



STATE-TRIBAL RELATIONS COMMITTEE 68th Montana Legislature

SENATE MEMBERS

Bob Brown
Mike Fox
Jason Small
Susan Webber

HOUSE MEMBERS

Casey Knudsen
Joe Read
Tyson Running Wolf
Lola Sheldon-Galloway
Frank Smith
Sharon Stewart Peregoy

COMMITTEE STAFF

Pad McCracken - Research Analyst
Bethany McDowell - Secretary
Laura Sankey Keip - Attorney

MINUTES LOG

July 26, 2022

Tribal Secretary Conference Room
Crow Agency, Montana

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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MEMBERS PRESENT:

Sen. Jason Small, Vice Chair (R)
Sen. Bob Brown (R)
Sen. Mike Fox (D)
Rep. Joe Read (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Sharon Stewart Peregoy (D)
Sen. Susan Webber (D)

MEMBERS EXCUSED:

Rep. Casey Knudsen (R)
Rep. Tyson Running Wolf (D)
Rep. Frank Smith (D)

MEMBERS ABSENT:

STAFF PRESENT:

Pad McCracken, Research Analyst
Bethany McDowell, Secretary
Laura Sankey Keip, Attorney

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

CALL TO ORDER/ROLL CALL

15:47:45 Sen. Jason Small called the meeting to order at 3:47 PM.

OPENING REMARKS AND INTRODUCTIONS

15:48:35 Crow Tribal members and State-Tribal Relations Committee members introduced themselves.

SUCCESSSES, CONCERNS, QUESTIONS RELATED TO STATE-TRIBAL OR LOCAL GOVERNMENT-TRIBAL RELATIONS

15:52:37 Sen. Small opened up discussion on the agenda item.

15:53:11 Levi Black Eagle, Crow Tribe Secretary, discussed fee-to-trust issues on the Crow reservation.

15:54:01 Rep. Read outlined fee-to-trust issues for CSKT.

15:56:04 Majel Russell, Legal Counsel for Crow Tribe, discussed specific issues that the Crow Tribe faces with fee-to-trust land transitions.

15:58:11 Georgette Boggio, Legal Counsel for the Crow Tribe, further explained Crow Tribe issues with fee-to-trust land.

15:58:30 Rep. Read responded to Ms. Russell and Ms. Boggio.

15:59:34 Ms. Russell commented on other states that let fee land go tax free.

16:00:20 Sen. Small asked Ms. Russell about the process of getting land from fee-to-trust. He also asked about the timeframe for that process.

16:03:26 Sen. Small asked about land in limbo.

16:03:50 Rep. Sheldon-Galloway asked Ms. Russell about funds that aid public administration.

16:04:59 Rep. Sheldon-Galloway asked Ms. Russell about tribal access to state funds.

16:05:52 Sen. Fox commented on off-reservation schools.

16:06:15 Rep. Sheldon-Galloway asked about student requirements for receiving impact aid.

16:07:23 Sen. Webber commented on cities that receive federal impact aid.

16:08:17 Rep. Sheldon-Galloway asked the Crow Tribe members about negative impacts of untaxed fee lands.

16:09:29 Sen. Small responded to Rep. Sheldon-Galloway's question.

16:09:56 Mr. Black Eagle responded to Rep. Sheldon-Galloway's question.

16:10:27 Sen. Webber commented on PILT funds.

16:10:55 Rep. Stewart-Peregoy commented on PL 874 funding (Impact Aid) for the state.

16:11:24 Rep. Read commented on PILT funds for fee-to-trust land.

16:13:47 Mr. Black Eagle asked the committee about legislation on tribal cannabis operations.

16:14:43 Ms. Russell further commented on cannabis legislation and its impact on tribes.
16:17:04 Sen. Webber asked Ms. Russell for recommended language for cannabis policy changes.
16:17:31 Rep. Stewart-Peregoy asked Ms. Russell about the Department of Revenue's rulemaking process, and asked Ms. Russell to give STRC a formal letter that outlines challenging restrictions within the cannabis license application.
16:19:38 Sen. Small commented on the intent behind the legislation on cannabis licensing for the tribes.
16:20:40 Sen. Brown further explained Sen. Small's response.
16:21:26 Rep. Sheldon-Galloway asked the Crow Tribe members their desires for legislation addressing cannabis licensing and use on the reservation.
16:23:21 Ms. Russell outlined the requests from the tribe surrounding cannabis operations, distribution, and licensing.
16:24:33 Rep. Stewart-Peregoy asked Ms. Russell how the tribe avoids felony charges for cannabis operations.
16:26:13 Ms. Boggio further commented on federal response to cannabis use and operations.
16:26:37 Mr. Black Eagle further commented on federal regulations on cannabis.
16:27:06 Rep. Stewart-Peregoy commented on federal authority and tribal authority.
16:28:33 Ms. Russell discussed challenges with consistent regulation and enforcement.
16:29:33 Rep. Stewart-Peregoy asked about law enforcement on the Crow reservation.
16:30:42 Sen. Small clarified regulations on the cannabis license application.
16:31:40 Mr. Black Eagle responded to Sen. Small.
16:32:27 Rep. Sheldon-Galloway asked about tribal requests to add tax revenue to the reservation.
16:33:07 Sen. Small commented on cannabis legislation as an economic development project.
16:33:38 Ms. Russell responded to Rep. Sheldon-Galloway's question.
16:34:52 Sen. Small commented on HEART (Healing and Ending Addiction through Recovery and Treatment) funds available to the tribes.
16:35:43 Rep. Stewart-Peregoy commented on potential revenue-sharing agreements.
16:36:26 Mr. Black Eagle asked about the authority on compact agreements.
16:36:55 Rep. Stewart-Peregoy and Sen. Webber commented on STRC support for a formal on a compact agreement.

