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State-Tribal Relations Committee

65th Montana Legislature

SENATE MEMBERS

JEN GROSS
STEVE HINEBAUCH
JASON SMALL
LEA WHITFORD

HOUSE MEMBERS

ALAN DOANE
JAMES O'HARA
RAE PEPPERS
JONATHAN WINDY BOY

COMMITTEE STAFF

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

MINUTES LOG

July 13, 2017
Room 137, Capitol Building
Helena, 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

SEN. JEN GROSS
SEN. STEVE HINEBAUCH
SEN. JASON SMALL
SEN. LEA WHITFORD

REP. ALAN DOANE
REP. JAMES O'HARA
REP. RAE PEPPERS
REP. JONATHAN WINDY BOY

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

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

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

- The committee adopted the 2017-2018 Interim Committee Rules and Procedures. However, the committee did not allow the use of proxy votes.
- The committee elected Rep. Windy Boy as chair and Rep. Doane as vice chair.
- The committee adopted an interim work plan and meeting calendar.

CALL TO ORDER AND ROLL CALL

00:00:03 Rep. Doane called the meeting to order at 9:35 a.m. The committee secretary took roll call. ([Attachment 3](#))

Opening prayer

00:00:42 Sen. Hinebauch gave the opening prayer.

Committee and Staff Introductions

00:01:10 Rep. Doane
00:01:33 Hope Stockwell, lead staff
00:02:26 Laura Sherley, committee secretary
00:02:41 Sen. Gross
00:03:11 Rep. Peppers
00:03:19 Sen. Hinebauch
00:03:33 Trevor Graff, research analyst
00:03:50 Sen. Small
00:04:04 Rep. O'Hara
00:04:19 Sen. Whitford
00:05:03 Laura Sankey Keip, staff attorney

ADMINISTRATIVE MATTERS

STRC Budget Overview -- Hope Stockwell, lead staff

00:05:55 Ms. Stockwell gave an overview of the committee's 2017-2018 interim budget.

Committee and Staff Responsibilities -- Ms. Stockwell

00:07:10 Ms. Stockwell reviewed the committee staff responsibilities and encouraged the members to utilize the staff for committee work. She also reviewed the responsibilities of the members to the committee.

Public comment introductions

00:09:01 Rep. Doane reminded the public to silence their cell phones and spell their last name for the record when giving public comment.
00:09:35 Rep. Wendy McKamey, HD 19
00:10:32 Richard Little Bear, president, Chief Dull Knife College ([Exhibit 1](#))
00:11:12 Rep. Windy Boy joined the meeting at 9:46 a.m.
00:14:13 Melissa Schlichting, deputy attorney general, Department of Justice
00:14:53 Zach Hawkins, Montana GEAR UP Program ([Exhibit 2](#)) and ([Exhibit 3](#))
00:16:26 Rep. Peppers commented on the dual credit opportunities for students in the GEAR UP Program.
00:16:49 Jean Branscum, Montana Medical Association

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (DPHHS) UPDATES -- Sheila Hogan, Director, DPHHS

- 00:18:15 Rep. Windy Boy spoke on the committee's 2015-2016 interim work.
- 00:20:25 Ms. Hogan reviewed the department's continuing work with suicide prevention in the state, the status of the American Indian Health Director office, the internal department Indian Health Collaborative, and the Tribal Health Improvement Program (THIP) ([Exhibit 4](#)), ([Exhibit 5](#)), and ([Exhibit 6](#)).

