

MINUTES

COUNCIL ON INDIAN AFFAIRS MEETING

JANUARY 18, 2006

STATE CAPITOL BUILDING
SENATE MAJORITY CAUCUS ROOM
BOISE, IDAHO

(Approved by the Council)

In attendance were Senator Mike Jorgenson, Council Chair; Chief James Allan, Vice-Chair, representing the Coeur d'Alene Tribe; Council member Nancy Eschief Murillo, Vice-Chair, Fort Hall Business Council, representing the Shoshone-Bannock Tribes; Council member Jennifer Porter, representing the Kootenai Tribe; Council member Ivan Wongan, representing the Shoshone-Paiute Tribes; Rebecca A. Miles, representing the Nez Perce Tribe; Council member Senator Bert Marley; Council member Representative George Saylor; Council member Representative Joseph Cannon; and Council member Lance Giles, representing the Office of Governor Kempthorne. Present as staff was Paige Alan Parker, Legislative Services Office.

Also in attendance were Josephine Halfhide, a private consultant; Vera Honena, Youth Education Director, Shoshone-Bannock Tribes; David Kerrick, consultant to the Nez Perce Tribe; Darren Williams, Nez Perce Tribe; Robert Armeva, Paula Brachett, and Daniel Roman, private citizens; Kyle Prior, Shoshone-Paiute Tribes; Francis A. Syjohn, Quahan Spencer and Eric Van Orden, Coeur d'Alene Tribe; Pat White, State Department of Education; Bob Sobotta, Coeur d'Alene Tribal School; Bryan Samuels, Nez Perce Tribe and the Lapwai School District; Russell Westerberg; Billy Barquin, Kootenai Tribe of Idaho; Mitch Silvers, representing United States Senator Mike Crapo; Tom Gorman and Mark Roff, Moloney & O'Neill; Delbert Farmer, Mark EchoHawk, Gary Gould, Louise Dixey; Lori Suppah, Blaine Edmo and Leva Wonnina of the Shoshone-Bannock Tribes; Suzanne Schaefer, representing SBS Assoc., LLC; State Representative Bert Brackett; Jim Zokan, EPA Idaho Operations Office; Dean Ferguson, Lewiston Tribune; Sam Byrd, Center for Community and Justice; Karen Echeverria and Christine Ivie, Idaho State Board of Education; Bill Roden, legislative consultant to the Coeur d'Alene Tribe; and Parra Byron, Office of Governor Kempthorne.

Following a welcome by Chairman Jorgenson and a prayer by Ms. Murillo, the attendees introduced themselves. Introductory remarks were made by Chairman Jorgenson and by Vice-Chairman Allan. Representative Saylor moved that the minutes of the November 30, 2005 meeting be accepted. Without objection, those minutes were accepted.

Karen Echeverria of the Idaho State Board of Education made a presentation to the Council on the issues of (1) placing an Indian within the State Department of Education, (2) requiring reservation teachers to have taken coursework on Indian history in Idaho, and (3) the

low college attendance and graduation figures for Indians. Ms. Echeverria was assisted by Christine Ivie and Pat White.

1. Indian Education Coordinator. Ms. Echeverria informed the Council that the Governor's office supports the creation of an Indian education coordinator and clerical support positions in the State Department of Education. Superintendent of Public Instruction, Marilyn Howard, is going to present this proposal to JFAC. Mr. Giles informed the Council that the request is for \$107,000 for these two positions. Chairman Jorgenson and Vice Chairman Allan urged the Council members and the tribes to lobby for this appropriation.

Ms. Murillo inquired as to the qualifications and title of the proposed position. Pat White of the Department of Education stated that the intent was to fill the position with an Indian. No job description has, as yet, been prepared but the expectation is that the person would have both administrative and classroom experience. Ms. Murillo expressed her desire that the tribes be able to make recommendations. Mr. Edmo recommended that there be input from local tribes on curriculum development using local elders in order to create a real learning experience that extended out to non-Indians. Mr. White stated that, if funded, the position should be available at the start of the next fiscal year with the hope of having a person appointed to the coordinator position by the start of the next school year.

