MINUTES LOG
January 14, 2022
Room 102/Zoom
Helena, Montana

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the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken.
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can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.
Please contact the Legislative Services Division at 406-444-3064 for more information.

MEMBERS PRESENT:
Rep. Tyson Running Wolf, Chair (D)
Sen. Jason Small, Vice Chair (R)
Sen. Bob Brown (R)
Sen. Mike Fox (D)
Rep. Casey Knudsen (R)
Rep. Joe Read (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Frank Smith (D)
Rep. Sharon Stewart Peregoy (D)
Sen. Susan Webber (D)

MEMBERS EXCUSED:

MEMBERS ABSENT:

STAFF PRESENT:
Fong Hom, Secretary
Pad McCracken, Research Analyst
Jameson Walker, Attorney

MONTANA LEGISLATIVE SERVICES DIVISION STAFF: SUSAN BYORTH FOX, EXECUTIVE DIRECTOR • SONJA NOWAKOWSKI, DIRECTOR,
OFFICE OF RESEARCH AND POLICY ANALYSIS • TODD EVERTS, DIRECTOR, LEGAL SERVICES OFFICE • DALE GOW, CIO, OFFICE OF
LEGISLATIVE INFORMATION SERVICES • JOE KOLMAN, DIRECTOR, LEGISLATIVE ENVIRONMENTAL POLICY OFFICE • ANGIE CARTER,
FINANCIAL SERVICES MANAGER
CALL TO ORDER/ROLL CALL
08:02:17 Rep. Tyson Running Wolf-D called the meeting to order at 8:02 AM. The committee secretary took roll.
08:03:16 Mr. McCracken discussed updates on the work plan and upcoming meetings in Ft. Belknap, Ft. Peck, and Northern Cheyenne and Crow Reservations.

REPORT/UPDATE FROM INDIAN AFFAIRS
08:06:01 Misty Kuhl, Director of Indian Affairs, reported on the activities of the Indian Affairs Offices and discussed the upcoming tribal summits.
08:08:30 Sen. Webber asked Ms. Kuhl if she had notices for the upcoming meetings.
08:08:40 Ms. Kuhl responded to Sen. Webber saying that she will send her an email with all upcoming meeting information.
08:09:12 Ms. Kuhl responded to Rep. Sheldon-Galloway by stating that she does not work directly with foster parents unless they reach out directly. She continued her response by saying they work well together, just not often.

COVID RELATED FUNDING AND TRIBAL GOVERNMENTS
COVID-related Federal Funding to Tribes
08:11:54 Katy Callon, Fiscal Analyst for the Legislative Fiscal Division, gave a presentation on COVID-19 Federal Assistance to tribes in Montana. (Exhibit 10)

ARPA Update on State-directed Funds
08:22:47 Scott Mendenhall, Director of the ARPA Program in the Governor's Office, commented on specific ways that tribes can benefit from federal assistant programs.
08:33:53 Sen. Webber asked Mr. Mendenhall about reimbursements for applications for infrastructural help.
08:34:40 Mr. Mendenhall answered Sen. Webber by stating that he was more concerned about water and sewer applications for infrastructure, and that the programs involve a combination of funds.
08:35:45 Rep. Running Wolf asked Mr. Mendenhall asked about the ARPA funds that were allocated for the whole “pot.”
08:36:10 Mr. Mendenhall responded to Rep. Running Wolf by describing the updated chart system that illustrates federal allocation of funds for infrastructure projects.
Sen. Webber asked Mr. Mendenhall whether there was a deadline for specific projects’ application processes and completion.

Mr. Mendenhall responded to Sen. Webber by stating that each project has a deadline.

Renee Lemon, Administrator at the Community Development Division for the Montana Department of Commerce, gave a presentation on the Montana Coal Endowment Program (MCEP). (Exhibit 11)

Committee Questions/Discussion/Next Steps

Rep. Sheldon-Galloway asked Ms. Lemon how her agency is able to supervise funding in the water and sewer districts.

Ms. Lemon answered Rep. Sheldon-Galloway by stating that the Department of Commerce has internal financial control setup for any project that receives MCEP funding.

Rep. Sheldon-Galloway asked Ms. Lemon if citizens within those districts have guidelines.

