



PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

State-Tribal Relations Committee

65th Montana Legislature

SENATE MEMBERS

JEN GROSS
STEVE HINEBAUCH
JASON SMALL
FRANK SMITH

HOUSE MEMBERS

SHARON STEWART-PEREGOY--Chair
ALAN DOANE--Vice Chair
JAMES O'HARA
RAE PEPPERS

COMMITTEE STAFF

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

MINUTES LOG

September 7, 2018
Room 172, Capitol Building
Helena, 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.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. SHARON STEWART-PEREGOY, Chair

SEN. JEN GROSS
SEN. STEVE HINEBAUCH
SEN. FRANK SMITH

REP. RAE PEPPERS

COMMITTEE MEMBERS EXCUSED

REP. ALAN DOANE, Vice Chair

SEN. JASON SMALL

REP. JAMES O'HARA

STAFF PRESENT

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

VISITORS' LIST (Attachment 1)

AGENDA (Attachment 2)

COMMITTEE ACTIONS

The State-Tribal Relations Committee moved to:

- adopt the Helping Montana's Poorest Performing Students: English Learners report;
- forward the bill draft LCELMs, which provides funding for school district programs serving English Learners;
- forward the bill draft LCMILP, which extends the termination date of the Montana Indian Language Preservation Program by four years;
- forward the bill draft LCCICA, which extends the termination date of the Cultural Integrity and Commitment Act by four years;
- forward the bill draft LCsj31 with amendments, which creates the reentry cultural programming grant program;
- forward the bill draft LCsj32, which requires a percentage of supportive housing grant program funding to be awarded to those serving American Indian offenders;
- forward the bill draft LCpmed, which allows certified behavioral health peer support services to qualify as medical assistance under the Montana Medicaid program;
- adopt the SJ 3: Improving Reentry Outcomes for American Indian Offenders final report;
- forward the bill draft LCbsd3, which revises the Big Sky Economic Development Program to provide additional grant funds for high unemployment counties;
- forward the bill draft LCdoj1, which establishes "Hanna's Act," authorizing the Department of Justice to assist with all missing persons cases;
- forward the bill draft LCdoj2, which revises laws related to missing persons reports;
- forward the bill draft LCdoj3, which creates a resolution requesting an interim study of options to break the cycle of youth who run away from home;
- forward the bill draft LCdoj4, which requires a missing child report to be filed in certain custodial interference cases;
- forward the bill draft LCFOT2, which requires the Office of Public Instruction to establish an electronic repository for school photos of children whose parents give permission for the photo to be held and shared with law enforcement if the child goes missing;
- adopt the Addressing an Epidemic: Missing and Murdered Indian Women final report; and
- adopt the State-Tribal Relations Committee: The Legislature's Liaison final report.

CALL TO ORDER AND ROLL CALL

00:00:02 Rep. Stewart-Peregoy called the meeting to order at 8:34 a.m. The committee secretary took roll. ([Attachment 3](#))

WELCOME AND PRAYER

00:01:04 Rep. Peppers gave the opening prayer.

ADMINISTRATIVE MATTERS -- Ms. Stockwell

00:01:40 Ms. Stockwell reviewed the committee budget.

CENSUS 2020 PREPARATION UPDATE -- Mary Craigle, Research and Information Services Bureau Chief, Department of Commerce

00:03:35 Ms. Craigle ([Exhibit 1](#)) ([Exhibit 2](#)) ([Exhibit 3](#)) ([Exhibit 4](#))

Questions/discussion -- STRC

00:18:22 Rep. Peppers commented on Ms. Craigle's research regarding how Census numbers and information are used.

00:19:05 Rep. Stewart-Perego commented on the American-Indian caucus that meets during legislation sessions and asked that the caucus receive a Census 2020 update from Ms. Craigle.

Public comment

00:22:17 Justin Dupree, Fort Peck Tribes

00:23:21 Ms. Craigle

Questions - STRC

00:25:50 Sen. Hinebauch asked Ms. Craigle if Census jobs are federal or state positions.

Public comment

00:27:30 Jeffery Tiberi and an interpreter introduced Iraqi journalists visiting the Capitol.

00:30:10 Rep. Stewart-Perego informed the journalists of the committee's interim work.