2. Indian History Course for Teachers. Ms. Echeverria suggested that this goal may be met in the short-term by having a history course as part of the hiring requirement for reservation teachers. For the long-term, such courses could be developed in the Idaho colleges and universities. Vice-Chairman Allan stated that the intent was to have coursework in Idaho Indian history as part of the background of all Idaho teachers, not just those who teach on the reservations. Ms. Murillo also expressed this sentiment. Ms. Echeverria stated that the State Board of Education sets the curriculum requirements on a two-year cycle. Mr. White noted that history texts are adopted on a five-year cycle. The Board is currently adopting social studies standards and will issue temporary rules in February. Ms. Ivie noted that currently high school graduation requirements include two humanities credits and that these credits represent an opportunity to include instruction on Indian culture.

3. Low College Attendance/Graduation. Ms. Echeverria stated that only 34% of Idaho high school graduates go on to college. Charter schools help. Also targeted professional remediation programs and post-secondary programs may help. The Department of Education is willing to provide assistance. Lori Suppah from the Shoshone-Bannock Tribes noted that the biggest problem is that Indian students are not proficient on the ISAT test; students need to graduate from high school and, in her opinion, stated that the Pocatello school district is not assisting. Ms. Echeverria replied that the Department of Education does not control the local school districts. Ms. Murillo suggested that any questions on this matter could be directed to Ms. Echeverria in writing. Senator Marley stated that he would follow up with a phone call to the Pocatello school district. Currently, children can go on to high school even if they fail all prior courses and are not prepared. The ISAT can be retaken up through the senior year, giving time for remediation.

Bryan Samuels, an administrator with the Lapwai school district, addressed the Council. He reported that Idaho's Indian Education Committee meets four times a year and is funded out of the State Superintendent's budget. The Indian Education Committee addresses issues impacting Indian education and Mr. Samuels feels strongly about the creation of a state office on Indian education. The education system has not been successful for Indian students. Fifty percent of Indian children are not passing the ISAT. Indian students in school districts with smaller percentages of Indians suffer identity problems. Charter schools will not work. There is a need to educate the whole state. Teachers need to be trained as to the history of the Idaho Indian people and the trauma they have suffered. This is the key so that they can address Indian issues so that Indians can understand the school system as a vehicle for success. Mr. Edmo stated that the National Indian Education Association (NIEA) has conducted research studies on factors that impact learning.

Vice-Chairman Allan commented that Indians learn the same way and are equal to others. Many Indian children have gone through the school system and have succeeded. Chairman Jorgenson commented that education is an all-consuming issue and suggested that the Indian Education Committee prepare a report for the Council on their concerns and recommendations. Vice-Chairman Allan suggested that the Indian Education Committee and the Council might hold a joint meeting. Mr. Sabotta noted that the Indian Education Committee has a representative for each of the state's institutions of higher education.

Mr. Samuels would like to see an Indian appointed to the State Board of Education to promote understanding. From 1889 to the present, there has never been an Indian on the Board. Mr. Giles replied that the Governor would be happy to review letters of interest from Indians seeking a position on the Board. Parra Byron noted that two positions on the Board expire in March.

Ms. Murillo gave a multi-media presentation on the history and culture of the Shoshone-Bannock Tribes, assisted by Louise Dixey and Lori Suppah. Ms. Murillo ended the presentation with the comment that the Shoshone-Bannock Tribes have their own police, courts, and health clinic and that the tribes need to use their resources to sustain and maintain these institutions.

The Council discussed potential legislation that may affect the tribes. Chairman Jorgenson reminded the Council that bills are private to the individual legislator and do not have to be disclosed until submitted for print. Legislators may voluntarily bring bills to the Council and have been encouraged to do so; however, the Council can only make recommendations.

Representative Cannon stated that he has heard some talk about the fuel tax issue following the United States Supreme Court's decision in a Kansas case. Bill Roden stated that there has been new legislation drafted by the Tax Commission.

Representative Sayler commented on legislation from Montana on cigarette taxation. According to information obtained from the Department of Health and Welfare, it might be better health wise to pay the state cigarette tax on reservation sales since it would reduce the

usage of tobacco.

