



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

May 8, 2018

Fort Belknap Reservation, 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

REP. SHARON STEWART-PEREGOY, Chair
REP. ALAN DOANE, Vice Chair

SEN. JEN GROSS (by phone)
SEN. STEVE HINEBAUCH
SEN. FRANK SMITH

REP. JAMES O'HARA

COMMITTEE MEMBERS EXCUSED

SEN. JASON SMALL
REP. RAE PEPPERS

STAFF PRESENT

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

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

CALL TO ORDER AND ROLL CALL

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

RECESS (Reconvened at 9:20 a.m.)

COUNCIL ROLL CALL

00:00:54 Fort Belknap Indian Community Council (FBIC) President Andrew Werk reconvened the meeting at 9:21 a.m. The FBIC secretary took the FBIC roll.

WELCOME PRAYER

00:01:45 Lynn Cliff Jr., Fort Belknap Councilman, gave the welcoming prayer

JOINT SESSION WITH FORT BELKNAP INDIAN COMMUNITY COUNCIL -- Tribal Chambers, 656 Agency Main Street, Fort Belknap Agency Meeting introductions

00:03:45 Committee introductions

00:06:30 Public introductions

00:07:40 Council introductions

00:08:05 President Werk spoke on the joint session agenda ([Exhibit 1](#)).

00:08:48 Public introductions continued

Meeting agenda and committee history

00:09:18 President Werk commented on the public introductions and spoke on the joint session with the committee members.

00:10:55 Rep. Doane reviewed the committee's history and collaboration with state tribes.

00:11:52 Ms. Stockwell also spoke on the committee's history.

Gaming Issues

00:14:30 Kermit Horn and Raymond "Jazz" Parker, universal gaming compact task force.

Committee and Council questions/comments

00:17:43 President Werk asked who has authority over gaming compacts.

00:20:55 Rep. Doane asked how a universal gaming compact furthers tribe sovereignty as compared to an individual compact with each tribe.

00:26:40 President Werk commented on the economic drive and employment opportunities the local casino brings to the community.

00:34:09 Harvey King commented on the differences between the management of gaming compacts for tribes and the management of gaming for members of the Montana Tavern Association.

00:36:03 Sen. Smith commented on the Montana Tavern Association requirements versus the tribal requirements and spoke to the gaming compact law.

00:37:42 President Werk commented on the Montana Tavern Association's relationship with the tribal community.

President's Budget

Medicaid Funding

00:39:46 President Werk

00:41:13 Lynn Cliff Jr.

Committee and Council questions/comments

00:42:25 President Werk asked Mr. Cliff Jr. if there has been discussion on Medicaid work requirement recommendations to bring before the 66th Legislative Session.

00:42:35 Rep. Doane commented on the ballot initiative by the Montana Hospital Association (MHA) that would remove the Medicaid expansion sunset date.

00:43:32 President Werk asked what the sunset date is for Medicaid expansion.

00:43:51 Sen. Gross commented on the MHA ballot initiative, the deadline for ballot signatures, and the importance of bringing concerns to the legislature.

00:45:14 President Werk introduced Dan Belcourt, Tribal Attorney.

00:45:53 Rep. Doane commented on the discussion by the federal government regarding exemptions on work requirements for tribes.

00:46:25 President Werk commented on work requirements and the government's need to be consistent on the requirements.

00:47:30 Rep. Doane commented on work requirements.

00:48:05 President Werk spoke on the community health representative (CHR) issues that are crucial to the tribe.

00:48:40 Sen. Hinebauch commented on the cost of Medicaid expansion to the state.

00:49:23 Mr. Belcourt commented on the impact that a healthy low-income community can have on the cost to the state.

00:50:09 Sen. Hinebauch commented on the balancing act of funding versus spending for a health community.

00:50:39 Rep. Doane commented on state spending versus the federal spending on Medicaid funding.

00:51:14 President Werk commented on the importance and cost of health care in the tribal community.

00:52:06 Sen. Smith commented on work requirements and Medicaid payments.

00:53:00 Rep. Stewart-Peregoy joined the meeting at 10:14 a.m.

00:53:07 Mr. Belcourt asked what percentage of Medicaid payments are paid by the tribe.

00:54:29 President Werk reviewed the committee and council conversation on Medicaid for Rep. Stewart-Peregoy.

00:55:52 Rep. Stewart-Peregoy commented on work requirements and commented on the poverty data coming from reservations.

00:57:14 President Werk commented on improving reservation data reporting.

00:57:49 Rep. Stewart-Peregoy commented on the issues of reservations being undercounted in the 2020 Census and how that affects the budgets.

