



STATE-TRIBAL RELATIONS COMMITTEE

67th 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

May 05, 2022
Helena, Room 102
Helena, 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:

Rep. Tyson Running Wolf, Chair (D)
Sen. Mike Fox (D)
Rep. Casey Knudsen (R)
Rep. Joe Read (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Frank Smith (D)
Sen. Susan Webber (D)
Rep. Sharon Stewart Peregoy (D)

MEMBERS EXCUSED:

Sen. Bob Brown (R)
Sen. Jason Small (R)

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

09:05:18 Rep. Tyson Running Wolf-D called the meeting to order at 9:05 AM. The committee secretary took roll.

Opening Remarks and Prayer

09:06:24 Rep. Running Wolf gave opening remarks and asked Rep. Sheldon-Galloway to say a prayer for National Day of Prayer.

Discussion on STRC Letter to the Editor Regarding MCA 2-1-315

09:11:26 Pad McCracken, Research Analyst, presented a letter to the committee which was designed to remind all individuals that students can wear their tribal regalia for graduation. [\(Exhibit 1\)](#)

09:13:33 Rep. Running Wolf stated that he will sign the letter and stated his support for the letter.

09:13:41 Sen. Webber stated that she will sign the letter.

09:14:27 Rep. Sheldon-Galloway asked if the letter will be posted only to newspapers or if the schools will receive it directly as well.

Indian Residential Boarding Schools and Historical Trauma

09:16:31 Lona Running Wolf began a presentation on native culture and historical trauma that emerged from the implementation of Indian boarding schools and other 20th century federal policies. [\(Exhibit 2\)](#)

09:45:14 Marsha Small continued the presentation on historical trauma caused by federal Indian boarding schools. [\(Exhibit 3\)](#)

Committee Questions/Discussion

10:04:37 Rep. Running Wolf commented on the presentation.

10:04:57 Sen. Webber asked the presenters to clarify the number of boarding schools and mission schools that they discussed in their presentation.

10:05:56 Sen. Webber asked the presenters if their study was only focused on Montana tribes. She asked the presenters about their perspective on addressing historical trauma.

10:20:26 Rep. Knudsen joined the meeting via Zoom.

10:23:51 Rep. Sheldon-Galloway commented on the lack of prisons on tribal land. She stated that the committee could help with the foster care system on the reservations.

11:25:05 Rep. Stewart Peregoy joined the meeting via Zoom.

- 10:33:22 Sen. Webber asked Rep. Running Wolf how the committee can acknowledge historical tribal trauma.
- 10:35:11 Rep. Running Wolf commented on trust and reconciliation for Native American tribes.

BREAK

- 10:37:16 Reconvened at 10:52:10.

Montana Women's Prison (MWP) Presentation

- 10:52:35 Jennie Hansen, Warden for Montana Women's Prison (MWP), and Scott Eychner, Rehabilitation and Programs Chief for the Department of Corrections (DOC), gave a presentation on MWP and its indigenous population. ([Exhibit 4](#))

Committee Questions/Discussion

- 11:25:33 Sen. Webber commented on the presentation.
- 11:25:47 Rep. Sheldon-Galloway stated her concerns for building a nicer education facility for the prison. She continued by asking about the Boulder facilities and how MWP programs aid in the transition from prison to home.
- 11:30:13 Rep. Sheldon-Galloway asked if MWP follows-up with individuals who have been released.
- 11:31:07 Sen. Webber asked Ms. Hansen if MWP has a supervision agreement with reservation parolee officers.
- 11:32:14 Sen. Fox asked the presenters if they have data comparisons between urban and rural individuals at MWP.
- 11:33:29 Rep. Sheldon-Galloway asked if the DOC follow individuals in county jails.
- 11:34:20 Brian Gootkin, Director of DOC, responded to Rep. Sheldon-Galloway's question.
- 11:34:50 Rep. Sheldon-Galloway asked Dir. Gootkin about the length of time that individuals are held in jail.
- 11:35:29 Rep. Smith asked the presenters if they track the reservations that individuals come from.
- 11:36:22 Mr. Eychner stated that he can get Rep. Smith the relevant information at a later date.
- 11:36:43 Rep. Running Wolf commented on some of the statistics from the presentation. He asked about the studies of tribal individuals and their HiSET scores.

Report/Updates from Director of Indian Affairs

- 11:39:12 Misty Kuhl, Director of Indian Affairs, presented updates on the Governor's Office's goals and efforts related to tribal reservations.

Committee Questions/Discussion

- 11:47:32 Sen. Webber asked Ms. Kuhl about her new office.

