



State-Tribal Relations Committee

63rd Montana Legislature

SENATE MEMBERS

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SHANNON AUGARE
JIM PETERSON
BRUCE TUTVEDT

HOUSE MEMBERS

ALAN DOANE--Vice Chair
CLARENA BROCKIE
FORRESTINA (FROSTY) CALF BOSS RIBS
NICHOLAS SCHWADERER

COMMITTEE STAFF

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
KRISTINA LIMING, Secretary

MINUTES LOG

STATE TRIBAL RELATIONS COMMITTEE JANUARY 13 & 14, 2014

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This 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 summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

REP. ALAN DOANE, Vice Chair
REP. CLARENA BROCKIE
REP. NICHOLAS SCHWADERER

STAFF PRESENT

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
KRISTINA LIMING, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

CALL TO ORDER AND ROLL CALL

00:00:00 **REP. ALAN DOANE**, began meeting.
Note: A quorum for this meeting was not established.
Introductions

00:03:22 **Dana Wilson**, Vice Chairman, Crow Tribal Executive Branch
Introductions of Crow Tribe Members and Staff

State Tribal Relations Committee portion of agenda

00:05:16 **Opening Blessing, Dr. Luke Enemy Hunter**

00:06:49 **Chairman Old Coyote**
Tobacco tax, oil and gas, gaming contract, health and human services, Medicaid and medicare issues (qualifications/language barriers), education, water compact, public works (sewer and water), Coal Board, and off-reservation hunting.

00:13:13 **Action on tasks from Fort Belknap, Casey Barrs**

Committee Questions and Discussion

00:23:11 REP. BROCKIE
00:23:47 Mr. Barrs
00:25:00 REP. BROCKIE
00:25:52 Rep. Schwaderer
00:26:46 Mr. Barrs
00:28:12 REP. SCHWADERER
00:28:54 Mr. Barrs

00:29:46 **Language Preservation Pilot Program**

00:29:52 **Mr. Barrs** *STR Staff Notes on Quarterly Reports for Indian Language Preservation Projects (EXHIBIT 1)*

00:35:14 **Birdena Real Bird**, Head of Cabinet for Education

00:39:14 **Dr. Luke Enemy Hunter**, Chief Executive Officer, Crow Tribe

Committee Questions and Discussion

00:59:25 REP. DOANE
01:00:55 **Heather Sobrepena-George**, Acting Director, State-Tribal Economic Development Commission
01:05:03 **Dr. Richard Little Bear**, President of Chief Dull Knife College, Northern Cheyenne Reservation
01:10:16 REP. BROCKIE
01:11:37 REP. SCHWADERER
01:12:47 REP. DOANE
01:13:20 **Nate St. Pierre**, President of Stone Child College, Rocky Boy Reservation
01:18:11 REP. DOANE

01:19:03 **Transferability of Academic Credits between Tribal Colleges and the Montana University System**

01:19:17 **Dr. David Yarlott**, President of Little Big Horn College, Crow Reservation
Montana Tribal College President's Association (EXHIBIT 2)
2014 AIHEC Registration Form (EXHIBIT 3)

Committee Questions and Discussion

01:26:04 REP. SCHWADERER
01:26:37 Mr. Yarlott
01:27:24 REP. SCHWADERER
01:27:47 REP. BROCKIE
01:28:12 Mr. Yarlott
01:29:21 Dr. Little Bear
01:31:22 REP. DOANE
01:31:40 Vice Chairman Wilson
01:34:21 REP. BROCKIE
01:35:04 Dr. Yarlott
01:40:14 REP. DOANE
01:40:35 Vice Chairman Wilson
01:41:15 REP. DOANE
01:41:36 Dr. Yarlott
01:44:33 Mr. Barrs
01:45:22 Dr. Yarlott

01:46:26 **BREAK**

01:47:20 **Bison Management**

01:49:13 *Statement from State Veterinarian (EXHIBIT 4) Mr. Barrs*
01:52:57 *Statement from Farm Bureau (EXHIBIT 5) Mr. Barrs*
Administrative Rules pertaining to Domestic Bison (EXHIBIT 6)
Jurisdiction Over Wild Bison From Yellowstone National Park (EXHIBIT 7)

Committee Questions and Discussion

01:55:43 REP. BROCKIE
01:57:16 REP. DOANE
01:58:03 REP. SCHWADERER requested information regarding whether an elk vaccination has ever been used in Montana.

