

MINUTES

(Approved by the Council)

Idaho Council on Indian Affairs
December 5, 2013
Capitol Bldg., WW53, Boise, Idaho

In attendance were Chairman Representative Marc Gibbs; Vice-chairman Silas Whitman, Nez Perce Tribe; Senator Dan Johnson; Chief J. Allan, Coeur d'Alene Tribe; Gary Aitken Jr., Kootenai Tribe; Nathan Small, Shoshone-Bannock Tribes; and Dennis Smith, Shoshone-Paiute Tribes. Absent and excused were Senator Cherie Buckner-Webb, Representative Donna Pence and Tom Perry, Office of the Governor. Legislative Services Office (LSO) staff members Ryan Bush and Charmi Arregui were present.

Others present at the meeting included Representative Sue Chew; Alberto Gonzalez, Your Health Idaho; Johanna Jones and Matt McCarter, Idaho Department of Education; Janeena Wing, Tyler Kent, Misty Kifer, and Julia Brotzman, Idaho State Police (ISP); Tim Olson, Steve Rector, and Darren Williams, Nez Perce Tribe; Helo Hancock and Bill Roden, Coeur d'Alene Tribe; Lyn Darrington, Shoshone-Bannock Tribes; Tanya McElfresh, Ni Mii Puu Health Services, Nez Perce Clinic; Joyce Broadsword, Department of Health and Welfare (DHW); Mitch Silvers, US Senator Mike Crapo's Office; Raeleen Welton, Kootenai Tribe.

Chairman Gibbs welcomed the attendees and announced that since there was not a quorum present at 9:00 a.m., he asked everyone present to introduce themselves. **Representative Sue Chew** was then invited to give an update on **Senator Buckner-Webb**, who had recently suffered a stroke, and she shared that the Senator's recovery and rehab is coming along well. **Chairman Gibbs** said that her presence at this meeting was certainly missed and that we looked forward to seeing her at the beginning of the legislative session. **Chairman Gibbs** asked **Dennis Smith** to offer a prayer.

Chairman Gibbs asked permission of the council members present if another tribal member present could come forward to represent one of the two tribal council members who had not yet arrived (Silas Whitman, Nez Perce Tribe and Chief J. Allan, Coeur d'Alene Tribe) in order to have a quorum present. There were no objections, so **Chairman Gibbs** invited **Helo Hancock** from the Coeur d'Alene Tribe to join the council. Having the required quorum now present, the meeting was then called to order at 9:20 a.m. by **Chairman Gibbs**.

Mr. Smith moved that the August 20, 2013 Minutes be approved, seconded by Senator Johnson and the motion passed unanimously by voice vote.

Alberto Gonzalez, Operations Project Manager, Your Health Idaho (Idaho's Health Insurance Exchange), was the first presenter and his PowerPoint presentation can be found on LSO's website at: http://legislature.idaho.gov/sessioninfo/2013/interim/indian1205_gonzalez.pdf

Mr. Gonzalez gave a brief summary of what has been done with regard to tribal relation efforts and the effects that the exchange will have on Idaho tribes. **Mr. Gonzalez** informed the council that his office had met with four of the five tribes and said that they would meet with the fifth tribe later this week to dialogue on how the Affordable Care Act (ACA) and the exchange will affect the tribes. He pointed out

that any Idahoan going to the exchange having income between 0 and 400% Federal Poverty Line, for the most part will have some health coverage available to them, whether Medicaid or a premium tax credit. In addition to the tax credit, they can then select a plan on the marketplace that fits and enroll in various plans available. There are some exemptions to tribal members that has to do with healthcare expenses, so American Indians and Alaska Natives who earn under \$70,650 for a family of four will not have to pay certain out-of-pocket costs, such as copays, if they buy an insurance plan through Your Health Idaho, which is different than many non-tribal members. There is also a cost-sharing exemption. American Indian applicants below 300% Federal Poverty Line are exempt from out-of-pocket costs. They are not required to enroll in a silver plan to qualify for this “no cost-sharing” protection. American Indian applicants above 300% Federal Poverty Line are exempt from cost-sharing for services provided by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services. Members of Idaho’s tribes can buy or change their health insurance plans at any time during the year. Members of Idaho’s tribes may receive or continue receiving services through Indian Health Services, tribal health programs or urban Indian health programs and still be eligible for a plan through Your Health Idaho.