00:59:01 Sen. Hinebauch asked if there is Medicaid expansion funding match from the state.

00:59:53 Sen. Gross commented on the discussion on Medicaid expansion and thanked the Council for its work.

Discussion on 2020 Census

01:00:28 President Werk commented on the issue of claiming citizenship on the 2020 Census and asked the committee for discussion.

01:01:00 Rep. Stewart-Peregoy commented on the controversy of dual citizenship and tribal enrollment.

- 01:03:28 Delina Cuts The Rope asked what is the purpose of identifying tribe enrollment.
- 01:05:55 Rep. Doane commented on the importance of having an accurate Census count and how it affects the number of state representatives.
- 01:06:34 An unidentified woman in the audience asked for clarification of the Census enrollment questions.
- 01:10:11 An unidentified woman in the audience asked if enrolled members' descendants are considered in the Census.
- 01:11:17 Mr. Belcourt commented on how he self identifies in the Census.

THPO -- FCC Ruling and Keystone XL Pipeline

- 01:12:43 President Werk discussed the land buy back program and how it is affected by the FCC ruling.
- 01:14:34 Steve Archambault, THPO Office Manager, and Dan Werk, assistant, spoke on the timeline of FCC actions and the impact of the Keystone XL pipeline to tribal land ([Exhibit 2](#)) and ([Exhibit 3](#)).

Committee and Council questions/comments

- 01:21:35 Rep. Doane asked for clarification of the sites listed on the map (see Exhibit 3).
- 01:29:02 Rep. O'Hara asked if the industry looked at alternative pathways for the pipeline.
- 01:31:38 Sen. Hinebauch asked if the tribe had identified a pathway to reroute the pipeline.
- 01:33:55 Rep. Doane asked if public comment was available on the mapping of the pipeline and if the permit is already issued.
- 01:37:54 Sen. Smith commented on the hearing requests for the Standing Rock pipeline and attempts to research who gave permission for the pipeline.
- 01:40:21 President Werk commented on the importance of consultation between the state, tribes, and oil industries.
- 01:44:27 Mr. Belcourt commented on letters written and sent by US Senator Jon Tester regarding the Keystone XL pipeline.
- 01:46:22 Rep. Stewart-Peregoy commented on the concern of pollution with the Keystone XL pipeline pathway and the importance of having tribal consultation ahead of all decisions regarding tribal land.
- 01:48:19 Rep. Stewart-Peregoy asked where the state historic preservation officer stands on the pipeline issues.
- 01:51:15 Mr. Belcourt commented on the industry's decision and the lack of consultation with the tribes.
- 01:52:37 Brandi King, Fort Belknap Councilwoman, commented on the proposed pipeline's pathway through sacred sites and the importance of the protection of those sites.
- 01:54:43 Mr. Werk commented on the amount of paperwork submitted to the THPO office by the industries and the lack of employees available to review paperwork.
- 01:57:13 Mr. Belcourt commented on the mining equipment being hauled from the United States to Canada and what effect this has on tribal land.
- 01:58:29 Sen. Smith commented on different rerouting options for the pipeline.
- 01:59:08 President Werk recommended that the council continue to collaborate with the delegation, the committee, stakeholders, and the industries.

Hecla-Pegasus Gold Mining Issues -- Ina Nez Perce

- 02:00:44 President Werk introduced Ina Nez Perce and commented on the Hecla-Pegasus Gold Mining issues.
- 02:02:32 Ms. Nez Perce presented on the Hecla-Pegasus gold mining issue ([Exhibit 4](#))

Committee and Council questions/comments

- 02:06:59 Rep. Doane asked for clarification on the water diverted due to the mining.
- 02:09:05 Rep. O'Hara asked if the water diverted south is so polluted that it is unusable for irrigation or drinking.
- 02:15:29 Rep. Stewart-Peregoy asked if there have been any objections or comments submitted by the tribe regarding the Hecla-Pegasus gold mining issue to the Department of Natural Resources and Conservation (DNRC) or the Department of Environmental Quality (DEQ), and asked if Pegasus obtained water rights and was permitted to divert the water.
- 02:18:36 President Werk asked about the history of the water permits and if any permission was given to Pegasus regarding the mining issues.
- 02:19:02 Rep. Stewart-Peregoy recommended researching the history of permissions and permits given to Pegasus.
- 02:20:59 Mr. Belcourt commented on the history of conversations had with Pegasus and permits given to the industry.
- 02:22:21 Ms. Nez Perce commented on the lack of water in the area after the diversion.
- 02:24:14 Sen. Hinebauch asked what is the source of the diverted water.
- 02:26:22 President Werk commented on the history of the water rights and if any comments from the tribe were submitted to DNRC or DEQ.
- 02:29:01 Ms. King commented on fundraising for a wellness center.
- 02:30:47 Mr. Belcourt commented on legislation preventing mining companies from obtaining water rights.