UNIVERSAL GAMING COMPACT COALITION UPDATE -- Raymond "Jazz" Parker, general manager, Northern Winz Casino

00:34:01 Mr. Parker

00:44:28 Sheldon King, Montana Indian Gaming Association ([Exhibit 5](#))

00:49:20 Bill Powell, Blackfeet Gaming Commission

00:50:12 Jody Lamere, Chippewa Cree Tribe

00:51:14 Justin Dupree, Fort Peck Tribes

00:52:49 Jeff Black, Montana Indian Gaming Association

00:54:35 Mr. Parker

Questions/discussion -- STRC

00:54:54 Sen. Hinebauch asked Mr. Parker for clarification on taxable winnings in tribal casinos and if the tax is federal or state tax.

00:58:10 Sen. Gross asked Mr. Parker if there is universal support for gaming on state reservations and if community members are supportive of gaming on state reservations.

01:02:47 Rep. Peppers asked Melissa Schlichting, Assistant Attorney General, who decides the gaming compacts with reservations.

01:04:45 Sen. Hinebauch asked Mr. Parker how many off-reservation customers come to the Northern Winz Casino.

01:08:25 Rep. Peppers asked Mr. Parker if one of the issues in gaming compacts is due to gaming on reservations being federally regulated.

01:11:39 Rep. Stewart-Perego reviewed the committee's options and asked Mr. Parker if he spoke with the Rocky Mountain Tribal Leaders Council.

- 01:13:03 Rep. Stewart-Peregoy recommended Mr. Parker speak with Rocky Mountain Tribal Leaders, asked for written testimony from the Universal Gaming Compact Coalition, and asked Mr. Black which tax forms must be filed by casinos.
- 01:18:54 Sen. Smith asked Mr. Parker if the federal government has control over casino payouts. The question was redirected to Mr. Black.
- 01:20:33 Sen. Smith asked Mr. Black how North Dakota handles large payouts.

Public comment

None

BREAK (Reconvened at 10:13 p.m.)

INDIAN STUDENT ACHIEVEMENT STUDY

Update on work with comprehensive schools under ESSA -- Susie Hedalen, Deputy Superintendent of Education Services, OPI

- 01:39:13 Ms. Hedalen ([Exhibit 6](#)) ([Exhibit 7](#)) ([Exhibit 8](#))

English Learner program funding

Review of bill draft (LCELMS) and comments received -- Pad McCracken, research analyst

- 02:01:14 Mr. McCracken ([Exhibit 9](#)) ([Exhibit 10](#))

Questions - STRC

- 02:05:04 Sen. Hinebauch asked for clarification on the funding outlined in LCELMS.
- 02:06:05 Sen. Gross asked if the Education Interim Committee had reviewed LCELMS.

Review of draft report -- Ms. Stockwell

- 02:07:18 Ms. Stockwell reviewed the study's final draft report ([Exhibit 11](#)).

Extension of termination dates for Montana Indian Language Preservation Program and Cultural Integrity and Commitment Act

Review of bill drafts and public comment received (LCMILP, LCCICA) -- Ms. Stockwell

- 02:10:04 Ms. Stockwell ([Exhibit 12](#)) ([Exhibit 13](#))

Questions/discussion -- STRC

- 02:11:54 Sen. Hinebauch asked Ms. Stockwell if there will be fiscal notes for the bill drafts.
- 02:13:55 Sen. Hinebauch asked Mr. McCracken for clarification of the funding in LCELMS.
- 02:15:52 Sen. Gross asked Ms. Stockwell for clarification of the appropriation for LCCICA. The question was redirected to Ms. Hedalen.
- 02:18:42 Rep. Peppers asked Ms. Hedalen if the department has a financial officer available to assist each school on their financial goals and if the schools can request that assistance.
- 02:21:54 Rep. Peppers asked Ms. Hedalen for a list of professionals from the department who are available to assist schools.
- 02:23:00 Rep. Stewart-Peregoy asked Ms. Hedalen if the achievement gap funding is federal or state funding. The question was redirected to Mr. McCracken.
- 02:24:22 Rep. Stewart-Peregoy asked Ms. Hedalen for clarification on ESSA funding.

Public comment on all items related to the Indian student achievement study

None

Committee action

Motion

02:29:35 Rep. Peppers moved to accept the Helping Montana's Poorest Performing Students: English Learners report (see Exhibit 11).

Vote

02:29:49 The motion passed on a 4-1 voice vote, with Sen. Hinebauch voting 'no'.

Motion

02:31:11 Sen. Smith moved to approve LCELMS (see Exhibit 10).

Vote

02:31:23 The motion passed on a 4-1 voice vote, with Sen. Hinebauch voting 'no'.

Motion

02:32:22 Rep. Peppers moved to approve LCMILP (see Exhibit 12).

