

MINUTES
Approved by Council
Idaho Council on Indian Affairs
Friday, September 15, 2023
1:00 P.M.
Room WW53
Boise, Idaho

Senator Hart called the meeting to order at 1:01 p.m.; a silent roll call was taken. Council members in attendance: Senators Phil Hart and James Just; Representatives Brandon Mitchell and Nate Roberts; Hayden Rogers, Office of the Governor; Shannon Wheeler, Nez Perce Tribe; Gene James, Coeur d'Alene Tribe; Jennifer Porter, Kootenai Tribe; and Lee Juan Tyler, Shoshone-Bannock Tribes. Council members in attendance via Zoom: Brian Mason, Shoshone-Paiute Tribes. Legislative Services Office (LSO) staff present: Matt Drake and Baylie Moore.

Other attendees: Johanna Jones, Office of Indian Education, Idaho State Department of Education; Patty Sanchez, State Board of Education; Matt Freeman, State Board of Education; Melvin "Pete" Peterson, Serving Love Foundation; Blake Youde, Youde & Associates, LLC; Tyrel Stevenson, Coeur d'Alene Tribe; and Gaylen Edmo, Fort Hall Business Council.

NOTE: presentations and materials distributed to members are posted to the Legislature's website: <https://legislature.idaho.gov/sessioninfo/2023/interim/icia/icia-materials/>; and copies of those items are on file with the Legislative Services Office located in the State Capitol. Video of this meeting is also available on the website.

Opening Remarks and Introductions

The council members introduced themselves and shared their skills, experience, and background information. The tribal members gave updates on tribal leadership changes and elections. Mr. Tyler led the council in a prayer.

Senator Hart invited the council to put forward nominations for council chairman. Mr. Wheeler asked if the positions were Chair and Vice Chair of the council or Cochairs. Ms. Moore replied that in the past the positions were nominated as Chair and Vice Chair. **Senator Just made a motion to nominate Mr. Wheeler for Chair. Mr. Wheeler respectfully requested that his name be withdrawn from consideration. Representative Mitchell made a motion to nominate Senator Hart for Chair. Mr. Wheeler made a motion to nominate Mr. Allan for Chair. Senator Hart requested that his name be withdrawn from consideration. Representative Mitchell seconded Mr. Wheeler's motion to nominate Mr. Allan for Chair. The motion passed unanimously by voice vote.**

Senator Hart invited the council to put forward nominations for council Vice Chairman. **Mr. Wheeler made a motion to nominate Senator Hart for Vice Chair. Representative Roberts seconded the motion. The motion passed unanimously by voice vote.**

Mr. James made a motion to have Vice Chair Hart lead the meeting in Chair Allan's absence. The council unanimously approved this motion.

Ms. Porter mentioned that when she was previously on the council she remembered there were Cochairs rather than Chair and Vice Chair; and she asked when this change happened. Senator Hart stated he didn't see any language about Chair and Vice Chairs when he read the By-Laws. Senator Hart asked Mr. Drake if he would comment on the matter; Mr. Drake said he believed the council had Cochairs. [Later in the meeting it was confirmed by Mr. Drake the council positions were Chair and Vice Chair.]

Looking at the minutes from the last council meeting, Senator Hart asked if there was anyone from the Kootenai Tribe present at the meeting. Ms. Porter stated there was not because there was

no option for her to participate via Zoom. Senator Hart called for a motion on the June 6, 2023 minutes. **Senator Just made a motion to approve the minutes from the June 6, 2023 meeting. Representative Mitchell seconded the motion. The motion passed by voice vote.**

Idaho Indian Education Update

Patty Sanchez, Academic Affairs Program Manager, State Board of Education (SBOE), updated the committee on new appointments to the Idaho Indian Education Committee (IIEC). Johanna Jones, Director, Office of Indian Education (OIE), shared the IIEC's priorities for the upcoming year. Ms. Jones discussed Standard 11, which was created in hopes of more accurate information about Idaho tribes being taught in Idaho schools. She stated Standard 11 was recently approved to be included in a rubric that approves all Idaho Educator Preparation Providers, new provider approval, and new program approval. Ms. Jones distributed copies of the Idaho Wellness Journal, created by the OIE, to the council members.