01:58:37 **Clayvin Herrera**, Head of Cabinet, Crow Natural Resources Department

Committee Questions and Discussion

02:01:50 REP. DOANE
02:01:52 Mr. Herrera
02:02:23 REP. DOANE
02:02:35 Mr. Herrera
02:03:22 REP. BROCKIE
02:03:32 Mr. Herrera
02:04:05 Mr. Barrs
02:04:15 Mr. Herrera
02:04:42 REP. DOANE

02:04:57 Mr. Herrera
02:05:46 REP. DOANE
02:05:51 Mr. Herrera
02:06:35 REP. DOANE
02:06:58 Mr. Herrera
02:07:16 REP. DOANE
02:07:36 Vice Chairman Wilson
02:10:27 Mr. Barrs requested a written management plan to share with the absent legislators.

02:11:30 **Tribal Secured Transaction Act**
02:11:52 **William Watt**, Crow Legal Counsel
Apsaalooke Tribal Secured Transaction Act (EXHIBIT 8)
Community Development Investments (EXHIBIT 9)

Committee Questions and Discussion

02:38:22 REP. DOANE
02:40:20 REP. SCHWADERER
02:41:44 REP. DOANE

02:42:48 **Shawn Real Bird**, Tribal Operations Specialist, Crow Finance
Dept. and Chairman, State Tribal Economic Development Commission
02:55:41 **Yolanda Good Voice**, Crow Tribe Economic Development

Committee Questions and Discussion

03:06:06 REP. BROCKIE
03:07:12 Ms. Good Voice
03:07:58 REP. BROCKIE
03:09:24 Mr. Real Bird
03:12:29 REP. DOANE

03:13:57 **Elections Litigation - Wandering Medicine v. McCulloch**
03:14:20 **Jorge Quintana**, Chief Legal Counsel, Office of the Secretary of State

Committee Questions and Discussion

03:18:38 REP. SCHWADERER
03:19:23 Mr. Quintana
03:20:57 REP. BROCKIE
03:23:28 Mr. Quintana
03:24:26 REP. BROCKIE
03:24:39 REP. SCHWADERER
03:25:08 Mr. Quintana
03:26:32 REP. DOANE
03:26:58 Vice Chairman Wilson
03:27:44 REP. DOANE
03:28:03 **Melissa Holds the Enemy**, Crow Legal Counsel
03:29:15 REP. DOANE
03:29:36 Ms. Holds the Enemy

03:30:37 REP. DOANE
 03:30:52 Ms. Holds the Enemy
 03:31:44 REP. SCHWADERER
 03:32:26 Ms. Holds the Enemy
 03:33:33 **Shawn Backbone**, Vice Secretary of the Crow Tribe
 03:34:00 REP. DOANE

03:34:54 **Indian Incarceration - Conditions, Policies, and Re-Entry**
 03:35:15 **Mike Batista**, Director, Department of Corrections
 03:48:58 **Harlan Trombley**, American Indian Liaison, Department of Corrections
 03:52:40 **Adrienne Slaughter**, Director of Government Relations, Department of Corrections
Montana Women's Prison Responses to Committee Questions (EXHIBIT 10)

