



State-Tribal Relations Committee

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57th Montana Legislature

SENATE MEMBERS

EDWARD B. "ED" BUTCHER
B.F. "CHRIS" CHRISTIAENS
JERRY O'NEIL
GERALD PEASE

HOUSE MEMBERS

NORMA BIXBY
CAROL C. JUNEAU
KEN PETERSON
RICK RIPLEY

COMMITTEE STAFF

CONNIE ERICKSON
RESEARCH ANALYST
EDDYE McCLURE, STAFF ATTORNEY
LOIS O'CONNOR, SECRETARY

MINUTES

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of documents.

Organizational Meeting
Room 137, State Capitol
August 2, 2001

COMMITTEE MEMBERS PRESENT

Rep. Ken Peterson
Rep. Rick Ripley
Rep. Norma Bixby
Rep. Carol Juneau
Sen. Edward Butcher
Sen. B.F. "Chris" Christiaens

COMMITTEE MEMBER EXCUSED

Sen. Jerry O'Neil
Sen. Gerald Pease

STAFF PRESENT

Connie Erickson, Research Analyst
Eddy McClure, Staff Attorney
Lois O'Connor, Secretary

COMMITTEE ACTION

- Elected Sen. Christiaens and Rep. Ripley as Presiding Officer and Vice Presiding Officer respectively
- Adopted the proposed meeting schedule as amended

VISITORS LIST AND AGENDA

Visitors List (ATTACHMENT #1)
Agenda, (ATTACHMENT #2)

CALL TO ORDER, ROLL CALL, ELECTION OF OFFICERS

The meeting was called to order by Senior Senator Christiaens at 10:10 a.m. Roll call was noted; Senators O'Neil and Pease were excused. (ATTACHMENT #3)

Rep. Juneau nominated Sen. Christiaens for Presiding Officer. Motion passed unanimously.

Rep. Ripley nominated Rep. K. Peterson while Rep. Juneau nominated Rep. Ripley for Vice Presiding Officer. Rep. Ripley was elected Vice Presiding Officer by secret ballot.

PRESENTATIONS

Coordinator of Indian Affairs

G. Bruce Meyers, Coordinator of Indian Affairs, stated the following:

- that he began his job on July 11, 2001, and began his statewide visits, along with Governor Martz, to the Tribal Councils;
- that the diplomatic efforts shown by the Governor were overwhelming and it was the first time that a Governor had made a concerted effort to visit all of the Tribes;
- that many issues were raised from gaming, taxation, welfare reform, staffing issues, to what would be the role of the Coordinator of Indian Affairs position
- that the Governor assured the Tribes that he would have regular access to her and would establish a protocol and strategic plan to address the issues on a short-term and long-term basis; and
- that plans were being made for the Governor to host the Tribes in Helena in conjunction with the Helena Indian Alliance Powwow tentatively scheduled for September 28.

Sen. Christiaens asked how the Committee could work in a joint venture with the Governor and the Coordinator of Indian Affairs' Office on the issues raised and were they prioritized. Mr. Meyers said the priorities are economic development on reservations, education, tribal government organization in the development of infrastructures, capital development, government-to-government relations and communication, gaming, welfare reform, LEAP, transportation issues on reservations, tribal employment rights compacts with the Department of Transportation, and water compacts. Mr. Meyers provided copies of the following:

- the MT-WY Tribal Economic Development Summit held on May 31 and June 1, 2001. (EXHIBIT #1)
- the Equal Educational Opportunity for Native American Students in Montana Public Schools (EXHIBIT #2) and
- a proclamation by Governor Martz that sets forth the tone on how to proceed with state/tribal relations. (EXHIBIT #3)

Mr. Meyers added that one way the Committee could work in a joint venture would be to attend the Governor's reception on September 28.

Rep. Juneau requested updates on the Economic Development Commission study and the budget that was extended to hire staff for the Office of Indian Affairs. Mr. Meyers said that the Office is waiting for the tribes to reappoint new members to the Commission and the previous Commission reviewed the salaries for the positions but no Grade levels were high enough to recruit anyone. **Lori Ryan, Administrative Officer, Coordinator of Indian Affairs Office**, added that RJS Associates has prepared a draft of its assessment within the contract written. The assessment went to the tribes on June 25 for review and approval. There is missing data within the assessment and RJS is relying on tribes to supply the data so that the final assessment can be printed. A date of late August or early September is scheduled for its issuance.