Committee questions

- 00:34:59 Sen. Whitford commented on THIP and asked the department to have direct consultation with each state tribe regarding the program's application.
- 00:37:57 Rep. Doane asked what the remaining appropriated funding balance is for the Montana Native Youth Suicide Reduction Strategic Plan. The question was redirected to Lesa Evers, tribal relations manager, DPHHS. Rep. Doane also asked if additional funds were appropriated in the 2017 Session.
- 00:43:07 Sen. Gross asked for clarification of how THIP was federally funded.
- 00:44:33 Rep. Peppers asked how the tribes can apply for and if there will be suicide prevention programs in THIP.
- 00:46:45 Rep. Windy Boy asked that the department keep the committee members and staff updated on the program's advancements.
- 00:47:37 Sen. Whitford encouraged the committee to share the THIP resources with their individual communities and spoke on the suicide rates in her community.
- 00:51:24 Rep. Windy Boy recommended that the department collaborate with other agencies that are also involved in children, youth, and adult mental health. Rep. Windy Boy also asked if the American Indian Health Director position was appointed by the Governor.
- 00:54:52 Rep. Peppers asked that community members be part of the THIP suicide prevention training. Rep. Peppers also recommended including the community youth in the THIP training.
- 00:58:03 Rep. Windy Boy commented on the youth homelessness rates in his community and district.

Public comment

- 01:00:10 Lesa Evers, DPHHS

Committee questions/discussion

- 01:04:09 Rep. Windy Boy spoke on the three local government structures of state tribes.
- 01:05:11 Sen. Gross asked Rep. Windy Boy which tribes are compact tribes.
- 01:05:48 Rep. Doane commented on the Montana Native Youth Suicide Reduction Strategic Plan federal funding and its administrative spending record.
- 01:08:10 Sen. Whitford spoke on the collaborative work among the suicide prevention programs present in her community and district.

HELENA INDIAN ALLIANCE/LEO POCHA CLINIC TOUR

- 01:11:40 The committee toured the Helena Indian Alliance and Leo Pocha Clinic in Helena and returned to the meeting at 1:05 p.m. ([Exhibit 7](#)), ([Exhibit 8](#)), and ([Exhibit 9](#))

ADOPTION OF STRC RULES

- 03:30:42 Ms. Stockwell gave an overview of the Interim Committee Rules that were adopted by the Legislative Council. ([Exhibit 10](#))
- 03:31:17 Rep. Windy Boy commented on the use of proxy votes in the 2015-2016 interim.

MOTION

- 03:31:46 Rep. Doane moved that the committee adopt the 2017-2018 Interim Committee Rules and Procedures as adopted by the Legislative Council (see Exhibit 10).

SUBSTITUTE MOTION

- 03:32:11 Rep. Doane made a substitute motion to segregate section four of the 2017-2018 Interim Committee Rules and Procedures regarding proxy votes.

DISCUSSION ON THE MOTION

- 03:32:40 Sen. Whitford asked Rep. Doane for clarification of his substitute motion.
- 03:33:55 Rep. Windy Boy spoke on the use of proxy votes within the interim committees.
- 03:34:57 Ms. Stockwell asked for clarification on the motion and substitute motion.

SUBSTITUTE MOTION VOTE

- 03:36:01 The motion to segregate passed unanimously on a voice vote.

VOTE

- 03:36:24 The motion to adopt the remainder of the rules and procedures passed unanimously on a voice vote.

ELECTION OF STRC CHAIR AND VICE-CHAIR

- 03:37:32 Ms. Stockwell reviewed the history of the State-Tribal Relations Committee chairmanship and vice chairmanship and the rules governing the election of the chair and vice chair. ([Exhibit 11](#))
- 03:38:14 Rep. Doane nominated Rep. Windy Boy as chair.

MOTION

- 03:38:14 Rep. Doane moved to close nominations and by acclamation elect Rep. Windy Boy as chair.

VOTE

- 03:38:53 The motion passed unanimously on a voice vote.

MOTION

- 03:39:11 Sen. Whitford moved to nominate Sen. Small as vice chair.

SUBSTITUTE MOTION

- 03:39:41 Sen. Hinebauch made a substitute motion to nominate Rep. Doane as vice chair.

VOTE

- 03:40:57 The motion passed 6-2 on a voice vote, with Sen. Whitford and Sen. Gross voting 'no'.

