



## 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

September 09, 2022  
Room 102 / Zoom  
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. 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:**

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**

08:30:41 Rep. Tyson Running Wolf called the meeting to order at 8:30 AM. The committee secretary took roll.

**OPENING REMARKS**

08:31:59 Sen. Brown

08:32:20 Rep. Running Wolf

08:32:47 Pad McCracken, LSD Research Analyst went over the meeting agenda. (See attachment 1)

**REPORT FROM DIRECTOR OF INDIAN AFFAIRS - Misty Kuhl, Director of Indian Affairs**

08:35:18 Ms. Kuhl

**Committee Questions/Discussion**

08:45:08 Rep. Running Wolf asked about the Governor's leadership summit.

08:47:34 Sen. Webber asked Ms. Kuhl about state employee tribal relations training.

08:49:52 Sen. Webber asked Ms. Kuhl about an Indian law component in the tribal relations training.

**STATE-TRIBAL ECONOMIC DEVELOPMENT REPORT – Liane Taylor, Department of Commerce**

08:50:54 Ms. Taylor ([Exhibit 1](#))

**Committee Questions/Discussion**

08:55:38 Rep. Sheldon-Galloway asked Ms. Taylor about tracking tourism for powwows.

08:57:18 Rep. Sheldon-Galloway asked Ms. Taylor about notifying Irish legislators internationally for tourism purposes.

08:57:47 Sen. Webber asked Ms. Taylor the difference between the Tribal Tourism Grant and the Tribal Enhancement Grant.

08:58:54 Rep. Running Wolf asked Ms. Taylor about the next application cycle for the grants that are available.

08:59:53 Sen. Small commented on Indian economic growth due to the grants that are available to the tribes.

**INTRODUCTION TO NEW DIRECTOR OF COMMERCE, Scott Osterman**

09:02:06 Ms. Kuhl

09:03:18 Mr. Osterman

**Committee Questions/Discussion**

09:08:44 Rep. Smith asked Mr. Osterman about efforts in training electricians on the reservations.

- 09:10:25 Rep. Running Wolf commented on the Department of Commerce's work on the reservations.
- 09:11:37 Ms. Kuhl responded to Rep. Smith's question on technical training.
- 09:13:40 Sen. Webber asked Ms. Kuhl about remote learning availability on the reservations.

### **CSKT LAND EXCHANGE UPDATE - Shawn Thomas and Ryan Weiss, DNRC**

- 09:16:26 Mr. Thomas ([Exhibit 2](#))
- 09:20:33 Mr. Weiss (See exhibit 2)

### **Committee Questions/Discussion**

- 09:29:41 Sen. Webber asked Mr. Weiss about the land exchange effects on trust land.
- 09:30:50 Sen. Webber asked Mr. Weiss about the process of exchanging state land to federal land.
- 09:31:59 Rep. Stewart-Peregoy asked Mr. Weiss about the acreage of non-taxable state trust lands. She followed by asking for more information on grants that are given to reservations that have public schools.
- 09:35:42 Sen. Brown asked about private land protections.
- 09:38:31 Sen. Brown asked Mr. Weiss about Tribe willingness to maintain leases on their land.
- 09:39:41 Rep. Sheldon-Galloway asked Mr. Weiss for a map of land that is considered for federal exchange.
- 09:40:46 Rep. Sheldon-Galloway asked Mr. Weiss about clarification on what land is considered for land exchange. She followed by asking about the primary industry on the land considered for land exchange.
- 09:42:42 Rep. Read asked Mr. Weiss about potential changes in public land access.
- 09:44:34 Sen. Webber asked Mr. Weiss about potential legal issues.
- 09:45:49 Sen. Webber commented on her district.
- 09:46:04 Rep. Sheldon-Galloway asked Mr. Weiss about other tribes involved in the land exchange process.
- 09:46:50 Rep. Smith asked Mr. Weiss about the land exchange's effects on roads. He followed by asking about easement grants.
- 09:49:12 Sen. Fox asked Mr. Weiss about the reservations that contain school trust land.
- 09:50:41 Mr. Thomas stood to respond to Rep. Stewart-Peregoy's earlier question regarding school trust lands.

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

- 09:53:45 Mr. McCracken ([Exhibit 3](#))

### **Public Comment on PD 35, Decennial Report bill draft**

- 09:59:20 Liane Taylor, Department of Commerce

### **Committee Questions/Discussion**

- 10:01:41 Sen. Webber commented on PD 25. (See exhibit 3)
- 10:03:16 Sen. Fox commented on PD 25. (See exhibit 3)
- 10:04:01 Rep. Stewart-Peregoy asked about costs required to execute the decennial report.
- 10:05:02 Ms. Taylor stood to respond to Rep. Stewart-Peregoy's question.

