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**STATE-TRIBAL RELATIONS INTERIM COMMITTEE**  
**67th Montana Legislature**

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**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**

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

**MINUTES LOG**

June 24-26, 2020

12:56 PM

Via Zoom 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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**ROLL CALL**

**Members Present:**

Sen. Jason Small, Chair (R)  
Rep. Rae Peppers, Vice Chair (D)  
Sen. Jen Gross (D)  
Rep. Casey Knudsen (R)  
Rep. Joe Read (R)  
Sen. Daniel Salomon (R)  
Sen. Frank Smith (D)  
Rep. Sharon Stewart Peregoy (D)

## **Members Excused:**

## **Members Absent:**

Rep. Alan Doane (R)

Rep. Jade Bahr (D)

## **Staff Present:**

Laura Sankey, Attorney

Laura Sherley, Secretary

Hope Stockwell, Research  
Analyst

## **Committee Business Summary**

- There was no action on the June 24th, 2020 State Tribal Relations meeting.

### **June 25<sup>th</sup> and 26<sup>th</sup> the STRC**

- Approved sending a letter to the congressional delegation regarding the Fort Belknap Indian Community Water Settlement Act of 2019
- Approved sending a letter to USDA Secretary Perdue regarding small meat processing facilities.
- Agreed to move all the legislative proposals it considered forward for a 30-day public comment period prior to its next meeting on August 24.

## **STRC Call to Order - Roll Call**

12:55:12 Chairman Small called the State-Tribal Relations Committee to order, the committee secretary took roll.

## **Joint meeting with Fort Belknap Indian Community Council**

12:58:40 Kristal Fox, Fort Belknap Water Resources Department, gave the opening prayer and welcome.

## **Voting**

13:01:10 Andrew Werk Jr., President of the Fort Belknap Indian Community Council, introduced Councilman Jeffrey Stiffarm, Councilwoman Judy King, and Ms. Fox. President Werk said there was currently a vote by mail election going on in Fort Belknap to elect a new council member to replace Brandi King, who recently resigned. President Werk introduced Daniel Belcourt, legal counsel for Fort Belknap.  
President Werk discussed issues with Native American voting including the Wandering Medicine court case and alternative voting sites. President Werk said voting by mail within native communities was a major concern as it hadn't gone well in past elections. President Werk discussed the lawsuit Fort Belknap was involved in regarding LR129 and the handling of ballots.

13:14:33 Mr. Belcourt discussed the lawsuit and LR 129, the Ballot Interference Protection Act (BIPA), which negatively impacted Native American Indian communities. Mr. Belcourt stated with elections being vote by mail now due to the pandemic it negated the impact of BIPA.

## **Questions and discussion from the committee**

13:19:09 Rep. Stewart Perego stated the Native American Rights Fund had developed a nationwide study on voting rights which was available to the public. Rep. Stewart Perego discussed an issue with voting sites only being open to drop off ballots during the primary election, which created a lot of confusion. Rep. Stewart

Peregoy stated the biggest issue was individuals were not being contacted if their address was incorrect. Rep. Stewart Peregoy stated having access to the voting registration was another issue.

13:25:59 Sen. Smith said that in Fort Peck ballots some did not get to the correct addresses after people had moved, so many individuals then had to go to the courthouse to vote.

13:26:37 Rep. Peppers stated in her district, only 25% of people voted because there was so much confusion with the ballots themselves and because they were mail in.

13:27:09 Sen. Small stated it was brought to his attention there was mass confusion with the way the ballots were sent out with 3 separate sheets.

#### Fuel tax transfers for highway expenditures

13:27:56 President Werk introduced John Healy, Director of the Fort Belknap Transportation Department. President Werk noted HB426 sponsored by Rep. Windy Boy in 2019, and stated there had been a long-standing road fuel tax issue with Blaine County and Phillips County in that they had received funds for roads on the reservation but hadn't maintained them. President Werk Jr. stated over the years the Council and staff had worked hard to get this issue worked out, and while the County had been willing to meet, it still hasn't gotten resolved which has caused frustration. President Werk Jr. stated filing litigation had been discussed many times President Werk asked if action could be taken by the State-Tribal Relations Committee.

13:38:06 Mr. Belcourt stated Blaine County could enter into an agreement with the tribe through the Cooperative Agreements Act, but nothing had come about. Mr. Belcourt discussed how the funds could be transferred from the state through the Federal Highway Administration to the tribe. Mr. Belcourt discussed proposed legislation from 2003 and asked if another draft bill or sponsor could address this issue.

13:43:17 President Werk stated rural roads can get very bad in the winter and that this was a public safety issue.

13:44:39 Sen. Small asked President Werk if the Attorney General had been asked to weigh in. Sen. Small asked Ms. Stockwell what the deadline was for committee bills.