Ms. Lemon answered Rep. Sheldon-Galloway by stating that there are guidelines on their website for citizens in districts that receive MCEP funding.

Sen. Webber asked Ms. Lemon about her handout and the tribal government applications.

Ms. Lemon responded to Sen. Webber by stating that on her handout, it shows applications that were funded.

Sen. Webber asked Ms. Lemon if there was a deadline for the applications.

Ms. Lemon answered Sen. Webber by stating that the deadline had not been officially set, but they were planning to set a date sometime in May.

Sen. Brown asked Ms. Lemon about the funding documented within her handout.

Ms. Lemon responded to Sen. Brown by stating that the funding documented represent a combination of financial factors.

Sen. Brown responded to Ms. Lemon by asking her about wording in her document that would encourage utilities to charge less or more.

Ms. Lemon responded to Sen. Brown by stating that her agency is trying to make user fees more affordable.

Sen. Brown responded to Ms. Lemon by asking if there is an obligation in the grant for utilities to reduce their rates.

Ms. Lemon responded to Sen. Webber by stating that utilities are required to commit to the user rate that is put in their application.

Rep. Sheldon-Galloway stated her concern for decreased production of coal in Montana and asked Ms. Lemon to explain how that could affect MCEP.

Ms. Lemon responded to Rep. Sheldon-Galloway by stating that she was unsure of the increase or decrease of coal production, but she would get the information to Rep. Sheldon-Galloway.

DECENNIAL REPORT PURSUANT 90-1-105(7), MCA

Background/Overview

Mr. McCracken presented a memo on the background for the Decennial Report pursuant 90-1-105(7) and the statutory requirement to provide the legislature with a recurring update on the analysis of the economic contributions of each tribe within Montana, which are known as the “YellowRobe reports.” (Exhibit 12)
09:06:40 Rep. Running Wolf suggested that statutes mentioned in the memo should become part of the work plan for the State-Tribal Relations Committee going forward.

Current Status/Perspectives
09:06:53 Maria Valandra, Manager of the Office of Indian Country Economic Development for the Montana Department of Commerce, gave a presentation on the Decennial Report pursuant 90-1-105(7), MCA. (Exhibit 13)
09:19:28 Mary Craigle, Research and Information Services Bureau Chief for the Montana Department of Commerce, commented on the lengthiness of the report stating it was intended for additional research opportunities.
09:21:18 Robert Sonora, Associate Director at the Bureau of Business and Economic Research (BBER), commented on the lengthy process behind curating the report and the cost of acquiring comprehensive data.
09:24:38 Cheryl Reevis, Planning Director and representative for the Blackfeet Tribe, discussed the effect of securing funds for reports and her intentions for those funds.

Committee Questions/Discussion/Next Steps
09:29:24 Sen. Webber asked Ms. Valandra whether she preferred an annual report or a decennial report.
09:31:04 Ms. Valandra responded to Sen. Webber’s question by stating that the reports contain a lot of information to collect every year.
09:31:21 Dr. Sonora added to Ms. Valandra’s response by also stating there is a lot of information to collect every year. He suggested that improvements in infrastructure could aid in retrieving the information easier.
09:32:59 Sen. Webber asked Dr. Sonora if the $50,000 would be distributed over one year or for one project.
09:33:10 Dr. Sonora answered Sen. Webber by stating that the $50,000 would be allocated for one project.

Public Comment
09:33:39 Misty Kuhl, Helena
09:36:12 Donny Wetzel, Helena
09:37:43 Cheryl Reevis, Zoom
09:39:42 Maria Valandra, Helena
09:40:22 Mary Craigle, Helena

Committee Questions/Discussion/Next Steps
09:40:55 Rep. Peregoy stated the reasons why the report was originally introduced.
09:45:16 Rep. Sheldon-Galloway commented that the decennial report would be outdated by the time it was received. She followed her comment by suggesting that the Department of Commerce absorb a yearly program that would help them keep the information current.
09:49:30 Sen. Brown commented on the benefit of having the information within the report. He followed his comment by suggesting that the report should begin by focusing on one tribe, then implement those strategies for acquiring information on other tribes until the Department has the necessary information for all the tribes.
Sen. Fox asked Ms. Reevis how often the tribes update their SEDS (Social and Economic Development Strategies) and how those reports align with the yellow-robe report. He continued his question by asking if the Department could use the SEDS document to consolidate a report.