Rep. Bixby suggested that Mr. Meyers work with the Governor's staff who was hired to work on economic development issues. Mr. Meyers said that he has met the CDL and has given him an invitation and information about an upcoming tourism conference in Bismark ND and they discussed the needs of tribes and the resources available in Indian Country. He has also attempted to get as many Native Americans to apply for the two top economic development positions available within the Governor's Office.

Sen. Butcher asked if any tribe was moving toward coal bed methane gas and coal generation development on the reservations. Mr. Meyer said that the Crow Tribe presented a proposal for the development of coal-base power generation and methane for the Governor's review. However, the Northern Cheyenne Tribe is divided in terms of their approach to energy development because some members feel that their land is sacred and they do not want an influx of people that will bring pressure to bear on developing an infrastructure.

Rep. Juneau asked about the Coordinator of Indian Affairs position being made a cabinet-level position. Mr. Meyers said that the Governor's response was that the position would not be a cabinet level position because the tribes were independent sovereign nations and because it would require a \$250,000 line item to create another cabinet-level position. Rep. Juneau requested further Committee discussion on this issue. Rep. Juneau also requested a followup on the request for an Indian flag circle on the Capitol grounds that was proposed several legislative sessions ago. Ms. Ryan said that the Flag Circle and Monument Board worked very hard for two years to get an Indian flag circle but were unsuccessful in raising funds to follow

through the project. The Board has not met in some time and with the current Capitol restoration, there is a different process that the Coordinator would have to go through for approval.

Sen. Christiaens asked about the Indian gaming compacts. Mr. Meyers said that all tribes have expressed an interest in expanding gaming. The Governor is open to hear all sides of the argument. Sen. Christiaens requested information on which tribes have class 2 gaming and which tribes were working on gaming compacts. Ms. Erickson suggested a presentation from Gene Huntington, Administrator, Gambling Control Division, Department of Justice as a future agenda item. Sen. Christiaens also requested a presentation about the welfare reform processes taking place on the reservations at the next meeting.

Rep. Peterson asked if the Governor is receiving other points of view rather than the popular points of view as they relate to government-to-government relations and independent sovereign nations. Mr. Meyers said that the Governor has taken a nation-to-nation approach and is talking to the tribes on their turf. However, he was also sure that there was plenty of anti-sovereign or anti-government-to-government points of view existing in the state.

MT-Wy Tribal Leaders' Council

Jonathan Windy Boy, Chairman, MT-WY Tribal Leaders Council, provided an overview of the First Annual Tribal Leaders Council Report. (EXHIBIT #4) Mr. Windy Boy said that revisions to existing laws that effect the tribes need to be done and discussions need to be held with the tribal leaders on any future legislation that affects the tribes. There are also some standardized state contracts that dictate to the tribes the waiver of the tribes' sovereignty. He said that he has problems with that dictation because if the tribes are pressured to waive their sovereignty, they would appreciate the state to reciprocate.

Sen. Christiaens requested an example of a state contract with a tribal government where the waiver of tribal sovereignty exists. Mr. Windy Boy provided an example of a state contract for welfare reform. (EXHIBIT #5)

Rep. Peterson said that every time the tribes and state go to Court, the defense of tribal sovereignty is immediately asserted. The state has already waived its sovereignty under Title II, section 18 of the 1972 Constitution which states that the state can be sued by anyone. He felt that if a dispute is to be resolved, tribal sovereignty had to be waived.

Sen. Butcher asked about the employment rate of graduates from the various tribal colleges and are they employed on or off the reservations. Mr. Windy Boy said that tribal college graduates are being employed mostly off the reservations because of the limited number of jobs on reservations and approximately 30% of the graduates from the tribal colleges are employed. Jobs availability is the number one reason why more graduates are not employed on reservations and tribal members do not like to leave the reservations because of cultural and family ties. Sen. Butcher was concerned that tribal college graduates were being educated with tax dollars but were not being encouraged to go where the jobs are located. Mr. Windy Boy said he would not put himself in the position of forcing his people to move to the city; it is their choice to move where the jobs are or to remain on the reservations.