- 10:05:52 Rep. Stewart-Peregoy asked Ms. Taylor about attaching a dollar amount to the draft bill. (See exhibit 3)
- 10:07:47 Rep. Running Wolf asked Mr. McCracken about an existing appropriation within the bill.
- 10:08:43 Rep. Stewart-Peregoy stated the committee should consider attaching a dollar amount of \$1.00 to the draft bill. (See exhibit 3)
- 10:09:25 Rep. Sheldon-Galloway commented on attaching deadlines for the tribes within the draft bill. (See exhibit 3)
- 10:10:25 Rep. Running Wolf commented on adding deadlines outside of the bill draft.
- 10:11:30 Sen. Webber asked Ms. Taylor about a system for tribes to report their use of funds. Sen. Webber followed by explaining that system to Rep. Sheldon-Galloway.

**RECESS**

10:14:08 Reconvened at 10:30:17

**MISSING INDIGENOUS PERSONS COMMISSION REPORT – Dana Toole, Special Services Bureau Chief, Department of Justice (DOJ)**

10:31:17 Ms. Toole ([Exhibit 4](#))

**Committee Questions for Ms. Toole**

- 10:34:18 Rep. Sheldon-Galloway asked Ms. Toole about discussions with tribal leadership.
- 10:36:20 Rep. Sheldon-Galloway commented on jurisdictional issues on the reservations. She followed by asking Ms. Toole about the conclusions of the Missing Indigenous Persons (MIP) study. (See exhibit 4)
- 10:40:30 Rep. Sheldon-Galloway asked Ms. Toole about the response time for missing people on the reservations.
- 10:41:33 Sen. Webber asked Ms. Toole about affected data.
- 10:42:50 Sen. Webber asked Ms. Toole about off-reservation data.

**Review of Bill Drafts from MIP Task Force Recommendations – Pad McCracken, LSD Research Analyst; Laura Sankey Keip, LSD Attorney**

**Discussion on PD 17 – Laura Sankey Keip, LSD Attorney**

- 10:44:59 Ms. Sankey Keip ([Exhibit 5](#))
- 10:48:00 Sen. Webber asked Ms. Sankey Keip where to find the extended termination date on the bill draft. (See exhibit 5)
- 10:48:35 Sen. Brown asked about including the tribes in the bill draft. (See exhibit 5)
- 10:50:47 Rep. Stewart-Peregoy commented on tribal authority.
- 10:51:43 Sen. Webber suggested adding tribal government within the bill draft.
- 10:53:01 Rep. Running Wolf asked about the next steps for the bill draft. (See exhibit 5)

**Public Comment on PD 17**

- 10:53:31 Josh Butterfly, Prayer Warriors Tribal Council
- 10:57:27 Alan Doane, Montana Department of Justice
- 10:59:04 Drew Landry, Blackfeet Community College

### **Further Discussion on PD 17**

- 11:02:40 Sen. Small proposed establishing an additional Full-Time Employee (FTE) in the bill draft. (See exhibit 5)
- 11:04:25 Mr. McCracken responded to Sen. Small.
- 11:04:49 Rep. Sheldon-Galloway asked about the budget in the draft bill. (See exhibit 5)

### **Discussion on PD 18 – Laura Sankey Keip, LSD Attorney**

- 11:05:51 Ms. Sankey Keip ([Exhibit 6](#))

### **Public Comment on PD 18**

- 11:07:04 Alan Doane, Department of Justice

### **Further Discussion on PD 18**

- 11:08:15 Rep. Sheldon-Galloway asked about funding additional law enforcement on the reservations.
- 11:09:06 Sen. Small responded to Rep. Stewart-Peregoy.
- 11:11:33 Sen. Fox commented on law enforcement budgets on the reservations. (See exhibit 6)
- 11:13:52 Sen. Webber commented on federal government responsibility.
- 11:15:34 Rep. Read commented on PD 18. (See exhibit 6)
- 11:17:08 Rep. Smith commented on federal government responsibility to finance law enforcement on the reservations.
- 11:17:32 Sen. Brown suggested including language in PD 18 to encourage support from the Governor's Office.
- 11:19:49 Rep. Sheldon-Galloway asked about letters of support for the bill draft from each tribal council in Montana.