Mr. Gonzalez said that his office had drafted a tribal consultation policy for each tribe and shared the in-person assister (IPA) agreement (community advocates helping people to navigate through the new healthcare process). He invited feedback from tribal members. **Mr. Gonzalez** said it was critical that the health insurance exchange establish an agreed upon tribal policy that allows tribes to voice concerns, ideas, including opposition, related to the exchange and impacts to tribal members. He said that tribe specific community events would be held around the state. He invited questions and feedback.

(**Vice-chair Silas Whitman** arrived at 9:42 a.m., at this point in the meeting.)

Mr. Dennis Smith asked about coming to visit tribes, pointing out that he didn’t think that the tribal council would get that information out to the tribal membership, believing that is where there might be problems. Community members may be reluctant to come to meetings, and many elderly members have never had health insurance, but rather contract health services where referrals must be made to healthcare providers, if money allows. He doesn’t know how an outstanding job can be done in educating tribal members.

Mr. Gonzalez said that they have had success in efforts to meet with and educate tribes. It is important that leadership in the tribal councils direct his office on how to proceed in engaging tribes. Tribal Health or Indian Health Services are becoming strong partners with Your Health Idaho, as well as outreach education and media which will take place in Idaho in the future. In working with tribes, his office will communicate what the exchange brings and how to apply.

Senator Johnson asked about communication with the tribes, saying that it was his understanding that the budget for outreach is going to drop significantly to keep assessment fees low; how will you pay for those outreach programs in the future, since this is an ongoing effort. **Mr. Gonzalez** said that his office is not a state agency and state dollars will not be funding any activity for the exchange; there is a federal grant to establish an exchange and will fund the first few years until fees are received from premiums sold on the exchange, so funding will depend upon enrollment numbers. Costs must be prioritized, and **Mr. Gonzalez** agrees that communication and education is not a one-time thing, but will be an ongoing effort.

Vice-chair Whitman said that according to treaties, as part of contracts brokered, healthcare was to be provided, but now they don't have it because they contracted their own facilities and are now forced to deal with getting contracts to insurance policies. There are those tribal members who are refusing to comprehend the fact that they are forced to have insurance when supposedly it is bought and paid for, as some say "with our ancestors' blood." It is difficult to explain this and the rationale behind it. There are also employees and the minimums for assistance. He tried to look at broker participation, but he couldn't find this information on the website. Seasonal part-time employees create an issue when they cease being employees and coverage stops, especially during winter illnesses. They are trying to figure out how agreements will work and each tribe will have a unique approach as to the tribal contracts after which consultation will take place. **Mr. Gonzalez** answered that health coverage will be available year around for tribal members. If an employer is providing insurance and deemed affordable, a tribal member will not be able to access the exchange. However, the moment seasonal work ends and healthcare coverage is no longer available through an employer, a tribal member can access exchange products to make sure there is no gap in coverage. This is why it is critical that in-person assistors are working in the tribes to ensure success in the enrollment process. Coverage will be available year-around for more tribal members, in many cases at no cost, or at a very low cost. There is small business coverage on the exchange as well, and there are issues, but brokers are well versed to help with this. Policy consultation and in-person assistors who are trained and certified will provide technical assistance within tribes to help communicate benefits, requirements and how to access things more specific to tribal members. Each tribe will have its own tribal policy, created by tribal sources, and Jim Roberts helped to draft that, based on what other states have done. **Vice-chair Whitman** affirmed that three assistors had been trained to help his tribe and he was led to believe there would be funding to pay for these assistors, asking if that was true. **Mr. Gonzalez** said that it has been budgeted for an in-person assistance network, six entities that are established, secure agencies at minimal cost compared to other states. Tribe sizes and needs are different, so money set aside for assistors is used differently. Some tribes want assistors funded and other tribes want assistors trained only, so tribes need to make their needs known through communication. He said that funding would be available for assistors within tribes. **Vice-chair Whitman** said another urgent need is with regard to veterans and coordination of their unique needs and circumstances, asking about any feedback on veterans. **Mr. Gonzalez** said that veterans would be a part of education and outreach. He pointed out that the exchange is aimed at people from birth to age 65. If a person is eligible for Medicaid, Medicare, or employee-sponsored insurance, that person cannot access exchange products. However, veterans can continue to access veteran services and not be exempt from the exchange. Even though tribes can access HIS or Tribal Health, it doesn't preclude them from accessing exchange products and/or the tax credits that will be available. The federal exchange is now running much more efficiently and people will be able to enroll and see the cost for coverage and the media campaign will follow soon to educate and enroll members.

