

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
February 19, 1977

The meeting was called to order by Senator Towe, Chairman, at 8:00 a.m. in the Governor's Reception Room in the Capitol Building. Committee members present were Senators Towe, Brown, Rasmussen, Jergeson, Blaylock and Senators Roskie, Devine and Story attending late.

The following bills were discussed: SB 228
SJR 35
SB 336
SB 253
SB 429
SJR 34

SENATE BILL 228

Senator Towe referred to a letter from Morris Brusett, Legislative Auditor (attached #1) and stated several department heads had been contacted and asked to appear and testify regarding alleged destruction of records during audit procedures. He then asked for statements from those people.

Jack Crosser, Director of the Department of Administration, submitted a written statement to the committee (attached #2).

Senator Towe asked Mr. Crosser if the Department of Administration could handle a total record retention program under the existing regulations rather than having to pass and implement SB 228.

Mr. Crosser replied they have the rules to do everything at present but enforcement is a problem unless it is statutory.

Senator Blaylock noted the letter from Mr. Brusett stated that records were sent to be stored during an audit in the Department of Administration and that the auditor had to pay \$1 a box to retrieve those records for the audit and asked why that had happened.

Mr. Crosser stated he frankly didn't know but assumed space was a problem and it was necessary to store the records so they wouldn't be destroyed.

Senator Blaylock asked if anyone asked the auditors if they needed the records. It didn't seem like such a problem just to ask.

Mr. Crosser replied, no, they should have come to him and asked, but the situation would definitely not happen again.

Ron Brown, Administrator of the Centralized Services Division of Social and Rehabilitation Services, responded on behalf of Patrick Melby, Director of SRS, who had been requested to appear before the Appropriations Committee. He stated the records were not available because the life of the tape they were stored on is five years and because of that they are immediately spun off into hard data. The tapes had been

Page 2

Minutes of the Meeting
February 19, 1977

destroyed. The present policy is to store tapes for the full life of the tape and no further problem is anticipated.

Senator Towe inquired if the Department now anticipates being able to work with the auditor.

Mr. Brown replied yes, the record retention system is at present very cumbersome and it takes a great deal of time and effort to cope with it due to the large amount of material needed to be stored. He felt the bill would help in this respect and supported it.

Fred Barrett, Administrator, Employment Security Division, stated his Division had disposed of bank statements for a six month period from July 1, 1974, to December 31, 1974, after they had been reconciled to the Division records and stated they were not current year records (see attached #3). He stated there are 23 offices involved in their record retention system and as a result they have an immense amount to cope with. The present system is cumbersome and they feel the bill is a way out.

Senator Towe asked if the Division foresees any problem in working with the auditor in the future.

Mr. Barrett replied, "No, sir".

Norman Grosfield, Administrator of the Division of Worker's Compensation stated that during the January 1, 1970 - July 1, 1973 audit the auditors gave him a list of 14 files they were unable to locate out of 80,000 they audited for that period. Seven of those files were located in the Attorney General's office and seven have not been located. Mr. Grosfield stated he felt sure they were not destroyed and were in storage somewhere.

Senator Towe asked him how he felt about SB 228.

Mr. Grosfield stated he feels current procedures are adequate and there is really no need for the bill.

Sonny Omholt, State Auditor, presented written testimony to the committee (see attached #4).

Senator Towe asked him how he felt about the bill.

Mr. Omholt stated he had no feeling one way or the other.

John Northey, staff attorney for the Legislative Auditor, made a statement in which he said the letter from Mr. Brusett was not intended to be a criticism but rather served only to point out some problems that have been encountered. He feels the bill is necessary to handle some of the details involved with record retention during auditing. He further stated the computer tapes are most necessary to retain until paper audit procedures are complete. He noted that page 3, line 8, of the bill is the most critical portion of the bill. This is where

Page 3
Minutes of the Meeting
February 19, 1977

problems exist and with a retention schedule this situation would be corrected as well as the problem of storage of excess records. He further stated that subpoena power as it now exists is unclear as to who can subpoena whom and this bill would clarify that situation also. He felt the bill was not a major change but a very necessary one.

Ellen Feaver, from the Legislative Auditor's office, said the bank statements in question in the Employment Security Division were current year bank statements, not the previous year as Mr. Barrett had indicated.

Senator Towe asked Mr. Northey if record retention can't be handled by regulation and if the bill is really necessary.

Mr. Northey replied he feels it is necessary and the affirmative action in the bill is necessary.

SENATE JOINT RESOLUTION 35

Senator Graham, District 29, sponsor of the resolution, stated the resolution was signed by 34 members of the Senate and if he had had more time more would have signed it. The resolution is a product of Montanans Opposed to Discrimination. He stated he is not a member of that group as he represents both Indians and whites. He stated he feels there is nothing against Indians in the bill and he was going to be referring to the Crow Reservation as he had lived there for fifty years. The resolution is only intended to retain the federal and state jurisdiction over non-Indians on the reservation so they would not be included under the Indian law and order code.

He further stated the constitutional rights of non-Indians on the reservations are being violated by the Indian law and order code and noted that the constitution of the United States was established long before any treaty. He stated he stands on his record as a long time supporter of Indians in the legislature. He again stated the resolution changes nothing, just retains things the way they currently are. He asked Helen Peterson, Co-Chairman of the Indian Task Force to explain briefly to the committee the status of that group.

Helen Peterson, Co-Chairman of the Indian Task Force explained the make up of the task force. She said there were meetings with various tribal task forces and suddenly one of the groups withdrew and then several more. The reason given for the withdrawals was there were certain subjects which the groups did not want to discuss which were mandated in the resolution establishing the task force. At the fourth meeting held in January of 1976, seven members were present, two by proxy, and after a day long discussion they voted to dissolve the task force on a 5-2 vote.

Page 4
Minutes of the Meeting
February 19, 1977

PROPOSERS

Mr. Doug Freeman, attorney from Hardin and attorney for the Northern Cheyenne and Crow Tribes, stated he had been the tribal attorney for several years and an assistant county attorney and had worked with tribal jurisdiction for several years. He presented the committee with a copy of the Crow Law and Order Code (see attached #5) which goes into all civil and criminal matters on the reservation. He stated there was no input to the code by any non-Indian. He further stated there was no right to bail or jury, no warrant and search and seizure procedures for any non-Indians in their law and order code and that the Indians specifically claim sovereign immunity for themselves. He noted that one reservation is split 50/50 in land ownership and 40/60 in population Indian/non-Indian. This law and order code would affect all the people and all the land. Under the implied consent section, anyone even traveling through the reservation would come under Indian jurisdiction by implied consent. He presented copies of petitions against the Crow Law and Order Code to the committee (see attached #6).

