

CORRECTED* MINUTES
(Approved by the Council)

IDAHO COUNCIL ON INDIAN AFFAIRS
FEBRUARY 23, 2011
CAPITOL BUILDING, HOUSE MAJORITY CAUCUS ROOM, E403
BOISE, IDAHO

The meeting was called to order by **Chairman Representative Bob Nonini** at 12:15 p.m. Council members present were Senator Edgar Malepeai; Representative Wendy Jaquet; David Hensley, Office of the Governor; Council Vice-chairman Chief J. Allan, Chairman of the Coeur d'Alene Tribal Council, representing the Coeur d'Alene Tribe; Russell Westerberg; McCoy Oatman, Chairman of the Nez Perce Council Executive Committee, representing the Nez Perce Tribe; Nathan Small, representing the Shoshone-Bannock Tribes; and Robert Bear, chairman of the Shoshone-Paiute Tribes Business Council, representing the Shoshone-Paiute Tribes. Senator Jim Hammond was present toward the end of the meeting. Brooke Murdoch represented the Legislative Services Office.

Also in attendance were Senator Dan Schmidt, District 6; Bill Roden and Helo Hancock, representing the Coeur d'Alene Tribe; Dave Goins, Idaho News Service; Jamie Lou Delavan, Idaho Department of Health and Welfare; David Kerrick, representing the Nez Perce Tribe; Patty Sanchez and Selena Grace, Office of the State Board of Education; Josephine Halfhide, citizen and tribal advocate; Delbert Farmer, representing the Shoshone-Bannock Tribes; and in attendance telephonically was Ron Beecher, Idaho Department of Health and Welfare.

Vice-chairman Chief Allan made a motion to approve the minutes from the September 1, 2009, meeting and the motion was approved unanimously by voice vote. **Representative Jaquet** made a motion to approve the minutes from the February 9, 2011, meeting and the motion was approved unanimously by voice vote.

Chairman Nonini invited **Bill Roden**, representing the Coeur d'Alene Tribe, to present a history of the Council. **Mr. Roden** stated that in 1999, at the request of legislators and Indian tribes, the Council on Indian Affairs was created. **Mr. Roden** detailed the contents of Title 67, Chapter 40, Idaho Code, including the makeup, the organization and the powers and duties of the Council. He noted that the Council was designed to provide a forum for interaction between state agencies and tribes for the purpose of clarifying and resolving issues facing the state and the tribes. In describing the makeup of the Council, **Mr. Roden** noted that the chairman position is normally held by a legislator and the vice chairman position is held by a tribal member. He further explained that, in the earlier days of the Council, the chairman position rotated; however, there is no requirement to do so.

* Corrections: On page 2, paragraph 7, in lines 2 and 6, delete the word "services" and insert the word "cigarettes" and in line 3, delete the words "they tax different services for their people" and insert "the tax revenues help fund different services for their people." In line 10, add "tax-funded" before the word "services."

Chairman Nonini asked whether **Mr. Roden** had seen progress since the creation of the Council. **Mr. Roden** replied that there has been positive progress and noted that, even if there is no resolution at times, matters of interest can be openly expressed and conveyed to the tribal members, legislators and the Office of the Governor. He expressed concern that the Council has not spent as much time convening as it should and suggested it devote more time than the one-hour discussion meetings.

Vice-chairman Allan expressed his gratitude for the floor debate on House Bill No. 111, even though it ultimately failed. **Chairman Nonini** noted that House Bill No. 111 failed by only a couple of votes. This sends the message that half of the Idaho House supports the tribes' position, while the other half does not. It was not an overwhelming defeat, leaving open the possibility of moving forward.

Helo Hancock commented on the status of House Bill No. 111, stating that although it unfortunately did not pass on the House floor, he was very appreciative of those who supported the bill. **Mr. Hancock** stated that he was in the process of reevaluating the tribes' options.

Chairman Nonini invited discussion regarding RS20445, which relates to the taxation of cigarettes sold on Indian reservations in Idaho. He noted that this legislation was introduced by the Speaker of the House, **Representative Denney**, that it had been printed as a bill and that it would be back up for a hearing in the Revenue and Taxation Committee.

Vice-chairman Allan stated that it may be premature to discuss the details of this legislation as the Council members just received a copy of RS20445 today. He requested that they be given an opportunity to read and digest the legislation. He further stated that the tribe leaders will probably meet to devise a game plan and go from there.

