



State-Tribal Relations Committee
63rd Montana Legislature

SENATE MEMBERS
SHANNON AUGARE
JIM PETERSON
BRUCE TUTVEDT
JONATHAN WINDY BOY

HOUSE MEMBERS
CLARENA BROCKIE
FORRESTINA (FROSTY) CALF BOSS RIBS
ALAN DOANE
NICHOLAS SCHWADERER

COMMITTEE STAFF
CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
DAWN FIELD, Secretary

MINUTES LOG

June 26, 2013

Room 137, State Capitol
Helena, Montana

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.

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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

SEN. JIM PETERSON
SEN. BRUCE TUTVEDT
SEN. JONATHAN WINDY BOY

REP. CLARENA BROCKIE
REP. ALAN DOANE
REP. NICHOLAS SCHWADERER

COMMITTEE MEMBERS EXCUSED

SEN. SHANNON AUGARE
REP. FORRESTINA (FROSTY) CALF BOSS RIBS

STAFF PRESENT

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
DAWN FIELD, Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The State-Tribal Relations Committee:

- elected Sen. Jonathan Windy Boy as Presiding Officer;
- elected Rep. Alan Doane as Vice Presiding Officer;
- approved a motion to allow proxy voting;
- approved a motion to require that language preservation pilot project grant recipients provide the State-Tribal Relations Committee a written report for each meeting it holds and an in-person report for its final meeting; and
- adopted a work plan and meeting calendar for the 2013-14 interim.

CALL TO ORDER AND ROLL CALL

00:00:01 SEN. TUTVEDT called the meeting to order at 9:45 a.m. Staff and member introductions were made.

OVERVIEW OF RESPONSIBILITIES AND GUIDELINES

00:03:26 **Casey Barrs, Research Analyst, Legislative Services Division (LSD)**, reviewed LSD staff services available to the legislators, reviewed the statutory duties of the State-Tribal Relations Committee (STR), and discussed several other matters relevant to the function and administration of the STR.

00:15:33 SEN. WINDY BOY arrived at the meeting at 10:00 a.m.

00:19:40 Mr. Barrs reviewed "*Rules, Procedures, and Guidelines for Interim Committees*" ([EXHIBIT 1](#)).

OFFICIAL CALL TO ORDER AND OPENING BLESSING

00:22:35 SEN. WINDY BOY officially called the meeting to order. It was noted that a quorum of members were present. SEN. WINDY BOY offered an opening blessing. The Secretary took roll, REP. CALF BOSS RIBS and SEN. AUGARE were excused, SEN. PETERSON was expected to arrive later in the meeting (Attachment 3).

00:26:54 The STR discussed the issue of proxy voting. SEN. TUTVEDT spoke in support of allowing proxy voting. He suggested that proxies must be provided in writing or electronically to the Chair and Staff and that the proxy be applicable to any vote taken by the STR.

00:27:40 REP. BROCKIE asked why proxies are discouraged. Mr. Barrs said primarily to encourage members to attend the meetings and vote in person.

00:29:11 **SEN. TUTVEDT moved to allow proxy votes, that the proxy must be provided electronically to Mr. Barrs and to the Chair; and that the proxy would suffice for all votes regardless of whether the absent member had participated in discussion on the specific topic before or not. The motion passed on unanimous voice vote.**

ELECTION OF OFFICERS

00:30:16 Mr. Barrs referred members to a history of STR chair rotation in the meeting packet ([EXHIBIT 2](#)).

- 00:32:29 **SEN. TUTVEDT nominated SEN. WINDY BOY as Chair.** The committee members discussed the chair rotation history.
- 00:37:13 **SEN. WINDY BOY was elected STR Chair on a unanimous voice vote.**
- 00:38:53 **SEN. TUTVEDT nominated REP. DOANE to serve as Vice Chair. REP. DOANE was elected STR Vice Chair on a unanimous voice vote.**
- 00:40:21 Mr. Barrs discussed legislator reimbursement and compensation.