Lester Johnson from Browning stated he was not present to oppose the Indians in any way noting his grandsons are enrolled in Indian schools, but he wants his rights as a non-Indian retained.

F. L. Ingraham, attorney from Ronan and representing Montanans Opposed to Discrimination stated he is the city attorney for Ronan and special city attorney for Polson. He read an article from the Daily Missoulian (see attached #8), summer of 1975, which noted Indians have the power to tax land on the reservations and always have had that power. He stated there are 25,000 non-Indians and 20,000 Indians on reservations in Montana. The whites bought the land from the United States originally and the government then reimbursed the Indians. He stated if the Law and Order Code is allowed, non-Indians will be victims of the biggest land fraud ever perpetrated.

Bill Big Spring, Sr., stated he is a proud Indian and owns 56,000 acres of deeded land. The deed says he is white and he supports the bill as he is protecting his own land.

Senator Towe allowed all those who support the resolution to stand and state their names. He also reminded them to sign the visitor sheet if they rose in support of the resolution (see attached visitor sheet).

OPPONENTS

Urban Bear Don't Walk, representing the Montana Inter-Tribal Policy Board presented a written statement to the Committee on behalf of that group (see attached # 7). He responded to previous testimony stating he felt it was ridiculous to state that non-Indians are denied their rights to counsel, bail and jury, not to incriminate, etc., in the Law and Order Code. He noted the Law and Order Code

Page 5
Minutes of the Meeting
February 19, 1977

was basically patterned after the Bill of Rights.

He further commented on the Indian Task Force by stating that although some tribes did withdraw, others stayed and tried to establish a dialogue but had trouble keeping the County Commissioners with them. He noted it is hard to give input to the tribal councils if you are not a member of the tribe.

Earl Old Person, Chairman of the Blackfoot Tribe, thanked the committee for the opportunity to appear before the committee on behalf of himself and all the other Indians from other tribes and reservations who were in attendance at the hearing. He stated the Indians are a people who have a designated area known as a reservation which they are trying to develop by protecting and preserving their lands and rights and developing their resources. Perhaps they have not done it perfectly but they feel that many many times they are the victims. They are just as aware of being off the reservation as the non-Indians are when they are on the reservation.

He stated there are other areas where non-Indians and Indians can meet and discuss their problems and this should happen. Jumping to conclusions as is the case with the resolution causes problems. He stated he concurs with the statement presented by Mr. Bear Don't Walk which is an united statement by all the tribes of the state.

James Canan, Area Director of the Bureau of Indian Affairs in Billings, stated he endorsed the previous statements and opposes SJR 35. He noted he was speaking only for the Billings Office of the Bureau of Indian Affairs as there had not been time to get the new Administration to state a policy on it.

He stated the Indians are looking for mutual understanding and reconciliation in the area of relationships between Indians and non-Indians. He felt the resolution is the wrong answer to the wrong problem at the wrong time. The fault is that of the federal government and to some extent the state as they have not been prosecuting lesser crimes as they should re non-Indians on the reservations. There are many many instances of non-Indians committing crimes against Indians and/or their lands that have gone unpunished.

He felt there were several solutions to the problems: 1. the state of Montana should ask the United States government to beef up the United States Magistrates on the reservations and hire more Deputy U.S. Attorneys to cover the situations; 2. inquire if the Highway Patrol and local law enforcement people are doing their jobs as well as they should; and 3. reopen the dialogue between the Indians and the people of the state of Montana.

Page 6
Minutes of the Meeting
February 19, 1977

Philip Roy, attorney for the Blackfoot Tribe, stated the proponents did not cite even one case in support of the accusations against the law and order code and Congress has done nothing. He felt many agencies can be beefed up to help alleviate problems. This resolution is a rash move and the Indians will not stand by and watch it happen. They are trying very hard to develop their resources and reservations and shouldn't be blocked at every turn in that effort.

Frank Lame Bull, attorney representing the Fort Belknap Indian Community, stated non-Indians purchased Indian land in full awareness of the laws that existed. It is therefore in the interest of the tribes to protect their tribe's assets and rights. Non-Indians are protected by the 1968 Indian Civil Rights Act which was passed by Congress.

Senator Towe asked all further opponents of the resolution to stand and state their names, reminding them to sign the visitors sheet if they did so (see attached visitor sheets).

Senator Graham closed by saying this resolution does not change anything that exists today. There were many implied things in the testimony that was given. There are problems existent but the jurisdiction over non-Indians should remain with their own laws and courts and Indians can retain their own jurisdiction and laws over themselves. He stated he would be the first to support a new task force both at home and in the legislature.

There being no further time for proponents or opponents, Senator Towe called for questions from the committee.

Senator Towe asked Bill Morigeau about financial conditions on the Flathead Reservation. Mr. Morigeau stated there are now five banks on the reservation. The tribe operates a credit program and it has invested over \$7 million for them at present. There are also 14 real estate offices on the reservation.

Senator Brown asked Mr. Roy and Mr. Ingraham to respond to the 1968 Indian Civil Rights Act. Mr. Roy stated it was enacted for the protection of the Indians and non-Indians alike against arbitrary action. It does protect rights in criminal cases of non-Indians on reservations.

Mr. Ingraham commented that the Act has not yet been litigated and is in the same category as all other Indian laws.

Senator Roskie asked if any non-Indian could be represented in any way on an Indian Council. (response from several, no) He further asked that if the tribal juries, judges, etc., are all composed of tribal members is it really fair that non-Indians have to go before any of these judges or juries without any representation on them.

Phil Roy said Mr. Ingraham had missed the mark by about 180°. He stated that discrimination is a two-edged sword; there is definitely

Page 7

Minutes of the Meeting
February 19, 1977

discrimination against Indians. The codes are the Indians best protection. The Indian tribes are embryonic and are trying to develop their own potentials.

Mr. Ingraham responded by saying Congress has plenary control over reservations and this is reason enough to pass the resolution right now. Any law with ambiguity must be decided in favor of the Indian at present.

Senator Roskie asked if you appear before an Indian court do you have to have Indian counsel.

Senator Graham responded the counsel must be fluent in the Crow Indian language.

Senator Towe asked Mr. Bear Don't Walk to respond to the question.

Mr. Bear Don't Walk responded by saying it is not true. In fact, it is totally incorrect. You are entitled to your own counsel. Being a member of the Montana State Bar is the only necessary qualification.