Sen. Christiaens requested a presentation from Mr. Windy Boy at the Committee's next meeting regarding the Chippewa Cree's reorganization with the federal government and where Mr. Windy Boy sees the tribes going in the future with welfare reform.

Rep. Bixby commented that all the tribes are asking for within the welfare system is fairness. Welfare is for everyone, not just for Indians; but under the welfare system Indians have been getting the short end of the stick. She introduced a bill in the 2001 Session to improve welfare and to get people into education programs rather than the mandated work program under the welfare system but it was defeated. Indian people have not had the time to grow. However, as they become more educated, they are going out and learning how things work and are then coming back to the reservations.

Vincent Goes Ahead, Crow Tribe, stated the following:

- The Crow Tribe wants its people off welfare, but the fact of the matter is that it is dealing with two different cultures.
- His understanding of his culture is quite different from the state's understanding of his culture.
- There are 10,321 Crow people, 6,000 stayed on the reservation, 67% are unemployed, 30% are employed, and 52% of the registered voters are under the age of 45.

Reserved Water Rights Compact Commission

Susan Cottingham, Reserved Water Rights Compact Commission, stated the following:

- In 1973 and pursuant to the 1972 Montana Constitution, everyone who claimed a water right under state law had to file water rights in a statewide, comprehensive adjudication.
- In the mid-1970s, the federal government, on behalf of the tribes nationwide, went to federal court and filed the reservations' water right claims.
- At that time, there were huge disputes between the states and the federal government, representing the tribes, about what court forum the federal water rights would be adjudicated in.

- The lawsuits brought forth by Arizona and Montana went to the United States Supreme Court; and in 1983, it said that states can adjudicate federal reserved water rights as part of a unified adjudication.
- In 1979, the Legislature was concerned about how slow the water adjudications were going so it created the Montana Water Court and the Montana Reserved Water Rights Compact Commission (Commission).
- The legislative history is very vague but her theory is that there was a lot of nervousness that these issues may end up in federal court and nervousness about what would happen to state claims if the tribes were successful in litigating large water rights for themselves.
- The current Montana Commission is the only one of its kind in the nation; and it consists of 9 members. Four members are appointed by the Governor, 4 members are appointed by the Legislature--2 Senators, 2 Representatives, 1 from each party--and 1 person is appointed by the Attorney General.
- Ms. Cottingham and her staff of 10 analyze legal cases, treaties, court documents, irrigation, hydrology, and many other things to advise the Commission in its negotiations.
- A federal reserve water right is different from a state-based water right.
- Federal reserved water rights came from a U.S. Supreme Court decision in 1908 and the decision involved the Fort Belknap Reservation.
- The Court held, at that time, that when reservations are created by treaty or executive order, they must have enough water reserved for them to fulfill the purposes of that reservation.
- Over the years, it was never litigated as to what that decision meant (i.e. How much water does that mean? or What is the purpose of each reservation?).
- It was not until the 1960s that some of the adjudications began to get a handle on what it meant to have a federal reserved water right.
- Since 1960, there have been a number of cases that have confirmed that tribes do have rights to this water.
- Federal reserved water rights have different qualities than a state-based water right in that a state-based water is a use-it-or-lose-it right and it has to be put toward a beneficial use. A federal reserve water right can be used in the future by the tribes.
- Since 1968, Wyoming and the federal government, for example, have spent over \$60 million litigating the reserved water rights for the Wind River Tribes.
- The result of a court situation is it spells out a quantified water right and it sets a priority date; and in the Wind River case, the priority date was 1868--the most senior one in the basin. It has been a very difficult outcome for water users because of the checkerboarded landownership.
- The Legislature has extended the Commission's sunset date a number of times and the Commission has settled a number of compacts.
- The Commission is empowered to negotiate equitable division and apportionment of the waters of Montana between its citizens that claim state-based rights and the claims of the Indian tribes.
- The negotiation process can very arduous and difficult. In the early 1980s, the Commission sent letters to the seven reservations asking if they wanted to negotiate. The tribes governing bodies decide if they want to negotiate and appoint their own negotiating teams. The third party to the negotiations is the United States who is the trustee for the tribes.