Member Issues and Concerns Discussion

- 00:43:57 SEN. WINDY BOY asked members to discuss issues and topics they would like to address or add to the Work Plan.
- 00:44:54 REP. BROCKIE listed a number of issues of interest, including improving communication between county and tribal governments, Native American prison population concerns, the need for training to further educate the Legislature and other local, state, and federal officials regarding tribal jurisdiction and sovereign rights, the Fort Belknap immersion school, and how to increase training opportunities and create more jobs on reservations.
- 00:50:38 REP. DOANE discussed his interest in pursuing the bison issue and employment opportunities on reservations.
- 00:52:01 SEN. TUTVEDT said that his main goal is to listen and learn but agreed that the bison issue is important and that a resolution is needed. He said that he is looking forward to working on issues and ideas that the Legislature can move forward that will benefit Montana's Native American citizens.
- 00:53:27 REP. SCHWADERER said he also thinks it is important to listen and learn. He said it would be helpful to have some background information on the work of past STR Committees. He listed a number of topics for which he would like information, such as past legislation, changes in relationships between state, federal, and tribal governments, native language issues, creative solutions found by other states to similar issues facing Montana tribes, legal jurisdiction and sovereignty issues, and jobs and economic development.
- 00:56:16 SEN. WINDY BOY commented that in his eleven years as a legislator, the State of Montana has made a great deal of progress in how it deals with Indian country. He agreed that the bison issue is a contentious one and that it is time to find a resolution.

OFFICE OF INDIAN AFFAIRS WORK IN INDIAN COUNTRY

- 00:59:43 **Jason Smith, Acting Director, Governor's Office of Indian Affairs**, discussed a report on the activities of the Governor's Office of Indian Affairs ([EXHIBIT 3](#)), as required by 90-11-102, MCA.
- 01:10:17 Mr. Smith also discussed the implementation of SB 342 (Montana Indian Language Preservation Pilot Program) through the State-Tribal Economic Development (STED) Commission of the Montana Department of Commerce.

Committee Questions.

- 01:16:46 REP. BROCKIE asked if the STR Committee could get list of the Governor's appointments and copies of all agreements with Montana Tribes.
- 01:17:18 REP. BROCKIE asked about state emergency funding for certain counties hit by flooding this spring. Mr. Smith said that question could be better answered by Disaster and Emergency Services (DES) but his understanding is that communication is taking place and that the appropriate tribal entities are working on the issue.
- 01:18:51 REP. BROCKIE asked about the status of the Governor's American Indian Nation Council (GAIN). Mr. Smith explained how the Bullock Administration is dealing with maintaining communications with the Tribes.
- 01:19:36 REP. BROCKIE asked for an update on the Department of Public Health and Human Services (DPHHS) grant to Rural Dynamics and if Mr. Smith is concerned about the situation. Mr. Smith said that he is monitoring the issue with DPHHS and that it is his understanding that the contract was extended in order to do a request-for-proposal for the next grant cycle. He said that he was first notified of the concerns by tribal officials at Fort Belknap.
- 01:21:20 SEN. WINDY BOY asked for a more detailed explanation of the GAIN Council. Mr. Smith explained the purpose and past work of the GAIN Council.
- 01:22:32 SEN. TUTVEDT discussed his interest in looking into the Model Tribal Secured Transaction Act and if the Legislature could assist the Tribes in implementing the Act. Mr. Smith said he wasn't certain where the Legislature would fit in but that legislators do need to be aware of the lending issues in Indian Country. He said that he wants to be certain that the tribes are comfortable with the Act and that he would share whatever information he gets regarding this issue.
- 01:24:27 SEN. WINDY BOY said the Act has been a great opportunity for the Chippewa Cree and thanked SEN. TUTVEDT for bringing it forward. He asked if a best practice model could be provided as a recommendation in the 2015 Legislature. Mr. Smith said that he could arrange for an Montana-based expert to explain the Act and its benefits at a future meeting of the STR Committee.
- 01:26:37 SEN. TUTVEDT discussed the benefits, saying it could be a huge economic driver on a reservation. He suggested that the presenter identify specific areas where the Legislature could help with the process.
- 01:27:20 Mr. Smith said he would like to invite Sue Woodrow, Federal Reserve Bank, to be the presenter and that she is based in Montana. He said that he would provide her contact information to Mr. Barrs.
- 01:27:55 Mr. Smith distributed copies of the *"Tribal Nations of Montana: A Handbook for Legislators"* (EXHIBIT 4). He said that while it is outdated, it still has a great deal of good information. He said that he plans to update it. SEN. WINDY BOY asked him to provide copies of the updated manual, when available.