Vote

02:32:32 The motion passed on a 5-0 voice vote.

Motion

02:33:18 Rep. Peppers moved to approve LCCICA (see Exhibit 13).

Vote

02:33:29 The motion passed on a 5-0 voice vote.

02:34:12 Ms. Stockwell reminded the members of the need to designate sponsors to carry the bills.

SJ 3 STUDY OF INCREASING REENTRY RESOURCES FOR INDIAN OFFENDERS

Perspectives on existing peer support funding

Introduction and review of LCpmed -- Ms. Stockwell

02:36:07 Ms. Stockwell ([Exhibit 14](#))

Panel discussion

Marie Matthews, Medicaid and Health Services Branch Manager, DPHHS

Bob Stewart, peer support/recovery coach, Instar Community Services, Helena

02:40:07 Mr. Stewart and Ms. Matthews

Questions -- STRC

02:48:31 Sen. Gross asked Ms. Matthews to repeat the three existing funding sources for peer support.

02:49:01 Rep. Peppers asked Ms. Matthews if there are specific peer support groups for veterans or other select groups. The question was redirected to Mr. Stewart.

02:51:55 Sen. Hinebauch asked Mr. Stewart what the reentry success rate is of persons that are counseled in his peer support group.

Outcomes of SB 63, SB 64, and SB 65 -- Rachel Weiss, Research Analyst, LSD

02:57:37 Ms. Weiss ([Exhibit 15](#))

Questions -- STRC

- 03:06:17 Sen. Gross asked if there are term limits for Board of Pardons and Parole (BOPP) members.
- 03:07:15 Sen. Gross commented on the 2017-2018 interim work of the Law & Justice Interim Committee and reminded the committee of the potential legislation that could affect the term limits of Board of Pardon's and Parole members.
- 03:08:06 Sen. Hinebauch asked if the board appointees are full time employees and what the salary is for the board members.
- 03:09:45 Sen. Hinebauch commented on the BOPP's work.

Review of draft SJ 3 report, LCsj31, and LCsj32, and public comments -- Ms. Stockwell

- 03:10:39 Ms. Stockwell ([Exhibit 16](#)) ([Exhibit 17](#)) ([Exhibit 18](#))

Public comment

None

Questions/discussion -- STRC

- 03:15:00 Sen. Gross commented on the recommendations the committee received ([Exhibit 19](#)) and asked if amendments could be made to LCsj31.

Motion

- 03:17:06 Sen. Gross moved to approve LCsj31 (see Exhibit 17).

Discussion on the motion

- 03:17:25 Sen. Gross moved to amend LCsj31 to require counties to consult with tribes.
- 03:19:13 Sen. Hinebauch asked for clarification on the funding outlined in LCsj31.
- 03:19:39 Sen. Gross
- 03:20:00 Rep. Stewart-Peregoy

Vote

- 03:20:33 The motion passed on a 5-0 voice vote.

Motion

- 03:20:50 Rep. Stewart-Peregoy moved LCsj31 as amended.

Vote

- 03:21:20 The motion passed 4-1 on a voice vote, with Sen. Hinebauch voting 'no'.
- 03:21:54 Committee discussion on LCsj32 (see Exhibit 18)
- 03:25:41 Sen. Hinebauch asked Ms. Stockwell for clarification on the effects and appropriations of LCsj32.
- 03:27:45 Committee discussion on LCsj32 (see Exhibit 18)

Motion

- 03:33:19 Rep. Stewart-Peregoy moved to approve LCsj32 (see Exhibit 18).

Vote

- 03:33:38 The motion passed on a 4-1 voice vote, with Sen. Hinebauch voting 'no'.
- 03:34:10 Rep. Stewart-Peregoy reviewed the bill draft LCpmed (see Exhibit 14).

Motion

03:35:13 Rep. Peppers moved to approve LCpmed (see Exhibit 14).

Discussion on the motion

03:35:24 Rep. Stewart-Peregoy

Vote

03:35:44 The motion passed on a 5-0 voice vote.

03:36:07 Rep. Stewart-Peregoy asked Ms. Stockwell if there were amendments to the SJ 3: Improving Reentry Outcomes for American Indian Offenders final draft report (see Exhibit 16).

Motion

03:36:45 Rep. Stewart-Peregoy moved to adopt the SJ 3: Improving Reentry Outcomes for American Indian Offenders final draft report (see Exhibit 16).

Vote

03:36:57 The motion passed on a 5-0 voice vote.

LUNCH (Reconvened at 1:23 p.m.)