Chairman Gibbs asked if in-person assistors were essentially the same as navigators. **Mr. Gonzalez** said that the terminology is confusing; since they are just starting as a state-based exchange using a federal grant to establish this exchange, with no state dollars being used, it is a funding issue that prevents them being called navigators, since navigators are state-funded. For Idaho using the grant, they must be called "in-person assistors" and there are strict requirements as to who they are and what the training and background requirements are, but in essence these two terms are the same.

Mr. Smith asked when more meetings will be held after the reservations are visited, hoping that it won't be just when the board or commission meets. He recommended that since elders and veterans need to be included in the conversations, he hoped that meetings would be held where tribal leaders could be brought together for updates to include everyone. **Mr. Gonzalez** said that part of the tribal policy is coming to an agreement as to how often the tribes want to meet, and whether they prefer face-to-face, with options for regional meetings with several tribes. DHW meets quarterly and discusses Medicaid issues with tribes. Your Health Idaho works closely with Medicaid, but he said he appreciated the suggestion for them to touch base with veterans and Medicare-eligible tribal members.

Vice-chair Whitman updated the council on megaloads in southern Idaho and eastern Oregon and began by saying that industry decided to pull out of the issue, but the courts are involved with the federal government about upholding responsibility to the tribes for protecting treaty rights and issues that have been identified regarding the reservation community. Megaload transports wanted nothing more to do with the issues on Highway 12, but that didn't stop them from looking for other avenues of transport to reach Canada. He said he finds it amazing that there are innumerable contractors looking at using the remoteness of states in the northwest, which make these states unique, and are being looked at as ripe for megaload transportation and hazardous hauling. This will go on until we make a final point to make federal agencies own up to responsibilities or broker an agreement through the state to cease and desist on accessing tribal treaty-territorial lands and watersheds. Huge loads weighing 991,000 pounds are going on smaller arterial roads that can barely take one large grain, logging or hauler truck, let alone a load taking up the entire roadway. Bridges are a big issue and oftentimes they have to dismantle the load to transport across bridges. The last company trying to traverse the area, Suncor Energy, is owned by Warren Buffett and because of problems anticipated by the tribes, he thinks that tribes should have been consulted. Consultations take time, and slowing things down cost money. \$14.5 billion is being invested in the next shipment and he wondered if even 1% of this amount had been considered being shared with communities. None of this money ever reaches the ground in Oregon, Idaho, Nevada or Montana. He said that this battle is not over and that companies will continue to try to access wilderness corridors through what they deem to be "unoccupied areas." These lands have been the subject of much discussion between the tribes in Idaho and there should be dialogue between tribes and communities. There are environmental issues with regard to harming the lands, and it would only take one accident to cause a major problem in the ecosystem which is very fragile.

Senator Johnson asked about what efforts ITD has made to consult with tribes to talk about these issues raised. **Vice-chair Whitman** said that they have quarterly meetings, but no meetings have taken place specifically dedicated to these situations and ITD has not contacted the tribes. Oregon has contacted them, but not ITD. **Senator Johnson** asked if it would be beneficial for ITD to enter into consultations with the tribes on oversized loads. **Vice-chair Whitman** thinks it would be smart of ITD to do this, but it's up to the tribes how to handle that. Usually it's in the aftermath of a situation occurring that discussions occur. He finds it astounding when he sees dated manifests on the frequency and weight tonnage on roads that go way beyond highway limitations. Another is that the state has taken over responsibility for a federal highway, having done that in 1995 on Highway 12 without tribal consultation, knowing full well that it went through a reservation, continued into reservation waters and areas where millions of dollars have been spent restoring the fish population that were eradicated by the construction of hydropower dams. Native populations once there disappeared, so the fisheries were restored. One incident can curtail five years of work on each return of a fish population and could disrupt twenty years

of work accomplished by the tribes. Bonneville Power helps pay and agencies are funded by tax dollars, so there is a lot of public investment in operations, and tribal consultation should take place. **Senator Johnson** said it was commendable that **Vice-chair Whitman** was willing to sit down and talk.