01:29:05 Mr. Barrs said that he would followup with REP. BROCKIE about her concerns over Rural Dynamics after the meeting.

STATE-TRIBAL ECONOMIC DEVELOPMENT

01:30:29 **Heather Sobrepena-George, Program Manager, Indian Country Economic Development, Acting Program Manager for the State Tribal Economic Development Commission (STED)**, thanked SEN. WINDY BOY and the other legislators for SB 342 - Montana Indian Language Preservation Pilot Project (MILP³) ([EXHIBIT 5](#)). Ms. Sobrepena-George updated the STR on the status of MILP³, including several administrative rules for the pilot project, an organizational chart, a list of potential advisory board members, and other topics related to implementation of the project.

01:32:28 SEN. WINDY BOY said that the Education and Local Government Interim Committee would like her to report on the progress of the pilot project also. Ms. Sobrepena-George said she would do that and noted that the Office of Public Instruction will also be involved. She continued her update.

01:36:40 Mr. Barrs asked how or if the STR can object to rules or weigh in with concerns, and if so, would that affect the disbursement of funding. Ms. Sobrepena-George explained how progress reports will be handled and how funds will be disbursed accordingly. She added that STED will make the final determination as to whether a project's funds will be disbursed or withheld but that it will consider STR input when making decisions.

01:38:33 REP. BROCKIE asked about requests-for-proposals (RFPs). Ms. Sobrepena said that RFPs are not required and explained the local program advisory board's role in receiving the program funding. She clarified that the contracts will be with individual tribal or local governments and they will be responsible for disbursing funds.

01:41:57 REP. SCHWADERER asked how the decision will be made on what languages will be included in the pilot project, considering that there are multiple native languages. He also asked if the STR will see expense reports. Ms. Sobrepena-George discussed fair use of funding and said that it will be left mainly up to tribal governments to choose which languages to focus on. She said that the STR can inquire about what languages are chosen.

01:44:55 Mr. Barrs asked about STR authority to ensure the inclusiveness of the program. Ms. Sobrepena-George said there has been a great deal of collaboration to date and that she doesn't anticipate anyone feeling excluded. She said there are enough internal controls in place to ensure that language families will be preserved but that the STR would have the prerogative to give guidance if it so chooses.

01:49:28 Jason Smith said his understanding was that it was not the intent of the pilot project to be accountable for every language and that it would be up to each tribal government to make those decisions.

01:50:50 REP. BROCKIE suggested that a conference be held at the end of the pilot project in order to share the end products and results of the project.

- 01:52:09 Ms. Sobrepena-George and REP. SCHWADERER discussed expenditure reports. She referred to Appendix A, section 6 in her report ([EXHIBIT 5](#)).
- 01:55:04 Ms. Sobrepena-George continued her presentation.
- 02:13:20 Mr. Barrs asked if there is a requirement for sustainability beyond the 14-month period. Ms. Sobrepena-George said the bill did not establish that requirement. SEN. WINDY BOY said that this project is the first of its kind in the country and that there will be a discussion at the end of the project on next steps.
- 02:14:43 REP. DOANE asked what kinds of equipment will be needed. Ms. Sobrepena-George said that recording equipment will be needed.
- 02:15:33 REP. SCHWADERER asked Laura Sankey, Staff Attorney, LSD, to discuss Section 2 and to clarify that the project can not be jeopardized on legal grounds. Ms. Sobrepena-George said that concern is addressed in the coordination clause in Section 5.
- 02:17:32 Ms. Sobrepena-George asked the STR to notify her of its meeting schedule. SEN. WINDY BOY said that Mr. Barrs would do so.

PUBLIC COMMENT

- 02:18:33 There was no public comment.
- 02:19:17 SEN. WINDY BOY recessed the meeting for lunch until 1:15 p.m.
- LUNCH**
- 03:34:11 SEN. WINDY BOY called the meeting back to order at 1:27 p.m. He welcomed SEN. PETERSON to the meeting and gave a brief update on meeting details.
- 03:36:41 SEN. PETERSON said he was pleased to serve on the STR Committee and discussed his interest in monitoring water compact issues.