Ms. Reevis responded to Sen. Fox's question by describing the basic differences between her five-year report and the SEDS report. She said the reports can be interchangeable.

Rep. Read commented on one of his past experiences dealing with the YellowRobe report. He followed by suggesting that the Department curate the report bi-annually.

Sen. Webber commented by agreeing with Rep. Read, saying the Committee, the Department, and the tribes need this type of bi-annual report.

Rep. Running Wolf asked Ms. Craigle about the barriers that got in the way of getting information from the tribes for these reports.

Ms. Craigle answered Rep. Running Wolf by stating that the tribes worked well with them. She continued by describing the Eleanor YellowRobe Report, which attempted to build the infrastructure to create the future reports as well as partner with tribal colleges.


Rep. Sheldon-Galloway asked the committee whether the state of Montana pays the Native colleges to do the research in place of the BBER.

Ms. Valandra answered the committee by stating that she believes the BBER can do the report, however, they may require people outside of the BBER and the Department of Commerce to acquire specific data.

BREAK
Reconvened at 10:19:48

IEFA LITIGATION UPDATE
Jameson Walker, Staff Attorney, gave a litigation update on the class action lawsuit relating to Indian Education and the allocation of funds for materials and curriculum.

Committee Questions/Discussion/Next Steps
Rep. Sheldon-Galloway asked Mr. Walker for the articles and sections he referred to in his update.

OFFICE OF PUBLIC INSTRUCTION/INTRODUCTIONS
Elsie Arntzen, Superintendent of Public Instruction, introduced leadership from the Montana Office of Public Instruction (OPI) before the committee.
Matthew Bell, Specialist of Language and Culture for the OPI, introduced himself as well as his intentions for his position at the OPI.
Superintendent Arntzen commented on the OPI’s Class 7 licensing, and the possibility of distributing lifetime licenses to certain individuals within the OPI.

Committee Questions/Discussion/Next Steps
Rep. Running Wolf asked Supt. Arntzen about each reservation’s ability to certify language speakers.

Rep. Running Wolf commented on the resiliency regarding tribal consultation and their involvement in education leadership. He suggested that future legislation should contain stronger language defining the role of tribal leadership in education.

Supt. Arntzen responded to Rep. Running Wolf by mentioning the “Every Student Succeeds” program and stating her intentions to create stronger, more united education leadership and programs. Supt. Arntzen mentioned the mental health program that her team attempted to start-up.

Rep. Running Wolf responded to Supt. Arntzen by suggesting the re-distribution of ARPA funds to the OPI and Board of Education to engage certain programs.


Supt. Arntzen responded to Rep. Sheldon-Galloway by stating that there are multiple programs that the OPI is currently working on, and they will do what they can to serve moving forward.

Donnie Wetzel, Resiliency Director and Representative of tribal relations to Supt. Arntzen, stated that through tribal consultations and ESSA, the tribes have a voice in the school system. Mr. Wetzel continued by stating that their goal is to create a bridge between tribal nations and school districts.

Zach Hawkins, Director of Indian Education for OPI, explained the Class 7 License.

Rep. David Bedey gave an update on the activities of the Education Interim Budge Committee. (EIBC)

Rachel Weiss, Research Analyst for the Legislative Services Division, gave an update on the redistricting in Montana. (Exhibit 14)

Sen. Webber asked about Pondera County.

Ms. Weiss responded to Sen. Webber by stating that all counties were kept whole in the new legislative districts, except Pondera in order to maintain population equality.

Rep. Sheldon-Galloway asked Ms. Weiss about the legislature’s ability to make decisions regarding district boundaries.

Ms. Weiss responded to Rep. Sheldon-Galloway by stating that there is no Constitutional process for legislative review in redistricting legislative counties. Ms. Weiss continued by stating that individual legislators were involved in giving public comment regarding redistricting. She continued her statement by explaining the legislative process in presenting and proposing to legislators the plan for the new districts.
10:58:12 Rep. Sheldon-Galloway asked if Ms. Weiss could publicize the outline for the new proposed districts.


