

MINUTES
Approved by Council
Idaho Council on Indian Affairs
Monday, August 16, 2021
1:30 P.M.
EW41
Boise, Idaho

Chairman Woodward called the meeting to order at 1:33 p.m.; a silent roll call was taken. Council members in attendance: Senators Jim Woodward and David Nelson; Bobbi-Jo Meuleman, Office of the Governor; Brian Thomas, Shoshone-Paiute Tribe; Ladd Edmo, Shoshone-Bannock Tribe; and Hemene James, Couer d'Alene Tribe. Members who participated via videoconference: Representatives Randy Armstrong and James Ruchti; Samuel Penney, Nez Perce Tribe; and Gary Aitken Jr., Kootenai Tribe. Legislative Services Office (LSO) staff present: Matt Drake, Janet Jessup, and Grace King.

Other attendees: Clark Corbin, Idaho Capital Sun; Yvette Tuell and Elma Thompson, Shoshone-Bannock Tribe; and Doug Taylor, Coeur d'Alene Tribe.

NOTE: presentations and materials distributed to members are posted to the Legislature's website: <https://legislature.idaho.gov/sessioninfo/2021/interim/>; and copies of those items are on file with the Legislative Services Offices located in the State Capitol. Video of this meeting is also available on the website.

Opening Remarks, Introductions, and Elections

As acting chairman, Senator Woodward welcomed the committee and invited Mr. Edmo to offer the opening prayer. The council members introduced themselves and other tribal members in attendance.

Chairman Woodward invited the council to put forward nominations for council chairman. **Senator Nelson nominated Representative Ruchti as chairman of the council. Representative Ruchti requested that his name be withdrawn from consideration. Mr. Edmo made a motion to nominate Senator Woodward as chairman of the council. The motion was seconded by Ms. Mueleman. The motion passed by roll call vote.** Chairman Woodward invited the council to put forward nominations for council vice chairman. **Mr. Edmo made a motion to nominate Brian Thomas of the Shoshone-Paiute Tribe for vice chairman. The motion was seconded by Mr. James. The motion passed by roll call vote.**

Chairman Woodward called for the approval of the February 19, 2020, minutes. **Senator Nelson made a motion to approve the minutes from February 19, 2020. Mr. Thomas seconded the motion. The motion passed by a voice vote.** The tribes provided updates on leadership changes within their prospective tribal governments.

Commission for Reapportionment Presentation

Chairman Woodward recognized Commissioners Dan Schmidt and Thomas Dayley to give a presentation regarding reapportionment in the state of Idaho. Commissioner Schmidt began by giving a general overview of the redistricting process and the rules that govern the Idaho Commission for Reapportionment. Commissioner Dayley gave further details regarding the commission, including information on census data, the commission's website, population requirements for legislative districts, and the opportunity for the public to submit plans.

- Mr. Thomas asked how redistricting would affect Owyhee County due to its large land mass but small population size. Mr. Dayley referred to the Idaho Constitution's requirement to keep

Idaho counties from being split apart. He added that, due to its small population size, Owyhee County would most likely be combined with another county to make the population more equal to the other districts in the state. Commissioner Schmidt stated that if counties are combined, they must be adjacent to each other.

- Mr. Penney expressed a desire that the redistricting process be fair to minority voters. Commissioners Schmidt and Dayley agreed and Commissioner Dayley stated that it is the goal of the commission to have every citizen be fairly represented.
- Mr. Edmo requested that the commission hold public hearings on the reservations. Commissioner Schmidt acknowledged the issue of county lines conflicting with communities of interest. Commissioner Dayley stated that, as a legal requirement, the commission will be holding public hearings around the state.
- Chairman Woodward asked if the first meeting of the commission had been scheduled. Commissioner Dayley responded that September 1, 2021, was tentatively agreed upon as the first meeting date. Chairman Woodward inquired how many public hearings the commission intends to hold. Commissioner Dayley responded that the commission had not yet agreed to the number of public hearings to be held nor where they would be located. Chairman Woodward wondered about the time frame in which the commission would complete its work. Commissioner Dayley referenced the constitutional requirement that the commission must complete its work within 90 days of formally organizing. Chairman Woodward asked for confirmation that the process of using a six-member, bipartisan commission has only been used twice before in Idaho. Commissioner Dayley confirmed this and Commissioner Schmidt added that there were two commissions in 2010. Chairman Woodward inquired whether a lawsuit was filed against the commission in the year 2000. Commissioner Dayley responded that a lawsuit was filed against every commission.
- Representative Ruchti asked if the commissioners gather information on their own or if the commission gathers information as a whole. Commissioner Dayley explained that, due to the open meetings law, the commissioners cannot meet and make a decision without it being considered an open, meeting but the commissioners can gather information on their own.
- Mr. Edmo commented that the tribal reservations are ignored in Idaho's Constitution.