Committee Questions and Discussion

03:53:15 REP. SCHWADERER
 03:54:29 Mr. Batista
 03:57:02 REP. BROCKIE
 03:58:15 Mr. Batista ad Mr. Trombley
 04:06:46 Mr. Barrs
 04:07:20 Mr. Trombley and Ms. Slaughter
 04:08:35 Mr. Backbone
 04:09:45 Mr. Trombley
 04:11:09 Vice Chairman Wilson
 04:12:28 Mr. Batista
 04:14:58 Mr. Backbone
 04:15:42 Mr. Trombley
 04:16:27 REP. BROCKIE
 04:16:44 Mr. Batista
 04:17:05 REP. DOANE asked for further clarification as to why Native Americans are not employed by state prison's for the purpose of conducting spiritual ceremonies.
 04:17:35 Mr. Barrs
 04:18:20 Mr. Enemy Hunter

04:19:00 **LUNCH**

04:19:28 **Governor's Office of Indian Affairs - Work in Indian Country**
Jason Smith, Acting Director, Governor's Office of Indian Affairs
Governor's Office of Indian Affairs Report (EXHIBIT 11)

Crow Tribe Executive Branch portion of agenda

04:35:44 **Update on Housing and Tax Credits**
Karl Little Owl, Head of Cabinet for Housing
Mr. Backbone, Background update

Committee Questions and Discussion

04:43:21 REP. DOANE
 04:43:41 Mr. Little Owl

04:44:00 Vice Chairman Wilson
04:46:00 **Cheryl Belcourt**, Director MT-WY Tribal Leaders Conference
04:47:03 Vice Chairman Wilson

04:48:06 **Off-Reservation Hunting per Treaty**
Melissa Holds the Enemy, Crow Legal Counsel
Clayvin Herrera, Crow Department of Fish and Game

Committee Questions and Discussion

04:56:58 REP. BROCKIE
04:57:12 Mr. Herrera
04:58:26 REP. DOANE
05:01:35 REP. BROCKIE
05:02:00 Vice Chairman Wilson
05:05:33 REP. SCHWADERER

05:04:41 **Update on Gaming**
Melissa Holds the Enemy, Crow Legal Counsel
Ken Deputee, Crow Tribal Consultant

Committee Questions and Discussion

05:15:03 REP. SCHWADERER
05:21:00 REP. DOANE
05:22:03 **C.J. Stewart**, Crow Senator
05:24:03 REP. DOANE
05:25:33 **Rolan Plain Feather**, Public Member

05:26:40 **Education: Tuition Waiver**
Vice Chairman Wilson

Committee Questions and Discussion

05:30:44 REP. SCHWADERER
05:31:48 **Public Works: Sewer and Water**
Jimmy Real Bird, Apsaalooke Water and Waste Authority
Vice Chairman Wilson

(Part 2)

00:03:11 **Water Resources: Update on Water Compact**
Melissa Holds the Enemy, Crow Legal Counsel
Titus Takes Gun, Director, Water Resources

Committee Questions and Discussion

00:13:13 REP. DOANE
00:14:24 **Update on Tobacco and Gas Tax**
William Watt, Crow Legal Counsel

Committee Questions and Discussion

00:24:55 REP. SCHWADERER

00:30:40 **Medicaid and Medicare: Request for Crow Speaking Facilitators**

Todd Wilson, Director of Crow Tribal Health

Vice Chairman Wilson

00:36:28 REP. DOANE

00:38:50 Mr. Wilson

Vice Chairman Wilson

Jackie Stewart, Cabinet Head for Health and Human Services

00:46:02 REP. SCHWADERER

00:48:00 **Low Income Energy Assistance Program (LIEAP): Setting up Local Office**

Shawn Backbone, Vice Secretary, Crow Tribal Executive Branch

00:49:50 Mr. Barrs

00:52:10 **Update on Energy Projects**

William Watt, Crow Legal Counsel

Kristen Burge, Crow Legal Counsel

Assessment of the Economic Impact (EXHIBIT 12)

