

Montana State- Tribal Relations Committee

September 18

2017

The STRC typically tackles a broad array of topics over an interim. Meeting the statutory deadline for this work is rooted in the thoughtful consideration members give to planning the interim workload. This work plan is integral to meeting STRC goals.

**Final Work
Plan for the
2017-2018
Interim**



History of the State-Tribal Relations Committee

5-5-229, MCA, establishes the STRC and tasks it with the following responsibilities:

- (1) acting as a liaison with tribal governments;
- (2) encouraging state-tribal and local government-tribal cooperation;
- (3) conducting interim studies as assigned; and
- (4) reporting its activities, findings, recommendations, and any proposed legislation to the legislature.

Perhaps the most important responsibility of the STRC is to act as a liaison between the state and the eight tribal governments in Montana. This responsibility has been part and parcel of the work of the Committee since its inception in 1977 as the Committee on Indian Legal Jurisdiction. That Committee was charged with meeting with the various Indian tribes to identify common bonds between Indians and non-Indians and to propose legislation for the mutual benefit of both groups.

The Committee's major recommendation to the 1979 Legislature was the creation of a select committee on Indian affairs to be followed by a permanent committee if the 1981 Legislature felt the select committee proved valuable in improving Indian/non-Indian relations.

The 1979 Legislature accepted the recommendation and created the Select Committee on Indian Affairs. However, although subsequent Legislatures recognized the importance of the Committee's work, there was a reluctance to create a permanent committee.

Finally, in 1989, the Committee on Indian Affairs was established as a permanent, statutory committee. In 1999, the Legislature passed Senate Bill No. 11 (SB 11) that reorganized the interim committee structure by consolidating committees and establishing permanent interim committees with membership drawn from specific session standing committees. SB 11 eliminated the Committee on Indian Affairs and folded its responsibilities into the newly created Law, Justice, and Indian Affairs Interim Committee (LJIAC).

The LJIAC was selected to serve as the forum for state-tribal relations because many of the issues affecting state-tribal relations would most likely be addressed by the House and Senate Judiciary Committees. The membership of the LJIAC was drawn from these committees.

At the same time, the Coordinator of Indian Affairs (a position created by the Legislature in 1951 and appointed by the governor) was circulating a proposal to create a Commission on Indian Affairs that would be attached to the Executive Branch. This proposal eventually became a study resolution assigned to the LJIAC.

At the end of the 1999-2000 interim, after months of study, the LJIAC recommended that because of a lack of general support for the idea, the proposal for a Commission on Indian Affairs be tabled. In its place, the LJIAC recommended to the Legislative Council and the 57th Legislature that a separate State-Tribal Relations Committee be created that would assume the LJIAC's state-tribal liaison responsibilities.

The STRC, as we know it today, was established during the 2001 legislative session with the passage of Senate Bill No. 10.

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Introduction

This is the final work plan for the State-Tribal Relations Committee (STRC or Committee) for the 2017-2018 interim. In this document you will find:

- An explanation of how this work plan will be used
- Descriptions of work plan topics and timetables for addressing those topics
- A list of meeting agenda items
- A meeting timeline

How this draft work plan will be used

At its July meeting, the STRC set its study priorities and allotted the Committee's budget for staff time in order to complete the Committee's work prior to the September 15, 2018, deadline.

During the legislative interim, STRC will explore several topics, while also visiting the Northern Cheyenne, Crow, and Fort Belknap Reservations and meeting with the Little Shell Chippewa Tribe to learn about issues of tribal concern.

Staff developed work plans for each study topic and timetables for completing each major task. A timeline illustrating the overall schedule that these work plans will fit into is presented at the end of this document.

The STRC may provide additional input and direction to staff for each work plan topic, as needed.

Work Plan Topics

Study Assigned by Legislative Council

SJ 3 – Study of tribal resources for tribal members involved in the criminal justice system

Background: SJ 3 was a study resolution proposed by the Legislature's 2015-2016 Commission on Sentencing, which conducted a year-long study of Montana's criminal justice system including racial and ethnic disparities.

