS AND DRAFT REPORTS AS NEEDED

16:35:02 Sen. Small asked Ms. Stockwell what work was left before the committee.
16:39:03 Sen. Small asked President Werk if he had any closing comments.
16:40:40 Ms. Stockwell reminded the committee of the committee staff evaluation form members received ([Exhibit 27](#)).
16:41:38 Sen. Small provided closing comments.
16:41:50 Rep. Stewart Peregoy asked about response to public comment received during the Census update regarding how incarcerated American Indian offenders are counted and their tribal affiliation is recorded in the Census ([Exhibit 28](#)).
16:44:21 Sen. Small asked Ms. Stockwell to review the committee's discussion on the public comment received. Ms. Stockwell said the committee opted to receive updates by email but had not opted to draft a letter on the topic.
16:45:22 Committee discussion on a potential letter. Chair Small said individual committee members could write letters to the Department of Corrections about the process used to count American Indian offenders and record their tribal affiliation.

ADJOURNMENT

16:48:57 Sen. Small adjourned the meeting at 4:48 p.m.