Mr. Nathan Small said that megaloads were coming further south, going through small communities and towns, and he read an article in the Post-Register which said that they were not even being consulted and are concerned about bridges and infrastructure not being able to handle such heavy loads. He doesn't think that ITD is consulting those who have concerns and believes that ITD should be more transparent about their plans and megaload routes.

Mr. Dennis Smith stepped out of the meeting at this point to go upstairs to the Governor's office.

Ms. Johanna Jones, Indian Education Coordinator, Idaho Department of Education, was the next presenter and she reported that on December 13, 2013 the Indian Education Committee would be meeting and merging with the Idaho Indian Education Committee and the Higher Ed Committee, so a K-12 committee and is awaiting approval by the State Board of Education and will be operating under them. There are twenty-one members and representatives from K-12, the Bureau of Indian Education (BIE) and colleges and universities. She announced a new website that should be ready to launch in the next week which will include grant and other student opportunities. She has done travel consultations with the tribes and they were very forthcoming about what the State Department of Education needs to do to increase access and success for Indian students. Three top components were educational opportunities to increase student success, statewide partnerships among the tribes to increase collaboration, best practices, and to impart culturally relevant curriculum within the school districts. The top three plans of actions from that are to create an exclusive American Indian culture in the spring for junior/senior students, to create a think tank of Indian educators for best practices to share among non-native teachers as well, and to create an Idaho-at-glance Indian education pamphlet. The Hispanic Affairs Committee has an Idaho-at-glance pamphlet which she passed around as an example. She wants to create a pamphlet for American Indian education. The state child education partnership grant received by the Nez Perce Tribe amounted to \$1.3 million over three years. The culminating activity from that will be a handbook on how to infuse culturally relevant curriculum within the schools. **Ms. Jones** announced that Lapwai Middle School and High School was chosen as a cohort for the Idaho Lives Suicide Prevention Program. There is going to be an Idaho state prevention and support conference in April at Sun Valley and several Native American practitioners have sent in applications to present at that conference. She is trying to "connect the dots" for the tribes to increase access and success for Indian students K-20.

Chief Allan, Coeur d'Alene Tribe, had arrived by this point in the meeting and he thanked **Ms. Jones** for joining the Idaho Department of Education. He said that Superintendent Luna was excited that **Ms. Jones** was coming aboard, and **Chief Allan** welcomed her and said he was looking forward to working with her.

Mr. Smith thanked **Ms. Jones** for coming, said he hoped she could make a difference, and asked if she needed support of the tribes. **Ms. Jones** said she could use tribal support with the Tribal Chairmen since eventually she has planned in the spring is to help tribal education departments write accurate cultural history on Indian tribes in Idaho. She needs a contact person in each tribe who has been vetted and could help write that curriculum.

Mr. Smith asked about a law on the Nevada books stating that in every public school that the native language had to be taught. In Nevada this was brought to the intertribal council, it was pushed and funds had to be made available to teach two tribal languages. He asked if Idaho has anything like this. He suggested that if Idaho does not have this, and if there is no law for that, he said he wanted to pursue that. **Ms. Jones** replied that she didn't know if there was a law in Idaho, but there is a fourth-grade history standard that has a component of Native American history, but she deferred to **Matt McCarter**, Idaho State Department of Education. He said there is no law requiring Native languages to be taught in Idaho schools. **Chairman Gibbs** said that one time when he was visiting in Lewiston, at Lewis and Clark State College, he believed there was a Nez Perce language component offered, and that was confirmed to be true.

Mr. Smith asked if **Ms. Jones** met with Hispanics and he asked, if so, what conversations had taken place. **Ms. Jones** said she met with them and the pamphlet was one of the things she wants to mimic, as well as possibly joining forces to do something to promote education success for under-represented students. **Mr. Smith** asked if there is any way for this Council to research the law about native languages being taught in schools, as well as inviting a Hispanic representative to talk about their language concerns to come up with something to help kids. **Chairman Gibbs** said that obviously the Council could discuss whether there is a need for an educational component in Native American languages, but the issue he sees if programs are mandated that have to be taught, whether there is enough time in the education cycle to teach the language component along with all else that is expected from a curriculum standpoint. He said that the Council could prepare and introduce legislation, but whether it would be successful in implementation, that remains a question. **Senator Johnson** said that there is no current law that requires this and whether this could be incorporated into the classroom on a part-time basis or an elective could be talked about and explored. He did say that in Fort Hall a charter school is supposed to open soon that spent half-time speaking in the native language, which he said he found exciting. Whether this could be done statewide, he said the question would have to be asked and examined.