### **Discussion on PD 37 – Pad McCracken, LSD Research Analyst**

- 11:20:40 Mr. McCracken ([Exhibit 7](#))

### **Public Comment on PD 37**

- 11:21:53 Josh Butterfly, Prayer Warriors Tribal Council

### **Further Discussion on PD 37**

- 11:23:20 Sen. Webber commented on PD 37. (See exhibit 37)
- 11:25:35 Sen. Brown asked about the bill draft in the 2021 session.
- 11:26:12 Rep. Stewart-Peregoy responded to Sen. Brown's question.
- 11:26:34 Rep. Sheldon-Galloway asked about including sex trafficking training for hotel employees in the bill draft. (See exhibit 7)
- 11:29:24 Mr. Doane stood to respond to Rep. Sheldon-Galloway's question.
- 11:30:11 Sen. Small commented on additional DOJ training.

### **Discussion on PD 38 – Pad McCracken, LSD Research Analyst**

- 11:31:00 Mr. McCracken ([Exhibit 8](#))

### **Public Comment on PD 38**

- 11:32:41 Dana Toole, DOJ
- 11:35:24 Josh Butterfly, Prayer Warriors Tribal Council

### **Further Discussion on PD 38**

- 11:37:25 Sen. Webber asked Ms. Sankey Keip about including juvenile court system and foster care system information in the bill draft. (See exhibit 8)
- 11:40:08 Sen. Webber commented on youth as the majority of missing Indigenous people.
- 11:40:45 Rep. Sheldon-Galloway asked about potential agency support for the bill during session. (See exhibit 8)
- 11:42:00 Rep. Running Wolf asked about approving the bill drafts.

### **MOTION**

- 11:43:01 Sen. Brown moved to adopt PD 0018 as a committee bill. (See exhibit 6)

### **Discussion on the Motion**

- 11:43:37 Ms. Sankey Keip asked for clarification on the motion and potential amendments to the bill draft. (See exhibit 6)
- 11:44:27 Sen. Brown withdrew his motion.

### **MOTION**

- 11:44:31 Sen. Brown moved to adopt PD 0018 with Ms. Sankey Keip's changes and a deadline of June 30th. (See exhibit 6)

### **VOTE**

- 11:45:19 Motion carried unanimously by voice vote.
- 11:45:52 Rep. Running Wolf assigned PD 18 to Sen. Brown. (See exhibit 6)

### **MOTION**

- 11:46:33 Sen. Small moved to adopt PD 0037 as a committee bill. (See exhibit 7)

### **VOTE**

- 11:47:03 Motion carried unanimously by voice vote.
- 11:47:14 Rep. Running Wolf assigned himself to PD 37.

### **MOTION**

- 11:47:59 Sen. Small moved to adopt PD 0038 as a committee bill. (See exhibit 8)

### **Discussion on the Motion**

- 11:48:15 Sen. Webber asked to change language in PD 38 to include the juvenile court system before voting.

### **MOTION**

- 11:48:58 Sen. Small moved to change language in PD 38 to include the juvenile court system. (See exhibit 8)

### **Discussion on the Motion**

- 11:49:28 Rep. Sheldon-Galloway commented on the juvenile court system.
- 11:50:07 Sen. Brown commented on broad language in the bill draft to allow the court required discretion.

**VOTE**

11:51:14 Motion carried unanimously by voice vote.

**MOTION**

11:51:53 Sen. Small moved to adopt PD 0038 with amended language as a committee bill. (See exhibit 8)

**VOTE**

11:52:00 Motion carried unanimously by voice vote.

11:52:11 Rep. Running Wolf assigned Rep. Sheldon-Galloway to the bill. (See exhibit 8)

**MOTION**

11:52:34 Sen. Small moved to adopt PD 0017 as a committee bill. (See exhibit 5)

**Discussion on the Motion**

11:52:51 Sen. Brown asked about adding an FTE and tribal governments in the bill draft. (See exhibit 5)

11:53:48 Sen. Small responded to Sen. Brown.

**MOTION**

11:54:45 Sen. Small moved to adopt PD 0017 with amended contingency language as a committee bill. (See exhibit 5)

**Discussion on the Motion**

11:55:28 Ms. Sankey Keip commented on including contingency language in the bill draft. (See exhibit 5)

11:57:39 Rep. Running Wolf asked Ms. Sankey Keip for clarification on recommended language for the bill draft in its current state.

11:59:06 Sen. Small withdrew his motion.

