



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 27, 2022

Native American Development Corporation
Billings, 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. Frank Smith (D)
Rep. Sharon Stewart Peregoy (D)
Sen. Susan Webber (D)

MEMBERS EXCUSED:

Rep. Casey Knudsen (R)
Rep. Tyson Running Wolf (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

10:49:51 Sen. Jason Small called the meeting to order at 10:49 AM.

OFFICE OF INDIAN AFFAIRS AND COMMERCE UPDATES

10:50:27 Sen. Small

INTRODUCTIONS OF ATTENDING AUDIENCE MEMBERS

10:52:39 Sen. Small initiated introductions for attending agency representatives and other audience members.

FEE-TO-TRUST/PILT BASICS – Pad McCracken, LSD Research Analyst

10:54:14 Mr. McCracken discussed the agenda item as well as federal impact aid in Montana. ([Exhibit 1](#))

Committee Questions/Discussion

11:07:27 Sen. Webber commented on impact aid.

11:08:45 Rep. Stewart-Peregoy commented on the conversation with the Crow Tribe at the July 26th meeting regarding school board accountability.

11:12:37 Mr. McCracken asked the committee about pursuing enforced tribal consultations in public schools.

11:14:04 Rep. Stewart-Peregoy requested that the committee receive updates on rule changes from OPI.

11:14:51 Sen. Small asked Rep. Stewart-Peregoy for any specific updates on changes.

11:15:29 Rep. Stewart-Peregoy asked Mr. McCracken about OPI recommendations.

11:16:56 Rep. Sheldon-Galloway asked Mr. McCracken for research on safety resource officers in public tribal schools as well as the negative impacts of untaxed fee land.

11:18:13 Sen. Webber commented on safety resource officers in Browning Public Schools.

11:19:17 Rep. Sheldon-Galloway asked for further examples of safety resource officers in schools.

SATELLITE/ALTERNATIVE ELECTIONS OFFICES DATA FROM PRIMARY - Pad McCracken

11:20:10 Mr. McCracken ([Exhibit 2](#))

Committee Questions/Discussion

11:22:42 Rep. Sheldon-Galloway asked Rep. Stewart-Peregoy about the intentions behind a bill establishing satellite election offices.

11:26:22 Sen. Small asked Ta'jin Perez, Deputy Director for Western Native Voice, about the turnout in elections in Indian Country.

- 11:26:30 Mr. Perez responded to Sen. Small's question.
- 11:27:48 Sen. Webber asked Mr. Perez about the effects of mail-in ballots in Indian Country.
- 11:31:26 Rep. Sheldon-Galloway asked Mr. Perez for information on non-registered voters on the reservations.

DECENNIAL REPORT OPTIONS and BILL DRAFTS – Pad McCracken with Sens. Webber and Fox

- 11:32:59 Mr. McCracken ([Exhibit 3](#))
- 11:35:33 Sen. Fox
- 11:36:02 Sen. Webber
- 11:37:41 Sen. Small gave a background on the Decennial Report and the costs associated with it.

Committee Questions/Discussion

- 11:39:35 Rep. Stewart-Peregoy stated the original intentions behind the report.

BILL DRAFTS BASED ON MMIP TASK FORCE RECOMMENDATIONS - Pad McCracken and Laura Sankey Keip, LSD Staff Attorney

Committee Discussion on PD 17 and The Missing Persons Task Force

- 11:44:21 Mr. McCracken discussed the report from the Missing Indigenous Persons Task Force. ([Exhibit 4](#))
- 11:45:23 Ms. Sankey Keip discussed PD 17. ([Exhibit 5](#))
- 11:48:15 Sen. Webber stated the requests of the tribes for the task force
- 11:49:08 Rep. Stewart-Peregoy asked Alan Doane, Montana Attorney General's MMIP Task Force member, for updates on the task force.
- 11:50:18 Mr. Doane responded to Rep. Stewart-Peregoy's question.
- 11:52:12 Rep. Stewart-Peregoy asked about the participants of the task force.
- 11:53:04 Sen. Small recommended a representative from the Office of Public Instruction (OPI) join the task force.
- 11:54:18 Rep. Sheldon-Galloway asked Mr. Doane about unsolved, inactive MMIP cases.
- 11:55:54 Sen. Small asked Mr. Doane about the requirements for maintaining active status on cases.
- 11:57:41 Rep. Stewart-Peregoy asked Mr. Doane about the Cold Case Commission (Missing Indigenous Persons Review Commission). She followed by asking about potential recommendations from the commission.
- 12:01:19 Rep. Stewart-Peregoy asked about the bill that established the Cold Case Commission (HB 35). She followed by asking about provisions for family requests to revisit cold cases.
- 12:05:27 Rep. Smith joined the meeting.
- 12:07:34 Mr. Doane commented on a short-term sunset provision for the bill.
- 12:08:31 Sen. Brown asked Mr. Doane about a potential need to increase funds for the task force.
- 12:10:46 Sen. Small asked for feedback from the Department of Justice (DOJ).