Chief Allan said that for schools on reservations, he suggested allowing the native language to be taught to satisfy the foreign language requirement, which would help students and he thought it would be easier than a mandate. He thought this might be a good starting point.

Mr. Gary Aitken applauded efforts of the Council on this topic and said that students speaking the native language is a problem, and continues to be a problem, so any efforts toward this should be explored.

Mr. Whitman talked about the importance of language infusion in reservation schools, the growing problem of drugs, suicide, and crime. In spite of strides being made in economic development, some students become more fluent in a foreign language than in their own native language. If students are required to learn a foreign language, perhaps that student has not mastered their own native language, or even English. There is a vacuum at the elementary, and especially at the secondary level, and he believes that language should be coalesced hand-in-hand with tribal history. He knows that languages need to be in the school system taught by elders in the tribes, but younger people need to take this up. He thinks that an untraditional academic approach must be taken. Classroom language needs to be emphasized, in his opinion, which is critical for students to learn, as well as audio-visual aids. Much money is spent on remediation and this needs to be fixed in the local schools, and students need to be invigorated.

Ms. Jones said she would take these concerns to the education committee to work in tandem to try to create something that will benefit students in speaking their native languages. **Chairman Gibbs** affirmed that certain issues had been shared for her consideration, and he welcomed **Ms. Jones** to her new job. He said he looks forward to working with her on this Council.

Mr. Smith volunteered to get in touch with the inter-tribal council in Nevada to get a copy of the law that is on the books in Nevada that states that Native American languages must be taught and he will get that to **Mr. Bush** in LSO for distribution to the Council members. He requested that legislation then be drafted. **Chairman Gibbs** said they will look at this copy of the Nevada law and then a draft will be done for possible introduction into the legislative process here in Idaho. He said another meeting was anticipated of this Council mid-session, around the middle of February.

Janeena Wing, Tyler Kent and Misty Kifer were the next presenters from the Idaho Statistical Analysis Center (ISAC), and they have been housed within the Idaho State Police since 1978. Their PowerPoint presentation can be found on LSO's website at:

http://legislature.idaho.gov/sessioninfo/2013/interim/indian1205_isp.pdf

Ms. Wing said they were here to hopefully establish a relationship as they work on a new project, the Tribal Criminal Justice Needs Assessment. This group collects, analyzes and publishes criminal justice data in every state that started back in 1972. They analyze data in support of public policy, especially on the themes identified within the annual Bureau of Justice Statistics (BJS) grant solicitation guidelines. They establish and maintain contacts with state criminal justice agencies, the courts, victims organizations, local governments and their criminal justice agencies. They assist criminal justice agencies with defining their needs for specific statistical and other information needed to plan, implement and evaluate criminal justice programs. They provide technical assistance to collect, interpret, use and share statistical information. Funding for this purpose has stayed around \$50,000 per state for the past 40 years, used to partially fund two full-time and one part-time position. She listed activities they will be working on this year and shared a research website to gain information.

Mr. Tyler Kent spoke next on upcoming projects paid for by federal grants that come through this ISAC office and grants are distributed to entities including governments, non-profits as well as tribal governments. There has been an increased focus from the federal government to work in collaboration with the tribes so there is federal funding available to tribes. Two projects are coming up in which they would like to see competition between tribes, one being stopping violence against women.

Ms. Misty Kifer spoke next and she asked for guidance from the Council on a project she called the Tribal Criminal Justice Needs Assessment. The main purpose of the project is to educate her office on the criminal justice needs of tribal communities in Idaho to understand risks, resources and criminal justice priorities to be better partners and foster beneficial partnerships. She said this group came here today to establish dialogue with tribal governments, saying they are open to input, suggestions for the best way to go forward with this project. She gave out a packet including a survey of questions which she said was one place to start, and she asked for guidance on the best approach moving forward.

Chairman Gibbs asked about the amount of the funding grant received and **Ms. Kifer** replied that they have a research grant, adding that they were a sub-grantee from the state and they have STOP funding and

JAG funding and different projects allotted for those grants, so not a specific amount, but she said they have quite a bit of money.

Chief Allan commented that law enforcement affects everybody, and his reservation has had problems with drugs being sold by people coming onto the reservation and they had difficulty until Kootenai County stepped up and cross-deputization took place which enabled arrests to be made. He applauded efforts for criminal justice and said that Helo Hancock was a good contact for his tribe.

