

VOLUME NO. 36**Opinion No. 53****CIVIL DEFENSE — Indian reservations; Political subdivisions;
Sections 77-2301 et seq.****HELD: An Indian reservation, represented by a tribal council, is not a political subdivision of the state of Montana for purposes of receiving aid and assistance pursuant to the state Civil Defense Act (Chapter 23, Title 77, Revised Codes of Montana 1947).**

Mr. C.L. Gilbertson, Administrator
Civil Defense Division
Department of Military Affairs
P.O. Box 1157
Helena, MT 59601

February 9, 1976

Dear Mr. Gilbertson:

You have requested my opinion on the following question:

Can the civil defense division of the Montana department of military affairs treat a reservation, represented by a tribal council, as a political subdivision of the state of Montana for purposes of receiving aid and assistance pursuant to the state Civil Defense Act (Chapter 23, Title 77, Revised Codes of Montana 1947)?

You advise that the executive board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation is seeking recognition as a political subdivision of the state of Montana in order to receive civil defense aid directly from the state through the civil defense division of the department of military affairs.

Section 77-2303, R.C.M. 1947, of the Civil Defense Act of 1951 defines the term "political subdivisions" as:

... counties, cities, towns and villages in this state.

When construing a statute, the intention of the legislature must first be determined from the plain meaning of the words used. If the language is unambiguous, direct and certain, the statute speaks for itself and there is nothing left for a court to construe. **Montana Association of Tobacco and Candy Distributors v. State Board of Equalization**, 156 Mont. 108, 114, 476 P.2d 775 (1970)

The plain meaning of the definition given to the phrase "political subdivision" by section 77-2303 prohibits inclusion of an Indian tribal organization within its scope or purpose.

Furthermore, the doctrine of statutory construction that the express mention of one matter in a statute excludes other matters not mentioned (**Helena Valley Irrigation Dist. v. State Highway Commission**, 150 Mont. 192, 198, 433 P.2d 791 (1967)) clearly applies in this instance. The express mention of "counties, cities, towns and villages" in the definition of "political subdivisions" excludes tribal organizations from its meaning.

THEREFORE, IT IS MY OPINION:

An Indian reservation, represented by a tribal council, is not a political subdivision of the state of Montana for purposes of receiving aid and assistance pursuant to the state Civil Defense Act (Chapter 23, Title 77, Revised Codes of Montana 1947).

Very truly yours,
ROBERT L. WOODAHL
Attorney General