Senator Towe read from the Crow Law and Order Code in which it is stated you will be assigned a tribal defender if you do not have any other counsel (that counsel you are entitled to).

Senator Roskie stated he fails to see where the resolution affects many of the things talked about in the hearing. He stated Mr. Canan's remarks, although valuable, were not those of the agency (Bureau of Indian Affairs) but rather were his own. Senator Roskie stated he made that statement in order to protect Mr. Canan.

Senator Towe stated he felt continuing dialogue between Indians and non-Indians should be incorporated into the resolution. He asked if continuing dialogue at the local level wouldn't be helpful in solving some of the jurisdictional problems.

Senator Graham stated he didn't know if it could be put in due to the scope of the title of the resolution but he would very much like for it to happen again.

Phil Roy stated he felt the resolution is unconstitutional and should be killed.

Earl Old Person stated that Indians are the minority of minorities. We should come together and talk over issues intelligently, he stated. If that doesn't work, then maybe resolutions such as these should be tried. Let's find out what is right, what is legal first, and then try to work things out together.

Senator Towe asked if the U.S. Magistrate and court system on the

Page 8
Minutes of the Meeting
February 19, 1977

It is working badly, he stated.

Senator Graham responded that Senator Towe has a point but doesn't feel it is as bad as it has been painted.

Senator Towe asked Mr. Ingraham the same question.

Mr. Ingraham responded that dialogue to eliminate abrasiveness would be most helpful if all parties fully cooperated. The state could not help in court and enforcement because it all has to be done in Washington D.C. by the Secretary of the Interior. The federal government doesn't enter into Flathead as the state took jurisdiction there in 1968 and also in Fort Belknap. The state has the powers and duties but has not assumed them.

Caleb Shields, representing the Fort Peck Tribes, stated the overall dialogue should be initiated before the passage of SJR 35. The tribe has the right to terminate leases and this probably would happen if the state forces jurisdiction, he stated.

Senator Towe explained that a House Joint Resolution is nothing more than a glorified letter to Congress which makes the intent of the legislature known to Congress but does not have the force of law.

Richard Reid, Poplar, stated the Pledge of Allegiance refers to one nation under God, indivisible. He said he is satisfied with that and doesn't want to divide the nation.

Phil Roy, representing the Blackfoot Tribe, stated the Indians are not separatists but rather are just using the attributes of sovereignty. They only want to retain federal Indian jurisdiction and not have the state interfere.

There being no further discussion and due to the time element, the hearing was closed and the hearing on Senate Bill 336 was opened.

SENATE BILL 336

Tom Harrison, representing the Police Protective Association, presented the bill for Senator Turnage, sponsor. He stated the bill will do the same thing for the metropolitan police law as the Sheriff's Retirement Act. He stated the attached amendments (attachment #9) take care of any fiscal problem. He reviewed the amendments with the committee.

Larry Nachtsheim, Public Employees Retirement System, appeared just as an information person. He stated the bill had been redrafted because there was too much in the bill and it was reworked to make it easier to handle and modeled it on SB 204.

Page 9
Minutes of the Meeting
February 19, 1977

There being no questions or further discussion, the hearing was closed.

The committee then met in Executive Session.

SENATE BILL 336.

Senator Story moved to adopt the amendments presented by Mr. Harrison on behalf of Senator Turnage (see attached committee report). THE MOTION CARRIED WITH SENATORS TOWE, BROWN, STORY, AND RASMUSSEN PRESENT.
Senator Towe stated he would inform the other committee members of the action on the bill for their concurrence.

Senator Story moved Senate Bill 336 Do Pass As Amended. THE MOTION CARRIED WITH SENATORS TOWE, BROWN, STORY AND RASMUSSEN PRESENT.
Senator Towe stated he would inform the other committee members of the action on the bill for their concurrence.

SENATE BILL 253

Senator Story moved Senate Bill 253 Do Not Pass. THE MOTION CARRIED WITH SENATORS TOWE, BROWN, STORY, AND RASMUSSEN PRESENT. Senator Towe stated he would inform the other committee members of the action on the bill for their concurrence.

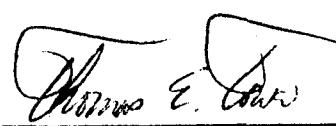
SENATE BILL 429

Senator Story moved Senate Bill 429 Do Not Pass. THE MOTION CARRIED WITH SENATORS TOWE, BROWN, STORY, AND RASMUSSEN PRESENT. Senator Towe stated he would inform the other committee members of the action on the bill for their concurrence.

SENATE JOINT RESOLUTION 34

Senator Rasmussen moved Senate Joint Resolution 34 Do Pass. THE MOTION CARRIED WITH SENATORS TOWE, BROWN, STORY, AND RASMUSSEN PRESENT. Senator Towe stated he would inform the other committee members of the action on the bill for their concurrence.

There being no further business, the meeting adjourned to reconvene Monday, February 21, 1977, at 11:00 a.m. in Room 410 of the Capitol Building.



Chairman

ROLL CALL

STATE ADMINISTRATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 2/19/77

SB 228
336

SENATE STATE ADMINISTRATION COMMITTEE

BILL SIR 35

VISITORS' REGISTER

DATE 3/14/77

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Don Binkley	Mt. Assoc. of Cos.	SB 228 35	✓	
Howard Bissell			✓	
Robert Blaum			✓	
David B. Cesar			✓	
Donald Cesar			✓	
Del Wahl			✓	
Douglas Mac Carter			✓	
Delwyn Gage	School Dist. #15		✓	
Don Sampson				
Lester R. Johnson	Self		✓	
Kenon Stoyan	Self		✓	
Willie Broekman	Poplar		✓	
Richard J. Morris	Poplar		—	
John C. Sappert	Web Point		✓	
Dallas Conger	Dog Lake		✓	
Harmon J. Sage	Poplar		✓	✓
Bud L.ien	Poplar		✓	✓
W. M. Vanigl	Moiese mt. 59824		✓	✓
Jay W. Preston	Ronan, mt. 59364		✓	✓
John J. Loring	Tolson, mt. 59860		✓	✓
John L. Loring	Ronan, mt. 59364		—	
Joseph C. Sage			✓	
John W. Smith	Leg. Auditor	SB 228	—	
E.V. "Sonny" Ambolt	State Auditor	SB 228	—	