While American Indians/Alaska Natives comprise 7% of the total population in Montana, the Commission found American Indians constitute 17% of the state's total adult correctional facility population and account for 27% of all arrests related to failure to appear for court or for violations of conditions related to community supervision. The Commission recommended that an interim committee explore methods to increase access to tribal resources for tribal members who are in the state criminal justice system to decrease recidivism and improve outcomes for those offenders.

Staff time allocated: .12 FTE (344 hours)

Study timeline:

September 2017:

- Data on the number of American Indians in the state corrections system, types of crimes committed, and sentencing provisions
- DOC analysis of typical offender interactions with the system
- Overview of community supervision and best practices, especially related to American Indian offenders and responsivity
- Current status of any existing agreements with tribes for community supervision or extradition

Spring 2018:

- Staff analysis of existing tribal resources and treatment programs related to community supervision
- Identification of challenges or barriers that exist for access to and utilization of tribal resources

May 2018:

- What other states are doing
- Staff analysis of data re: recidivism in areas with and without tribal resources for community supervision and treatment
- Track outcomes of related Commission bills (SB 63, SB 64, and SB 65)
- Further information provided, if requested
- STRC provides input on recommendations/legislation, as needed

July 2018

- Review any recommendations or legislation, and seek public comment, if requested

September 2018

- Finalize and approve any recommendations and legislation, if requested

Member Issues Proposed for STRC Study

1) Improving Indian student achievement

Background: According to the Fall 2016 Montana American Indian Student Achievement Data Report produced by the Office of Public Instruction, 14% of the students enrolled in Montana's K-12 public schools in the 2015-2016 school year were Indian. Among those students, the special education rate was 15.1% compared to 9.7% for White students. On statewide assessments for English language arts, math, and science that school year, Indian students' proficiency rates were 28.5% to 34% lower than those of White students. While dropout rates declined slightly overall in 2014-2015, the dropout rate for Indian students remained significantly higher at 9.5% in grades 9-12 when compared to 2.6% for White students.

Last interim, the STRC studied the impact of public charter schools' on reservations and reviewed data on the existing public and private educational systems for Indian students in Montana on and off the reservations. The STRC also reviewed data on student attendance, performance, and other educational outcomes. In addition, the STRC looked at charter schools serving Indian students in other states and the available research on the resulting educational outcomes.

This interim, the STRC will conduct a broader study of improving Indian student success, including the intersections between school, community, and home life, how nutrition and health issues impact Indian students in Montana, and how tribal colleges are or could be involved in improving student outcomes.

Staff time allocated: .04 FTE (112 hours)

Study timeline:

September 2017:

- Updated student achievement data
- Review charter school information provided last interim
- Review of new ESSA plan and former Schools of Promise program at OPI

Spring 2018:

- Review existing wraparound and wellness programs in schools and communities serving Indian students in Montana

May 2018

- Further information provided, if requested
- STRC provides input on recommendations/legislation, as needed

July 2018

- Review any recommendations or legislation, and seek public comment, if requested

September 2018

- Finalize and approve any recommendations and legislation, if requested

2) Economic development in Indian Country

Background: Unemployment on Montana's reservations is often far higher than elsewhere in the state. SJR 20 (Sen. Small), a study of factors affecting and potential solutions for unemployment in high-poverty areas of Montana, is assigned to the Economic Affairs Interim Committee. In addition to tracking that study, STRC members chose to examine the below topics

Part 1: Workforce development in Indian Country

Staff time allocated: .03 FTE (84 hours)

Study timeline:

September 2017 and Spring 2018:

- Discuss concept of and possibilities for developing mobile job search facilities and increasing the number of job applicants who can successfully pass a drug test with Northern Cheyenne, Crow, Little Shell, and Fort Belknap tribal governments

Spring 2018:

- Review available tribal drug treatment programs in SJ 3 staff analysis on reservations

May 2018:

- Review staff follow up undertaken in response to tribal government suggestions received in September 2017 and Spring 2018

Part 2: Ala carte economic development topics

Staff time allocated: .01 FTE (28 hours)

Study timeline:

September 2017:

