



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

State-Tribal Relations Committee

61st Montana Legislature

SENATE MEMBERS

SHARON STEWART-PEREGOY--Vice Chair
JOHN BRUEGGEMAN
RICK LAIBLE
JONATHAN WINDY BOY

HOUSE MEMBERS

SCOTT REICHNER--Chair
FROSTY BOSS RIBS
KEN PETERSON
J. DAVID ROUNDSTONE

COMMITTEE STAFF

CASEY BARRS, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

September 1, 2010
Room 137

Capitol Bldg.
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

REP. SCOTT REICHNER, Chair
SEN. RICK LAIBLE
REP. FROSTY BOSS RIBS
REP. KEN PETERSON

COMMITTEE MEMBERS PRESENT VIA TELECONFERENCE

SEN. JONATHAN WINDY BOY
SEN. JOHN BRUEGGEMAN

COMMITTEE MEMBERS EXCUSED

SEN. SHARON STEWART-PEREGOY, Vice Chair
REP. J. DAVID ROUNDSTONE

STAFF PRESENT

CASEY BARRS, Research Analyst
JEREMY GERSOVITZ, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

Visitors

Visitors' list, Attachment #1.
Agenda, Attachment #2.

COMMITTEE ACTION

The State-Tribal Relations Committee;

- approved the minutes from the July 7, 2010, meeting that was held in Browning.

CALL TO ORDER AND ROLL CALL

00:16:08 Chair Reichner called the committee to order at 10:07 a.m. The secretary called the roll. **Attachment #3** Sen. Brueggeman and Sen. Windy Boy were present via teleconference. Sen. Stewart-Peregoy and Rep. Roundstone were excused. **Attachment #4**

00:18:02 Rep. Boss Ribs said she has proxies for Sen. Windy Boy, Sen. Stewart-Peregoy, and Rep. Roundstone.

Committee minutes

00:20:05 Sen. Laible made a motion to approve the minutes from July 7, 2010. The motion **passed**. Sen. Stewart-Peregoy and Rep. Roundstone voted aye by proxy.

AGENDA

Recap of State-Tribal Relations Interim Committee work plan

- **Mr. Casey Barrs, Research Analyst, Legislative Services Division**

00:21:25 Mr. Barrs gave an update of the STR 2009-2010 work plan. He talked about the issues that have been discussed through the interim. **(Exhibit 1)**

00:25:03 Sen. Laible, Rep. Boss Ribs, and Rep. Peterson talked about education issues on the Indian Reservations. They discussed charter schools and the public schools system, and what works best for the Indian children.

00:32:52 Chair Reichner talked about his experience being on a school board and the issues he has faced with charter schools. He talked about Montana being a rural area and how charters could work for the larger schools in Montana.

Update on Indian affairs

- **Ms. Lesa Evers, Director, Governor's Office of Indian Affairs**

00:41:16 Ms. Evers gave an update on the Office of Indian Affairs. She talked about her experience being a liaison between the Indian Tribes and the Governor's Office. She said the Tribal Relations report will be posted online by September 15, 2010. She talked about a tribal training course that will take place later this year and the IV-E foster care program and its contracts that will be ready for signature by

December 2010. Ms. Evers distributed information on the Tribal Infrastructure Energy Reinvestment Program. **(Exhibit 2)**

Federal Tribal Law and Order Act

- **Mr. Casey Barrs, Research Analyst, Legislative Services Division**
- **Mr. Jim Smith, CoDirector, Montana Sheriffs and Peace Officers Association**

00:47:37 Mr. Barrs reported that Andrew Huff, Assistant Attorney General, Department of Justice, is unable to attend the meeting today. Mr. Barrs distributed a memo from Mr. Huff that gives background information on state and national media attention focusing on the lack of law enforcement on many Indian reservations. **(Exhibit 3)** Mr. Barrs distributed a handout that summarizes the Tribal Law and Order Act of 2010. **(Exhibit 4)**

00:54:14 Mr. Smith gave an overview of the Tribal Law and Order Act of 2009. **(Exhibit 5)**. He talked about the National Criminal Justice Association (NCJA), and its collaboration with the National Congress of American Indians (NCAI). **(Exhibit 6)**

Public Comment

- 01:02:25 Sandra Watts, Tribal Attorney for the Blackfeet Reservation, gave an update regarding what is happening with the Blackfeet law and order program and the law enforcement program. She talked about the Blackfeet resuming full control of their law enforcement services, and said there are times when there are only two law enforcement officers patrolling about 1.5 million acres of the reservation. She talked about underlying issues that need to be addressed.
- 01:08:47 The committee discussed the Major Crimes Act that will continue to be under the jurisdiction of the federal government. Ms. Watts informed the committee that the Tribe has its own criminal code and that they used to have their own law enforcement. She talked about the Tribe contracting under the federal 638 contract.
- 01:18:40 Dennis Parman, Deputy Superintendent, Office of Public Instruction, talked about the committee's earlier discussion of charter schools and informed the committee that he is available for any questions they may have. Mr. Parman reported there are no charter schools in Montana. Chair Reichner asked Mr. Parman to put together a report on charter schools and the virtual school opportunities for the reservations and e-mail the report to Mr. Barrs who will send the information on to committee members.
- 01:23:04 The committee discussed the virtual academy and what it has to offer. Mr. Parman said that the virtual school enrollment is over 800 members and they are anticipating over 1,000 will be enrolled before the end of the year.
- 01:30:07 Sen. Laible asked Mr. Parman, when preparing the report requested by Chair Reichner, to show what other neighboring states are doing for schools of choice.

