

## **RECONVENED**

10:08:39 Sen. Small called the State -Tribal Relations Committee (STRC) back to order. Rep. Doane, Rep. Bahr, and Rep. Knudsen were not present.

## **Joint meeting with Fort Peck Tribal Executive Board**

10:09:34 Fort Peck Councilwoman Pat Iron Cloud Runs Through led the opening prayer.

10:13:22 Fort Peck Councilman Jestin Dupree asked how many cases of COVID 19 were in Montana as of June 25th, 2020.

10:15:03 Fort Peck Councilwoman Kaci Walette stated Fort Peck is scheduled to perform a second round of COVID surveillance testing July 20, 2020. Ms. Wallace expressed concern about the upcoming Wolf Point Wild Horse stampede and fair that could bring the virus to the reservation.

10:17:17 Ms. Stockwell gave a run-through of the current studies the STRC is working on which include: homeless/runaway youth, motor carrier service authority within reservation boundaries, HJ10 - barriers to voting in Indian county by Native Americans, and improving communication between the state and tribes in child abuse and neglect cases.

10:25:59 Councilwoman Iron Cloud Runs Through asked if a command center could be set up in Billings, Montana, as that city has become the mecca for human trafficking. Councilwoman Iron Cloud Runs Through stated the future hope of setting up command centers in each reservation throughout the state.

10:27:01 Sen. Small stated there was a bill draft currently being worked on that addressed human trafficking issues, specifically regarding missing persons response teams.

10:29:17 Sen. Gross stated as a legislator living in Yellowstone County, she validated concerns and observations by board members regarding human trafficking.

10:31:40 Councilman Dupree asked if there had been any discussion regarding what happens to children going into the school system who are born with substance abuse problems. Councilman Dupree discussed cross deputization and potential issues regarding jurisdiction especially in missing persons cases.

10:33:46 Sen. Small stated the issue regarding children born on drugs would be a topic for the Office of Public Instruction (OPI) and that the committee could get the board in contact with said agency.

10:37:58 Rep. Peppers responded to Councilman Dupree's questions and stated she writes the grants for the public school in Lame Deer and that there were several that they worked with to provide services to children, not just drug related but also homelessness, neglected, and delinquent. Rep. Peppers stated the school also worked with the local youth center in Busby, MT and is making great advancements with that partnership.

10:40:26 Sen. Salomon stated on the school's part, children need to be found, identified, and then set up for special programs.

10:41:16 Rep. Peppers stated part of her job was to identify those students and that she works closely with the enrollment clerks to do so. Rep. Peppers has a current list of close to 200 students, and those students had to be identified before they could receive funding.

10:43:14 Sen. Smith stated there was a lot of training to do regarding notification and recognition on the statewide drug problem especially amongst children born into substance abuse.

10:43:412 Sen. Small asked for a list of available program opportunities from either OPI or the Department of Public Health and Human Services (DPHHS) to then be sent to Fort Peck for review.

10:43:50 Councilman Dupree asked if there was information on what happens to children born with Fetal Alcohol Syndrome (FAS) as they go through and leave school. Councilman Dupree asked if there was data available regarding the number of children in foster homes born with substance abuse problems.

10:46:52 Councilwoman Walette stated Fort Peck received \$29 million dollars from the CARES Act money but didn't want to jeopardize its reserves having to pay all of it back. Councilwoman Walette asked if there was anything the Governor could do at the federal level to lobby for Fort Peck regarding the constantly changing requirements in being able to use the CARES Act funds.

10:47:58 Sen. Small suggested getting a clarification from the federal level at the request of the Governor.

10:49:07 Sen. Gross asked Ms. Walette if there was anything the committee could do to help with concern regarding the rodeo bringing in cowboys from out of state that could potentially have COVID. Sen. Gross asked about tribal sovereignty regarding the rodeo and fair. Sen. Gross asked Sen. Small to survey the committee on backing the tribes' position.

10:52:35 Sen. Small asked if the town of Wolf Point was in the exterior confines of the Fort Peck Reservation.

10:52:51 Fort Peck Councilman Dana Buckles, Chairman of the tribes' Health and Human Services Committee, stated he believed his committee should have jurisdiction. Councilman Buckles asked the committee if there was anyone that could bring this issue forward to the Governor specifically addressing sovereignty.

10:54:39 Sen. Gross stated there was a current lawsuit from the Cheyenne River Tribe suing the Trump Administration for threatening to take back the CARES Act money if they didn't reopen the highways on the reservation.