UPDATE ON LEGISLATIVE REDISTRICTING

- 03:38:42 **Rachel Weiss, Research Analyst, LSD**, guided the STR committee members through an explanation of and demonstration on how to access legislative district maps and other information available on the Districting and Apportionment Commission website. Ms. Weiss provided a list of resources ([EXHIBIT 6](#)) available on the website and contact information for DAC staff.

Committee Questions

- 03:46:40 SEN. PETERSON asked when the new legislative districts would be in effect. Ms. Weiss said they would be used in the 2014 election cycle.
- 03:47:17 SEN. PETERSON asked about assignment of holdover senators. Ms. Weiss explained how the 25 holdover senators were assigned to new districts and noted that a list of holdover senators and their new districts is available on the website.
- 03:48:28 In response to a question from REP. DOANE regarding the effective date of the new districts, Ms. Weiss further explained how the election process works when transitioning to a new districting plan.

LAW ENFORCEMENT AND INDIAN COUNTRY

- 03:49:54 **Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)**, discussed the MSPOA's experience and interface with tribal nations, including compliance with racial profiling laws. He said that the MSPOA is eager to build strong relationships with the tribes and to work with the STR on common issues of concern.
- 04:01:21 **Colonel Kenton Hicketier, Montana Highway Patrol (MHP)**, thanked the STR for the opportunity to address the membership and said that it is MHP's goal to enhance its relationship with the tribes. He discussed a number of efforts intended to improve communication and cultural awareness. Colonel Hicketier provided contact information and urged the members to contact him at any time with questions or concerns.

Committee Questions

There were no committee questions

INDIAN LANGUAGE PRESERVATION PROGRAM

- 04:05:44 Mr. Barrs explained how the STR will have oversight of MILP³.
- 04:07:47 Mr. Barrs asked the committee for input on if it wishes to receive updates via written reports or in person. SEN. WINDY BOY said he would prefer that reports be given in person. REP. BROCKIE and SEN. WINDY BOY discussed how often the STR should receive reports.
- 04:11:49 **REP. BROCKIE moved that MILP³ grant recipients be required to submit written reports for each meeting of the STR Committee and to present a final report in person to the Committee.** Mr. Barrs and REP. SCHWADERER discussed travel expenses being covered by grant funds and STR's authority to contact the advisory boards directly if it has questions. **The motion passed on a unanimous voice vote.**
- 04:13:37 Mr. Barrs said that the STR would be updated at its next meeting on the formation of advisory boards or other progress in getting the pilot projects going. He said that the STR would approve a final report at its final meeting, for presentation to the 64th Legislature.

THE IMPACT OF TRIBAL COLLEGES IN MONTANA

- 04:14:36 Mr. Barrs said that Laura John, Montana Policy and Budget Center, was not able to attend the meeting to discuss SJR 38 - interim study of the economic impact of tribal colleges in Montana. Mr. Barrs reviewed the provisions of SJR 38 ([EXHIBIT 7](#)) and discussed letters of support from tribal college presidents in the hope that the STR would continue to pursue the study ([EXHIBIT 8](#)).
- 04:18:47 SEN. WINDY BOY said time ran out during the session for HJR 38 and urged the STR to continue the study. He discussed the benefits of study.
- 04:19:48 REP. BROCKIE commented on the significant impact of tribal colleges in both Indian and non-Indian communities. She said that she testified in support of SJR 38 in the 2013 session and would support the STR continuing the work.