DISCUSSION ON THE MOTION

- 03:41:28 Sen. Gross commented on the vice chair nominations and the reasoning behind her vote on the motion.
- 03:42:13 Sen. Whitford commented on the vice chair nominations and the reasoning behind her vote on the motion.
- 03:42:56 Rep. Windy Boy recommended that the committee reconsider the vote and revisit the vice chair nominations for discussion.
- 03:44:14 Rep. Doane commented on the need to reconsider the substitute motion and first motion so the floor can be open for discussion and another vote.
- 03:44:37 Sen. Hinebauch asked for clarification of the recommendation.

MOTION

- 03:44:51 Rep. Doane moved to reconsider the committee's previous action.

VOTE

- 03:45:04 The motion passed on an unanimous voice vote.
- 03:45:28 Sen. Hinebauch withdrew his substitute motion.
- 03:45:50 Sen. Whitford withdrew her motion to nominate Sen. Small for vice chair.
- 03:46:19 Sen. Whitford nominated Sen. Small for vice chair.
- 03:46:35 Sen. Hinebauch nominated Rep. Doane for vice chair.

Committee discussion

- 03:47:09 Sen. Gross asked for discussion from the nominated parties.
- 03:47:30 Sen. Small commented on his nomination.
- 03:48:13 Rep. Doane commented on his nomination.

MOTION

- 03:49:42 Sen. Hinebauch moved to nominate Rep. Doane as vice chair.

VOTE

- 03:49:55 The motion passed on a 5-3 roll call vote, with Sen. Gross, Sen. Small, and Sen. Whitford voting 'no' ([Attachment 4](#)).

Committee discussion

- 03:50:36 Sen. Gross commented on her reasoning behind her vote on the motion.
- 03:50:55 Sen. Whitford commented on the history of the State-Tribal Relations Committee chairmanship and vice chairmanship.
- 03:52:45 Rep. Windy Boy commented on his history of chairmanship on the State-Tribal Relations Committee.

DRAFT INTERIM WORK PLAN & OPTIONS

Overview & review of individual elements -- Ms. Stockwell

- 03:54:47 Ms. Stockwell introduced the committee's draft 2017-2018 interim work plan ([Exhibit 12](#)), ([Exhibit 13](#)), ([Exhibit 14](#)), and ([Exhibit 15](#)).
- 03:58:38 Rep. Windy Boy asked for clarification of the FTE on the draft work plan.
- 03:59:31 Ms. Stockwell continued her presentation.

Committee questions/discussion

- 04:11:11 Rep. Windy Boy asked for the dates of the DPHHS suicide prevention training and recommended the next committee meeting coincide with the training dates.
- 04:12:49 Ms. Stockwell commented on the DPHHS training schedule and staff availability around the training.
- 04:13:57 Sen. Whitford spoke on SJ 20: *An interim study of intractable unemployment in high-poverty counties* introduced by Sen. Small.
- 04:15:30 Sen. Gross asked Sen. Whitford how much FTE was dedicated to SJ 20 in the 2017-2018 Economic Affairs Interim Committee work plan.
- 04:16:11 Sen. Gross spoke on SJ 3: *Interim study of tribal resources for tribal members involved in criminal justice system* and her membership on the 2017-2018 Law & Justice Interim Committee.
- 04:17:37 Sen. Gross asked if emerging issues and studies during the 2015-2016 interim required additional FTE.
- 04:18:38 Sen. Whitford recommended scheduling a meeting agenda item regarding infrastructure planning grants. Sen. Whitford also spoke on teaching tolerance in schools.
- 04:24:17 Rep. Doane spoke on the need for action regarding the missing Native American women in the state.
- 04:25:34 Sen. Gross also spoke on the missing Native American women in the state and recommended a study on this topic be considered for the committee's interim work plan.
- 04:26:13 Rep. Peppers recommended meeting with the organization on the Northern Cheyenne Reservation handling the issue of the missing Native American women.
- 04:27:09 Rep. Windy Boy suggested the committee consider a possible committee bill that would address the issue.
- 04:28:29 Ms. Stockwell asked for clarification of the committee's request to add the issue to the work plan.
- 04:30:16 Rep. Windy Boy asked Ms. Stockwell if adding the SJ 3 and SJ 20 studies to the work plan would effect the committee's FTE balance.
- 04:31:19 Sen. Whitford asked Ms. Stockwell for clarification on tracking the outcome of SB 309 and if the Department of Commerce would present to the committee.
- 04:34:23 Rep. Windy Boy asked Ms. Stockwell if the *Cultural Patrimony and Publications* study topic on the work plan is a separate project from what the Governor's Office of Indian Affairs publishes.
- 04:35:25 Rep. Windy Boy recommended that the committee consider removing the *Publications* topic from the committee's work plan.
- 04:36:07 Sen. Whitford recommended keeping the *Publications* topic in the work plan and asked for content clarification on the *Drug use in Indian Country* study topic on the work plan.
- 04:38:12 Sen. Whitford asked if another interim committee is studying drug abuse in the state.
- 04:41:29 Rep. Peppers commented on the FTE available for the *Drug use in Indian Country* study topic.
- 04:42:09 Rep. Doane recommended removing the *Publications* topic of the work plan.
- 04:42:50 Sen. Whitford asked if the *Tribal Nations in Montana: A Handbook for Legislators* publication is online.