- The negotiations are government to government and a memorandum of understanding (MOU) is written on how the three will interrelate. It also spells out how the members of the public will be involved.
- By statute, the Commission negotiates on behalf of the Governor and represents the state-based water right holders. The tribes negotiate for their membership and deal with their public involvement. Federal negotiation teams are appointed from various federal agencies.
- By statute, each settlement has to be ratified by the Legislature.
- The Commission's first settlement was in 1985 with the Fort Peck Tribes (Assiniboine and Sioux Tribes).
- In 1991, the Legislature approved the Northern Cheyenne settlement.
- In 1997, the Legislature approved the Chippewa Cree at Rocky Boy settlement.
- In 1999, the Legislature approved the Crow settlement which also involved settling a very contentious coal tax issue.
- In 2001, the Legislature approved the Assiniboine and Gros Ventre at Fort Belknap settlement.
- Settlements with the National Park Service have also been approved.
- All federal reserved water right compacts must be ratified by the U.S. Congress and usually involve large sums of money and federal authority, such as allocation of storage water in a particular reservoir.
- To date, Congress has approved the Northern Cheyenne settlement at \$53 million for the repair and rehabilitation of the Tongue River Dam and the Rocky Boy settlement at \$50 million which will be used to repair the Bonneau Dam and improve Rocky Boy's drinking water system.
- The Commission is currently working with the federal government on the Fort Belknap federal bill which will take a number of years.
- The difficult negotiations often come after a compact is settled and when the Commission and federal government are trying to figure out how they are going to construct the projects.
- These negotiations usually involve infrastructure development because when a reservation has a large unquantified water right, but in the mean time, has seen 100 years of water development in the same watershed, there often is not enough to go around resulting in difficult allocation issues.
- The Commission tries to figure out ways whereby the tribes get the water that they need while at the same it tries to keep the state-based water users whole.
- In each tribal settlement in Montana to date, all existing state-based water users have been protected. However, on a number of occasions, the Commission has had to close several basins to new allocations because all available water had been allocated in the compact.
- The Rocky Boy compact is in its final stage. The final stage is that the settlements go to the Montana Water Court for approval. The Court goes through a hearing on the compact, it puts out a decree, it sends notices to every water user in the basin who have the opportunity to object to the compact. Once settled, the federal cases from the 1970s will be dismissed.
- New leadership on the Crow Reservation is not happy with the initial water settlement resulting in more negotiations. She is cautiously optimistic that the Commission has established a good talking relationship with the new leadership and that it will be able to

solve the problems. However, the Commission may have to return to the Legislature with amendments.

- The Blackfeet Tribe opposed the Fort Belknap compact during the Legislature because they are located at the headwaters of the Milk River and had legitimate concerns. The Commission met with their attorney after the Legislature to begin negotiations for a compact.
- The Confederated Salish and Kootenai Tribes on the Flathead Reservation water compact is the last and most difficult because of the jurisdictional issues related to it (i.e. fee land owned by non-Indians and nontribal members and 22 previous years of litigation).
- The parties are currently the DNRC and the Confederated Salish and Kootenai Tribes and they have been to the Montana Supreme Court for the third time over whether the state can continue to issue permits on the Flathead Reservation before the tribes' water rights are quantified.
- The proposed Flathead Reservation compact is a very different proposal from how the Commission has settled other compacts and she believed it will be very controversial.
- Another small tribal issue is the Turtle Mountain Chippewa who have a reservation in North Dakota. When the reservation was set up and the land was allotted to individual tribal members, there was not enough land on the reservation to go around. The federal treaty basically stated that a member of the tribe could take public domain allotments (homesteads) any where they could and they could establish legal rights to those allotments in the same way that they would have rights to the land on the reservation. In Montana, they spread out along the High Line. Sixty thousand acres of allotments are owned by Turtle Mountain members or their heirs and they have legal rights to water for the allotments.
- The Commission was approached by the Turtle Mountain tribal chairman to see if there was interest in negotiating a settlement.
- The Flathead and Blackfeet compacts are not close to the stage where the Legislature will approve them and the only compact that is totally approved is the Northern Cheyenne compact. The Water Court has not approved the Fort Peck, Rocky Boy, or the Crow compacts to date.