13:48:31 Mr. Healy stated he was waiting for more information from the Montana Department of Transportation (MDT) regarding what roads the county was currently claiming for the road user tax. Mr. Healy stated several years ago Blaine County through a resolution said they were not going to claim the road mileage pertaining to Fort Belknap anymore, but through contacts from MDT in Helena it was known they still had been claiming the mileage and getting the funds. Ms. Stockwell provided the "Fort Belknap Highway Funding" handout for the committee. [\(Exhibit 1\)](#)

#### Questions and discussion from the committee

13:55:01 Sen. Smith asked Mr. Healy if they were able to take the roads away from the county/state, and put them under BIA or travel roads, would they gain enough to do maintenance on them.

13:58:15 Sen. Small asked Mr. Healy if Blaine County was getting maintenance money through HB 638, and if the county was still claiming the same exact route while getting state money.

- 14:02:15 President Werk stated the Council was still willing to continue to have a discussion with Blaine County to come up with solutions, and if the committee could act on a legislative fix it would be appreciated.
- 14:03:14 Sen. Small stated the committee could stay in contact with the Council and see if a draft bill could be written addressing this issue.
- 14:04:08 Mr. Belcourt suggested continuing to work with Ms. Stockwell to look at alternatives to bring back to the committee at the August 24th meeting.
- 14:04:29 President Werk Jr. suggested finding an in road to get an opinion from the Attorney General on this issue as well.
- 14:05:21 Rep. Peppers asked Mr. Healy if his department gets anything from Blaine County regarding any reporting on the roads, or any data on an annual basis. Rep. Peppers stated those could be options where information could be requested.
- 14:06:09 Sen. Small asked Ms. Stockwell if the committee could get any expenditure data on what Blaine County has claimed to have put into the roads on the reservation by the next meeting.

#### Water compact and settlement legislation

- 14:08:22 President Werk discussed where the Council was with the water compact that passed the legislature in 2001. President Werk stated the biggest private industry in Fort Belknap was agriculture and the compact needs to be authorized through Congress and signed into law by the United States President. President Werk stated the urgent need for the settlement to get done and that the bill had been introduced into both houses of Congress. Ms. Stockwell provided the "Status of Fort Belknap Water Rights Compact" handout to the committee. **(Exhibit 2)**
- 14:17:22 Greg Jergeson, Chinook, former Senator and current Blaine County Conservation District supervisor, discussed the 1987 legislative session and how he began watching the developing process of negotiating compacts with the state of Montana and the tribes over their reserved rights. Mr. Jergeson stated the importance of making progress in getting both physical and legal issues on the St Mary/Milk River resolved.

#### Questions and discussion from the committee

- 14:22:36 Sen. Salomon stated getting this issue on the radar of certain departments and organizations over in Washington DC was needed, so they can do their due diligence and can then make their recommendations.
- 14:24:00 Sen. Smith suggested writing a committee letter to the delegation, outlining the easy passage of the bill along with the history of it. Sen. Smith suggested making a public request to get one of them to move forward on the bill.
- 14:24:23 Sen. Salomon stated he supports seeing a letter saying it's a good process that's long overdue.
- 14:25:28 Rep. Stewart Peregoy asked President Werk if there had been any updates on the claims as far as what's gone into Washington DC. Rep. Stewart Peregoy asked President Werk if there had been any objections to the document.

#### Water compact and settlement legislation (continued)

- 14:47:38 Gary Merkley, Natural Resources Consulting Engineers, discussed his group's work with Fort Belknap on the development of the settlement bill.
- 14:51:06 Rollie Wilson, attorney, discussed the importance of getting the bill to Washington DC and getting it introduced in Congress. Mr. Wilson provided the following handouts for the committee: "Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2019" **(Exhibit**

- 3), the "Fort Belknap Land Transfer Map" (**Exhibit 4**), the "Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2019, Executive Summary" (**Exhibit 5**), the "Office of the Governor State of Montana - FBIC" (**Exhibit 6**), and "S. 3113" (**Exhibit 7**).
- 14:55:47 Ada Montague, attorney, DNRC, discussed getting the bill introduced in Congress, the history of the settlement process, and the benefits to state water rights users.
- 14:59:24 President Werk stated this was a long time coming and hopefully Fort Belknap will be the last two tribes to settle with the state of Montana on Indian water rights with this proposed compact.

Questions from the committee

- 15:03:46 Sen. Small asked President Werk if there was a small-scale land exchange in the compact.

**Public comment on any matter under the jurisdiction of the STRC but no on this agenda**

- 15:15:48 none

Committee discussion

- 15:17:37 Ms. Stockwell stated she would work on a draft committee letter as discussed in support of the settlement act that would be completed by the end of the meeting Friday the 26th.

**RECESS**

- 15:19:05 Sen. Small called the committee to recess at 3:19pm.