SENATE JOINT RESOLUTION NO. 10

INTRODUCED BY MAZUREK, YELLOWTAIL

IN THE SENATE

JANUARY 23, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.

FIRST READING.

PRINTING REPORT.

FEBRUARY 14, 1991

FEBRUARY 15, 1991

FEBRUARY 16, 1991

ENGROSSING REPORT.

COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

SECOND READING, DO PASS.

THIRD READING, PASSED. AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

ON NATURAL RESOURCES.

IN THE HOUSE

FEBRUARY 18, 1991

MARCH 7, 1991

MARCH 8, 1991

MARCH 9, 1991

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

POSTED ON CONSENT CALENDAR.

CONSENT CALENDAR, QUESTIONS AND ANSWERS.

THIRD READING, CONCURRED IN. AYES, 94; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 9, 1991

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0487/01

Server JOINT RESOLUTION NO. 10 By Margune Vellowtail 1 INTRODUCED BY 2 3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO 6 ADOPT LEGISLATION AUTHORIZING THE ASSINIBOINE AND SIOUX 7 TRIBES OF THE FORT PECK INDIAN RESERVATION TO ENTER INTO 8 WATER AGREEMENTS FOR THE DELIVERY, USE, OR TRANSFER OF WATER 9 WITHIN OR OUTSIDE THE RESERVATION.

10

11 WHEREAS, in establishing the system of Indian 12 reservations and in negotiating treaties with the various 13 tribes, the federal government impliedly reserved the waters 14 on the reservations for use by the Indians; and

15 WHEREAS, in 1985, the State of Montana and the 16 Assiniboine and Sioux Tribes of the Fort Peck Indian 17 Reservation entered into a compact quantifying the reserved 18 water rights of the Tribes; and

19 WHEREAS, as a condition to the Fort Peck-Montana 20 Compact, the State of Montana agreed to petition Congress, 21 urging the enactment of legislation authorizing the 22 Assiniboine and Sioux Tribes to enter water agreements; and 23 WHEREAS, Senate Joint Resolution No. 41, approved by the 24 Senate and the House of Representatives of the State of 25 Montana on April 23, 1985, petitioned Congress to enact such

Montana Legislative Counci

l legislation; and

2 WHEREAS, the Assiniboine and Sioux Tribes have requested 3 that the Montana Reserved Water Rights Compact Commission 4 join in an effort to seek introduction and enactment of 5 legislation in the current session of Congress; and

6 WHEREAS, the Assiniboine and Sioux Tribes and the 7 Compact Commission have requested that the Senate and the 8 House of Representatives of the State of Montana reaffirm 9 the commitment of the state to the implementation of these 10 provisions of the Fort Peck-Montana Compact; and

WHEREAS, it is the intention of the Senate and the House of Representatives of the State of Montana to reaffirm the commitment of the state to the implementation of the Fort Peck-Montana Compact.

15

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE17 OF REPRESENTATIVES OF THE STATE OF MONTANA;

18 That Congress enact legislation in substantially the 19 following form:

20 "Sec. 2. For purposes of this Act, the term:

(a) "Fort Peck-Montana Compact" means that Compact
pertaining to the reserved water rights of the Assiniboine
and Sioux Tribes of the Fort Peck Reservation ratified by
the Forty-Ninth Legislature of the State of Montana on April
23, 1985 and by the Fort Peck Tribal Executive Board on

INTRODUCED BILL 55 R 10

2 (b) "Reservation" means the Fort Peck Indian
3 Reservation as defined in the agreement of December 28 and
4 December 31, 1886, and confirmed by the Act of May 1, 1888,
5 25 Stat. 113.

6 (c) "Secretary" means the Secretary of the Interior.

7 (d) "Tribes" means the Assiniboine and Sioux Tribes of8 the Fort Peck Indian Reservation.

9 Sec. 3.

10 (a) The Tribes, subject to the approval of the 11 Secretary, may enter into any joint venture, service contract, lease, exchange or other agreement, or any 12 13 amendment. supplement or other modification of such 14 agreement (hereinafter referred to as a "Water Agreement") 15 authorizing the delivery, use or transfer of any part of the 16 water right confirmed in the Tribes by the Fort Peck-Montana 17 Compact for a specified term, not to exceed fifty years, 18 inclusive of all renewal periods. A Water Agreement may 19 authorize the diversion or use of water within or outside 20 the Reservation subject to all terms of the Fort 21 Peck-Montana Compact.