Mr. Smith asked if the grant money received was adequate to accomplish their goals and **Ms. Kifer** said that they have three different grants, and there is adequate funding to go to the tribes to solicit what the tribal needs are with regard to criminal justice. **Mr. Smith** asked if this group goes onto reservations and meets with the tribal police and tribal council. He said that the survey can be filled out and returned, but he asked if this group needed an invitation to visit face-to-face, rather than sending in a survey. **Ms. Kifer** said this is exactly the kind of input they were requesting, not knowing if a survey would be beneficial or if meeting with tribal councils would be the best approach. **Mr. Smith** thinks that various tribal members need to be consulted on the information contained in this survey. Half of his reservation is in Idaho, and half is in Nevada. **Ms. Kifer** acknowledged that each tribe may have different issues, and she welcomed communication so that a dialogue can begin.

Chairman Whitman said that his concern was about where this leads because he sees issues crossing various lines within the agency being held responsible for helping with the burgeoning crime problem, many of which are alcohol and drug related, with more violent crimes. If his tribe were to have consultation on this, health people need to be engaged and he thinks that characteristics need to be changed about how behavioral health is administered and that relies on how the law is enforced. What needs to be done within agencies within the state and each individual tribe for support to be bolstered? More time needs to be spent working with children, the younger the better, and alternatives need to be found for taking care of people with afflictions. Tribes do not need to complete a survey of questions that ends up sitting on a shelf or bound in a book. Tribes need something that is tangible and can be used, a tool that involves social service people, health people and in economic development enterprises. We have to find something that works and brings results. He asked about how this assessment will help each tribe. **Ms. Kifer** said that today was the first step they'd taken to assess the best way to move forward, and she said that each tribe can be contacted individually, and she also expressed concern about a survey sitting on a shelf, since they are researchers and have no power to actually do anything other than to get information out, which is the first step in dealing with issues. Her group hopes to gather the tribal needs and put that out there to the state and then hopefully those needs can be addressed.

Chief Allan said he wasn't trying to burst anyone's bubble, but said the tribes had been down this road before, saying that they were past this, even though there is always room for improvement. Tribes know what criminal justice issues they deal with, and he applauded the efforts of this group, but didn't feel much optimism about outcomes. He said they would support this group as best they can, but in the meantime the tribes must move forward to protect citizens on reservations.

Chairman Whitman said that he agreed with Chief Allan and that he would like to initiate this as soon as possible. Future crime prevention efforts for American Indians should consider the role drug and alcohol abuse plays as well as other mental health and social issues that could contribute to their high rates of crime and suicide in Idaho. He said that tribes were trying to upgrade all efforts in crime

prevention and policing, although they do need to get realistic as to how tribes are viewed by other agencies. Right now he said the worst enemy of enforcement is the Idaho State Police who sometimes come in with a cavalier cowboy attitude that causes very sticky confrontations even between officers. Efforts are being made as to how to coalesce with agencies so that reservations can become safer environments for children, and efforts are being made with regard to violence against women. Elder abuse is also an issue. Prevalence of drugs in elementary schools is because of families and they are considering going back to the old Indian police who upheld and administered the law without regard to color. **Chairman Whitman** said that he wanted to be very aggressive about this criminal justice issue which also causes public perception issues, and tribes must promote education programs. He said that this group might really help his tribe if everyone sits down to address problems together.

Ms. Kifer clarified that this project was started out to inform, adding that they were a pass-through agency where JAG funding goes to different state agencies to address criminal justice issues. They also do the STOP implementation plan which can direct funding toward issues, that being the main purpose of this project.

Mr. Aitken said that the Kootenai Tribe had recently employed a tribal law officer and they are facing challenges, and he said that his tribe was willing to invite this group to his reservation to talk further to help in any way they can. Tribes share many of the same issues and challenges, and they are willing to work together to make progress.