10:55:56 Rep. Peppers suggested the board contact Senator Jon Tester or Senator Steve Daines regarding the rodeo/fair still being held. Rep. Peppers discussed the CARES Act and the issues regarding the constantly changing requirements to be able to use the funds. Rep. 10:56:54 Sen. Smith stated when the county was contacted, they said they had no control over the Chamber of Commerce regarding holding the Wolf Point Stampede. Sen. Smith suggested sending a letter requesting they change the event but said because it was so close that might not work.

10:57:44 Sen. Small asked for the date of the rodeo and fair.

10:59:08 Rep. Peppers stated she had volunteered to do some of the budgets for the CARES Act funds given to the Northern Cheyenne and she has changed those several times. Rep. Peppers stated she didn't know if they could bring that point out in that the funds were available, but the changing requirements made it very difficult to use them.

10:59:49 Sen. Small suggested getting someone at a higher level to request a letter of clarification regarding the CARES Act money and use.

11:00:24 Sen. Salomon stated going to the top and having someone there reach out on these changes would be the best course of action regarding this issue as individually they don't have a say.

11:01:45 Sen. Smith asked who was changing the rules.

11:02:33 Sen. Salomon stated concern from an individual who works at a bank regarding all these changing rules as it gave more room for error and should anything be incorrect his bank would be held accountable.

11:03:44 Sen. Smith stated one problem in Poplar was that big corporations were receiving the PPP loans while the individual smaller businesses were not.

- 11:04:13 Sen. Gross stated she would like the committee to keep an eye on the rate of COVID infections amongst American Indians in Montana. Sen. Gross suggested making a request of the staff to make sure the committee gets those updated numbers regarding COVID cases at the upcoming meeting.
- 11:05:19 Sen. Small discussed the two main issues brought up in today's meeting regarding the rodeo and fair still being held and then the availability and use of the CARES Act money. Sen. Small stated on the CARES Act money the committee could try to get to ask for clarity on what's happening.
- 11:06:17 Sen. Smith stated a case of the virus had been found in all the counties around Poplar and agreed with Sen. Gross that this issue needs to be watched very closely. Sen. Smith stated it's something the county needs to work with the tribes on as all the powwows had been cancelled.
- 11:08:05 Sen. Small asked if the county board of health had weighed in on the rodeo situation.
- 11:11:08 Sen. Smith asked Ms. Stockwell if there was a possibility of writing a bill for the law enforcement center to go out to the tribes and talk to law enforcement about the drug problem and recognition of it.
- 11:13:14 Councilwoman Iron Cloud Runs Through stated there was concern in having to pay back CARES Act funds but she personally does not want the funds to be returned as they're designated for the people. Councilwoman Iron Cloud Runs Through discussed Billings being a mecca for child sex trafficking and the need for that issue to be addressed.

#### Public comment

11:25:16 none

#### Committee questions and discussion

- 11:26:09 Councilman Dupree asked about the Keystone Pipeline issues and any updates.
- 11:27:41 Ms. Stockwell reviewed the FBIC Water Settlement Act of 2019 draft letter to Senators Tester and Daines and Representative Gianforte. ([Exhibit 8](#))
- 11:31:52 Sen. Salomon moved the letter forward as is.
- 11:32:26 Sen. Gross called the question.
- 11:32:49 Sen. Small reserved the right for absent members to join the letter later.
- 11:33:56 Rep. Read stated he would sign the letter if it just referenced the water compact with the Fort Belknap Tribes but if it includes the language related to the CSKT compact, he would like to have his name removed.
- 11:35:52 Ms. Stockwell suggested removing the language referring to the CSKT compact from the letter.
- 11:36:34 Sen. Gross asked if removing said line would change the substance of the letter. Sen. Gross asked Sen. Salomon if he would be interested in reversing his motion.

#### Motion

- 11:37:39 Sen. Gross offered a substitute motion to move forward with the committee letter, striking the reference to the CSKT compact.

#### Vote

- 11:39:22 Motion to adopt the letter passed unanimously 5-1, with Sen. Salomon voting no.

### Committee discussion

- 11:40:47 Sen. Gross suggested moving forward with signatures on the letter as is.
- 11:41:44 Ms. Stockwell discussed yesterday's meeting regarding the options for the highway funding discussion at Fort Belknap. Ms. Stockwell asked if the committee had specific advice or feedback on a potential legislative proposal to go forward with versus requesting an opinion from the Attorney General.
- 11:42:27 Sen. Small asked if the county had to put in a request to the Attorney General.

### Public comment

- 11:44:06 none

### **LUNCH** (reconvened at 13:05:17)

- 11:44:23

### **Motor carrier services bill draft (PD0007 TH)**

- 13:05:28 Ms. Henneman reviewed PD0007 TH - an act allowing additional motor carrier enforcement on highways with reservation boundaries. **(Exhibit 9)**
- 13:08:19 Duane Williams, Administrator for the Motor Carrier Services for the Montana Department of Transportation, gave an update on the considerations.