ECONOMIC DEVELOPMENT IN INDIAN COUNTRY: MUNICIPAL INFRASTRUCTURE**GRANT PROGRAMS -- Jennifer Olson, administrator, Department of Commerce****Community Development Division**

04:48:40 Ms. Olson ([Exhibit 20](#))

Questions -- STRC

04:54:27 Rep. Peppers asked if the department assists groups with grant writing.

04:56:06 Sen. Gross asked how many projects are funded by the department per year.

Public comment

05:00:29 Rep. Susan Webber, HD 16

Discussion -- STRC

05:04:14 Rep. Stewart-Peregoy commented on water and sewer development in Indian country and the recent work of the Crow Tribe.

SJ 20 STUDY OF UNEMPLOYMENT IN HIGH POVERTY AREAS**Update on action of Economic Affairs Interim Committee -- Pat Murdo, research analyst**

05:07:01 Ms. Murdo ([Exhibit 21](#))

Questions/discussion -- STRC

05:23:03 Rep. Peppers asked if there is collaboration between the Bureau of Indian Affairs (BIA) and the state regarding unemployment in Indian Country.

05:25:08 Sen. Smith commented on the BIA's work and the process of receiving commercial loans for economic development in Indian Country.

05:27:09 Rep. Stewart-Peregoy reviewed the bill draft LCbsd1 and asked Ms. Murdo to review bill drafts LCbsd2 and LCbsd3 ([Exhibit 22](#)) ([Exhibit 23](#)) ([Exhibit 24](#)).

05:33:35 Rep. Peppers commented on which reservations receive funding and the importance of tribally owned businesses.
05:35:05 Sen. Hinebauch asked Ms. Murdo to clarify LCbsd1 and how funding will be distributed to state reservations (see Exhibit 22).
05:38:34 Rep. Stewart-Peregoy asked for clarification of LCbsd3 (see Exhibit 24).
05:42:24 Committee discussion on LCbsd3 (see Exhibit 24)
05:42:38 Sen. Hinebauch asked if the bill drafts LCbsd1, LCbsd2, and LCbsd3 would be contradictory if all were moved forward (see Exhibits 22, 23, and 24).
05:47:34 Sen. Gross asked for clarification of the bill draft language in LCbsd2 and LCbsd3 regarding unemployment populations (see Exhibit 23 and 24).

Motion

05:48:47 Rep. Peppers moved to approve LCbsd2 (see Exhibit 24).

Discussion on the Motion

05:48:52 Rep. Stewart-Peregoy asked for clarification of the motion.
05:49:00 Rep. Peppers asked Ms. Stockwell for clarification on the motion process.

Motion Withdrawn

05:49:34 Rep. Peppers withdrew her motion.

Motion

05:49:41 Rep. Peppers moved to approve LCbsd3 (see Exhibit 24).

Public comment

None

Vote

05:51:08 The motion passed on a 5-0 voice vote.

TRIBAL COLLEGE APPRENTICESHIP PROGRAM UPDATES

Introduction -- Ms. Stockwell

05:52:28 Ms. Stockwell

Panel discussion

President Sandra Boham, Salish Kootenai College

President Cory Sangrey-Billy, Stone Child College

05:53:07 Ms. Boham

05:59:27 Ms. Sangrey-Billy

Questions/discussion -- STRC

06:02:55 Sen. Gross asked Ms. Boham for clarification on the apprenticeship program model the school is using and if it is a common model among the tribal colleges.
06:04:31 Sen. Hinebauch commented on the colleges apprenticeship programs and asked Ms. Boham where the funding from the Governor originated from.
06:05:47 Sen. Smith asked if Indian health doctors have been asked to teach in the EMT program.
06:06:30 Rep. Stewart-Peregoy asked the panel if they wished to announce the American Indian Higher Education Consortium meeting.

Public comment

None

MISSING PERSONS, HUMAN TRAFFICKING, AND VIOLENCE AGAINST WOMEN IN INDIAN COUNTRY

Review of draft report, bill drafts (LCdoj1, LCdoj2, LCdoj3, LCdoj4, LCFOT2), and public comment received -- Ms. Stockwell and Ms. Sankey Keip

06:15:33 Ms. Stockwell ([Exhibit 25](#)) ([Exhibit 26](#)) ([Exhibit 27](#)) ([Exhibit 28](#)) ([Exhibit 29](#))

06:21:49 Ms. Sankey Keip ([Exhibit 30](#))

06:24:06 Ms. Stockwell ([Exhibit 31](#))

Public comment

06:26:07 Rep. Susan Webber, HD 16

Questions/discussion -- STRC

06:27:53 Rep. Stewart-Peregoy commented on letters of support she received for the bill drafts on topics related to missing persons, human trafficking, and violence against women in Indian country. ([Exhibit 32](#))

Motion

06:29:48 Rep. Peppers moved to approve LCdoj1 (see Exhibit 26).