- 04:21:54 SEN. TUTVEDT said that he has great respect for tribal colleges but would like to know what the goal of the bill is. SEN. WINDY BOY explained how the information could be used.
- 04:25:07 SEN. TUTVEDT asked how tribal colleges are funded. REP. BROCKIE said that main source of funding comes from the Bureau of Indian Affairs (BIA) but that there is a mix of federal and state sources.
- 04:28:05 SEN. TUTVEDT asked how nonbeneficiary students are funded. SEN. WINDY BOY said that the allocation comes from the Board of Public Education.
- 04:28:39 Regarding SEN. TUTVEDT'S question about the end goal of SJR 38, Mr. Barrs said the information would create a stronger awareness of the role of tribal colleges and their impact, improve and strengthen private sector collaboration with tribal colleges and tribal communities, improve workforce development, and foster and encourage better support of tribal colleges.
- 04:29:31 SEN. PETERSON asked how or if tribal and community colleges coordinate with the Montana University System (MUS). SEN. WINDY BOY said that there is not a formal relationship in place right now and discussed the difficulty of transferring credits from tribal to MUS colleges as an example of why an agreement is needed.
- 04:30:59 REP. BROCKIE explained how articulation agreements between institutions are used in order to allow some credits to be accepted.
- 04:32:36 SEN. PETERSON suggested that it may be worthwhile having the Commissioner of Higher Education discuss the issue with the STR.
- 04:33:37 SEN. TUTVEDT said that uniformity of classes would be necessary in order to ensure equality of credits. He said that he is also interested in looking at American Indian student retention.
- 04:35:00 SEN. WINDY BOY said that the Education and Local Government Interim Committee (ELG) may also study this issue. SEN. TUTVEDT said that if the ELG does not, the STR should. He emphasized the need for uniformity and equality of classes in order to ensure transferability of credits.
- 04:36:12 REP. SCHWADERER asked about bulk credit transferability. SEN. WINDY BOY said colleges are not even close to being able to do that and that he is hearing from tribal colleges that any progress would be good progress.
- 04:37:27 SEN. PETERSON said putting this into place would require a long-term effort but would be a logical step in the credit transfer process to include tribal colleges.
- 04:39:31 REP. SCHWADERER agreed that it may require some standardization of curriculum between colleges, which would have to be done carefully in order to not diminish some of the unique classes available at the different colleges.

OVERVIEW OF BISON ISSUES IN MONTANA

- 04:40:38 **Christian Mackay, Executive Officer, Director, Department of Livestock,** discussed a Powerpoint presentation on the federally-mandated Interagency Bison Management Plan (IBMP) ([EXHIBIT 9](#)). Mr. Mackay's presentation included information on the history of Yellowstone Bison in Montana, the long-term conflicts resulting from the presence of the bison, and critical issues such as conservation, population control, and disease reduction.
- 05:06:24 SEN. PETERSON asked about the recent decision in Texas to restrict Montana cattle entering the state. Mr. Mackay said that the Texas proposal has not been adopted yet but is being taken very seriously by Montana's Board of Livestock and State Veterinarian Dr. Martin Zaluski. Mr. Mackay discussed what Montana's response will be, including directly addressing the Texas Animal Commission.
- 05:08:19 Mr. Mackay discussed what the next steps on this issue will be (page 6, [EXHIBIT 9](#)).

Committee Questions

- 05:09:38 SEN. PETERSON asked if former Governor Schweitzer's 2011 executive order eliminating shipping bison to slaughter is still in effect. Mr. Mackay said no but that the executive order limiting transport of all federal wildlife across Montana remains in effect.
- 05:10:41 In response to a question from SEN. PETERSON, Mr. MacKay explained the process for dealing with bison that leave Yellowstone National Park.
- 05:11:43 SEN. PETERSON asked what precautions are taken by bison hunters to protect themselves from brucellosis-infected bison. Mr. Mackay discussed the training on safe handling of bison provided by tribes and the Fish, Wildlife, and Parks (FWP).
- 05:12:39 SEN. PETERSON asked if future plans for reduction of Park bison are limited just to hunting. Mr. MacKay said that hunting alone achieved the reduction number but that other reduction measures are in place too.
- 05:14:08 SEN. PETERSON asked if the Park will agree to population goals for bison. Mr. MacKay said a population objective is being discussed but that nothing has been agreed to at this point.
- 05:16:47 REP. BROCKIE asked how the holding pen for bison is used. Mr. Mackay said that infected bison are slaughtered and the meat distributed. He said that bison that test negative are released in the spring.
- 05:18:20 REP. BROCKIE asked if Montana statute applies to tribal or private bison herds. Mr. Mackay said that Montana statutes apply only to bison that come from a herd infected with a dangerous, contagious, or infectious disease, which includes Yellowstone Park bison.
- 05:19:23 REP. BROCKIE asked when cattle were last infected with brucellosis by bison in Yellowstone Park. Mr. Mackay said that has not happened, mostly due to management action of Montana.