### Questions and discussion from the committee

- 13:17:31 Sen. Smith asked when it was limited to federal highways, what happens on the Indian reservation roads. Sen. Smith asked if tribal police or sheriffs were to be relied upon on federal and state highways.
- 13:20:10 Sen. Small suggested the language could be modified to say, "any agreeable road within the reservation boundaries", with it being up to the tribe to distinguish which ones. Sen. Small asked Mr. Williams what he was referencing regarding the bill being open-ended. Sen. Small asked Mr. Williams if the MCS were equipped with radar.
- 13:25:25 Rep. Peppers stated on Highway 212 there is a problem with speeding trucks and was in favor of doubling down on fines in that area. Rep. Peppers stated the bill needed to be brought forward to the tribes, so they could review it as well.

### Public comment

- 13:29:37 Barry Stang, Motor Service Carriers of Montana

### Questions and discussion from the committee

- 13:31:21 Sen. Gross suggested Mr. Stang could offer something to motor carriers addressing speeding motor carriers through the reservations.
- 13:34:46 Sen. Smith stated there was a safety issue on the roundabouts due to that area not being patrolled enough and speeding motorists.

### Public comment

- 13:36:15 none

### STRC action

- 13:37:07 Sen. Gross stated she would like to see an alternative version and hear from the Motor Carriers Division before taking any action.
- 13:37:53 Ms. Stockwell stated Ms. Henneman could work on those revisions for the committee to review at the upcoming meeting.

- 13:39:11 Rep. Peppers agreed there needed to be time to make revisions before moving forward.
- 13:39:46 Sen. Gross stated it was important the committee communicate in-between the next meeting and for that to be put out for public comment.
- 13:40:45 Sen. Small offered to be the lead point of contact regarding communication on revisions and public comment input. Sen. Small stated there was no action as the committee was going back on this bill for more revisions to be reviewed at the upcoming meeting.

#### **Statutory reference changes in light of Little Shell's federal recognition**

- 13:41:32 Ms. Sankey Keip reviewed PD0001 - an act recognizing the federal recognition of the Little Shell Band of Chippewa Indians. [\(Exhibit 10\)](#)

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

- 13:44:06 Sen. Salmon asked if it said in the federal declaration "federally recognized tribe" or "federally recognized tribal government", and that being something insight could be taken from.

#### **Public comment**

- 13:46:02 Chairman Gerald Gray, Little Shell Tribe

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

- 13:47:40 Rep. Peppers suggested the bill should read as "a federally recognized Indian tribe".
- 13:48:16 Sen. Small agreed with Rep. Peppers suggestion.

#### **Public comment**

- 13:49:42 none

#### **STRC action**

- 13:50:25 Ms. Stockwell clarified Ms. Sankey Keip would update the bill draft and the new version would be what was put out for public comment.

#### **Runaway youth - Homeless shelter consent**

- 13:50:54 Ms. Stockwell reviewed PD0006 - an act allowing minors to consent to no cost emergency shelter and related services. [\(Exhibit 11\)](#)
- 13:58:35 Stacy Strasser gave an overview on the background of the Wyoming homeless youth law.
- 14:02:35 Ingrid Löfgren, Homeless Persons Representation Project, gave an overview of Maryland's consent law background.
- 14:09:35 Executive Director Rachelle Morehead, Sparrow's Nest, Kalispell, gave an overview of her organization and current issues regarding youth homelessness.

#### **Public comment**

- 14:15:20 Patricia Julianelle, SchoolHouse Connection

### Questions and discussion from the committee

14:16:07 Sen. Gross asked Ms. Julianelle if she had any updates for the committee. Sen. Gross asked Ms. Löfgren about minimum age for consent across numerous states and parental contact.

### Graduation requirements

14:26:00 Ms. Stockwell reviewed PD0007 HS - an act allowing certain high school students who meet the state minimum graduation credit requirement to graduate. **(Exhibit 12)**

14:30:04 Tim Norbeck, Superintendent, Jefferson High School, Boulder, gave an overview of graduation requirements.

### Questions and discussion from the committee

14:36:41 Sen. Salomon asked if there was incentive for kids who didn't have the most educational experience to get into this program to graduate. Sen. Salomon asked if charter schools and that setting would be a possibility to be expanded upon.

14:42:17 Ms. Löfgren stated Maryland was moving towards very similar legislation as children in foster care are very mobile.