04:44:26 Ms. Stockwell asked that the committee allocate FTE for each study topic when they adopt the interim work plan.

04:44:34 Rep. Windy Boy reviewed the committee's draft work plan and asked for clarification of the FTE.

04:45:40 Rep. Doane recommended reserving staff time for topics that may emerge during the interim.

04:47:16 Sen. Gross asked for clarification of the base studies on the work plan and asked if data analysis from other states are included in the work plan.

04:49:54 Rep. Windy Boy asked for content clarification of the SJ 3 study topic.

04:52:22 Rep. Doane asked the committee if it wishes to pursue the *Cultural patrimony and sacred objects and sites* study option.

04:54:24 Rep. Windy Boy commented on the committee's draft work plan.

04:55:08 Rep. Doane asked if he should clarify and repeat the committee's draft work plan as edited by the members.

04:56:24 Ms. Stockwell updated the FTE and asked the members if a study on human trafficking should be added to the work plan.

04:57:10 Sen. Whitford spoke on legislation that is already being considered by another legislator regarding human trafficking.

04:58:22 Sen. Gross recommended broadening the topic of human trafficking if they chose to add it to the work plan.

04:59:07 Rep. O'Hara recommended also prioritizing the *Economic development in Indian Country* study.

ADOPTION OF WORK PLAN OPTIONS

MOTION

04:59:55 Rep. Doane moved to adopt the draft work plan as follows: the SJ 3 base study and add-on, the *Improving Indian student achievement* base study, the *Economic development in Indian County* at .03 and .01 FTE, the *Indian health care* base study at .01, and the *Drug use in Indian Country* study at .02 FTE.

VOTE

05:00:58 The motion passed unanimously on a voice vote.

Public comment

None

GOVERNOR'S OFFICE OF INDIAN AFFAIRS UPDATE -- Mariah Gladstone

05:02:17 Ms. Gladstone updated the committee on the office's current work ([Exhibit 16](#)).

Committee questions/discussion

05:07:48 Rep. Peppers asked for clarification of the term 'finance' in the discussion of apprenticeships.

05:08:49 Rep. Peppers spoke on the lack of bookkeeping services on the Northern Cheyenne Reservation.

05:09:28 Rep. Windy Boy asked that the committee receive updates on the topics of interest to the tribes as discussed in their yearly consultations with the governor's office.

Public comment

None

SB 261 REVENUE TRIGGERS -- Amy Carlson, Legislative Fiscal Analyst

05:11:04 Ms. Carlson presented on the revenue triggers within SB 261: *Generally revise state fiscal laws.* ([Exhibit 17](#))

Committee questions/discussion

05:17:34 Sen. Whitford asked what level of budget cuts has been hit already pursuant to SB 261.