(b) The Secretary shall approve or disapprove any Water
Agreement within (1) one hundred and eighty days after
submission or (2) sixty days after compliance, if required,
with section 102(2)(C) of the National Environmental Policy

Act of 1969 (42 U.S.C. 4332(2)(C)) and any other requirement 1 of federal law, whichever is later. Any party to such an 2 agreement may enforce the provisions of this subsection 3 pursuant to 28 U.S.C. 1361. Notwithstanding any other law, 4 5 all projections, studies, data or other information possessed by the Department of the Interior regarding the б terms and conditions of the Water Agreement or the financial 7 return to the Tribes, shall be held by the Department of the R 9 Interior as privileged proprietary information of the Tribes." 10

11 BE IT FURTHER RESOLVED, that the Secretary of State send 12 copies of this resolution to each member of Montana's 13 Congressional Delegation, the Committee on Indian Affairs of 14 the United States Senate, and the Committee on Interior and 15 Insular Affairs of the United States House of 16 Representatives.

-End-

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APPROVED BY COMM. ON Natural resources

JOINT RESOLUTION NO. 10 1 hegenle Hellowtail INTRODUCED BY 2 3

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO 6 ADOPT LEGISLATION AUTHORIZING THE ASSINIBOINE AND SIOUX 7 TRIBES OF THE FORT PECK INDIAN RESERVATION TO ENTER INTO 8 WATER AGREEMENTS FOR THE DELIVERY, USE, OR TRANSFER OF WATER 9 WITHIN OR OUTSIDE THE RESERVATION.

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11 WHEREAS, in establishing the system of Indian 12 reservations and in negotiating treaties with the various 13 tribes, the federal government impliedly reserved the waters 14 on the reservations for use by the Indians; and

15 WHEREAS, in 1985, the State of Montana and the
16 Assiniboine and Sioux Tribes of the Fort Peck Indian
17 Reservation entered into a compact quantifying the reserved
18 water rights of the Tribes; and

19 WHEREAS, as a condition to the Fort Peck-Montana 20 Compact, the State of Montana agreed to petition Congress, 21 urging the enactment of legislation authorizing the 22 Assiniboine and Sioux Tribes to enter water agreements; and 23 WHEREAS, Senate Joint Resolution No. 41, approved by the 24 Senate and the House of Representatives of the State of 25 Montana on April 23, 1985, petitioned Congress to enact such

Montana Legislative Council

1 legislation; and

2 WHEREAS, the Assiniboine and Sioux Tribes have requested 3 that the Montana Reserved Water Rights Compact Commission 4 join in an effort to seek introduction and enactment of 5 legislation in the current session of Congress; and

6 WHEREAS, the Assiniboine and Sioux Tribes and the 7 Compact Commission have requested that the Senate and the 8 House of Representatives of the State of Montana reaffirm 9 the commitment of the state to the implementation of these 10 provisions of the Fort Peck-Montana Compact; and

11 WHEREAS, it is the intention of the Senate and the House 12 of Representatives of the State of Montana to reaffirm the 13 commitment of the state to the implementation of the Fort 14 Peck-Montana Compact.

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23, 1985 and by the Fort Peck Tribal Executive Board on

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SECOND READING

55 R 10

(b) "Reservation" means the Fort Peck Indian
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BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of Montana's Congressional Delegation, the Committee on Indian Affairs of the United States Senate, and the Committee on Interior and Insular Affairs of the United States House of Representatives.

-End-

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LC 0487/01

BY Mayur Hellowtail 1 2 INTRODUCED BY 3

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WHEREAS, in establishing the system of Indian
 reservations and in negotiating treaties with the various
 tribes, the federal government impliedly reserved the waters
 on the reservations for use by the Indians; and

15 WHEREAS, in 1985, the State of Montana and the
16 Assiniboine and Sioux Tribes of the Fort Peck Indian
17 Reservation entered into a compact quantifying the reserved
18 water rights of the Tribes; and

19 WHEREAS, as a condition to the Fort Peck-Montana 20 Compact, the State of Montana agreed to petition Congress, 21 urging the enactment of legislation authorizing the 22 Assiniboine and Sioux Tribes to enter water agreements; and 23 WHEREAS, Senate Joint Resolution No. 41, approved by the 24 Senate and the House of Representatives of the State of 25 Montana on April 23, 1985, petitioned Congress to enact such legislation; and