Mr. Oatman, representing the Nez Perce Tribe, agreed with **Vice-chairman Allan** and stated that he and the Nez Perce Council need time to look at the bill. He further stated that he was not aware of this legislation until yesterday. **Mr. Oatman** expressed his disappointment that the tribes were not consulted given the impact the bill would have on them.

Representative Jaquet asked **Vice-chairman Allan** to share with the Council how tax on cigarettes works in the Coeur d'Alene Tribe. **Vice-chairman Allan** responded that the tax revenues help fund different services for their people. Tax revenues are used to fund the police, elders and youth activities. He stated that, without first consulting the tribes, this bill sends the wrong message. **Representative Jaquet** stated that it was her understanding that the tribes' current tax on cigarettes was the same as in the rest of the state. **Vice-chairman Allan** stated that each tribe sets its own taxes. **Mr. Oatman** agreed and stated that each tribe makes its own decision relating to the amount of tax. **Mr. Bear** agreed with **Mr. Oatman** and further noted that non-tribal members also get the benefit of tax-funded services on the reservations, including schools and the ability to use other services provided by the tribe.

The tribal Council members each noted their concern that RS20445 was introduced without first consulting the tribes. **Chairman Nonini** stated that **Representative Denney** did give him notice of the legislation one week ago, but because it was only in RS form at that time, it was the property of the sponsor and he could therefore not make this legislation public until it was formally introduced by the sponsor at the print hearing.

Vice-chairman Allan made a motion to send a written request to the chairman of the House Revenue and Taxation Committee, Representative Lake, to hold no further hearings on House Bill 196, to express concern about the introduction of RS20445 without prior consultation with the tribes and to express concern about the potential negative impacts House Bill 196 could have on the Indian reservations in Idaho. **Representative Jaquet** stated that she would second the motion if the written request provided a date certain. She suggested that a hearing on the bill be held no sooner than Monday, March 7, 2011. **Vice-chairman Allan** agreed and further stated that this courtesy would serve to keep the tribes at the table.

Senator Malepeai stated that he agrees with the motion and is strongly in favor of expressing the tribes' concerns and dissatisfaction with not being informed prior to the introduction of this legislation.

Vice-chairman Allan's motion was approved unanimously by voice vote. A copy of the letter that was sent to **Chairman Lake** is available in the Legislative Services Office.

The Council noted that **Mary Jane Oatman–Wak Wak** was not in attendance but provided a handout entitled the “Indian Education Report 2011.” This report is available in the Legislative Services Office and online at:
http://legislature.idaho.gov/sessioninfo/2011/interim/indian0223_oatmanwakwak.pdf.

Ron Beecher, Regional Director, North Department Tribal Relations Manager with the Department of Health and Welfare, appeared telephonically to provide the Council with an update on the various involvements that the Department has with the tribes in Idaho. **Mr. Beecher** provided a handout, which is available in the Legislative Services Office and online at:
http://legislature.idaho.gov/sessioninfo/2011/interim/indian0223_beecher.pdf. After noting that there were no questions for **Mr. Beecher**, **Chairman Nonini** thanked him for the report. **Mr. Beecher** offered to perform any research for the Council, or participate in future meetings, as the Council may find useful.

Chairman Nonini stated that there will be a 2011 winter conference in Bend, Oregon and asked if any of the tribes would be attending. All tribal Council members responded in the affirmative. **Chairman Nonini** commended the tribes for supporting the protection of waterways for the benefit of recreation and economic development, including the battle with aquatic issues such as invasive species.

Chairman Nonini then invited discussion on any other issues. **Mr. Oatman** expressed concerned over Superintendent Tom Luna's education reform plan. He noted

that although statistics show that the current education system is failing, he does not believe the proposed legislation will be helpful, and the tribes therefore oppose the plan. **Senator Malepeai** invited tribal members to express concerns in the hearings on these bills.

Tribal Council members also expressed concern over Medicaid cuts as these cuts affect coverage in tribal clinics. There was also concern about transportation and how it relates to public safety when an emergency service needs to transport patients to a facility off of a reservation. **Mr. Bear** suggested that he could have more specific information relating to this issue for the next Council meeting. Finally, **Vice-chairman Allan** requested that the Council consider meeting more regularly. He suggested monthly meetings.

Chairman Nonini thanked the Council members for the fruitful discussion. The Council scheduled its next meeting for Monday, March 21 at 12:00 p.m.

The meeting was adjourned at 1:15 p.m.