Vice-Chairman Allan noted that the Montana legislation was the result of litigation and not the product of cooperative agreements. The tribes tax tobacco sales and the proceeds are used for social programs. Compared to Washington, the Idaho cigarette tax is not that high. Ms. Syjohn noted that the Coeur d'Alene Tribe relies on the tribe's cigarette tax for teacher salaries, operation and maintenance of schools, drug and alcohol programs and health programs. Different tribes have different issues, and a cookie cutter approach will not work. Ms. Miles found it troubling that having just discussed the problem of low achievement in education, now there was a moral concern about tobacco. Education needs to be approached as a moral issue. The tribes spend tobacco tax money on education. The tribes may have differences as sovereign nations regarding the approach to taxation. She questioned studies that suggest higher rates of tobacco use by Indians. Ms. Murillo stated that the Shoshone-Bannock Tribes use the tribal taxes to support the tribal businesses. The Shoshone-Bannock Tribes support the police department up to one million dollars and up to sixty percent of the cost of Shoshone-Bannock tribal courts. With forty to fifty percent unemployment, the Shoshone-Bannock Tribes need every tax resource they have. Mr. Farmer, Revenue Director for the Fort Hall Business Council, stated that freedom from taxation was one of the motivations of the pilgrims. The state has encouraged Indian enterprises and now it wants to tax them. Mr. Edmo stated that Indians have been frugal in managing local affairs due to a lack of resources. There is a need to finance hope on the reservations through education. With a surplus, why does the state need to tax the Indians? He stated that the Indians are operating on a fifty-five percent shortfall from the federal government. The Shoshone-Bannock Tribes have not received moneys from the tobacco settlement. Kyle Prior stated that the American Heart Association had not broken out information on tribes.

Vice-Chairman Allan commented that if it is not broken, why try to fix it. Tribal members pay income tax, most of which does not come back. The tax the tribes collect stays on the reservation. The Coeur d'Alene Tribe has funded projects, such as removal of logs from the lake, that has benefitted all. If the state wanted to share more, then there may be a different attitude. Ms. Miles would like to see the impact of tribal taxation on the state. There is only one outlet on the Kootenai reservation. Ms. Dixey stated that there are two fuel outlets on the Shoshone-Bannock reservation. The fuels tax is being used to maintain reservation roadways. She is willing to compare data and make it available to the Legislature.

Representative Cannon stated that individuals need to be forthright in order for the Council to be effective. He noted that he voted against an effort to impose the state cigarette tax on the tribes three years ago. His concern is an economic one; the price should be the same. If the tribes sell for less than the neighboring businesses, this will be an issue.

Representative Sayler stated that he did not have an agenda and was not proposing legislation. He was just raising the issue since it is bound to arise again. Once legislation comes forward the Council can address it; if not, then it can be dropped. He supports the tribal sovereignty. He does not believe in a cookie-cutter approach. Montana has separate

agreements on a voluntary basis with each tribe. Chairman Jorgenson stated that there is a need to bring up controversial topics if the Council is to be effective. The Council does not have legislative authority, but can make recommendations and serve as a conduit. Ms. Miles commented that she enjoyed the openness of the discussion. Mr. Giles commented that the Council is making a difference, citing the Governor's support of an Indian Education Coordinator office as an example. Vice-Chairman Allan stated that he appreciated the passion of the debate and conversation. He commented that fuel prices at Costco in Coeur d'Alene are fifteen cents cheaper than fuel prices on the reservation and that cigarette prices are cheaper in town as well.

The next Council meeting will be on Tuesday, February 21, 2006, in the Senate Majority Caucus Room of the State Capitol in Boise, Idaho, from 5:30 p.m. to 7:30 p.m. The Nez Perce Tribe will make the presentation on tribal history and culture.

Ivan Wongan, chairman of the Northwest Band of the Shoshone nation, was introduced. Mr. Wongan served on the tribal council into the late 1980's, holding leadership positions. He just learned about the Indian Affairs Council and believes it to be positive.

As agenda issues for the next meeting, Chairman Jorgenson requested that Council members make written requests for facts and figures on taxation issues. Ms. Miles requested a presentation on taxation data. Ms. Murillo requested a report on Public Law 83-280 regarding concurrent jurisdiction on reservations. She also noted that EMT legislation affects the tribes.