- Tour the Commerce Building built by the Northern Cheyenne Development Corporation to house local businesses and entrepreneurs

Spring 2018:

- Learn about tribal college apprenticeship programs available

May 2018:

- Treasure State Endowment Program (TSEP) infrastructure planning grants awarded in Indian Country
- EAIC SJ 20 study update
- Further information provided, if requested
- STRC provides input on recommendations/legislation, as needed

July 2018

- Review any recommendations or legislation, and seek public comment, if requested

September 2018

- Finalize and approve any recommendations and legislation, if requested

3) Indian health care

Background: The 2017 Legislature passed HR 3 and SR 57, urging the United States Congress to retain permanent reauthorization of the Indian Health Care Improvement Act when making changes to or repealing the Patient Protection and Affordable Care Act (ACA).

According to the Montana Department of Public Health and Human Services, 11,228 or 15% of the Montanans who became insured under the ACA's expansion of Medicaid are American Indian or Alaska Native.

Staff time allocated: .01 FTE (28 hours)

Study timeline:

September 2017:

- Summarize the components of the ACA affecting Indian health care services
- Federal legislative updates (ongoing throughout interim)

May 2018

- Further information provided, if requested
- STRC provides input on recommendations/legislation, as needed

July 2018

- Review any recommendations or legislation, and seek public comment, if requested

September 2018

- Finalize and approve any recommendations and legislation, if requested

4) Drug use in Indian Country

Background: In 2014, the U.S. Department of Health and Human Services stated at a tribal consultation on prescription drug abuse in Indian Country that 64.8% of American Indian and Alaskan Native populations abused prescription drugs within their lifetime and 27.1% within the last year. In the same presentation, the department said that 12.7% of American Indians and Alaskan Natives age 12 or older were current users of illicit drugs of any kind compared to 9.2% of Whites.

Staff time allocated: .02 FTE (56 hours)

Study timeline:

March 2018

- Review SJ 3 study analysis on available tribal treatment programs

May 2018

- Determine the rate of drug use by Indians in Montana
- Staff analysis of funding sources and success rates for tribal treatment programs
- Staff analysis of how the classification of tribal treatment and health programs affect federal reimbursement rates
- STRC provides input on recommendations/legislation, as needed

July 2018

- Review any recommendations or legislation, and seek public comment, if requested

September 2018

- Finalize and approve any recommendations and legislation, if requested

Meeting Agenda Items

Meeting agenda items require minimal staff time to facilitate and do not count toward the FTE available to the STRC's study topics for the interim. At its July meeting, the STRC expressed interest in receiving overviews and updates on the following topics.

- 1) Suicide Prevention**
- 2) Available municipal infrastructure funding programs**
- 3) Implementation of SB 309 (related to Indian tourism regions)**
- 4) DPHHS Tribal Health Improvement Plan (THIP)**
- 5) Missing persons in Indian Country**

State-Tribal Relations Interim Committee Meeting Schedule

[Note: This meeting schedule is provided to give you an idea of the timeline that each study topic will need to fit into in order to complete the work on time.]

July 13, 2017	Meet in Helena: Organize the committee and prioritize the interim work plan.
Sept. 18-19, 2017	Visit to Crow and Northern Cheyenne Reservations: Meet in joint sessions with the tribal governments and adopt final work plan.
March 29-30, 2017	Meet in Helena: Continue through steps of the work plan.
May 2018	Visit to Fort Belknap Reservation and a meeting with the Little Shell in Great Falls: Meet in joint sessions with the tribal governments and continue through steps of the work plan. The contents of any <i>draft</i> study reports should be determined by this date.
July 17-18, 2018	Meet in Helena: Decisions on recommendations, any proposed legislation, and final report contents should be made. Last date to suggest revisions to a <i>draft</i> document if a 30-day public comment period is desired. Comments received from the public will be compiled by staff and distributed to the STRC 1-2 weeks before the September 2018 meeting.
September 7, 2018	Meet in Helena: Final approval of recommendations, reports, and any proposed legislation. Select bill sponsors.

Committee interim work must be completed September 15, 2018.