1

WHEREAS, the Assiniboine and Sioux Tribes have requested 2 that the Montana Reserved Water Rights Compact Commission 3 join in an effort to seek introduction and enactment of 4 5 legislation in the current session of Congress; and 6 WHEREAS, the Assiniboine and Sioux Tribes and the Compact Commission have requested that the Senate and the 7 8 House of Representatives of the State of Montana reaffirm 9 the commitment of the state to the implementation of these provisions of the Fort Peck-Montana Compact; and 10 11 WHEREAS, it is the intention of the Senate and the House 12 of Representatives of the State of Montana to reaffirm the 13 commitment of the state to the implementation of the Fort 14 Peck-Montana Compact. 15 16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 17 OF REPRESENTATIVES OF THE STATE OF MONTANA:

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the Forty-Ninth Legislature of the State of Montana on April
23, 1985 and by the Fort Peck Tribal Executive Board on
THIRD READING



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55 R 10

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BE IT FURTHER RESOLVED, that the Secretary of State send 11 copies of this resolution to each member of Montana's 12 Congressional Delegation, the Committee on Indian Affairs of 13 the United States Senate, and the Committee on Interior and 14 House Insular Affairs of the United States of 15 Representatives. 16

-End-

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SJR 10

REFERENCE BILL

CONSENT CALENDAR

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1 SENATE JOINT RESOLUTION NO. 10 1 legislation; and 2 INTRODUCED BY MAZUREK, YELLOWTAIL 2 WHEREAS, the Assiniboine and Sioux Tribes have requested 3 3 that the Montana Reserved Water Rights Compact Commission 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF 4 join in an effort to seek introduction and enactment of 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO 5 legislation in the current session of Congress; and 6 ADOPT LEGISLATION AUTHORIZING THE ASSINIBOINE AND SIOUX 6 WHEREAS, the Assiniboine and Sioux Tribes and the 7 TRIBES OF THE FORT PECK INDIAN RESERVATION TO ENTER INTO 7 Compact Commission have requested that the Senate and the 8 WATER AGREEMENTS FOR THE DELIVERY, USE, OR TRANSFER OF WATER House of Representatives of the State of Montana reaffirm 8 9 WITHIN OR OUTSIDE THE RESERVATION. 9 the commitment of the state to the implementation of these 10 10 provisions of the Fort Peck-Montana Compact; and 11 WHEREAS, in establishing the system of Indian 11 WHEREAS, it is the intention of the Senate and the House 12 reservations and in negotiating treaties with the various 12 of Representatives of the State of Montana to reaffirm the 13 tribes, the federal government impliedly reserved the waters 13 commitment of the state to the implementation of the Fort 14 on the reservations for use by the Indians; and 14 Peck-Montana Compact. 15 15 WHEREAS, in 1985, the State of Montana and the 16 Assiniboine and Sioux Tribes of the Fort Peck Indian 16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 17 Reservation entered into a compact quantifying the reserved 17 OF REPRESENTATIVES OF THE STATE OF MONTANA: 18 water rights of the Tribes; and 18 That Congress enact legislation in substantially the 19 WHEREAS, as a condition to the Fort Peck-Montana 19 following form: 20 Compact, the State of Montana agreed to petition Congress, 20 "Sec. 2. For purposes of this Act, the term: 21 urging the enactment of legislation authorizing the 21 (a) "Fort Peck-Montana Compact" means that Compact 22 Assiniboine and Sioux Tribes to enter water agreements; and 22 pertaining to the reserved water rights of the Assiniboine 23 WHEREAS, Senate Joint Resolution No. 41, approved by the 23 and Sioux Tribes of the Fort Peck Reservation ratified by 24 Senate and the House of Representatives of the State of 24 the Forty-Ninth Legislature of the State of Montana on April 25 Montana on April 23, 1985, petitioned Congress to enact such 25 23, 1985 and by the Fort Peck Tribal Executive Board on

Montana Legislative Council

2 (b) "Reservation" means the Fort Peck Indian
3 Reservation as defined in the agreement of December 28 and
4 December 31, 1886, and confirmed by the Act of May 1, 1888,
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BE IT FURTHER RESOLVED, that the Secretary of State send 11 copies of this resolution to each member of Montana's 12 Congressional Delegation, the Committee on Indian Affairs of 13 the United States Senate, and the Committee on Interior and 14 of States House 15 Insular Affairs of the United 16 Representatives.

-End-

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SJR 10