Rep. Peterson was concerned whether the Commission was negotiating anything regarding future expansion for the state water right users. Ms. Cottingham said that the Montana Water Court adjudicates the state-based water users rights. Eventually, the Court will decree what a person's right is and it does not preclude them from coming to the state for a permit for future uses. All the rights currently in the Water Court are pre-1973 rights. Because the tribes are senior water rights users and if they went to court and got an award of a large sum of water, they would be able to displace the junior water users. The Commission's goal in its negotiations with the tribes is to keep the state-based water users whole. However, it does not specifically negotiate for state-based water users. If there is enough water to go around, the Commission plans for the future.

Rep. Bixby asked if the Commission was involved with the water users in the coal bed methane areas. Ms. Cottingham said that the question has been posed by people in the Northern

Cheyenne and Crow Reservation areas. The Commission may become involved if the tribes were to make the case that the use of the water for coal bed methane was impacting their reserved water rights. However, normally, the Commission does not negotiate environmental impacts or issues. Rep. Bixby asked if the tribes can renegotiate the compacts. Ms. Cottingham said that it depends upon where the compacts are in the process. For example, the Legislature has ratified the Crow compact but it has not been approved by Congress or the Crow Tribe. When compacts are approved by all three parties and the Montana Water Court and the case has been dismissed, the only way they can be renegotiated is if all three parties agree. Rep. Bixby asked if a compact has totally gone through the process and is approved by the Water Court and if it is found that coal bed methane impacts the water users, what remedy could be sought. Ms. Cottingham said if it is an environment issue, they could begin talking to the DEQ or the coal bed methane company. If the tribe believes that coal bed methane production is impacting their water rights in the compact, they may approach the Compact Commission.

Rep. Juneau asked about water disputes involving leased land on reservations. Ms. Cottingham said that in leasing contracts, each tribal government is allocated a block of water for the use of its members. The plan is for each tribal government to adopt a tribal water code which must be approved by the Secretary of the Interior. The code deals with the relationship between the tribal government, its members, and who is using water on tribal trust land or tribally owned fee land. The lessee would be dealing with the tribal member owning the land.

Rep. Peterson asked if the water was allocated for the reservation or to the members who are enrolled in the tribe. Ms. Cottingham said that the water is allocated to the tribe but the tribe will only manage the water for its members. Water for people owning fee patent land or state claims are managed by the state, decreed by the Water Court, and the tribe has nothing to do with the management.

Sen. Christiaens asked about the pending Supreme Court case on the Flathead Reservation. Ms. Cottingham said the litigation stems from the DNRC issuing new water use permits on the Flathead Reservation and changes to old permits. The Tribes feel that the state should not be issuing any new permits until their water rights are settled because there may not be enough water to go around for new permits once their water rights are settled. Two times the Supreme Court has told the DNRC to cease and desist issuing new water permits but DNRC has just gone through a third round of issuing new permits on ground water and it was taken back to Court for the third time.

DEPARTMENT OF CORRECTIONS ISSUES

Bill Slaughter, Director, Department of Corrections, provided a copy of the proposed rules for the siting, establishment, and expansion of prerelease centers and an information guide for offenders and families on prerelease centers. (EXHIBITS #6 and #7 respectively) Mr. Slaughter stated the following:

- The Department is currently going through a large reorganization process and it is dedicated to bringing back an advisory council made up of interested citizens and legislators. The advisory council will include Native American members.
- The Department is discussing the idea of a full time Native American liaison.
- The Pine Hills Correctional Facility went through an exhaustive review by the American Correctional Association (ACA) to become accredited. Pine Hills is the only accredited facility within the Department.
- He has met with the Inmate Council of Native Americans at the Montana State Prison (MSP) and he has been working with them to address the issues raised. One of the issues brought up was having their families provide some of the instruments they use to practice their faith (sweetgrass and sage). However, the Department brought to their attention incidences of contraband, usually tobacco, in the packages.
- There is a considerable amount of reentry money for young offenders and the Department has applied for a grant to possibly build a prerelease center on an Indian reservation. What the Department needs to make a prerelease center successful are the following:
 - advice and counsel from the Legislature as to which reservation would be appropriate to site the prerelease center. It must be a reservation where jobs can be found.
 - assistance from the tribes and what part they would play in the center; and
 - partnerships with vendors.
- Approximately 17% of the total inmate population at the MSP are Native American.
- Approximately 50% of the total inmate population at the Montana Women's Prison (MWP) are Native American.
- The Department has received clear direction from the Supreme Court about the issues of "good time" and taking away "good time" and sentences that must be merged--crimes committed in prison must be merged with an inmate's previous sentence.
- In the past, the Department has had the mentality and attitude that it would always err on the side of keeping inmates in prison. Currently, the Department is working to change that mentality.
- The Department is only as good as its "step down" programs.
- Jo Acton, Warden, MWP is a leader in the field of parenting. Parenting is very important to the Native American inmate population.
- Ms. Acton made a private entrance to the MWP and remodeled a room. The offender comes in one entrance, the family comes in from another, and the family is not being "revictimized".
- The result is that offenders are working hard in programming efforts to improve themselves because they have a reason to. Their families are what is going to get them released.
- The Department is reviewing the possibility of beginning a similar parenting program at MSP because the program has been so successful.

Sen. Butcher asked how a prerelease center would work and how the inmates would be integrated into a job-oriented program on a reservation that has a 70% unemployment rate. Mr. Slaughter said that was the challenge for the Department. When a Native American is released to a prerelease center like Butte, for example, and goes into the culture found there, it is negative and contradicts much of what they stand for. He believed that there were enough Native American communities and reservations, such as Polson for example, where a center would work. The Confederated Salish and Kootenai Tribes have taken great strides in finding work for their population. Work will be critical to the success of the prerelease center. Secondly, the proposed center would have to be very small and it does not have to be 100% Native American. He has also ordered the Department to reestablish a Native American-culture sensitivity training program.

Sen. Christiaens asked about the grant for the proposed prerelease center. Mr. Slaughter said that the \$3 million grant comes from the Board of Crime Control through the Department of Labor and Industry--labor dollars set aside for the reentry of young offenders. Sen. Christiaens said that the \$3 million grant must include economic development and provide employment opportunities for the reservations.

Sen. Butcher asked if there was a correlation between fetal alcohol syndrome (FAS) and the Native American population at MSP. Mr. Slaughter said that 95% of the Native American male population have chemical dependency problems and it's higher in the female inmate population. Drug and alcohol counselors are not interfacing with the mental health professionals. The Department has recently reorganized those departments into one group so that the inmates can be properly treated when both elements exist.

Rep. Ripley asked what can be attributed to the large percentage of Native American female inmates. Mr. Slaughter said that many of the inmates are poor and they do not receive the representation that well-off people receive. Most male inmates are at MSP for committing violent crimes or burglary while most female inmates are incarcerated for drug and alcohol related crimes.

Rep. Juneau requested the following:

- demographics on the total correctional population, both male and female;
- demographics regarding the juvenile corrections population, both male and female;
- information on the inmates on probation and parole and in prerelease centers;
- the status of the chapel being built at the MWP;
- information on whether the Department followed up on the recommendation that it discuss the possibility with the city of Billings of allowing a special permit to burn in the city limits for the purposes of Native American sweat lodges at the MWP;

- a status on the recommendation that MWP offer more job training skills for women that are more realistic to the world of work; and
- information on whether Indian women, for example, are more violent offenders than males and is it the reason, percentage wise, why more Indian women are incarcerated.

Ms. Erickson said that the Department is currently working on probation and parole and prerelease statistics which should be available in late August or early September. The problem with receiving juvenile offender statistics is that information on juveniles is kept on the CAPS system under the Department of Justice and the Department of Corrections does not have access to that system. A committee was formed to figure out how to interface with the CAPS system so that juvenile statistics would be available. Rep. Juneau requested that staff followup on the issue.