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

4/1/69

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Kimberly	State Auditor	228	—	
Norman H. Poynter	Div of Workers' Comp	228		
James Violette	self	SJR 35	✓	
Dr. Ernie Grindon	Survival American Indian Association	SJR 35		✓
Lloyd W. Hilton	self	SJR 35	✓	
Chester W. Hilton	self	SJR 35	✓	
Wally Violette	self	SJR 35	✓	
Gertrude M. Hilton	self	SJR 35	✓	
Edith M. Hilton	self	SJR 35	✓	
Bret H. Puse	self	SJR 35	✓	
William T. Howell	"	SJR 35	—	
Conrad Belfour	self	SJR 35	—	
Kathleen Ricket	self	SJR 35	✓	
Alvin Gout	self	SJR 35	✓	
S. May Stipe	self	SJR 35	✓	
Terri Norden	self	SJR 35	—	
Shirley Allen	self	SJR 35	✓	
Glenda Allen	self	SJR 35	✓	
Ernest Touse	self	SJR 35	✓	
Edwin G. Stipe	self	SJR 35	✓	
Elizabeth Preston	self	SJR 35	✓	
B. Mary Pacion	self	SJR 35	—	
John J. George	self	SJR 35		
Franklin French	Crow Executive Comm	SJR 35		✓

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

NAME	REPRESENTING	BILL #	(check one) SUPPORT	OPPOSE
Mayvin Bear Spirit Walk	self	SJR 35	✓	
Buddy Johnson	MS 410	SJR 35	✓	
Jeff Johnson	self	SJR 35	✓	
Ed & the Mc Clearys	self	SJR 35	✓	
Margaret Foehl	self	SJR 35	✓	
Kathy McCleary	self	SJR 35	✓	
J. D. McCleary	self	SJR 35	✓	
John C. Rockwell	self	SJR 35	✓	
Lynne Guille Graham	self	SJR 35	✓	
Ed D. Cruse	self	SJR 35	✓	
Glenn J. Blawie	self	SJR 35	✓	
Tom W. Blawie	self	SJR 35	✓	
Kathy Spangler		SJR 35	✓	
Glenn Spangler	self N.O.D.	SJR 35	✓	
Jane G. Sargent	self	SJR 35	✓	
Don G. Cop	self	SJR 35	✓	
Muriel Decker	self	SJR 35	✓	
Glenn G. Blawie	self	SJR 35	✓	
Glenn R. Blawie	"	SJR 35	✓	
Glenn F. Blawie	FT. Peck TRIBES	SJR 35	✓	
Glenn F. Blawie	FT. Peck TRIBES	SJR 35	✓	
Tom Sprey	Northern Cheyenne	"	✓	
DALE B. SHIELDS	FT. Peck TRIBES	SJR 35	✓	
Warren Jacker				
Glenn P. Blawie	self	SJR 35	✓	

SENATE

COMMITTEE

BILL

VISITORS' REGISTER

DATE

NAME	REPRESENTING	BILL #	(check one) SUPPORT OPPOSE
Eli T. Herrinelt	Clark		✓
Sam G. Cox	self		✓
Mark Evans	self		✓
R.C. Keyser	self		✓
F.W. Podlunell	M.O.D.		✓
Lawrence Gabban			✓
John M. Stevens	self		
John Ballou	Blackfeet		✓
Philip Roy	BLACKFEET		✓
John C. COCHRANE	M.O.D. - Flathead		✓
Lucy COCHRANE	Flathead Lakes	SJR 35	✓
Wm F. Big Spring Sr.	East Glacier Park		✓
Josephine Wright	Polson	SJR 35	✓
Delbert Palmer	Charles		✓
Woodruff	Charles		✓

STATE OF MONTANA

Office of the Legislative Auditor

STATE CAPITOL
HELENA, MONTANA 59601
406/449-3122

/



MORRIS L. BRUSETT
LEGISLATIVE AUDITOR

February 17, 1977

DEPUTY LEGISLATIVE AUDITORS:

JOSEPH J. CALNAN
ADMINISTRATION AND
PROGRAM AUDITS

ELLEN FEAVER
FINANCIAL-COMPLIANCE AND
CONTRACTED AUDITS

STAFF LEGAL COUNSEL
JOHN W. NORTHEY

Senator Thomas Towe, Chairman
State Administration Committee
State Senate
Helena, Montana 59601

Dear Senator Towe:

Pursuant to your request, we are providing information concerning records retention problems we have encountered during our routine audits of various state agencies.

1. During our fiscal year 1975-76 audit of the Department of Administration, we were in the process of performing our detailed audit tests when the department transferred all claim documents for fiscal year 1975-76 to the records retention center. We then had to request that these records be retrieved from storage, which cost the agency \$1 for each box.
2. In our current audit of the Department of Social and Rehabilitation Services, we found that computer tapes used to generate the monthly payments to recipients of Aid to Families with Dependent Children and payments to foster homes were not retained for an adequate period of time. Because of this, these basic accounting records, which supported approximately \$13 million in disbursements, were not available for our audit. We were required to spend many audit hours performing manually audit tests which should have been performed using the computer.
3. During our last financial audit of the Employment Security Division, we found that the agency had destroyed current year bank statements. We wasted many hours trying to reconstruct these statements or obtain copies of them from the bank involved.
4. In our current audit of the State Treasurer's office we found that the agency was destroying current general ledgers. We found it difficult and time consuming to obtain copies of these essential reports.

#2

d b

NAME: Jack Groover DATE: 3/19/77

DATE: 3/19/77

ADDRESS: Dept. of Administration

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: SB 228

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Ron Brown DATE: 3/19/77

ADDRESS: Centralized Services, IRS

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: SB 238

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

~~H3~~

NAME: Fred Barrett DATE: 2/19/77

DATE: 2/19/47

ADDRESS: Employment Security Division

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: SP 33

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

NAME: Norman Grisfield DATE: 3/19/77

DATE: 2/19/77

ADDRESS: Walker's Compensation

PHONE:

REPRESENTING WHOM? *With the understanding that the above is not to be construed as an admission of the existence of a fiduciary relationship.*

APPEARING ON WHICH PROPOSAL: SB 228

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

4

NAME: Sonny Corbally DATE: 2/19/77

ADDRESS: State Auditor

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: SB228

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Northery DATE: 3/19/22

DATE: 9/19/22

ADDRESS: Legislative Auditor

PHONE: _____

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL: 56228

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ellen Teaver DATE:

DATE:

ADDRESS: Legislative Auditors Office

PHONE: 9 - 3122

REPRESENTING WHOM? Legislative Auditor

APPEARING ON WHICH PROPOSAL: SB 228

COMMENTS: *None*

NAME: Seaton (Carolyn) Baker DATE: Feb 19, 1977

ADDRESS: Lady's Grass Project

PHONE: 636-2879

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: S.J.R 35

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Helen Ann Peterson DATE: 3/19/77

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: STR 35

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: at request of Sen. Graham to
testify on Indian Task Force

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

5 # 6

NAME: Dave Fregen DATE: _____

ADDRESS: Box 353 HARDIN, Montana

PHONE: 665-1412

REPRESENTING WHOM? See

APPEARING ON WHICH PROPOSAL: SJR-35

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

#5

Original

FINAL DRAFT

BY

COMMITTEE

CROW LAW AND ORDER CODE

PREAMBLE

BY ITS INHERENT POWER AS A SOVEREIGN NATION, BY ITS RIGHTS RESERVED IN THE TREATIES OF FT. LARAMIE OF 1851 AND 1868 AND PURSUANT TO ITS FURTHER CONSTITUTIONAL AUTHORITY AND DUTY TO PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF ITS PEOPLE, THE CROW TRIBE OF INDIANS HEREBY ADOPTS THE CROW LAW AND ORDER CODE FOR THE CROW INDIAN RESERVATION TO PROVIDE THE MACHINERY OF LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE FOR THE CROW TRIBE OF INDIANS.

IF ANY SECTION, CHAPTER OR TITLE OF THIS CODE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE REMAINDER OF THIS CODE OR THE APPLICATION OF THE SECTION, CHAPTER OR TITLE TO OTHER PERSONS OR CIRCUMSTANCES IS NOT AFFECTED.

ANY PROVISIONS OF ANY LAWS, ORDINANCES OR RESOLUTIONS OF THE CROW TRIBE OF INDIANS NOT INCONSISTENT WITH THIS CODE, ADOPTED BEFORE OR AFTER THE ADOPTION OF THIS CODE SHALL NOT BE AFFECTED OR INVALIDATED BY THE CODE AND ARE TO BE ENFORCED PURSUANT TO THE PROVISIONS OF THIS CODE AS APPROPRIATE AND LAWFUL.

Panel: Jurisdiction - Indians and Indian Country
7th Annual Northwest Tribal Judges Conference
Riverton, Wyoming - October 25, 1967

1. Indian Tribal Courts exercise jurisdiction over 400,000 to 500,000 enrolled Indians in matters arising on Indian Reservations.
2. The measure of the Tribal Court's jurisdiction is variously covered in:
 - (a) 25 C.F.R. Secs. 11.1 to 11.306; or
 - (b) Tribal Law and Order Codes; and
 - (c) Treaties; e.g., Cherokee Treaty cited in Talton v. Mayes, 163 U.S. 376;
 - (d) Statutory limitations; e.g. Ten Major Crimes Act, 18 U.S.C. 1153; See Glover v. U.S., 219 F. Supp. 19.
3. The most troublesome questions of jurisdiction are:
 - (a) What persons are covered by the L.&O. Code?
 - (1) Jurisdiction over nonenrolled Indians living on reservation may be affected by limitations in Tribal Constitutions;
 - (2) non-Indians:
 - (a) unaffected by criminal jurisdiction; but
 - (b) may be required to use Tribal Court where civil transaction arose on Indian Reservation. Williams v. Lee, 358 U.S. 217.
 - (b) Are Tribal Courts limited to actions set out in L.&O. Codes?
 - (1) e.g. mandamus; writs of executions; termination of parental rights?
 - (2) Tribal Courts may have inherent rights. In Iron Crow v. Oglala Sioux Tribe, 231 F.2d 89, 96, the court said, "Tribal courts have inherent jurisdiction over all matters not taken over by federal government."
 - (3) But BIA tends to view that the L.&O. Code must specify the actions which the Tribal Court may take; otherwise the court cannot take the action. This is consonant with Williams v. Lee, 358 U.S. 217, 222, which indicates that where a Tribal L.&O. Code offered a forum for reservation transactions, this forum had to be used; the implication being that if the L.&O. code did not specify relief, it was not available and recourse could be had to the State Court.

#6

PETITION

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- 4) The proposed code does not recognize and provide adequate protection for the real and personal property rights of non-Indians.
- 5) The adoption of the proposed code will totally isolate and eliminate the right of the non-Indian to participate in a government which purports to regulate his person and property.

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Margaret Ennis Wolf

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F. W. M. Mo. 7370

~~Mr. & Mrs. John Morgan~~

Box 10, Number 1, Wrenns, 1931
R. 1931 R. 6

Part 1: Pre- & Early Hunting Mgmt

Aug 21 1948
P. S. Roberts

Montgomery Street

Bertha C. Roberts

Montgomery, Montana

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<u>Richard R. & P. Clark</u>	<u>Hardin, MT.</u>
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<u>Percey Louie</u>	<u>Hardin MT</u>
<u>Bill Hilma</u>	<u>Hardin MT</u>
<u>J. Iravin Bults</u>	<u>Todge Grouse mont.</u>
<u>1-10-0-011</u>	<u>I. I. O. MT</u>

NAMEADDRESS

Bruce Clegg, 1010 1/2 Eldredge Street, Apt 457, Brooklyn, NY

John F. Clegg (Great Uncle) 1010 1/2 Eldredge Street, Apt 457

Hammer Cattle Co., Inc., Hammar Pier 365 Hoboken, NJ

John D. Rock 1010 1/2 Eldredge Street, Apt 457

PETITION

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NAME

Reynolds, Schneid
Rick Gandy
Dale Koby
Reynolds, G.D.C.
John F. Johnson
William J. Johnson
Robert J. Dins
Bob Hartman
Richard Gramer

ADDRESS

Bill Johnson, MT
Girden Plant
Hadie Plant
Girden, MT
Wade Plant
Girden, MT
Young, MT
Girden, MT
Young, MT
Girden, MT
St. Xavier, MT

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NAME

ADDRESS

Roy Valdez Sr. St. Xavier Mont.
Roy Valdez Jr. St. Xavier Mont.
Beth O'Brien St. Xavier, Mont.
Robert O'Reilly St. Lewis Mont.
Charles McElgath St. Agnes Mont.
Sly R. Holloway Fort Smith, Mont.
Thomas Sylvester Fort Smith, Mont.
Myrlena Sylvester Fort Smith, Mont.
Joe Johnson 10th Ft. Smith, Mont.