MISSING INDIGENOUS PERSONS REVIEW COMMISSION UPDATE (HB35)

10:59:33 Alan Doane, Legislative Liaison for the Montana Department of Justice, gave an update on HB 35. (Exhibit 15)

11:02:52 Dana Toole, Special Services Bureau Chief for the Montana Department of Justice, gave an update on the implementation of HB 35 in the Department.

Committee Questions/Discussion/Next Steps

11:07:58 Sen. Brown asked Ms. Toole about the youth's ability to consent once they turn 18.

11:08:19 Ms. Toole responded to Sen. Brown by stating that approaching 18-year olds for consent requires a structured process so the young adult could make an informed choice regarding the information they are giving out in a way that doesn't disrupt their life. She continued her statement by saying the agency did not have the specific paperwork that would allow them to do that at the moment.

11:09:18 Sen. Webber asked Ms. Toole about the preliminary data surrounding the number of people who are missing.

11:09:38 Ms. Toole responded to Sen. Webber by stating that her work group looked at approximately 25-30 cases. Ms. Toole continued her statement by discussing the challenge of writing a report about a missing indigenous person and maintaining its confidentiality.

11:10:56 Sen. Webber discussed HB 35 with Ms. Toole stating the requirements for the commission, then asked where the Department of Justice has gotten in appointing that commission.

11:11:16 Ms. Toole responded to Sen. Webber by stating that the DOJ has identified all the members of the commission and wanted to wait until the State-Tribal Relations Committee met before sending the appointments to those individuals.

11:12:20 Rep. Sheldon-Galloway asked Ms. Toole if Montana has the ability to send missing-persons pictures out to certain state officials.


11:14:38 Rep. Running Wolf asked Ms. Toole if there is a youth representative that could be on the committee.

11:14:54 Ms. Toole responded to Rep. Running Wolf by stating they had not identified a youth to be part of the committee, but there is nothing preventing their participation in the committee.

11:15:15 Rep. Smith asked Ms. Toole about a North Dakota law, then asked if Ms. Toole had communicated with North Dakota regarding similar problems they were having.

11:15:48 Ms. Toole responded to Rep. Smith by stating that she did not have specific information about the possibility of those communications within her agency.

RECREATIONAL MARIJUANA IMPLEMENTATION UPDATE (HB 701)

11:16:44 Erin Sullivan, Research Analyst and Lead Staff for the Economic Affairs Interim Committee (EAIC), gave an update on the implementation of HB 701. (Exhibit 16)
Committee Questions/Discussion/Next Steps
11:25:03 Sen. Webber asked Ms. Sullivan about the dates and location of the EAIC meeting.
11:25:40 Rep. Sheldon-Galloway asked Ms. Sullivan about her chart and specific boundary settings for the Blackfeet Tribe. (See Exhibit 16)
11:26:17 Ms. Sullivan responded to Rep. Sheldon-Galloway by clarifying the boundaries shown on the handout. (See Exhibit 16)
11:27:01 Rep. Sheldon-Galloway asked Ms. Sullivan about businesses that have multiple locations throughout the state.
11:27:26 Ms. Sullivan answered Rep. Sheldon-Galloway by stating that the Combined-Use license is specific to businesses owned by the tribe.
11:27:33 Sen. Brown commented on the Combined-Use License, then asked Ms. Sullivan about the ability for tribes to sell in multiple locations.
11:28:36 Ms. Sullivan responded to Sen. Brown by explaining the language within the handout. (See Exhibit 16)
11:30:37 Sen. Small asked about the one Tier 1 Canopy license.
11:31:24 Ms. Sullivan responded to Sen. Small by explaining the Combined-Use License and the ability to go from tier to tier. Ms. Sullivan followed her explanation by stating that the licensing is still under legal review and she has no more updates at this time.
11:33:12 Mr. Walker followed Ms. Sullivan's explanation with a deeper review of the Combined-Use License and ability to go from tier to tier.
11:35:29 Rep. Smith asked Mr. Walker or Ms. Sullivan about the absence of certain cities on the handout. (See exhibit 16)
11:36:37 Ms. Sullivan responded to Rep. Smith by stating the map on the handout is a "whole-state view," and zooming in or out would show all the cities and where their boundaries are.
11:38:09 Sen. Brown asked Ms. Sullivan which counties are pursuing additional taxes.
11:38:30 Ms. Sullivan answered Sen. Brown by stating that Missoula County, Park County, and Yellowstone County approved some form of the 3% option tax. She followed by stating that Dawson County chose to approve the 3% tax with recreational marijuana.