Updates from State Agency Tribal Liaisons in Attendance

- 11:48:28 Ron Howell, Legislative Liaison for Montana Fish, Wildlife, and Parks (FWP), introduced himself to the committee.
- 11:50:20 Kqyn Kuka, Tribal Liaison and Diversity Coordinator for FWP, gave an update on the goals and collaborative events of FWP and the reservations.

Committee Questions/Discussion

- 11:55:03 Rep. Sheldon-Galloway asked about the First People's Buffalo Jump interpretive center and FWP's plans for it.
- 11:56:48 Rep. Sheldon-Galloway asked the presenters how FWP works with tourism on reservations.
- 11:57:53 Sen. Webber stated that she is against the Corps of Engineers diverting a canal due to potential environmental impacts. She asked if FWP is working with the tribes to develop an environmental analysis.
- 11:59:56 Sen. Fox asked Ms. Kqyn if there is a plan for FWP to do joint surveys for the Little Rockies.
- 12:01:00 Sen. Fox commented on the importance of getting joint surveys done in that area.
- 12:01:40 Sen. Fox stated that data on black bear appearances off the reservation would be helpful to tribal members who live on the reservation.
- 12:03:10 Sen. Webber asked if the presenters had any statistics on wolf hunts. She asked for an update on the outcome of the bills that were passed related to wolf hunting during the 2021 session.

Updates from State Agency Tribal Liaisons in Attendance

- 12:05:12 James Straight, Tribal and Cultural Resource Officer for the Department of Environmental Quality (DEQ), gave an update on the work of the DEQ.
- 12:08:15 Misty Kuhl gave an update on the Department of Commerce (DOC) and the work that is being done for tribal tourism and the Indian Equity Grant.
- 12:09:03 Rep. Running Wolf asked Ms. Kuhl if she could explain the Indian Equity Grant.

Committee Questions/Discussion

- 12:10:06 Rep. Sheldon-Galloway stated the grant could be an opportunity to enhance tourism in Montana.

Decennial Report Pursuant 90-1-105 (7), MCA

- 12:11:03 Mr. McCracken presented an update and historical background on the decennial report and the next steps in moving forward with legislation. ([Exhibit 5](#))

Working Group Report and Bill Draft

- 12:24:42 Rep. Running Wolf asked the work group (Sens. Webber and Fox) if there would be an appropriation attached to the proposed bill.
- 12:25:19 Sen. Webber responded by describing the positions that will be funded to produce the report.
- 12:25:24 Sen. Fox further described the positions that will be funded.
- 12:25:57 Rep. Running Wolf stated that the legislation should also be assigned to someone from the House of Representatives if the committee agrees to move forward with it.
- 12:27:08 Sen. Fox stated that the committee should also look to other sources for funding for the positions described in the bill. (See exhibit 5)
- 12:27:42 Rep. Read stated his interest in working on this legislation with Sens. Webber and Fox.
- 12:28:12 Sen. Webber stated that the current decennial report should be an ongoing report, but additional staffing and funding is required.

12:29:46 Rep. Sheldon-Galloway asked Mr. McCracken about the funding for this legislation and if it's coming from the bed tax.

12:30:42 Rep. Sheldon-Galloway asked about Ms. Kuhl's role in the DOC and how it relates to the positions described in the proposed legislation. (See exhibit 5)

12:31:16 Ms. Kuhl stated that she consults with the DOC as a resource.

12:33:30 Rep. Stewart-Peregoy stated some of the issues related to funding for the decennial report.

12:35:52 Sen. Webber further explained the issues with getting the decennial report funded as well as laying the groundwork for the process of the study.

12:37:13 Rep. Running Wolf commented on the proposed legislation for the new decennial report.

12:38:26 Sen. Fox stated his desire to establish a designated person to work on the report rather than appointing the task to a department or agency.

12:39:40 Sen. Webber asked Mr. McCracken about the status of the bill and where it stands in its preparation for legislation.

12:40:34 Rep. Sheldon-Galloway asked about tribal preference in giving information to the Department of Indian Affairs over the DOC.

12:41:51 Ms. Kuhl responded to Rep. Sheldon-Galloway by stating that the DOC and other state agencies have tribal liaisons who are tasked with conducting effective communication between the state and the tribes.

LUNCH

12:43:05 Reconvened at 13:52:33.

Fee-to-Trust Study

13:53:24 Mr. McCracken presented the fee-to-trust study memo and asked the committee to decide on their intentions for this study moving forward. ([Exhibit 6](#))

Committee Questions/Discussion

13:57:34 Sen. Webber asked Mr. McCracken to refresh the committee on SB 214.

14:00:32 Sen. Webber asked Mr. McCracken about repealing or modifying SB 214.

14:01:49 Rep. Read commented on the impact that SB 214 had on the Confederated Salish and Kootenai Tribes (CSKT).