PETITION

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NAME

NAME *roni Ellis*

~~hand of Fisher for~~

C. Greenwalt

~~Geen vgl.~~

~~and of Eddie J.~~

John C. Kelly

in Bahreids

115 Schmid

ADDRESS

ADDRESS
St Xavier Mont

St. X writing report

St. Xavier, N.Y.

St. Lacquer white
11/11/00

Sgt. Farren, Mont.

St. Louis, Mo.

87 years mt

St. Xavier Mart

TABLE 10

THE UNDERSIGNED, law enforcement officers, both civil and criminal, on the Crow Indian Reservation, having knowledge of the proposed Law and Order Code, adopted by the Crow Tribe on January 31, 1976, do hereby oppose the proposed code in its present form for the following reasons:

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NAME _____

NAME John

P. B. B. B.

C. M. G.

J. W. Wallop

1140

Mr. Scott

Dr. J. F. Smith

W. H. G.

Scott

Aug 20 1977

1818

W. T. 1900

ADDRESS

1233 Bus 30 Tafftaint Recd. 5/20/

58' 31" 118' 30" 162' 11" 162' 11"

SPRINGFIELD, ILLINOIS, NO.

~~1622 is a difficult fit~~

82-233 B-10 (U) MPAirt, Met.
Elegak - West

Ellenbogen 10.11.19

8.R.233 Bear Wolf Point, Mont.

SR 232 White Point Plant
SR 232 Plant 12 88% f 2 - 7

~~55237127531~~ 12-74 front 2nd
Aug 1912 (D.C. 10)

PETITION

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NAME

John M. Young
Henry Young
Tom Michael
Anderson Michael
Audrey McCarthy
Mary Jo Dennis
W. Ferguson Jr.
Malvin A. Ferguson
W. H. S. D.

ADDRESS

Markmont
Key City, Montana
Billings, Montana
Billings, Montana
Key City, Montana

THE UNDERSIGNED, being engaged in the enforcement of law, both civil and criminal, on the Crow Indian Reservation, having knowledge of the proposed Crow Law and Order Code, adopted by the Crow Tribe on January 31, 1976, do hereby oppose the proposed code in its present form for the following reasons:

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NAME

ADDRESS

Lucy Cochane
Big Horn, Montana
John Cochane
Big Horn, Montana
Grace Johnson
Big Horn, Montana
Melle Johnson
Big Horn, Montana
Donald E. Halligan
121 South 1st Street, Missoula, Montana 59801
Carl S. Hartman
121 South 1st Street, Missoula, Montana 59801
Doris Johnson
121 South 1st Street, Missoula, Montana 59801
Dannie W. Lang
121 South 1st Street, Missoula, Montana 59801
M. M. Lang
121 South 1st Street, Missoula, Montana 59801
J. D. Murphy
Box 382, Big Horn, Montana
Tom E. Thorne
43 Main Street, Missoula, Montana 59801
121 South 1st Street, Missoula, Montana 59801

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NAME

John Borden

Margaret N'Busch

Josephine Elzette

Theresa M. Borden

Pauline M. Weller

May K. Weller

James O'leary

Elberta Neff

Eugene Phengstec

Barbara Phengstec

John M. Neff

ADDRESS

37 #1 Box 90 Glendo MT

106 1/2 Hwy (Route 22)

P.O. Box 92 Glendo MT

Box 70 Glendo MT

145 1/2 Hwy (Route 22)

P.O. Box 61 Glendo MT

St. Ignatius Montana

Box 959 Box 959

Box 959 Box 959

Box 959 Box 959

Box 959 Box 959

PETITION

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NAME

ADDRESS

~~Dear Dr. Atwell~~
Dr. Atwell

St. Agnes' Church, Buxton

C. Rockwell

St. Ignatius 1874

and 110 individuals

St. Petersburg, Sept.

and Pickworth

St. Agatha

Wednesday 7/27/00

of the ¹7th of October 1863

John

2. Meal

St. Domingo 17

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NAME

ADDRESS

May 11, 1968
Denny G. E. (Dan)
Mildred L. (Dan)
(Marty) L. (Dan)
John James
May 12, 1968
Dolph Tessier
Small Street
Robert Dahl
Barry L. St. John
2051

PETITION

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NAME

Janita Walker
Ruth Holbert
Kathryn Blankenship
Lorraine Haug
Rich A. Solberg
Liz McLean
Betty Knutson
Alice Horvath
Michael G. Buller

ADDRESS

515 1/2 3rd Hardin
703 1/2 3rd Hardin
850 1/2 3rd Hardin
404 West 1st Hardin
515 West 8th Hardin
Dear Mr. Hardin
706 S. 1
102 1/2 3rd Hardin
200 1/2 3rd Hardin

PETITION

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NAME

ADDRESS

P. E. Holland

P E T I T I O N

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NAME

Carl Weber 2719 1/2 St. B

ADDRESS

Billing, Montana 89110

James D. Olson 2917 Stayfield Dr.

Billing, Montana 89102

Land Law

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NAME

Thomas M. Blawie

Daphne J. James

Norman Lagomillor

Neal R. Bockenick

Jack S. Marrs

Kirk J. Kusi

Calores Swalling

Wiletha Bockenick

Albie Swalling

Willie

ADDRESS

Ronan Mont

Clark Mont

Polson Mont

Clark, Mont.

Clark, Mont

Colville Mont

Clark, Mont.

Clark, Mont

Clark Mont

P E T I T I O N

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NAME

Wynn M. Ford

Ernest Balmer

Spitzen & Behn

John Robert

John Matheny

George W. Mayo

Richard Bidatén

William R Young

ADDRESS

228 Ave. E Billings, Mt.

Belleng Montane

Billinggj, Montana

Billings, Montana.

Billings, Montana

Billing, Montana

BILLINGS, MONT.

Billings, Montana

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NAME

George J. Cunningham
Alain Mehl
Roxanne Mehl
David S. King
A. Agnew
B. A. M. Nelson
J. T. Moffit
Loyd G. Husar
L. M. O. Mays

ADDRESS

1015 Parkwood
719 Howell, Missouri
719 Howell, Missouri
635 O'Malley Dr.
2219 Howell
711 N. 30th
316 1/2 11th St. W.
2424 1st St. Billings, MT
614 1/2 Wyoming Ave. Billings, MT

P E T I T I O N

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NAME

Vladimir Vullis

Virginia Grayson

William Brune

W. P. Brune

Frederick Brune

Frederick Brune

Karen M. Wad

W. M. Wad

James M. Wad

Mark Ashcroft

ADDRESS

Box 31, Ferme, Montana 59851

Box 31, Ferme

NAME: Leslie R. Johnson DATE: _____

ADDRESS: # 368 Banning Mill 59112

PHONE: 732-4621

REPRESENTING WHOM? Myself

APPEARING ON WHICH PROPOSAL: STR 35

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: jurisdiction by my elected official

NAME: E. Lloyd Tugraham DATE: 2/19/77

ADDRESS: Ronan, Mont.