Mr. Small said that these grants are available based on what is happening on reservations, and he said that the Idaho State Police has often been needed to do many things on reservations, but often they get no cooperation and they often prefer to refer issues to the county police. He doesn't think that ISP is that friendly to tribal members, and he questioned where this group got their information, taking issue with some of it. He didn't understand why this group is doing these types of things now after being absent in the past, adding that ISP has been more of a problem to tribes than a help. He thinks that with regard to Public Law 280 there is much that the state of Idaho should be doing, and he doesn't think the state has given help to tribes in implementing this law. The state of Idaho does not understand that there is an obligation to the tribes under Public Law 280, a federal mandate that needs to be carried out, but it is not happening, and he has a problem with this. For decades they have lived under bad conditions, the jail system was completely condemned for 20-30 years with no place to put juvenile offenders, and under Public Law 280 juvenile offenders are to be handled by the state, but this was shoved off to counties and counties were not very acceptable about doing their part. Generations of kids who were offenders as juveniles are now adult offenders because there was no place to deal with these juveniles. Gangs have spread from the outside of reservations to the inside and there is much gang violence. There are many mental health issues that he thinks the state of Idaho should be dealing with, and referrals have been made, some with potential for extreme violence, but commitments were not successful. As a result, reservations have to deal with these problems on their own. The federal government and the state are not standing up to their obligations under Public Law 280, so his tribe built a justice center to deal with problems. Criminals often have the attitude that nobody can touch them, so they do what they want. When juvenile offenders are dealt with, his tribe has seen a reduction in crime, and they are trying to turn around gang involvement. They are doing all this with not much help from the state of Idaho or ISP. Counties are getting out of the business of having any authority on reservations. Tribal members are asking tribal leadership why outside law enforcement agencies are allowed to come onto reservations to

do bad things to tribal members. He didn't know if his tribal council would approve of this survey, but he said he'd talk to them about it. What are you going to do for tribes in the future, besides get grants? He recognized the good intentions of this group, but sometimes good intentions he said come in the wrong manner. Ninety-eight percent of his reservation is under tribal control, and he asked if this group had even visited the new justice center that was built. He said he was willing to share with others information on this center and the reasons for it. He will let this group know about the survey and whether his tribe will take part in it or not. There are only two roads on the reservation over which the state has jurisdiction, the interstate and State Highway 91. He said he doesn't think that outsiders need to be on other roads within the reservation. He said he and his tribe would be willing to look at the information requested by this group.

Chairman Gibbs summarized to this group the challenges they face, one being how to bridge the gap and the trust that has been lost to some degree between ISP and the tribes. This is a serious problem, and he said that everyone needs to interact to the mutual benefit of all citizens of the state of Idaho. He wished this group good luck with their project.

Ms. Kifer clarified that although this group is physically housed within ISP, they are totally federally funded, so although housed in that building, they cannot speak for ISP. They are simply a research unit and the grant funding is available for law enforcement or domestic violence services.

Chairman Gibbs said that statistics are available and the real need, regardless of who these researchers work for, is to point out the differences and where bridges need to be built to make this system work better. He thanked them for coming and for their presentation, offering to help in the future in any way this council can.

Chairman Gibbs invited tribal members or their representatives to discuss any potential draft legislation being brought forth during this next session.

Mr. Smith requested that any potential legislation be given to the tribal members for review before going to the legislature. He said that there are 16 states that are talking about uniting and taking to court the sovereignty issue of the Native Americans. This is a huge concern of his that states support sovereignty. How do you get the state of Idaho to support sovereignty?

Chairman Gibbs said that anyone in Idaho can bring forth legislation, asking if the legislative advisors present had legislation for consideration. He said the next council meeting appears to be in mid-February.

Senator Johnson affirmed that it was very important that to hear from legislative advisors who represent the tribes. The advisors do a good job of keeping legislators informed of tribal issues.

Ms. Lyn Darrington, legislative advisor for the Shoshone-Bannock Tribes, said that the five tribes of Idaho met on the day prior to this meeting. She mentioned HCR32 which rejected a rule of the Idaho State Tax Commission. In 2011 the State Tax Commission had promulgated a rule based on an audit they had conducted that changed the tax status of several hundred tribal members in Idaho. This was not discovered until February, 2012 and they worked closely with Senate and House leadership and with Commissioner Langhorst at the Tax Commission to get this rule rescinded and to fix the tax problem that arose as a result of this for the 2012 tax year. The legislative intent of that was to make sure that the Tax Commission reinstated the previous rule. She said it was learned in May and June of this year that the

Tax Commission would not be able to reinstate the rule because it was not clear based on existing statute, so a law needed to be passed. Earlier this week, draft legislation was approved by the Governor's Office by Commissioner Langhorst and the Tax Commission and by the two chairmen of the two tax committees. The tribes, as a whole, will be bringing a bill forward in the 2014 session to get this fixed and codified so this problem does not occur in the future. Mr. Roden will be sending this draft to LSO for drafting and the title needs to be cleaned up, but the language has been approved. This was an update for this council. This was the only piece of legislation being worked on currently, to her knowledge.