Discussion on the Motion

06:30:06 Sen. Hinebauch asked Ms. Stockwell for clarification on the appropriations for LCdoj1.

06:31:32 Sen. Smith

06:31:55 Rep. Peppers

Vote

06:32:21 The motion passed on a 5-0 voice vote.

Motion

06:32:53 Rep. Peppers moved to approve LCdoj2 (see Exhibit 27).

Vote

06:34:04 The motion passed on a 5-0 voice vote.

Motion

06:34:40 Sen. Gross moved to approve LCdoj3 (see Exhibit 28).

Vote

06:34:53 The motion passed on a 4-1 voice vote.

Motion

06:35:18 Sen. Smith moved to approve LCdoj4 (see Exhibit 29).

Discussion on the Motion

06:36:06 Sen. Smith

Vote

06:36:26 The motion passed on a 5-0 voice vote.

Motion

06:37:09 Rep. Peppers moved to approve LCFOT2 (see Exhibit 30).

Discussion on the Motion

06:37:20 Sen. Hinebauch asked Ms. Sankey Keip a clarifying question on LCFOT2 (see Exhibit 30).

Vote

06:38:10 The motion passed on a 5-0 voice vote.

06:38:45 Rep. Stewart-Peregoy asked Ms. Stockwell if the action taken today on the bill drafts related to missing persons, human trafficking, and violence against women in Indian Country will be included in the conclusion section of the committee's Addressing an Epidemic: Missing and Murdered Indian Women final draft report (see Exhibit 25).

Motion

06:39:06 Sen. Gross moved to adopt the committee's Addressing an Epidemic: Missing and Murdered Indian Women final draft report (see Exhibit 25).

Vote

06:39:21 The motion passed on a 5-0 voice vote.

Federal and tribal perspectives on jurisdiction and enforcement panel

William LeCompte, Action Special Agent in Charge, BIA Distr. V

06:40:17 Mr. LeCompte

Questions/discussion -- STRC

06:44:10 Sen. Gross asked if the BIA will honor the legislative intent of LCdoj2.

06:47:03 Sen. Gross asked Mr. LeCompte to review the collaboration between the BIA and other law enforcement agencies.

06:49:04 Rep. Peppers asked Mr. LeCompte to comment on how quickly the BIA reacts to investigations.

06:51:23 Rep. Peppers asked how the BIA informs families that a written report is required to begin an investigation.

06:52:13 Rep. Peppers asked if Hanna's Act will be beneficial for investigations.

06:52:25 Sen. Hinebauch asked Mr. LeCompte to comment on the law enforcement jurisdictional issue related to non Indians committing illegal acts on reservations.

06:54:48 Rep. Stewart-Peregoy asked if the BIA is aware of the committee's studies over the 2017-2018 interim and commented on public testimony on the issues related to law enforcement jurisdictional issues on reservations.

07:00:15 Sen. Smith commented on sovereignty on reservations.

Public comment

None

DRAFT REPORT SUMMARIZING STRC'S 2017-2018 INTERIM WORK -- Ms. Stockwell

07:01:56 Ms. Stockwell ([Exhibit 33](#))

Public comment

None

Questions/discussion -- STRC

07:04:07 Rep. Stewart-Peregoy asked if there will be cross reference in the STRC's final interim report of the committee's other 2017-2018 study reports.

Motion

07:04:55 Rep. Peppers moved to adopt the STRC final interim report (see Exhibit 32).

Vote

07:05:12 The motion passed on a 5-0 voice vote.

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE STRC

None

OTHER BUSINESS AND INSTRUCTIONS TO STAFF

07:06:29 Committee discussion on bill sponsors

07:13:30 Sen. Smith asked if the committee received an email from tribal schools regarding LCFOT2.

07:14:02 Sen. Stewart-Peregoy asked for Ms. Stockwell to send an email to the members on what bills each member is carrying.

07:14:09 Committee discussion on bill sponsors

07:17:27 Committee discussion on the interim work

ADJOURNMENT

07:21:15 Rep. Stewart-Peregoy adjourned the meeting at 3:56 p.m.

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