PHONE: 876-0600

REPRESENTING WHOM? M.O.D.

APPEARING ON WHICH PROPOSAL: Resolution for State Turis

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Full Support

D. R. Keyser

J. W. Rockwell

M.O.D.

Lucy Coe

Lucy Coe Flathead Lakes, Inc.

NAME: William F. Biggs - 9/22 DATE: _____

DATE:

ADDRESS: East Glacier Park Front

PHONE: 226-4281

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: STR 35

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS:

#7
NAME: Unbenj. Ben Donir Walk DATE: 2/19/77
ADDRESS: 1730 Ave C
PHONE: 259-9503

REPRESENTING WHOM? Mont. Inter-Tribal Policy Board
APPEARING ON WHICH PROPOSAL: Tribal Res. # 35

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

NAME: For / O/S Person DATE: 0/0/0777

DATE: 2/19/77

ADDRESS: Box 486, Brandenburg, Miss. Tenn.

PHONE: 338-7511

REPRESENTING WHOM? Wes Tamm Inter for D.A. 161-275

APPEARING ON WHICH PROPOSAL: 10-35

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS :

NAME: JAMES F. CANAHAN DATE: 1/19

DATE: Feb 17

ADDRESS: 1810 Iris Lane, Bellingham

PHONE: 657-6315 or 252-4050

REPRESENTING WHOM? BUREAU OF INDIAN AFFAIRS

APPEARING ON WHICH PROPOSAL: SJR 35

DO YOU: SUPPORT? AMEND? ✓ OPPOSE? ✓

COMMENTS: _____

NAME: Paul E. Roy DATE: Feb. 19, 1977

ADDRESS: Box 849 Browning, MT 59417

PHONE: 338-2491

REPRESENTING WHOM? BLACKFEET

APPEARING ON WHICH PROPOSAL: SR 35

DO YOU: SUPPORT? AMEND? ✓ OPPOSE? ✓

COMMENTS: Resolution needs legal analysis + must not violate case precedent. Needs Indian input.

NAME: FRANCIS X. LITTLE BULL DATE: 18 Feb. 77

ADDRESS: P.O. Box 138 FORT BELKNAP MONT. 59322

PHONE: 353-2391

REPRESENTING WHOM? FORT BELKNAP INDIAN COMMUNITY

APPEARING ON WHICH PROPOSAL: SENATE JOINT RESOLUTION #35

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: FURTHER RESEARCH SHOULD BE
DONE INTO THIS SUBJECT, AND THERE
SHOULD BE MORE INDIAN INPUT.

NAME: E.W. (Bill) MORIGEAN DATE: 2-19-77

DATE: 2-19-77

ADDRESS: E. Shore, Polson Mont. 58860

PHONE: 887-2578

REPRESENTING WHOM? MY SELF

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Richard T Reed DATE: Feb 20,

DATE: July 20.

ADDRESS: Box 992 POPLAR, MT

PHONE: 768-3696

REPRESENTING WHOM? mod 4th Chpt.

APPEARING ON WHICH PROPOSAL: SJR 35

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

NAME: Margrie R. Burdett Mack 2-18-77
ADDRESS: 1130 Ave C
PHONE: 259-9500
REPRESENTING WHOM? Conserv. Lib. of Fort Lee, N.J.
APPEARING ON WHICH PROPOSAL: SVR 35

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: Has Mr. Gorden asked his Gorden constituents for input on this Bill?
If so, whom?

NAME:

Thomas E. Pob

DATE:

Feb. 19 77

ADDRESS:

Rt. 2 Hot Springs, MT. 59845

PHONE:

741-3566

REPRESENTING WHOM?

Montana Inter-Tribal Policy Board

APPEARING ON WHICH PROPOSAL:

Item 5.35

DO YOU: SUPPORT?

AMEND?

OPPOSE?

X

COMMENTS:

NAME: FLOYD (Bob) FERRARS DATE: 2-18-77

DATE: 2-14-77

ADDRESS: Box 119 Browning, Mont

PHONE: 398-7182

REPRESENTING WHOM? Blackfeet Tribe

APPEARING ON WHICH PROPOSAL: CJR 35-

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

NAME: William A. Mersch DATE: 2/14/22

DATE: 2/14/2020

ADDRESS: 712 So Tracy Bozeman

PHONE: 584-6000

REPRESENTING WHOM? Montana Broadcasters

APPEARING ON WHICH PROPOSAL: SHJR 35

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

NAME: Tim Rockwell DATE:

DATE: _____

ADDRESS: Port 1 Box 1674 St Ignatius MT

PHONE: ~~59866~~ 644-2383

REPRESENTING WHOM? Montana Opposing Discrimination

APPEARING ON WHICH PROPOSAL: Position of Slave Jurisdiction

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS : _____

NAME: DALE SKAALURE

DATE: 2/17/77

ADDRESS: BIG SANDY, MT.

PHONE: 386-2299

REPRESENTING WHOM? Custer County Comm's - MFCO

APPEARING ON WHICH PROPOSAL: SJR - 35

DO YOU: SUPPORT? ✓

AMEND? _____

OPPOSE? _____

COMMENTS: _____

1- ONE - LAW NEEDED FOR ONE
PEOPPLE

2- PROTECT THOSE AND give
EQUAL RITES of NON-INDIANS
mBRS on RESERVATION LANDS

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/19/77 Senate Bill No. 336 Time

NAME	YES	NO
Senator Tom Towe, Chairman	X	
Senator Pete Story, Vice Chairman	X	
Senator Bob Brown	X	
Senator Tom Rasmussen	X	
Senator George Roskie		
Senator John Devine		
Senator Greg Jergeson		
Senator Chet Blaylock		

Jill Roberson
Secretary

Thomas C. Due
Chairman

Motion: by Senator Story to adopt amendment
presented by Mr. Garrison to Senate
Bill 336.

(include enough information on motion—put with yellow copy of committee report.)

HQ
Suggested Amendments - S.B. 336

Page 1, line 12 - Delete Section 1

Add

Section 1. Discontinued service as a police officer withdrawal of contributions.