14:05:38 Sen. Fox commented on the Bureau of Indian Affairs (BIA) and his concerns regarding their involvement in the fee-to-trust process.

14:06:48 Rep. Sheldon-Galloway asked Mr. McCracken for clarification on the difference between fee and trust lands.

14:08:44 Rep. Sheldon-Galloway asked Rep. Running Wolf for additional clarification.

14:09:11 Sen. Webber described the origin of reservations and how tribes received the land they live on.

14:10:13 Rep. Sheldon-Galloway asked about Indian country.

14:11:00 Rep. Read clarified the fee-to-trust process and the differences between the two types of land.

14:14:24 Rep. Smith further explained the difference in fee and trust lands.

Public Comment

14:15:02 Jordan Thompson, Deputy Executive Officer, CSKT

Committee Questions/Discussion

- 14:17:59 Sen. Fox asked for Mr. McCracken to describe PILT payments, where they come from, what they can be used for, and how they are related, in this context, to fee and trust lands.
- 14:19:08 Rep. Running Wolf asked Mr. Thompson if the tribe could receive PILT funds.
- 14:20:40 Rep. Running Wolf asked Mr. Thompson if PILT funds for the tribes would be considered Indian dollars.
- 14:22:29 Rep. Read commented on the Bison Range on the Flathead reservation, the PILT funds that came from its transfer into tribal management, and the effect it's had on Lake county.
- 14:24:01 Rep. Running Wolf asked for additional comment from Mr. Thompson.
- 14:24:45 Rep. Sheldon-Galloway asked the committee to clarify the state's jurisdiction on fee-to-trust land on reservations.
- 14:25:23 Sen. Webber described the different reservations and the positions they're in, regarding fee and trust lands.
- 14:27:04 Sen. Fox commented on the impact that the fee-to-trust process has had at Ft. Belknap.
- 14:27:24 Rep. Running Wolf commented on the complexity of the issue. He asked the committee to spend a little more time studying it before moving forward with any decisions regarding it.

Voting Access Study - Alternative/Satellite Election Offices

Refresher on Wandering Medicine Settlement and SOS Directive 01-2015

- 14:20:37 Laura Sankey Keip, STRC attorney, presented an update on the decisions regarding satellite/alternative voting offices in counties with reservation territory. [\(Exhibit 7\)](#)
- 14:35:18 Conner Gagnon, Elections Specialist from the Secretary of State's office, presented a list of alternative/satellite election offices that are available in counties with reservation land. [\(Exhibit 8\)](#)

Public Comment

- 14:40:30 None

Committee Questions/Discussion

- 14:40:38 Sen. Webber asked Mr. Gagnon if he tracks mail-in ballot data.
- 14:40:44 Sen. Webber asked Mr. Gagnon if he could provide that data to the committee.
- 14:41:34 Sen. Fox asked Mr. Gagnon about the deposition between the SOS and Ft. Belknap, Crow, and Northern Cheyenne reservations.
- 14:42:19 Rep. Sheldon-Galloway asked Mr. Gagnon about the voter integrity group's complaint about internet connections in election sites.
- 14:43:34 Rep. Sheldon-Galloway asked Mr. Gagnon about the SOS's jurisdiction in elections.
- 14:44:25 Rep. Sheldon-Galloway asked Ms. Sankey Keip if the SOS has jurisdiction over all land with election offices.
- 14:46:19 Rep. Sheldon-Galloway asked Ms. Sankey Keip for additional clarification.

- 14:47:01 Sen. Webber responded to Rep. Sheldon-Galloway by describing the differences in voting access and fee-to-trust lands as well as the SOS's jurisdiction over both.
- 14:48:57 Rep. Running Wolf responded to Rep. Sheldon-Galloway.
- 14:51:40 Rep. Sheldon-Galloway asked Mr. Gagnon if the SOS office had data on individuals who voted out-of-state.
- 14:53:48 Rep. Sheldon-Galloway asked Mr. Gagnon for clarification on the voter registration process for individuals who currently reside out-of-state.

Missing and Murdered Indigenous Persons (MMIP)

State efforts background

- 14:55:34 Mr. McCracken introduced Dana Toole, Special Services Bureau Chief at the Department of Justice, who worked with the MMIP Review Commission and Task Force. ([Exhibit 9](#))

Updates on Missing Indigenous Persons Review Commission and Task Force/LINC

- 14:58:19 Ms. Toole updated the committee on her agency's news related to MMIP and presented recommendations for legislation voted on by the MMIP Review Commission and Task Force. (See Exhibit 9)

Public Comment

- 15:09:38 None

Committee Questions/Discussion

- 15:09:50 Sen. Webber asked Ms. Toole about the tribes who have not applied for the LINC grant.
- 15:12:39 Rep. Running Wolf asked Ms. Toole about tribal members who act on behalf of the tribe.
- 15:15:11 Rep. Running Wolf responded to Ms. Toole.