- Mr. Wheeler stated he was given notes from the Nez Perce Tribe's education department about the recommended change of moving the Idaho Indian Education office from the State Department of Education to the State Board of Education. Those questions were: Was there any tribal consultation? How does this best lead the needs of Indian Education in the state? Will this cause loss of full-time equivalent (FTE) staff in support of Indian Education? Currently Johanna Jones and Patty Sanchez were aware that we have FTE to work on Indian Education issues - If the Indian Education office is not under SDE, how are the tribes assured the SDE is committed at the highest level to address Indian education issues? Ms. Jones stated the SDE and SBOE are currently working on a process to be inclusive on feedback from tribal members to make this process a more inclusive opportunity for both the tribes and the state.
- Matt Freeman, Executive Director, State Board of Education, provided context about the SDE and SBOE and what their roles are regarding Indian Education. He stated the SBOE will be consulting with the tribes and won't move forward until the tribes are comfortable. Vice Chair Hart asked Mr. Freeman if his office has an open door policy for the tribes to contact him and discuss these issues. Mr. Freeman replied yes.
- Vice Chair Hart asked Ms. Jones to talk about the parent teacher relationship regarding the education of tribal students. Ms. Jones stated she feels that schools on or near tribal reservations work well with the tribal education departments to provide support for tribal students, parents, and teachers.
- Mr. Tyler mentioned some things he would like to improve within tribal education.
- Ms. Porter thanked Ms. Jones and Ms. Sanchez for the amazing job that they do. Ms. Porter also thanked Mr. Freeman for his update and stated the Kootenai Tribe looks forward to hearing from him.

Serving Love Foundation

Pete Peterson, Chief Executive Officer, Serving Love Foundation, introduced his organization and its goals. He described the benefits of playing pickleball for all age groups. Mr. Peterson encouraged the tribal members to introduce pickleball to their reservations.

- Mr. Tyler asked if elders play pickleball. Mr. Peterson replied yes.
- Vice Chair Hart asked if Mr. Peterson would be around after the meeting to answer additional questions the council members may have. Mr. Peterson replied yes.
- Mr. Wheeler thanked Mr. Peterson for his presentation. He mentioned the Nez Perce Tribe recently built a pickleball court in Lapwai. Mr. Wheeler stated the Nez Perce Tribe would like to look further into the information Mr. Peterson has and possibly have Mr. Peterson come to Lapwai and host a clinic.

Issues Pertaining to HB 173 of 2023

Blake Youde, Lobbyist, Youde & Associates, LLC, representing the Shoshone-Bannock Tribe, informed the council of some issues he found pertaining to HB 173 which was passed during the 2023 session. He stated HB 173 created an unintentional consequence: the omission of federally recognized Native American tribes. Mr. Youde proposed an amendment to HB 173 that would include federally recognized Native American tribes on the list of what is not considered a foreign government. He stated this amendment should be inserted somewhere between lines 34 and 36. Mr. Youde has been encouraged by the bill sponsors to get the amendment passed as soon as possible in the 2024 session.

- Vice Chair Hart asked how this issue first got brought to Mr. Youde's attention. Mr. Youde stated that an attorney for the Shoshone-Bannock Tribes first brought this issue to his attention. Vice Chair Hart asked how the bill sponsors responded when Mr. Youde brought this issue to their attention. Mr. Youde replied he spoke with Representative Boyle about this issue and she was on board with making these changes and would like it to be drafted as soon as possible.

Income Tax Matters and Potential Legislation

Tyrel Stevenson, Legislative Director, Coeur d'Alene Tribe, discussed the issue concerning taxation of income earned on a reservation by a member of a federally recognized tribe. He mentioned in 2014 the legislature passed a bill stating that income earned on a reservation by a tribal member is exempt from taxation. Mr. Stevenson stated there is no clarification regarding what happens to a tribal member who lives outside of the state but works on a reservation. Mr. Stevenson stated he has already seen problems arising from the lack of clarification around this issue. He stated the tax commission has already drafted legislation that would clarify this, and he discussed what those changes would be.

- Vice Chair Hart stated this issue arose because within the tax commission there is a disagreement on how this issue should be addressed. Mr. Stevenson stated there is also an internal conflict within the people involved because of the tension around what they're supposed to do.
- Representative Mitchell asked if non-tribal members that are working on reservations get taxed. Mr. Stevenson stated that non-tribal members who work on reservations still pay state and federal income tax.

Open Discussion

Vice Chair Hart asked the council if there were any additional questions or comments.

- Vice Chair Hart mentioned the Indian Child Welfare Act (ICWA) which was discussed at the last meeting. He stated the Supreme Court's decision led to no changes to ICWA.
- Mr. Tyler invited Gaylen Edmo, Sergeant of Arms, Fort Hall Business Council, to say a few words to the council. Mr. Edmo discussed ICWA and stated that tribes are still facing issues with this policy. He mentioned some states have created state-level ICWA policies, and this is something the Shoshone-Bannock Tribes would like to explore further. Vice Chair Hart asked if there is a child custody case in a district court that involves a native child, can the tribe request to have the case transferred to tribal court. Mr. Edmo stated that process is what is supposed to happen but that is not always the case.

With no further business, the meeting was adjourned at 2:14 p.m.