



State-Tribal Relations Committee

64th Montana Legislature

SENATE MEMBERS

JONATHAN WINDY BOY--Chair
JILL COHENOUR
JENNIFER FIELDER
KRISTIN HANSEN

HOUSE MEMBERS

ALAN DOANE--Vice Chair
EDWARD GREEF
GEORGE KIPP III
ZAC PERRY

COMMITTEE STAFF

HOPE STOCKWELL, Lead Staff
LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

MINUTES LOG

March 22, 2016
Auditorium, Fort Peck Community College
Poplar, Montana

Please note: This document is a Minutes Log and provides a notation 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 record 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 meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and 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.

COMMITTEE MEMBERS PRESENT

SEN. JONATHAN WINDY BOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JILL COHENOUR
SEN. JENNIFER FIELDER
SEN. KRISTIN HANSEN

REP. EDWARD GREEF
REP. GEORGE KIPP III
REP. ZAC PERRY

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

HOPE STOCKWELL, Lead Staff

LAURA SANKEY, Staff Attorney
LAURA SHERLEY, Secretary

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL

00:00:01 Sen. Windy Boy called the meeting to order at 9:15 a.m. The committee secretary took roll ([Attachment 3](#)).

WELCOME AND OPENING PRAYER

00:01:03 Tribal Elder Mike Young Bear gave the opening prayer.

MONTANA BOARD OF CRIME CONTROL

Tina Chamberlain, Staff Tribal Liaison to the Board of Directors

00:05:30 Ms. Chamberlain ([Exhibit 1](#))

Questions/Discussion -- STRC

00:10:43 Sen. Windy Boy asked what the victim service program has for outreach funding.
00:11:48 Sen. Hansen asked for clarification of victim legal services and the definition of a client in the program.
00:12:23 Rep. Kipp asked if the distribution of funding is linked with the suicide crime rates in the tribal communities.
00:13:27 Rep. Kipp asked if there has been discussion of the suicide rates in the tribal communities.
00:13:48 Rep. Kipp commented that the program should be sensitive to the beliefs and traditions of the tribal communities regarding the ideas of healing prior to fund distribution.
00:15:21 Roxanne Gourneau, Fort Peck Tribal Executive Board Member
00:25:14 Sen. Windy Boy asked Ms. Chamberlain how the program distributes its federal dollars.
00:26:52 Sen. Windy Boy asked if the grant funding is state matched.
00:28:04 Ms. Gourneau commented about the need for the victim legal services program in the tribes.

ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL

Mike Andreini, Director, RMT Epidemiology Center
Frances Altekruise, Executive Administrative Assistant
Roy Pack, Project Director, Strategic Programs

00:37:33 Mr. Andreini ([Exhibit 2](#))([Exhibit 3](#))
00:48:46 Ms. Altekruise ([Exhibit 4](#))([Exhibit 5](#))
00:58:54 Mr. Pack

Questions/Discussion -- STRC

01:15:30 Sen. Cohenour asked if the reason the Transitional Recovery and Culture Project (TRAC) cannot bill third party is due to lack of certification.

01:17:20 Sen. Cohenour asked on how the legislature can assist with the programs presented by the panel.
01:22:11 Sen. Cohenour asked if the panel would bring a list of best practices in their programs and what the legislature could do to assist within its jurisdiction.
01:25:30 Rep. Doane asked Mr. Pack why the peer-to-peer TRAC employees should be paid rather than be volunteers.
01:30:25 Rep. Kipp asked Mr. Andreini if there is any data for prevention of substance abuse and protection of the child during the mother's pregnancy.
01:39:27 Rep. Kipp made remarks on the individual programs and their funding.
01:44:23 Ms. Gourneau commented on the presentations.

Break (Reconvened at 11:15 a.m.)

OPI WRAP-AROUND SERVICES FOR YOUTH

Mandy Smoker-Broaddus, Indian Education Director, OPI
Stephanie Iron Shooter, Caring Schools Coordinator, OPI
Bobbie Perry, Facilitator, OPI
Christina Tina Jackson, Program Volunteer, OPI

02:00:30 Ms. Smoker-Broaddus ([Exhibit 6](#))
02:06:25 Ms. Iron Shooter
02:08:04 Sen. Windy Boy asked Ms. Iron Shooter what coordination OPI has with the Robert Wood Johnson Foundation.
02:10:10 Ms. Iron Shooter continued her presentation
02:15:45 Ms. Berry
02:15:50 Ms. Jackson

Questions/Discussion -- STRC

02:16:50 Sen. Windy Boy commented on the need for the wrap-around program.
02:18:45 Rep. Greef asked the panel how old the wrap-around program is and how clients are referred into the program.
02:23:09 Sen. Greef asked how the program measures client success.
02:26:17 Rep. Kipp asked Ms. Iron Shooter how the program redefined homelessness.
02:29:44 Rep. Kipp commented on the wrap-around program.

Public Comment

None

LUNCH (Reconvened at 1:12 p.m.)

STATE IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT (ICWA)

Melissa Schlichting, Assistant Attorney General
Honorable Katherine Bidegaray, 7th Judicial District (by phone)
Georgette Hogan Boggio, Fort Peck ICWA Attorney
Roy Pack, Strategic Programs Director, Rocky Mountain Tribal Leaders Council
Michelle Ereaux, Montana ICWA Program Manager

02:36:21 Panel member introductions
02:39:56 Ms. Schlichting ([Exhibit 7](#))([Exhibit 8](#))
02:58:29 Ms. Bidegaray

03:17:54 Ms. Boggio
03:23:38 Mr. Pack
03:33:04 Ms. Ereaux

Questions/Discussion -- STRC

03:42:37 Rep. Kipp asked if the state court also handles ICWA cases or if there is consideration for an ICWA court.