Foster Care

- **Ms. Mary Ellen LaFromboise, Director, Blackfeet Family Services**
- **Ms. Sandra K. Watts, Blackfeet Tribal Attorney**

01:36:30 Ms. LaFromboise talked about the IV-E foster care program on the reservations keep the mindsets and how hard it is to shake them. She explained the Tribe's IV-E program contract and what happens when a child is in the program. She proposed to stay in touch with the committee because it helps her understand and realize there are people out there who can help and assist her with the problems on the reservations.

02:00:49 Ms. Watts addressed the IV-E program stating the negotiation are going very well. She talked about the tribes and the state working together for foster care on the reservations. The committee talked about family structure and how to keep kids from going into the foster care program by treating the whole family.

02:22:44 Rep. Boss Ribs talked about a new book she assisted with for teachers who come to the reservation to teach. She said the book addresses putting kids with their grandparents because that is the way it was traditionally done. There was discussion about starting a pilot program and then coming back in 2 years to see if it is working.

Fort Belknap – Blaine County road maintenance and tax issue

- **Mr. Jeremy Gersovitz, STR committee staff attorney**

02:39:24 Mr. Gersovitz distributed a handout about the Fort Belknap/Blaine County road maintenance/gasoline tax issue and explained what is happening with this issue. **(Exhibit 7)**

02:44:43 Sen. Laible suggested that the committee staff draft a letter to the Governor's Office and to the liaison people to develop a compact that would allow Indian nations to receive funding to maintain their roads and exempt the state from the responsibility of maintaining the roads. Rep. Boss Ribs concurred that it is a good idea to write a letter to the Governor's Office.

02:46:25 Chair Reichner, Mr. Gersovitz, and Sen. Laible discussed how to develop a compact so the tribes can get their pro rata share of money to maintain the roads. There was discussion about including the Montana Association of Counties (MACo)

Motion

02:49:43 Sen. Laible made the motion to encourage the Governor's Office to agree that the tribes take the responsibility of maintaining the roads.

Discussion

02:50:52 Mr. Barrs stated that the compact is only between the state and the tribes and not the counties.

02:51:25 Rep. Peterson said he will not support this unless the counties are involved. He clarified that MACo is not an entity and that the counties will need to be done individually.

02:55:42 Rep. Boss Ribs said that the Browning Reservation includes two counties and that the tribe does the maintenance through the Bureau of Indian Affairs (BIA).

02:58:21 Chair Reichner reiterated Sen. Laible's motion.

Motion withdrawn

02:58:57 Sen. Laible withdrew his motion.

Blackfeet – Glacier & Pondera Counties oil and gas issue

- **Mr. Jeremy Gersovitz, STR committee staff attorney**

03:00:20 Mr. Gersovitz distributed a handout that explains the State-Tribal oil and natural gas production tax agreements. **(Exhibit 8)**

Cultural and historical preservation

- **Mr. Casey Barrs, Research Analyst, Legislative Services Division**

03:02:22 Mr. Barrs distributed and explained a copy of the draft bill, LC6666, an act expanding the definition of heritage property to include tribal traditional cultural places. **(Exhibit 9)** He also distributed an explanation of the language in LC 6666. **(Exhibit 10)** He talked about the bill being a start for discussion to address options and the important issues when state-sponsored actions affect the tribes.

03:17:00 Chair Reichner talked about Sen. Stewart-Peregoy working with the tribes. He is uncomfortable going forward with making LC6666 a committee bill. He urged those involved to go ahead and do what they need to bring this forward to the upcoming 2011 Legislature.

Public Comment

03:19:43 Mr. Smith talked about working on agreements and the trust and respect that is the foundation that everything rests on. He said the most powerful force in the world is "human belief", which is the hardest thing to change when we believe in something. He talked about examining our beliefs so we can go forward with trusting relationships.

03:25:45 Ms. Watts addressed two issues:
1) the BIA taking over the maintenance of some of the roads in Browning;
and
2) sharing the oil and gas revenue between the tribe and state.

03:28:15 Gary Shield introduced himself and said he is an artist and has been all over the world with his art. He talked about his experience being raised by his grandparents. He said "You have to be tough to survive when being raised by foster parents, because it is important to be loved."

Closing

03:33:04

Sen. Laible thanked the staff, the committee, and tribal members, and said it has been a great opportunity and honor to learn about the tribes and its people.

03:35:15

Rep. Boss Ribs also thanked the committee for allowing her to join them. She talked about opening the doors between the state and the tribes. She was the first Blackfeet Indian woman to be voted into the Legislature. She discussed her heritage and what Native Americans believe in.

Adjourn

03:40:21

Chair Reichner thanked the staff, the committee and the Tribes for their hard work and input. He stated that it has been an honor and a privilege to chair this committee. Chair Reichner adjourned the committee meeting at 1:35 p.m.

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