Committee Questions and Discussion

01:09:37 REP. SCHWADERER

C.J. Stewart

01:20:25 **Unemployment Benefits through Tribe**

Shawn Backbone, Vice Secretary, Crow Tribal Executive Branch

Committee Questions and Discussion

01:23:09 REP. DOANE

01:25:40 REP. BROCKIE

01:26:00 Mr. Barrs

01:26:58 REP. DOANE

01:27:33 Mr. Barrs

Wrap Up

01:28:05 REP. DOANE

01:28:40 REP. SCHWADERER

01:29:50 REP. BROCKIE

Instructions to Staff:

01:30:50 **Mr. Barrs**

- Transferability of academic credits - placement on next agenda - invite Board of Regents. To learn the Montana University System approach
- Bison Management - Public plan to be given to committee members after

- publication
- Credit Lending - Economic Development - MCA improvements - whether legislature could do something to facilitate the word of CDFI and non-profit
- LIEAP and unemployment - local office to be set up in Crow Agency
- Follow up with prison about the cultural sensitivity training.

01:35:46 **Laura Sankey**

- Whether there are road blocks in state statute regarding LLC tribal charters. What are the legal characteristics of a legally chartered LLC in Montana?
- First amendment questions about religion and religious ceremonies within prisons.

01:39:30 **Public Comment**
None.

01:39:47 **Recess until January 14, 2014**

Tuesday, January 14, 2014

**Discussion in Chamber of Commerce with Corrections Officials
815 S. 27th St., Billings, MT
(Open to Public)**

COMMITTEE MEMBERS PRESENT

REP. ALAN DOANE, Vice Chair
REP. NICHOLAS SCHWADERER

STAFF PRESENT

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
KRISTINA LIMING, Secretary

DEPARTMENT OF CORRECTIONS PERSONNEL

MIKE BATISTA, Director of Department of Corrections
ADRIANNE SLAUGHTER, Government Relations Director
ALEX SHROCKENSTEIN, Associate Warden of Operations - Montana Women's Prison
ANNAMAE SIGFRIED-DERRICK, Community Coordinator
BOB PAUL, Associate Warden of Security, Montana Women's Prison

01:41:00 Introductions

01:47:20 The group discussed programs, needs, and the interests of Montana's prisons. Mr. Batista explained that they are in the initial process of putting together any

proposals to meet the department's budgetary needs. He spoke about the success that the Billings community has had in reentry, because of community support, available resources, volunteer efforts, and the commitment of the staff. He stated his hope that the Billings program would provide a model for other settings.

- 01:53:30 Mr. Barrs asked if the Department of Corrections (DOC) will be proposing any bills specific to Indian incarceration, or just the general population. Mr. Batista explained that anything requested by DOC will be necessary for all offenders. The expansion for proposals specific to Indian country is unknown at this time.
- 01:54:40 The group discussed the capacity levels of the prisons, as well as if there may be a future need for the expansion of the prisons, or the creation of more facilities. Mr. Batista spoke about the investment focus going toward reform improvements, instead of more facilities.
- 02:04:00 The American Indian population in the Montana Women's Prison was the discussed. The group spoke about the volunteers that come from the outside the community to lead sweat sessions with the inmates, and the positive reaction from the inmates.
- 02:09:50 REP. SCHWADERER asked about the corrections workers, and if there were any issues regarding safety or wages. Mr. Batista stated that salaries have been an issue in the past, and the goal to bring the salaries up to the current market rate of pay. The members then discussed other options to improve the interests and needs of prison staff.
- 02:08:45 REP. SCHWADERER expressed interest in any new programs in the prisons systems, or any programs that they are looking in to implementing. The DOC personnel explained a few different approaches and programs that they have seen improve the life and success of the offender.
- 02:30:50 Mr. Barrs requested any helpful information regarding Indian incarceration. Mr. Paul explained that every inmate is treated the same, regardless of their nationality. He also explained that the prisons are very willing to accomodate cultural differences and traditions.
- 02:32:38 REP. DOANE asked about the availability of educational programs within the prisons, with an emphasis on the language preservation.
- 02:40:00 Adjourn