14:43:11 Ms. Morehead stated a requirement for the Sparrow's Nest program was being enrolled in some sort of academic program.

14:43:59 Superintendent Norbeck stated the HiSET Program offsets the number of dropouts.

14:45:09 Ms. Stockwell stated Heather Denny from the Office of Public Instruction was on the call if the committee was interested in more information regarding the HiSET Program or the HiSET Options program and what the differences were.

14:45:31 Sen. Small asked Ms. Denny if she had anything to tell the committee.

14:46:45 Sen. Salomon stated there was legislation being worked on regarding school districts and what they could do with students coming in.

14:50:43 Sen. Smith asked if the committee could be made aware of requirements put on in the Montana Youth Challenge Program.

14:54:13 Sen. Salmon stated the ongoing issue with the pandemic would be a good reason to consider public charter schools and other possible avenues for students to obtain their education.

14:54:34 Rep. Stewart Peregoy agreed with Sen. Salomon about looking at public charter schools

14:56:10 Sen. Gross asked Ms. Löfgren what the party makeup of the Maryland Legislature was. Sen. Gross asked Rep. Stewart Peregoy to speak to any opposition regarding accreditation of public charter schools.

### Youth risk behavior survey (YRBS) question re: runaway youth

14:59:22 Ms. Stockwell discussed the addition of a question about runaway youth to the 2019 Montana Youth Risk Behavior Survey. **(Exhibit 13)**

**BREAK** (reconvened at 15:28:29)

15:03:24

### Public comment on all items related to runaway youth

15:28:30 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

15:33:10 Quinn Leighton, Regional Officer in Montana for Pride Foundation

Questions and discussion from the committee

15:38:46 Ms. Stockwell reviewed bill draft PD0006 for the committee.  
15:40:23 Rep. Stewart Peregoy asked if 30 continuous days was enough time and if that needed to be extended to 45 days. Rep. Stewart Peregoy asked if they could add a minimum of 30 days or recommended taking the 30 days out.  
15:43:22 Sen. Salomon agreed with taking the 30 days out and if it needed to be added somewhere else in the process it could be.  
15:43:33 Sen. Small stated page 2 line 24 containing 30 days would be removed from bill draft PD 0006.  
15:45:02 Ms. Stockwell reviewed bill draft PD 0007 HS for the committee.  
15:46:18 Rep. Stewart Peregoy stated lines 22 and 23 pertaining to trustees was a concern because of equal access and equal opportunity.  
15:48:22 Sen. Salomon disagreed with Rep. Stewart Peregoy's statement as districts had been giving out diplomas over the course of time depending on what the students earned.  
15:50:19 Sen. Small asked about the point of contention regarding what the military accepted as an appropriate diploma, HiSET versus not HiSET.  
15:52:30 Sen. Gross stated leveling the playing field doesn't diminish what a student has earned through the traditional high school requirements.  
15:54:39 Superintendent Norbeck discussed different graduation diplomas across the state.  
15:59:08 Rep. Stewart Peregoy asked if the committee could cross reference what had already been done by the Board of Education regarding statute 10-55-905.  
16:02:43 Rep. Stewart Peregoy left the meeting.  
16:02:53 Sen. Salomon recommended continuing this conversation tomorrow when Rep. Stewart Peregoy could attend.  
16:03:02 Ms. Stockwell stated Heather Denny from OPI had not expressed concern regarding the distinguishing of the diploma, but she would follow up on that for tomorrow's meeting.  
16:03:54 Ms. Stockwell asked for clarification on whether the committee wants a draft proposal to clarify whether minors may easily disaffirm contracts for housing. Ms. Stockwell stated she could work on a bill draft overnight and present to the committee at tomorrow's meeting.

**Updates from the Governor's Office of Indian Affairs, including COVID-19**

16:05:50 Jason Smith, Director, gave an update to the committee.  
16:08:43 Lisa Evers, Tribal Relations Manager, DPHHS gave an update to the committee.

Question and discussion from the committee

16:16:47 Sen. Small asked Ms. Evers if she had data on how many people living on the reservations had preexisting conditions or if she was able to get that information.  
16:20:01 Sen. Salomon stated 2,500 people on the Flathead Reservation were tested for COVID.  
16:22:01 Sen. Small stated clarification on how CARES Act funding may be used was requested by the Fort Peck Executive Board and asked Mr. Smith if there was more information he could obtain.  
16:25:52 Sen. Gross asked about any collaboration or intersection of testing amongst tribal communities and some of the testing going on within the correctional

facilities. Sen. Gross stated there was a disproportionate representation of Native people in the corrections system.

**RECESS**

16:33:44

Sen. Small called a recess at 4:33pm.