- 05:19:58 REP. SCHWADERER asked how brucellosis is transferred to humans. Mr. Mackay said the most common way was through consumption of raw milk before pasteurization. He noted that two hunters were diagnosed with undulant fever in 1986, likely due to handling an infected cow elk, but that the risk of contracting the disease from an infected animal is very low.
- 05:21:24 REP. DOANE asked if the tribal bison are considered livestock by the State. Mr. Mackay said no and explained further.
- 05:22:23 REP. DOANE asked if tribal bison fall under Department of Livestock for brucellosis concerns if they leave the reservation. Mr. Mackay said they would if infected but all tribal bison are brucellosis-free. He explained how Department of Livestock statutes could apply to bison, such as in the instance of trespass.
- 05:23:25 REP. DOANE asked if taxpayers bear the costs of all of these activities and programs. Mr. Mackay said that since 2000, costs have been paid by the United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS).
- 05:24:46 REP. DOANE asked if the boundary around Yellowstone National Park is strictly enforced to prevent bison from leaving or if there is a buffer zone. Mr. Mackay said that there is a buffer zone on the west side and explained further.
- 05:25:45 REP. DOANE asked if bison in the buffer zone are eligible for tribal hunts. Mr. Mackay said that any bison in the buffer zone or on "open and unclaimed land of the United States (Forest Service land) can be hunted by tribal or state-licensed hunters. He said that hunting on private property can also be done with landowner permission.
- 05:26:54 SEN. TUTVEDT commented that all of the Montana cattle infected by brucellosis were near the Park. Mr. Mackay said the culprit in those cases was elk, as confirmed by DNA testing of the brucella.
- 05:28:21 SEN. TUTVEDT asked if the bison could be infecting the elk. Mr. Mackay said that is a good question and is being studied.
- 05:31:01 SEN. PETERSON asked why Texas is targeting cattle from Montana, Idaho, and Wyoming, and if a better defined management plan would lessen the problem. He noted that Yellowstone Park has the only active pool of brucella left in the nation. Mr. Mackay confirmed that Yellowstone Park is the only active pool of brucella. He said that he and Dr. Zaluski have both spoken with the Texas State Veterinarian, who indicated that changes in USDA-APHIS surveillance and testing programs are the main cause of concern.
- 05:35:17 **Mark Azure, Director, Fish, Wildlife, and Buffalo Program, Fort Belknap Reservation**, said his opinion is that as much emphasis needs to be put on elk as there has been on buffalo. He discussed the Montana State Supreme Court ruling to allow buffalo to be transported from Fort Peck to Fort Belknap and Fort Belknap's commitment to staying engaged in the discussion and finding solutions to the management of the Yellowstone Park herd.

Committee Questions and Discussion

- 05:37:41 SEN. WINDY BOY commented that there needs to be a full discussion with all stakeholders in order to reduce the contentiousness of the issue. He said he would like to include this issue in the STR's work plan but is aware that the Environmental Quality Council (EQC) may also be looking at the bison issue.
- 05:39:12 SEN. TUTVEDT asked Mr. Azure to explain the testing plan and management plan for the Fort Belknap bison. Mr. Azure said the Tribe uses a culturally-based management style and that the animals are gathered annually, at which time various tests are done and culling decisions are made.
- 05:40:52 REP. DOANE asked about the size and origination of the Fort Belknap herd. Mr. Azure said that most of the original herd came from Moise in 1974. He said the ideal herd size is about 450 head but that numbers can vary. Mr. Azure noted that the Fort Peck bison will not be allowed to intermingle with the Fort Belknap bison in order to preserve the genetics and that the plan is to eventually liquidate the original herd.
- 05:43:00 REP. BROCKIE noted that the Fort Belknap Tribe has insurance to pay for any damages caused by tribal cattle or bison that trespass onto private property.
- 05:43:45 Mr. Barrs confirmed that the EQC is also interested in bison management and has statutory authority over the FWP. He said that he would keep the STR apprised of EQC efforts but if the STR wishes to pursue the issue also, it would be wise to avoid duplication of efforts.
- 05:44:51 SEN. PETERSON said that while he understands EQC's statutory responsibility of FWP, his opinion is that it would be a mistake to not include STR in this contentious issue. He encouraged the STR to remain engaged in the issue.
- 05:47:29 SEN. TUTVEDT agreed and suggested that perhaps the STR could focus on the issue more from a tribal perspective.
- 05:53:12 REP. DOANE said it is not the Department of Livestock handling of bison that concerns him but that the controversy lies more with FWP's plan to turn free-roaming bison loose. He said he would prefer making a more unified stand and reach positive conclusions.