PUBLIC LIBRARY STANDARDS PRESENTATION
11:40:28 Jennie Stapp, State Librarian, gave a presentation on revised standards for public tribal libraries.

Committee Questions/Discussion/Next Steps
11:44:19 Sen. Webber asked Ms. Stapp about the status of tribal college libraries as certified public libraries.
11:44:30 Ms. Stapp confirmed Sen. Webber's question. She continued her answer by stating that the process has not allowed for tribal college libraries to become certified public libraries.
11:44:52 Sen. Webber responded to Ms. Stapp by stating that MCA 22-1-326 does not include tribal college libraries. Sen. Webber asked if Ms. Stapp was looking to change the statute.
11:45:15 Ms. Stapp confirmed Sen. Webber's question.

GENERAL PUBLIC COMMENT
11:46:22 None
Mr. McCracken presented the Committee Work Plan. Mr. McCracken asked if the committee would formally adopt the work plan. (Exhibit 17)

Rep. Running Wolf asked Mr. McCracken if the committee could add the Decennial Report to the work plan.

Mr. McCracken responded to Rep. Running Wolf by suggesting that they add the Decennial Report as the tenth item under Meeting Agenda Items.

Sen. Brown moved to adopt the work plan with the addition of Item 10.

Rep. Sheldon-Galloway commented on the work plan by stating that Item 9 in the work plan was irrelevant for the current interim committee and suggested to remove the item off the committee’s schedule. Rep. Sheldon-Galloway also asked about the significance of the History and Impacts of Residential Boarding Schools Item in the work plan.

Sen. Webber commented on the History and Impacts of Residential Boarding Schools Item and suggested that a brief history would be beneficial for the Committee to hear.

Rep. Sheldon-Galloway asked Sen. Webber about the intentional outcome of the History and Impacts of Residential Boarding Schools Item.

Sen. Webber responded to Rep. Sheldon-Galloway by stating that language immersion and mental health are outcomes of the history of tribal residential boarding schools. She continued by stating that generational trauma emerged from this history and it has an impact on a tribe’s future.


Rep. Read stated that he agrees with keeping the History and Impacts of Residential Boarding Schools in the work plan in order to better understand the troubles of some tribes.

Sen. Brown amended his earlier motion by offering to strike redistricting updates off the work plan.

Rep. Running Wolf responded to Sen. Brown by stating that he agrees with striking the redistricting updates off the work plan. Rep. Running Wolf continued by stating that the Committee would still like to receive updates on redistricting so that they have answer regarding the subject when they are asked by tribal members.

Rep. Stewart-Peregoy asked Rep. Running Wolf if the Committee will continue looking into the Decennial Report and what actions they would take.

Rep. Running Wolf answered Rep. Stewart-Peregoy by stating that the Decennial Report was being added as Item 10 on the Work Plan and they would continue to look into the work involved with that.

Sen. Webber asked about the work plan Item 6 whether that item could be treated as just an update with no action involved.

Sen. Brown moved to adopt the work plan with the addition of Item 10.
12:05:28 The motion to adopt the work plan with the addition of a tenth item under "Meeting Agenda Items" addressing the Decennial Report passed with those members present.

12:05:44 Mr. McCracken discussed upcoming meeting dates. Mr. McCracken followed by suggesting a way for him and other committee members to gather and present information to the Committee regarding the Decennial Report.

12:07:06 Rep. Running Wolf responded to Mr. McCracken by asking which Committee members would be interested in working on gathering information with Mr. McCracken. Senators Fox and Webber agreed to work with Mr. McCracken.

12:07:50 Sen. Brown suggested giving the Department of Commerce some direction without further legislation.

12:08:10 Rep. Running Wolf suggested that the Committee could make amendments to existing legislation if they needed to.


12:10:46 Rep. Sheldon-Galloway suggested that the Committee look at the information that's already been gathered to prevent unnecessary work.

ADJOURNMENT
Adjournment: 12:13:21