Committee Discussion on PD 18

- 12:12:21 Ms. Sankey discussed PD 18. ([Exhibit 6](#))
12:14:02 Sen. Brown commented on the bill draft. (See exhibit 6)
12:15:20 Rep. Stewart-Peregoy commented on federal responsibility.

Committee Discussion on PD 38

- 12:17:08 Mr. McCracken discussed PD 38. ([Exhibit 7](#))

12:18:01 Sen. Small commented on youth challenges on the reservations.
12:18:18 Rep. Stewart-Peregoy commented on youth risk behavior related to the draft legislation. (See exhibit 7)
12:19:12 Rep. Sheldon-Galloway asked Mr. McCracken about the challenges of identifying missing youth.
12:20:45 Sen. Webber stated the potential benefit of having a member of the Task Force from OPI.
12:21:43 Rep. Stewart-Peregoy commented on OPI's Youth Risk Behavior Survey.
12:24:58 Rep. Sheldon-Galloway commented on including missing children in foster care.
12:25:53 Sen. Brown recommended changing the language in the bill.
12:27:31 Rep. Smith commented on a MMIP meeting in Poplar, MT.
12:28:37 Sen. Brown further commented on the language in the bill.
12:29:22 Sen. Fox commented on potential changes to the bill draft.

Committee Discussion on PD 37

- 12:30:24 Mr. McCracken discussed PD 37. ([Exhibit 8](#))
12:31:27 Rep. Stewart-Peregoy commented on HB 36, which proposed a grant for the Missing Persons Response Team.
12:32:37 Sen. Webber commented on PD 37. (See exhibit 8)
12:34:33 Sen. Fox commented on civilian training forces on the reservations.
12:35:43 Sen. Webber asked about the agency responsible for implementing the bill.

IEFA LITIGATION UPDATE - Laura Sankey Keip

- 12:36:35 Ms. Sankey Keip

CASTRO-HUERTA v. OKLAHOMA DECISION OVERVIEW; CRIMINAL JURISDICTION IMPLICATIONS - Laura Sankey Keip

- 12:37:19 Ms. Sankey Keip discussed the agenda item and reviewed updated jurisdiction boundaries. ([Exhibit 9](#))

Committee Questions/Discussion

- 12:44:16 Rep. Stewart-Peregoy asked Ms. Sankey Keip to review the dissenting opinion to the criminal jurisdiction boundaries updated by the Supreme Court decision.

- 12:45:49 Rep. Stewart-Peregoy asked Ms. Sankey Keip for cross-references in the dissenting opinions. She followed by asking about the Major Crimes Act of 1885.
- 12:48:06 Sen. Webber asked Ms. Sankey Keip about the decision's potential effects on federal acts like the Indian Child Welfare Act (ICWA).
- 12:50:23 Sen. Small and Ms. Sankey Keip commented on the complexity of jurisdiction related to major crimes.
- 12:51:58 Rep. Stewart-Peregoy commented on potential challenges and outcomes from jurisdictional decisions.
- 12:52:58 Ms. Sankey Keip further clarified the Castro-Huerta v. Oklahoma decision and its implications.

MARIJUANA REVENUE REPORT - Pad McCracken

12:54:07 Mr. McCracken ([Exhibit 10](#))

Committee Questions/Discussion

- 12:55:27 Sen. Webber commented on the report. (See exhibit 10)
- 12:55:42 Sen. Fox asked Mr. McCracken about the timeframe included in the report. (See exhibit 10)
- 12:56:29 Rep. Smith asked Mr. McCracken about the numbers in the report. (See exhibit 10)

REDISTRICTING UPDATE – Written Update from Rachel Weiss, LSD Research Analyst

12:57:41 Mr. McCracken ([Exhibit 11](#))

Committee Questions/Discussion

- 12:59:37 Rep. Stewart-Peregoy commented on the meeting room at Little Big Horn College for the Redistricting Meeting in September.

Public Comment on any matter within STRC's Jurisdiction

- 13:00:41 Alan Doane, Montana Attorney General's Office
- 13:03:52 Ta'jin Perez, Western Native Voice

ADJOURNMENT

13:11:09 Sen. Small adjourned the STRC meeting at 13:11:09 (1:11pm).

ADJOURNMENT

Adjournment: 13:11:27