BREAK (Reconvened at 12:18 p.m.)

Missing & Murdered Indigenous Women/Trafficking

- 02:33:10 Fawn Williamson, Prosecutors Office, spoke on the Missing & Murdered Indigenous Women/Trafficking issues on the reservation.
- 02:36:15 Ms. King commented on the sexual abuse and harassment issues still in the work place and the importance of having protocol for sexual assault response.
- 02:42:37 Ms. Williamson continued her presentation.
- 02:43:53 Ms. King commented on cross deputization and how it affects the issue.

Committee and council questions/comments

- 02:47:43 Rep. Doane commented on a potential jurisdictional compact commission with tribes to create their own jurisdictional compacts with the state.
- 02:49:57 Rep. Stewart-Peregoy commented on the importance of tribal consultation and asked Ms. Stockwell who will be presenting to the committee on these issues tomorrow.
- 02:53:58 Sen. Smith asked if the Fort Belknap tribe has a statute of limitations.
- 02:56:19 Rep. Doane asked if the council would be opposed to the state forming a committee to discuss and consult with tribes regarding jurisdiction.
- 02:57:09 President Werk commented on meeting with the U.S. attorney on jurisdictional issues and accountability in Indian Country.
- 03:02:46 Mr. Belcourt commented on cross deputization and suggested having the Montana Association of Counties involved in the discussion.
- 03:03:44 Rep. Stewart-Peregoy commented on the involvement of the federal government in criminal jurisdiction.
- 03:06:55 Ms. King commented on the impacts of historical trauma creating harsh environments.

DES -- Flooding Threat -- Byard Lamebull, Acting Incident Commander

03:11:46 Mr. Lamebull spoke on the Disaster & Emergency Services (DES) work with the flooding threat on the reservation.

Committee and council questions/comments

03:14:09 President Werk commented on the response from state government for a state of emergency due to flooding and stranded livestock.

Land Buy Back Program -- Margey Bell, realty technician, Land Department

03:18:10 Ms. Bell gave the committee and council an update on the land buy back program.

Treaty Hunting

03:21:34 Harold "Jiggs" Main, Fort Belknap Fish & Wildlife Director, presented on the hunting districts and jurisdictional issues on the reservation.

Committee and council questions/comments

03:34:01 President Werk commented on the jurisdictional issues caused by the checkerboard land effect.

03:40:12 Rep. O'Hara asked if there were public meetings held before road closures to the hunting lands.

03:41:11 President Werk commented on how the tribe collaborates with ranchers and farms regarding land conservation practices and commented on the hunting treaty near Yellowstone National Park.

03:43:43 Rep. Doane recommended that the jurisdictional compact group could discuss the hunting treaty issues.

Water Rights Settlement

03:44:43 Crystal Fox, Water Rights Department administrator, spoke on Indian Water rights and irrigation project grants.

Committee and Council questions/comments

03:50:09 President Werk commented on the sunset deadline of the water settlement.

State Land Parcels

03:54:12 President Werk gave a brief overview on the state land parcels issue.

Committee and Council questions/comments

03:55:41 Sen. Hinebauch asked for clarification of the land sections.

03:55:50 Mr. Belcourt commented on the history.

Lake 17 Project -- Blake Stiffarm, NRCS

03:57:12 Mr. Stiffarm gave an overview of the Lake 17 Project.

Committee and Council questions/comments

03:59:05 President Werk commented on the Lake 17 Project and how the project is part of the tribe's historic irrigation projects.

04:00:06 Ms. Bell commented on the input from public meetings on the project.

04:01:54 President Werk commented on the importance of irrigation on the highline.

04:03:06 Rep. Doane asked for a letter from the tribal council regarding its position on HB 562.

RECESS

04:03:28 Rep. Stewart-Peregoy and President Werk recessed the meeting at 1:50 p.m.

TOUR: AANIIH NAKODA COLLEGE NURSING APPRENTICESHIP PROGRAM

The committee toured the Aaniih Nakoda College and its Nursing Apprenticeship, Carpentry, and Mechanics programs with ANC President Carole Falcon-Chandler.

TOUR: USING HORSE WORK TO HELP PREVENT YOUTH SUICIDE

The committee toured the King Ranch with Brandi King, who is using horse work to help prevent youth suicide in the Fort Belknap tribal community.

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