Mr. Slaughter said that he has been asked to open the chapel facility and has been asked to transfer the facility from private ownership to the state which will take place in the middle of August. He added that he would look into the issue of sweat lodges.

Rep. Juneau expressed her concern about the fact that there are 72 females incarcerated at the MWP and 76 incarcerated at the Crossroads Correctional Facility meaning that over one-half of the total female inmate population does not have access to parenting because Crossroads does not offer it. She also encouraged the Department to followup on extending the parenting facilities and programs to the MSP as well.

Rep. Bixby requested information on the Courts' sentencing practices because in many cases Native Americans are treated much differently than non-Indians for committing the same crime. She added that she was a firm believer in education and that it would create change. She said that people forget that there is a history related to Native Americans that has created the problems of today. Until that history is known, no one will know what is going on. Research has proven that when a person knows who they are and when they know where they come from, it instills self-esteem and pride and they will be more successful. People need to be taught that it is okay to be Indian or another minority or a poor white.

Sen. Butcher believed that before inmates are released from prison, the basic requirement should be that they pass their GED. Mr. Slaughter said that the Department can force inmates to work and it can force them to deal with their addictions but it cannot force an inmate to learn. The Department does not move an inmate from MSP to a regional facility if they are attending school.

Sen. Christiaens asked about the contract for the prerelease center on a reservation; will the contract be with the tribes where the center is located and how will the contract be overseen. Mr. Slaughter said that the Department feels that if it does not pick a contractor who knows how to run a prerelease center, it will not be a successful program. Through the RFP process, the Department can specify that it wants a certain percentage of the counselors, chemical dependency staff, and correctional officer staff to be Native American. Sen. Christiaens suggested that the Department also consider the use of drug courts because they are diversionary from prison and keep the Committee apprised of any proposed legislation.

COMMITTEE DISCUSSION

Rep. Bixby provided a copy of the Equal Educational Opportunity for Native American Students in Montana Public Schools. (EXHIBIT #8) She said that the National Indian Education Association will meet in Montana for the first time. It is the largest Indian education organization in the nation with a membership of 4,000. The conference will be held from October 27, 2001, through October 31, 2001, in Billings. She invited the Committee members to attend.

Ms. Erickson provided a copy of The Tribal Nations of Montana: A Handbook for Legislators and staff discussed the purpose of the Handbook and the possibility of updating the Handbook as part of the Committee's work. (EXHIBIT #9)

Following a thorough discussion, the Committee decided the following:

- that staff would update the demographic, taxation, jurisdiction, Indian gaming, welfare, and the census data sections of the Legislator Handbook;
- that staff would add to the Legislator Handbook information on the Montana Reserved Water Rights Compact Commission, its processes, what compacts have been ratified, and a brief overview of Montana's water basins;
- that the Committee would keep its study issues centered around one or two issues each meeting to give them the time that they need and that each presentation be given a time frame;
- that Committee members would determine and prioritize their study issues and relay them to staff. Sen. Christiaens and staff will review them to set up the next agenda.
- that lunch arrangements be made for the Committee at the Helena Prerelease Center at the next meeting and have the Center staff talk about the mental health and chemical dependency issues and job development training;
- to schedule the next meeting for September 20 and 21, 2001, for the Committee's visit to the Rocky Boy Reservation;
- to move the proposed February meeting to January 9 or 10, 2001;
- to receive an update on the economic study results at the next meeting;
- that staff coordinate Committee member meeting schedules with other interim committees to avoid meeting conflicts;
- to receive an update on the Supreme Court decision on the beef checkoff;
- to receive a report on welfare sanctions from Hank Hudson, DPHHS; and

- have staff coordinate with staff from the Children, Families, Public Health and Human Service Interim Committee to find out what it is doing in the area of welfare reform.

Ms. Erickson provided a copy of the Committee's proposed meeting schedule. (EXHIBIT #10)
The Committee adopted the proposed meeting schedule as amended

There being no further business; the meeting was adjourned at 4:30 p.m.

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