PUBLIC COMMENT

- 05:56:15 There was no public comment given.

INTERIM WORK PLAN

- 05:56:43 Mr. Barrs reviewed the proposed committee travel schedule in the Work Plan ([EXHIBIT 10](#)) and traditional rotation for reservation visits ([EXHIBIT 11](#)). He said that if the rotation schedule is followed, the STR is due to visit the Crow and Confederated Salish-Kootenai Tribes (CSKT), and to consult with the Little Shell.
- 05:58:33 Mr. Barrs reviewed the proposed meeting calendar ([EXHIBIT 10](#)) and pointed out that the proposed September 2013 meeting date would conflict with the Indian Child Welfare Act (ICWA) conference in Great Falls.

06:01:10 Mr. Barrs reviewed a list of member-suggested study topics from the morning portion of the meeting: improving communications between tribes and counties, visit to the Shelby prison, visit the Fort Belknap immersion language school, jobs and job training, bison and related issues, improve understanding of relationships between tribes and state (members were referred to *The Governor's Tribal Nations Report* (EXHIBIT 12) that was mailed to members in advance of the meeting), legal boundaries and sovereignty issues, and water compact issues. Mr. Barrs reminded the STR that it must also set time aside for discussion and consideration of issues and concerns raised by tribal councils on the reservation visits. He encouraged the STR members to be specific about the items they were interested in, in order to make the most efficient use of the STR's time and resources.

Committee Discussion and Decisions

06:06:25 SEN. PETERSON asked how the STR would coordinate with the EQC on shared topics of interest. SEN. WINDY BOY said that he would attend EQC meetings as his schedule allowed and report back to the STR. He asked if Mr. Barrs could also attend the meetings. SEN. PETERSON suggested that the FWP be invited to address the STR at its next meeting. After a brief discussion, it was agreed that Mr. Barrs would draft a letter from the STR to the EQC alerting it to STR's shared interest in the bison issue. Mr. Barrs said that he has already spoken with Joe Kolman, EQC staff, and that Mr. Kolman could provide recaps of EQC meetings directly to the STR, if desired.

06:13:24 The committee discussed how to proceed. Mr. Barrs said that he can request state agencies to attend out-of-town STR meetings. SEN. PETERSON suggested that all stakeholders in the bison issue be invited to discuss their objectives and agendas with the STR at its next meeting. He said that the STR could then begin to build sideboards or recommendations to the EQC or to draft STR legislation.

06:17:39 SEN. TUTVEDT thought any potential STR legislation regarding bison should wait until at least the January 2014 meeting in order to get a better feel of what is going on. SEN. WINDY BOY asked that the other tribes be invited to attend the Crow Reservation visit to present their opinions on the bison situation, as well as the IBMP officials. Mr. Barrs agreed that it would be good to get a tribal perspective on the bison issue and, in combination with updates from the EQC, would give the STR a much better foundation to begin possibly formulating draft bill language.

06:20:20 REP. BROCKIE said that a visit to the Fort Belknap immersion school would have to be scheduled when the school is in session. She asked when a visit to the Shelby prison might be scheduled. Mr. Barrs thought it would be a good idea to wait until the reservation visits are scheduled before deciding when to address study topics.

06:22:06 SEN. PETERSON asked REP. BROCKIE to elaborate on her request to visit the Shelby prison. REP. BROCKIE said that she has many constituents who have asked her to look into allegations of discrimination against Native Americans inmates. SEN. PETERSON asked if the allegations target the Shelby prison specifically or prisons in general. REP. BROCKIE said that the Shelby prison gets the most complaints from family members of inmates.