03:45:53 Rep. Kipp recommended consideration of an ICWA court. Rep. Kipp said that understanding the culture and traditions of the tribal family would be important for the court to assist in ICWA cases.

03:52:41 Rep. Greef asked if ICWA is a federal law applied to all states equally and whether that takes away local decisions.

04:01:58 Rep. Greef asked how the panel would like legislators to assist with the decision or policy making for the ICWA program.

04:03:23 Sen. Windy Boy commented about the legislative work within the ICWA.

04:12:13 Sen. Cohenour asked if the ICWA administrative issues are due to the tribes not setting up policies of their own or if it is within the ICWA program.

04:19:46 Sen. Hansen asked for clarification about what cases end up in state court originally and are transferred to the tribal court and the type of cases that are referred to the tribal court.

04:26:19 Sen. Hansen asked about the current jurisdiction of the tribal court.

04:33:57 Sen. Hansen asked if a child is identified as an Indian child why the case does not go to tribal court.

04:35:17 Sen. Hansen asked for statistics regarding the transfer of ICWA cases from the state and the tribal courts.

04:39:31 Sen. Hansen asked staff for data on the amount of parental rights terminations in state court versus tribal court.

04:40:43 Rep. Bridget Smith, HD 31, asked Ms. Schlichting to clarify the use of the term 'identify' in her handout and to clarify how the U.S. Ninth Circuit Court of Appeals defines the identity of a child under ICWA.

04:44:24 Sen. Windy Boy made recommendations and requests for data from staff.

04:45:51 Ms. Stockwell reiterated the data requests and said a followup would be included on the July STRC agenda.

BREAK (Reconvened at 3:24 p.m.)

MONTANA INDIAN LANGUAGE PRESERVATION PROGRAM (MILP) UPDATE

Heather Sobrepena-George, Section Manager, Indian Country Programs,

Department of Commerce

Margaret Cook, Program Manager, MILP

Ramey Growing Thunder, Director, Fort Peck Language and Culture Department

04:56:01 Ms. Sobrepena-George

05:08:04 Rep. Greef asked if any of the native languages are written or are they just verbal.

05:09:50 Rep. Greef asked if there are classroom situations in the schools and adult teaching for language preservation.

05:10:29 Ms. Cook

03:58:58 Ms. Growing Thunder

Questions/Discussion -- STRC

- 05:33:53 Sen. Windy Boy commented about SB 272 and the components of the bill playing a key role in the language preservation programs.
- 05:39:12 Ms. Gourneau
- 05:46:11 Lance Four Star, Chairman, Assiniboine Council
- 05:54:35 Sen. Windy Boy presents the Council with pins from the State-Tribal Relations Committee.

Public Comment

- 05:56:16 Ms. Ramey ([Exhibit 9](#))
- 06:01:27 Fort Peck Tribal Executive Board member introductions

"CONCURRENT JURISDICTION" AS USED IN THE FORT PECK OIL & NATURAL GAS PRODUCTION AGREEMENT - Laura Sankey, Staff Attorney, Legislative Services Division

- 06:02:45 Ms. Sankey

Questions/Discussion

- 06:06:07 Sen. Fielder asked how current jurisdiction is decided.
- 06:07:49 Grant Stafne, Fort Peck Tribal Executive Board, commented about the Fort Peck Oil & Natural Gas policies.

JOINT SESSION OF THE STATE-TRIBAL RELATIONS INTERIM COMMITTEE AND THE FORT PECK TRIBAL EXECUTIVE BOARD

STR Committee Members

Fort Peck Tribal Executive Board

Grant Stafne

Terry Rattling Thunder

Dale Four Bear

Tony Shields

- 06:09:40 Mr. Stafne
- 06:11:00 Rep. Kipp asked the board members how they handle taxation of natural resources in the tribes.
- 06:13:21 Rep. Kipp recommended the board consider its taxation standards and policies for natural resources.
- 06:15:01 Rep. Doane asked the board if there was an official determination for the cause of death of the bison at Fort Belknap.
- 06:17:50 Rep. Greef asked what the pasture safety and sanitation standards are for the bison.
- 06:18:56 Rep. Bridget Smith commented on the price of the fencing and program being used to care for the bison herd.
- 06:20:27 Rep. Doane asked about the MOU between the state and the board.
- 06:21:45 Rep. Kipp commented about the relocation, raising, and hunting of bison within the state.
- 06:26:01 Rep. Smith commented about showing the State-Tribal Relations Committee the pasture that the board made for the bison.
- 06:26:27 Mr. Four Bear commented on the importance of the bison in the tribal culture and the standards that the board used to make the pasture safe and sanitary for the bison.

06:30:21 Rep. Doane clarified his earlier comments and said the state should not condition the tribes' management of bison once they are transferred to the tribes.
06:31:35 Mr. Rattling Thunder commented on the relocation of the bison and asked about the future of the language preservation program.
06:45:00 Rep. Kipp commented on SB 272.
06:47:54 Sen. Windy Boy discussed SB 272.

Public Comment

None

RECESS

06:49:54 Reconvened March 23, 2016 at 1:00 p.m.