Mr. Whitman mentioned the issue of the state taking over management of federal lands, and he said that the tribes are not in favor of this because of the treaties the tribes have made with the United States concerning federal lands. He said they have already seen what happened in taking control of Highway 12, a federal highway, which was done totally without consultation. There are also mineral issues that are of concern to tribes, and he doubts that tribes will be consulted, even though this affects all tribal traditional lands.

Mr. Smith said he didn't consider what is being done in this council as consultation, and he talked about a mandate stating that there will always be a true consultation process between the federal government and tribal governments. He wonders about consultation between state government and the tribal governments as to things that are taking place, and he thinks that a better job needs to be done. He said that reacting after something is said and done is not good business and should not and will not be tolerated by the tribes. He asked **Chairman Gibbs** for his thoughts on this subject of consultation.

Chairman Gibbs said he viewed the charge of this committee is to do essentially what has been done at this meeting today, to discuss problems that affect the five tribes in Idaho and then bring any problems to the attention of the Governor. It is the job of the Governor to deal with big decisions that affect the relationship between tribal cultures and the state of Idaho, and it is not the position of individual legislators to do that. Legislators can become aware of problems and then see how those issues affect all Idahoans and that is the role of legislators, to work on solutions to problems that affect all Idahoans, not just Native Americans or one group. In terms of whether or not this council is doing an adequate job of negotiating with tribes, **Chairman Gibbs** said he could not speak to that. Dealing with the federal government is totally out of the scope of this council. He sees this council as somewhat limited in what it is able to do, but he sees value in identifying problems and trying to find solutions to those problems, or to get people together who can solve problems that arise. This council does have extremely limited authority.

Mr. Smith agrees that this council is very limited, but he did express his concern about things discussed in these council meetings that he believes should be taken to the Governor. He believes there should be much better communication between the tribes and the Governor. **Chairman Gibbs** believes that there has been communication on issues discussed previously, and he asked if other tribal members thought that this council was ineffective. **Mr. Smith** asked if this council would be meeting with Governor Otter any time in the near future. **Chairman Gibbs** said that the Governor could be invited to the next council meeting.

Mr. Russell Westerberg spoke next, and he said he was a legislative advisor to the Kootenai Tribe of Idaho, and he said that they would be supporting the change in tax law spoken about earlier by **Ms. Darrington**. He said he was not aware at this time of any new policy issues, but that could change. His job is to advise the tribe of any policies the legislature may be considering that could be injurious or advantageous to them. If the tribe has input, then the legislators will be hearing from him. He said that this council is the only council created for a demographic group by law, and he thinks that the tribal members should appreciate that. He commended **Chairman Gibbs** for his service.

Mr. Aitken said that he believes the council serves its purpose, and he expressed his appreciation for the council.

Mr. Tim Olson said that he and **Steve Rector** were legislative advisors for the Nez Perce Tribe. He said that **Ms. Darrington** had addressed the one issue that the tribes had come together on, the income tax withholding issue. One additional detail since the last session is that the respective co-chairs of the House and Senate are on board and have identified legislators within their committees to carry the legislation. This issue is being worked on by the state of Idaho and is positively working with the tribes to resolve this. **Mr. Olson** said he was very proud to represent the Nez Perce Tribe and he said that all the legislative advisors work very well together in watching and monitoring activities that could impact the lives of tribal members in the state of Idaho. **Mr. Rector** added that there had been an all-tribal council meeting the day prior to this meeting at the Grove Hotel, and the Governor and Speaker Bedke were in attendance and informed the group about issues in the state and the upcoming legislative session. Legislative advisors in attendance felt that all issues affecting tribes in the state of Idaho were very well vetted, and he believes that everyone is on the same page.

Chairman Gibbs announced that this council will meet again in mid-February, since the session is planned to end about the third week in March. **Chairman Whitman** reminded the group that some tribal members will be in Boise mid-February for the girls' basketball tournament. **Mr. Bush** agreed to find a date and let everyone know about the next meeting. **Chairman Gibbs** said that the Governor will be invited to the next meeting.

Chairman Gibbs adjourned the meeting at 12:43 p.m.