06:23:46 SEN. WINDY BOY said the STR visited the Shelby prison in the 2007 interim and that with a new warden and new Attorney General in place, it would be good to have a follow-up visit to see if past concerns have been addressed. SEN. PETERSON said that he didn't disagree about the prison concerns, but thought it might be better to consult with the Department of Justice before scheduling a visit.

06:26:16 REP. BROCKIE said that she has discussed these concerns with Attorney General Tim Fox and was told that the AG's Office may hire someone to monitor these types of concerns.

06:27:38 SEN. TUTVEDT thought that the July 2014 meeting date would be a good time to coordinate a visit to the Shelby prison with a visit with Little Shell officials in Great Falls.

06:29:08 REP. SCHWADERER said that he supports continuing the suggested tribal rotation. He asked if the Work Plan includes a visit to the Women's Prison in Billings as it currently stands.

06:33:05 REP. DOANE suggested that the next meeting be held at the Fort Belknap Reservation in order to visit both the immersion school and the bison herd. He agreed that the Crow Reservation visit could be scheduled for January 2014.

06:38:12 After committee discussion of possible meeting dates, Mr. Barrs said that he would draft a letter to the Fort Belknap Tribal Council to inquire if an October 3 and 4 visit would be possible. REP. DOANE asked that the FWP be invited to discuss the bison issue. REP. SCHWADERER reviewed the proposed meeting schedule.

06:44:49 SEN. TUTVEDT discussed his interest in the tribal credit and banking issues and how or if the Legislature could help. He said that college credit reciprocity issues are also of great interest to him.

06:46:40 REP. SCHWADERER agreed with SEN. TUTVEDT on the importance of those issues. He discussed a concern about balancing the Work Plan to allow time to hear presenters on Work Plan topics, having at least one Helena meeting, and conducting reservation visits. Mr. Barrs said that the committee could add meetings, if needed.

06:50:06 REP. BROCKIE said that other tribal colleges, the Commissioner of Higher Education, and the Board of Regents could all be invited to Fort Belknap in order to discuss the college credit transferability issue. SEN. TUTVEDT spoke in support of her suggestion.

06:52:41 REP. SCHWADERER asked how the banking/lending issue could be worked into the work plan. SEN. TUTVEDT thought it should be taken up on a reservation visit because that is where the problems are happening.

06:53:58 REP. BROCKIE said that the Crow Reservation would be a perfect place because of the Crow were the first in the nation to adopt a Model Tribal Secured Transaction Act. SEN. PETERSON asked that the STR be given an update on the Confederated Salish-Kootenai Water Compact when the STR visits that reservation. SEN.

TUTVEDT asked that the Montana Reserved Water Rights Compact Commission also be invited to present at that time. It was agreed.

06:57:29 Mr. Barrs asked if the members wished to include the jobs and economic development topic in the Work Plan. The members indicated they did want to include it in the Work Plan.

06:59:09 SEN. PETERSON discussed a feasibility study that is due to begin soon on a regional processing plant for cattle and bison and said it might be of interest to the STR.

06:59:50 SEN. TUTVEDT said that economic development and jobs issues could be a part of each reservation visit.

WRAP-UP

07:00:55 REP. DOANE asked to confirm that the bison issue would be on the October 2013 meeting agenda, including the major stakeholders. He said it would give those with "skin in the game" a good opportunity to give input.

07:03:17 Mr. Barrs said he would prepare a memorandum with destinations, dates, and agenda topics for approval at the October meeting. He said he would be sending letters from the STR to tribal councils and tribal colleges and in order to keep them apprised of the STR's plans.

07:04:54 Mr. Barrs reviewed the Work Plan topics, meeting dates, and meeting locations as agreed to by the STR.

07:09:40 REP. DOANE said that the STR could visit the Women's Prison in Billings as part of the Crow Reservation trip. It was agreed.

07:10:26 **SEN. TUTVEDT moved to adopt the tentative work plan as discussed and modified. The motion passed on a unanimous voice vote.**

ADJOURN

With no further business before the State-Tribal Relations Committee, the meeting was adjourned at 5:05 p.m.

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