Office of Public Instruction (OPI) Updates

- 15:16:08 Zach Hawkins, Director of Indian Education for All (IEFA) program at OPI, gave an update on the implementation of IEFA in public schools. ([Exhibit 10](#))
- 15:28:17 Donnie Wetzel, Tribal Liaison at OPI, discussed the impact of IEFA and the activities of OPI. (See exhibit 10)

Committee Questions/Discussion

- 15:35:51 Sen. Webber asked Mr. Hawkins about OPI's involvement in Class 7 trainings.
- 15:37:12 Sen. Webber asked Mr. Hawkins if he could get the information to Mr. McCracken on which instructors were involved in Class 7 training.
- 15:37:59 Sen. Webber asked the presenters for their definition of a "tribal school."
- 15:38:48 Mr. Wetzel responded to Sen. Webber by stating OPI's efforts and intentions in supporting Rep. Windy Boy regarding Class 7 training.

Update on Legislation Impacting CPS and ICWA

- 15:40:29 Nikki Grossberg, Administrator for Child and Family Services Division at DPHHS, and Sue O'Connell, LSD Research Analyst for CFHHS interim committee, gave a presentation on HBs 90, 503, and 39. Ms. O'Connell updated

the committee on HB 39 Working Group and the decisions they made regarding any legislation. ([Exhibit 11](#))

Committee Questions/Discussion

- 15:51:09 Sen. Webber asked Ms. O'Connell if the working group has experienced any difficulty working with tribes.
- 15:52:28 Sen. Webber commented on the number of Native American children in foster care. She asked how the group determines who is an Indian child.

BREAK

15:54:11 Reconvened at 16:17:48

LSD Staff Updates

IEFA litigation update

16:18:17 Ms. Sankey Keip gave a brief update on the IEFA litigation.

Montana Districting and Apportionment Commission update

16:19:03 Rachel Weiss, LSD Research Analyst, gave an update on the Districting and Apportionment Commission's work and goals.

Recreational marijuana (HB 701) implementation update

16:21:29 Erin Sullivan, LSD Research Analyst, gave a review on MCA 16-12-225 and the Combined-Use License Statute in HB 701. ([Exhibit 12](#)) She also gave an update on the tribes' efforts to pursue Combined-Use Licenses and asked the committee to bring forth any suggestions to the Economic Affairs Interim Committee.

Committee Questions/Discussion

- 16:33:28 Rep. Sheldon-Galloway asked Ms. Sullivan if alcohol and cigarettes sold on the reservation are taxed by the state.
- 16:35:02 Rep. Sheldon-Galloway asked if tribal tax is considered a local tax on the sale of marijuana.
- 16:35:32 Ms. Sullivan responded to Rep. Sheldon-Galloway by describing the complexity of tribal ownership of dispensaries while federal law still prohibits the sale of marijuana.
- 16:36:54 Rep. Sheldon-Galloway asked about tribal service area related to the Little Shell Chippewa tribe.
- 16:38:02 Rep. Sheldon-Galloway asked for further clarification on the land boundaries surrounding the Little Shell Chippewa tribe.

Public Comment on any topic within STRC's jurisdiction

16:39:33 None

Committee Work Session

- 16:40:01 Mr. McCracken discussed the work session to the committee. ([Exhibit 13](#))
- 16:45:41 Rep. Running Wolf commented on Rep. Windy Boy's efforts in Class 7 training and asked for a report on those efforts to be brought to the committee at a later meeting.

16:46:56 Sen. Webber asked Mr. McCracken whether any more meetings on the decennial report are necessary.

16:48:08 Sen. Webber asked Mr. McCracken about another meeting with the work group.

16:48:34 Rep. Running Wolf restated Rep. Read's interest in participating in the work group.

16:48:58 Sen. Webber asked Mr. McCracken about the reauthorization of MIP bills and whether the committee should work on those.

16:50:07 Mr. McCracken asked the committee about drafting provisional bills.

16:51:03 Rep. Sheldon-Galloway asked for dates in July for the next meeting.

16:52:08 The committee members stated the dates they are unavailable for the next meeting in July.

16:53:53 Mr. McCracken asked the committee if they would be interested in touring the MWP.

16:54:25 Sen. Webber commented on the MWP presentation.

16:55:25 Rep. Sheldon-Galloway asked Rep. Running Wolf where she could get more information regarding Historical Trauma and Indian boarding schools.

16:56:34 Rep. Running Wolf gave closing remarks.

ADJOURNMENT

16:57:00 Rep. Running Wolf adjourned the meeting at 16:57:00 (4:57pm)