**MOTION**

11:59:24 Sen. Small moved to adopt PD 0017 with amended language that includes adding an FTE. (See exhibit 5)

**Discussion on the Motion**

11:59:49 Rep. Stewart-Peregoy asked for clarification on adding funds to the bill.

12:00:30 Rep. Smith asked about adding a specific position for the FTE.

12:01:05 Sen. Small responded to Rep. Smith's question.

**VOTE**

12:02:10 Motion carried unanimously by voice vote.

12:02:31 Ms. Sankey Keip commented on a potential second amendment. She discussed current authorized task force recommendations.

**MOTION**

12:05:33 Sen. Small moved to adopt PD 0017 with amended language that includes tribal governments. (See exhibit 5)

### **Discussion on the Motion**

12:05:53 Rep. Sheldon-Galloway commented on voting for additional FTEs.

### **VOTE**

12:06:46 Motion carried unanimously by voice vote.

12:06:58 Rep. Running Wolf assigned himself to the bill. (See exhibit 5)

### **RECESS**

12:07:35 Reconvened at 13:01:47 (1:01pm).

### **IEFA LITIGATION UPDATE - Laura Sankey Keip, LSD Attorney**

13:02:27 Ms. Sankey Keip

### **OFFICE OF PUBLIC INSTRUCTION**

#### **Montana Indian Language Preservation Report**

13:04:26 Matt Bell, Language and Culture Specialist, OPI ([Exhibit 9](#))

#### **Indian Language Immersion Program Update**

13:07:32 Mr. Bell ([Exhibit 10](#))

#### **Tribal Consultation Efforts**

13:09:42 Donnie Wetzel Jr., Tribal Relations and Resiliency Director, OPI ([Exhibit 11](#))

#### **Youth Leadership Development Efforts**

13:13:29 Mr. Wetzel ([Exhibit 12](#))

13:16:24 Indian Education for All Update

13:16:25 Zach Hawkins, Director of Indian Education for All ([Exhibit 13](#))

#### **American Indian Achievement Gap Report**

13:24:00 Carrie Gopher, Director of American Indian Student Achievement, OPI ([Exhibit 14](#) and [Exhibit 15](#))

#### **Committee Questions for OPI Panel**

13:37:17 Rep. Knudsen asked Ms. Gopher about data in the American Indian Achievement Gap (AIAG) report. (See exhibit 14) He followed by asking about a number for the students within the document.

13:39:06 Sen. Webber asked Ms. Gopher about expectations for Native students.

13:41:48 Sen. Webber asked Ms. Gopher about the dropout rate included in the AIAG report. (See exhibit 14)

13:43:43 Sen. Webber asked Mr. Wetzel about the results of HB 403.

13:45:07 Rep. Running Wolf responded to Sen. Webber's question.

13:45:24 Sen. Webber asked the panel about teacher shortages in the reservation schools.

13:46:22 Mr. Wetzel responded to Sen. Webber.

13:47:03 Sen. Webber asked Mr. Wetzel about OPI solutions for teacher shortages.

13:48:33 Carrie Kouba, OPI, stood to respond to Sen. Webber's question.



- 13:50:13 Rep. Running Wolf asked Ms. Kouba about teacher retention on the reservations.
- 13:51:19 Rep. Running Wolf asked Ms. Kouba about retention rates in districts that participate in "Grow Your Own" programs.
- 13:52:10 Sen. Brown asked Ms. Gopher about data in the AIAG report. (See exhibit 14)
- 13:58:38 Ms. Kouba responded to Sen. Brown's question.
- 14:00:51 Mr. Wetzel responded to Sen. Brown's question.
- 14:03:13 Mr. McCracken responded to Sen. Brown's question.

**Comments from Rep. Windy Boy**

- 14:04:56 Rep. Windy Boy

**Committee Questions/Discussion**

- 14:07:47 Rep. Sheldon-Galloway commented on the number of school administrators in Montana.
- 14:09:50 Mr. Wetzel commented on tribal consultation efforts.

**CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST PROFESSIONAL DEVELOPMENT AND INDIAN LANGUAGE PRESERVATION WORK OF THE EDUCATION INTERIM BUDGET COMMITTEE (EIBC) - Rep. Windy Boy**

- 14:12:28 Rep. Windy Boy
- 14:31:52 Jonathan Eagleman, Indian Education Director of the Chippewa Cree Tribe
- 14:33:51 Rep. Windy Boy

**FEE-TO-TRUST SUMMARY - Pad McCracken, LSD Research Analyst**

- 14:36:18 Mr. McCracken ([Exhibit 16](#))

**Committee Questions/Discussion**

- 14:41:27 Sen. Webber asked Mr. McCracken about individual transfers of land from fee to trust.
- 14:44:57 Rep. Sheldon-Galloway commented on the fee-to-trust study summary. (See exhibit 16)

**VOTING ACCESS STUDY SUMMARY - Pad McCracken, LSD Research Analyst**

- 14:46:04 Mr. McCracken ([Exhibit 17](#))

**Committee Questions/Discussion**

- 14:49:40 Rep. Running Wolf commented on the study summary. (See exhibit 17)

**RECESS**

- 14:50:04 Reconvened at 15:07:04 (3:07pm).

**MONTANA DISTRICTING AND APPORTIONMENT COMMISSION UPDATE - Rachel Weiss, LSD Research Analyst for the Montana Districting and Apportionment Commission (MDAC)**

- 15:07:22 Ms. Weiss ([Exhibit 18](#))

### **Committee Questions/Discussion**

- 15:11:05 Rep. Read asked Ms. Weiss about House and Senate district pairings.
- 15:13:25 Rep. Sheldon-Galloway asked Ms. Weiss to explain the Voting Rights Act to the committee and their constituents.
- 15:15:03 Rep. Sheldon-Galloway asked Ms. Weiss where to find the Commission's information.
- 15:16:18 Rep. Stewart-Peregoy asked Ms. Weiss about the districting maps. (See exhibit 18)
- 15:17:40 Rep. Stewart-Peregoy asked Ms. Weiss about the makeup of competitive districts complying with the protections in the Voting Rights Act.

### **RECREATIONAL MARIJUANA (HB 701) REVISION UPDATE - Erin Sullivan, LSD Research Analyst for the Economic Affairs Interim Committee (EAIC)**

- 15:19:29 Ms. Sullivan ([Exhibit 19](#))

### **Committee Questions/Discussion**

- 15:22:18 Rep. Sheldon-Galloway asked Ms. Sullivan about conflict resolution between city ordinance, state law, and federal law regarding recreational marijuana.
- 15:24:14 Rep. Sheldon-Galloway asked Ms. Sullivan about federal legalization of marijuana and its impact on state reservations.
- 15:25:15 Sen. Webber asked Ms. Sullivan about the number of tribes who have applied for a marijuana license.
- 15:26:19 Mr. McCracken presented documentation from Ms. Weiss on the mandatory criteria for state legislative districts. ([Exhibit 20](#))

### **Committee Questions/Discussion**

- 15:27:28 Rep. Running Wolf asked for a motion to approve PD 25 draft bill. (See exhibit 3)

### **MOTION**

- 15:28:06 Sen. Small moved to amend PD 25 by adding an appropriation of \$1.00. (See exhibit 3)

### **VOTE**

- 15:29:10 Motion carried unanimously by voice vote.

### **MOTION**

- 15:29:30 Sen. Small moved to adopt PD 25 with amendments as a committee bill. (See exhibit 3)

### **VOTE**

- 15:29:39 Motion carried unanimously by voice vote.
- 15:29:52 Rep. Running Wolf assigned himself to carry PD 25.
- 15:30:08 Rep. Read commented on the potential timeline of the bill for the upcoming session.

### **Public Comment on any topic within STRC's jurisdiction**

- 15:31:04 Josh Butterfly, Prayer Warrior's Tribal Council

### **Committee Questions/Discussion**

- 15:42:20 Rep. Sheldon-Galloway read a written public comment to the committee.  
([Exhibit 21](#))
- 15:44:30 Rep. Sheldon-Galloway asked about the Little Shell Chippewa Cree tribal band.
- 15:45:04 Sen. Fox responded to Rep. Sheldon-Galloway.
- 15:46:21 Rep. Sheldon-Galloway asked about different tribes on reservations.
- 15:47:11 Rep. Smith commented on the written public comment. (See exhibit 21)

### **CLOSING REMARKS**

- 15:48:54 Sen. Brown
- 15:51:29 Rep. Read
- 15:53:48 Sen. Webber
- 15:55:33 Rep. Sheldon-Galloway
- 15:59:13 Rep. Smith
- 16:00:18 Rep. Stewart-Peregoy
- 16:04:49 Sen. Fox
- 16:06:36 Rep. Running Wolf

### **ADJOURN**

- 16:06:59 Rep. Running Wolf adjourned the meeting at 16:06:59 (4:06pm).

### **ADJOURNMENT**

Adjournment: 16:07:14