05:18:11 Rep. Doane asked what date the SB 261 triggers become effective.

05:18:40 Sen. Gross spoke on the mental health impacts in her district.

05:19:32 Sen. Whitford commented on the native language preservation appropriation.

05:19:52 Rep. Windy Boy asked for clarification of the triggers in SB 261 and how they could possibly create a special legislative session.

05:21:41 Rep. Windy Boy asked which triggers have already been reached.

05:22:14 Sen. Whitford asked for clarification of the bill language and how the revenue estimate numbers are calculated.

05:24:24 Sen. Whitford asked how revenue from increased taxes adopted by the 2017 legislature is faring.

05:25:27 Rep. Doane asked if any of the revenue triggers will effect the committee budget. The question was redirected to Ms. Stockwell.

05:26:17 Rep. Peppers asked how long the delay will be for the SB 261 level four school facility payments to schools.

Public comment

None

ADOPTION OF INTERIM STRC CALENDAR

05:28:28 Ms. Stockwell (see Exhibit 13)

05:29:06 Committee discussion on the interim calendar.

05:43:04 Ms. Stockwell cautioned against canceling a meeting due to the amount of study topics on the draft work plan.

05:44:09 Rep. Windy Boy reviewed the draft meeting dates decided by the committee.

05:46:04 Rep. Doane asked which dates were decided upon for the March 2018 meeting.

BREAK (reconvened at 3:33 p.m.)

CONTINUE ADOPTION OF INTERIM STRC CALENDAR

05:59:10 Ms. Stockwell reviewed the proposed March 2018 meeting dates.

05:59:49 Committee discussion on the interim calendar.

06:01:18 Ms. Stockwell recommended blocking the week of March 26-29 to allow for flexibility to plan meetings with the tribe elders.

06:01:54 Committee discussion on the interim calendar.

06:03:32 Rep. Windy Boy reviewed the meeting dates decided upon by the committee.

MOTION

06:05:00 Rep. Doane moved to adopt the 2017-2018 State-Tribal Relations Committee calendar and allow staff flexibility to change the dates if necessary.

VOTE

06:05:40 The motion passed unanimously on a voice vote.

AMERICAN INDIAN STUDENT ACHIEVEMENT DATA REPORT, FALL 2016 -- Eric

Meredith, Office of Public Instruction Data Analyst

06:06:11 Mr. Meredith gave the committee an update on the American Indian Achievement Data Report for Fall 2016 ([Exhibit 18](#)).

06:12:55 Rep. Doane asked for clarification of the drop-out rate.

06:15:29 Mr. Meredith continued his presentation.

Committee questions/discussion

None

Public comment

06:35:34 Superintendent Elsie Arntzen, Montana Office of Public Instruction (OPI)

06:39:35 Susie Hedalen, Director of Education Services, OPI ([Exhibit 19](#))

PUBLIC COMMENT ON ANY MATTER NOT CONTAINED IN THIS AGENDA AND THAT IS WITHIN THE JURISDICTION OF THE STRC

None

OTHER BUSINESS

06:46:18 Ms. Stockwell asked if the committee members want to prioritize meeting agenda items in their interim work plan.

06:47:19 Rep. Doane commented on the human trafficking topic and suggested changing the topic to overall missing Native Americans in the state.

06:48:00 Rep. Windy Boy spoke on the flexibility of the work plan to be open for additional topics that may come up during the interim and to avoid limiting the work time of the committee staff.

ADJOURNMENT

MOTION

06:48:52 Sen. Hinebauch moved to adjourn the STRC July 13, 2017 meeting.

VOTE

06:48:55 The motion passed unanimously on a voice vote.

06:48:59 With no further business before the committee, Rep. Windy Boy adjourned the meeting at 4:23 p.m.

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