DISCUSSION ON VOTING ACCESS/ALTERNATIVE ELECTION OFFICES AND FEE-TO-TRUST

16:37:38 Mr. Black Eagle commented on same-day voter registration.
16:38:11 Ms. Boggio explained the restrictions on voter access for the Crow Tribe.
16:40:11 Rep. Sheldon-Galloway asked about the differences between day-of voting versus registration and voting occurring on different days.
16:41:26 Rep. Sheldon-Galloway asked for a total number of voters who were registered and voted in the same day.
16:42:11 Dulcie Bear Don't Walk, Election Administrator for Big Horn County, responded to Rep. Sheldon-Galloway's question.
16:43:43 Rep. Stewart-Peregoy asked Ms. Bear Don't Walk about absentee and provisional ballots for the county.

16:46:56 Rep. Sheldon-Galloway asked Ms. Bear Don't Walk about hand-counting ballots.
16:48:19 Sen. Small asked Ms. Bear Don't Walk about specific challenges with hand-counting. He followed by asking about the budget impact of hand-counting ballots.
16:49:45 Rep. Sheldon-Galloway asked Ms. Bear Don't Walk about jurisdiction over an election site on the reservation.
16:51:40 Ms. Russell commented on the tribal desire to ensure friendly operations on election sites.
16:52:12 Ms. Bear Don't Walk commented on utilization of the satellite offices in Big Horn County.
16:54:04 Rep. Sheldon-Galloway asked about any issues with mailboxes and physical addresses on the reservation.
16:55:15 Sen. Small commented on his experience with establishing residency.
16:56:32 Ms. Bear Don't Walk commented on a system for registering voters without a physical address.
16:58:19 Rep. Stewart-Peregoy asked Ms. Bear Don't Walk about registering emergency addresses.

DISCUSSION ON INDIAN EDUCATION

17:00:04 Mr. Black Eagle commented on pushback from schools about students wearing tribal regalia. He asked if IEFA dollars can be directed to enrich Indian Education.
17:02:14 Ms. Russell asked about tribal opportunities with state IEFA funds.
17:03:23 Rep. Stewart-Peregoy commented on required tribal consultations for IEFA funds.
17:05:32 Ms. Boggio commented on the Yellow Kidney litigation.
17:06:17 Rep. Stewart-Peregoy commented on the legislative intent for IEFA fund distribution.
17:10:22 Sen. Brown commented further commented on legislative intent.
17:11:30 Rep. Stewart-Peregoy responded to Sen. Brown.
17:12:06 Sen. Webber asked Mr. McCracken for a summary from the Department of Revenue on how impact aid is spent.
17:12:36 Ms. Russell commented on IEFA outlined in the Constitution.
17:14:15 Rep. Stewart-Peregoy commented on curriculum changes from the Board of Public Education (BPE).
17:15:18 Sen. Brown commented on examining individual school districts' curriculums.
17:16:01 Rep. Sheldon-Galloway asked about the pushback for students wearing regalia and whether it occurs off reservation or in schools on the reservation.
17:16:46 Rep. Sheldon-Galloway asked Mr. Black Eagle how the committee can help resolve the issues with pushback on wearing their regalia.
17:17:18 Committee and tribal members commented on the duty to remind the schools of the law.
17:17:40 Sen. Small commented on MCA 2-1-315, the Tribal Regalia bill.
17:18:34 Sen. Webber commented on universities implementing the bill.
17:19:01 Mr. Black Eagle commented on tribal consultation for IEFA.
17:19:34 Rep. Stewart-Peregoy responded to Mr. Black Eagle's comment by stating that tribal consultation is defined in the law.

- 17:21:26 Mr. Black Eagle asked if the Superintendent's signature is acceptable as a replacement for tribal consultation.
- 17:22:00 Sen. Webber responded by stating that the signature ensuring the tribal consultation must be from a tribal entity. She commented on implementing the tribal definition of a tribal consultation.
- 17:22:33 Sen. Fox commented on the importance of educating local and state administrators.
- 17:23:08 Rep. Stewart-Peregoy recommended Mr. Black Eagle invite school district administrator and voice his concerns about pushback on IEFA and Tribal Regalia.

Public Comment on any matter within STRC's jurisdiction

- 17:24:21 Troy Downing, Montana State Auditor, commented on work that the Office of the Montana State Auditor wants to do in collaboration with the reservations.

ADJOURNMENT

- 17:29:30 Sen. Small adjourned the meeting at 17:29:30 (5:29pm).

ADJOURNMENT

Adjournment: 17:29:44