American Rescue Plan Act Funds Presentation

Chairman Woodward recognized Janet Jessup, LSO Budget and Policy Analyst, to give a presentation regarding the American Rescue Plan Act (ARPA). Ms. Jessup highlighted the sections of ARPA that provide financial relief directly to Native American tribes and the uses of these funds.

- Mr. Edmo inquired if the Housing Block Grant in the ARPA legislation was separate from the Housing Block Grant received annually. Ms. Jessup confirmed that it was. Mr. Edmo asked if the amount for distribution was based on participants or population. Ms. Jessup responded that it was based on population. Mr. Edmo wondered if tribal entities would be able to designate funds to underprivileged areas. Ms. Jessup responded that federal agencies are providing guidance for the designation of these funds. Mr. Edmo inquired if the ARPA legislation pertains to student loan debt. Ms. Jessup stated that there is no guidance to designate funds specifically to student loan debt, however, funds were given to institutions to distribute to students. Ms. Jessup added that students who took out federal loans have the opportunity to seek reprieve or pay a lesser amount.
- Mr. Thomas emphasized the importance of behavioral health issues after there was an unprecedented number of suicides on his reservation.
- Chairman Woodward recognized Elma Thompson from the audience for a question. Ms. Thompson wondered whether funds could be used for certain debt relief purposes. Ms. Jessup explained that the Coronavirus State Fiscal Recovery Fund can be used to make up for lost revenue but was unsure if the issues that Ms. Thompson discussed would fall into that category.

- Senator Nelson inquired whether or not the tribes had received their portion of the ARPA funds. Ms. Jessup explained that the situation varies between tribes and between the different sections of ARPA legislation.
- Ms. Mueleman proffered that tribes have the option to apply for the U.S. Economic Development Administration's (EDA) travel and tourism grant program, which is subject to the state legislative process.
- Mr. James asked how the \$1.2 billion given to the state of Idaho is to be distributed. Ms. Jessup explained that a portion of the funds have already been appropriated and most of those funds have been given to the state's Department of Health and Welfare. Ms. Jessup added that a legislative task force has been assembled to study how the rest of the funds should be appropriated. Mr. James wondered when all of the funds would be spent. Ms. Jessup explained that the spend-by date varies per section in the ARPA legislation.
- Mr. Penney commented that the Nez Perce Tribe has received some of its funds but is waiting for federal guidance on how to distribute them, which puts them at a disadvantage. Mr. Penney expressed his desire for having an "Indian desk," either in the Governor's office or the Legislature, in order for the tribes to more directly communicate their needs to the state government.

Historic Highway Markers Update

Chairman Woodward recognized Janet Gallimore, Executive Director of the Idaho State Historical Society (ISHS), to give a presentation regarding the Historic Highway Markers Program. Ms. Gallimore explained that ISHS is examining all 290 highway markers to replace outdated language. Ms. Gallimore highlighted that ISHS is partnering with tribal members to better identify offensive language. She added that ISHS is also partnering with the Idaho Transportation Department (ITD) to identify damaged signs to replace and highlighted the progress being made to update these signs. Ms. Gallimore invited the council members to visit the Idaho State Museum to see the Trailblazing Women of Idaho exhibit.

Council Discussion

Chairman Woodward invited the council to discuss pertinent matters and potential topics for the next meeting.

- Chairman Woodward listed behavioral health support and methods of communication between state government and the tribes as topics for the next meeting.
- Senator Nelson suggested that the Idaho Behavioral Health Council give a presentation to the council.
- Representative Armstrong requested contact information from members in the tribal governments.
- Representative Ruchti suggested the council discuss infrastructure issues.
- Mr. Edmo expanded on Representative Ruchti's suggestion of discussing infrastructure by focusing on water and sewage issues. He proposed a tribal relations office within the Governor's office to address the needs of the tribes. Mr. Edmo also proposed the formation of a subcommittee to discuss the policy recommendations of Governor Little's salmon workgroup. Mr. Edmo added retrocession, a potential tribal advisory committee to discuss endangered species, and drought conditions as topics to discuss in the next meeting.
- Mr. Penney stated that the Nez Perce Tribe is concerned about the Idaho State Board of Education's diversity and inclusion policy, the Legislature's ethics policy, and climate change issues.
- Mr. James expressed his interest in discussing infrastructure issues.
- Ms. Mueleman added that Governor Little has dedicated \$1-2 million for planning grants for cities, counties, and tribes.

- Mr. Thomas discussed the Covid-19 situation and behavioral health issues in the Shoshone-Paiute Tribe. Mr. Thomas expressed his desire for a mask mandate in the state of Idaho.
- Mr. Aitken updated the council on Covid-19 issues in the Kootnai Tribe and explained that his reservation used ARPA funds to build a clinic.

The committee discussed whether to have the next meeting before or during the 2022 Legislative session.

With no further business, the meeting was adjourned at 3:15 p.m.