(1) If a police officer is discontinued from service for reasons other than temporary suspension due to disciplinary action, death, disability or retirement, he may withdraw his member contributions upon filing written application with the board.

Page 1, line 23 - Delete Section 2, subsection (1)

Add

Section 2. Reinstate of service - redeposit of contributions. (1) A police officer may reinstate credits for service previously refunded under section (1) by applying within 1 year after his return to his former status as a police officer.

Page 2, line 15 - Delete subsection (3) in its entirety

Page 2, line 19 - Delete subsection (4)

Add

(3) The amount to be paid by the police officer shall consist of the amount refunded plus the interest that would have accumulated in the account had the refund not taken place.

Page 3, line 5 - Rerumber subsection "(8)" as "(4)"

Page 3, line 7 - Delete, after the word "interest" "at the rate the fund is currently earning"

Page 3, line 10 - Delete Section 3 in its entirety

Add the following:

"Section 3. Election to qualify previous military service. (1) A member with 15 years or more of service may at any time prior to his retirement make a written election with the board to qualify all or any portion of his active service in the armed forces of the United States for the purpose of calculating retirement benefits, up to a maximum of 5 years if he is not otherwise eligible to receive credit. To qualify this service he must contribute to the account the actuarial cost of granting the service to be determined by the board based on his compensation and normal contribution rate as of his 16th year and as many succeeding years as are required to qualify this service with interest from the date he becomes eligible for this benefit to the date he contributes. He may not qualify more of his military service than he has service in excess of 15 years.

(2) If a member has retired from active duty in the armed forces of the United States with a normal service retirement benefits, he may not qualify his military service under subsection (1). However, a member who is serving or has served in the military reserves with the expectation of receiving a military service pension may qualify his active military service under subsection (1) if his active duty in the armed forces of the United States is not more than 25% of the total of all his years of military service, including reserve and active duty time."

Page 3, line 21 - Delete Section 4 in its entirety

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/19/77 Senate Bill No. 331 Time

NAME	YES	NO
Senator Tom Towe, Chairman	X	
Senator Pete Story, Vice Chairman	X	
Senator Bob Brown	X	
Senator Tom Rasmussen	X	
Senator George Roskie		
Senator John Devine		
Senator Greg Jergeson		
Senator Chet Blaylock		

Jill Lohrman Thomas E. Due
Secretary Chairman 100

Motion: by Senator Story SB 336 Do
Pass As Amended.

(include enough information on motion—put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 22

19. 72

MR. President.....

We, your committee on.....State Administration.....

having had under considerationSenate..... Bill No. 336.....

Respectfully report as follows: That.....Senate..... Bill No. 336,..... introduced bill, be amended as follows:

1. Amend page 1, section 1, lines 12 through 19.
Following: line 11

Strike: section 1 in its entirety

Insert: "Section 1. Discontinued service as a police officer - withdrawal of contributions. (1) If a police officer is discontinued from service for reasons other than temporary suspension due to disciplinary action, death, disability or retirement, he may withdraw his member contributions upon filing written application with the board."

2. Amend page 1, section 2, lines 24 through line 9 on page 2.

Following: "contributions."

Strike: lines 24 through line 9 on page 2 in their entirety

Insert: "(1) A police officer may reinstate credits for service previously refunded under section 1 by applying within 1 year after his return to his former status as a police officer."

ACKRASS

3. Amend page 2, section 2, lines 15 through line 5 on page 3.

Following: line 14

Strike: lines 15 through line 5 on page 3 in their entirety

Insert: "(3) The amount to be paid by the police officer shall consist of the amount refunded plus the interest that would have accumulated in the account had the refund not taken place."

Renumber: subsequent subsection

4. Amend page 3, section 2, lines 7 and 8.

Following: "interest"

Strike: "at the rate the fund is currently earning"

5. Amend page 3, section 3, lines 19 through line 20.

Following: line 9

Strike: section 3 in its entirety

Insert: "Section 3. Election to qualify previous military service. (1) A member with 15 years or more of service may at any time prior to his retirement make a written election with the board to qualify all or any portion of his active service in the armed forces of the United States for the purpose of calculating retirement benefits, up to a maximum of 5 years if he is not otherwise eligible to receive credit. To qualify this service he must contribute to the account the actuarial cost of granting the service to be determined by the board based on his compensation and normal contribution rate as of his 16th year and as many succeeding years as are required to qualify this service with interest from the date he becomes eligible for this benefit to the date he contributes. He may not qualify more of his military service than he has service in excess of 15 years.

(2) If a member has retired from active duty in the armed forces of the United States with normal service retirement benefits, he may not qualify his military service under subsection (1). However, a member who is serving or has served in the military reserves with the expectation of receiving a military service pension may qualify his active military service under subsection (1) if his active duty in the armed forces of the United States is not more than 25% of the total of all his years of military service, including reserves and active duty time."

6. Amend page 3, section 4, lines 21 through line 7 on page 4.

Following: line 20

Strike: section 4 in its entirety

AND AS SO AMENDED, DO PASS


Chairman

PR.

SENATE COMMITTEE ON STATE ADMINISTRATION

Date 2/19/77 Senate Bill No. 753 Time

Jill Cobysans
Secretary

Thomas F. Dene *(initials)*
Chairman

Motion: by Senator Story that SB 253 Do Not Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 19..... 19 77.....

MR. President.....

We, your committee on State Administration.....

having had under consideration Senate..... Bill No. 253.....

Respectfully report as follows: That Senate..... Bill No. 253.....

~~DO PASS~~ DO NOT PASS

J. A.

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/19/27 Senate Bill No. 429 Time

Jill Pahyans
Secretary

Thomas C. Dwyer

Motion: by Senator Story that Senate Bill
429 Do not Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 19 1977

MR. President

We, your committee on State Administration

having had under consideration Senate Bill No. 429

Respectfully report as follows: That Senate Bill No. 429

DO PASS

G.A.

SENATE COMMITTEE STATE ADMINISTRATION

Date 7/19/77 Senate Bill No. 34 Time
Fair Resolution

NAME	YES	NO
Senator Tom Towe, Chairman	X	
Senator Pete Story, Vice Chairman	X	
Senator Bob Brown	X	
Senator Tom Rasmussen	X	
Senator George Roskie		
Senator John Devine		
Senator Greg Jergeson		
Senator Chet Blaylock		

Jill Rabyans
Secretary

Thomas E. Tamm
Chairman *(initials)*

Motion: by Senator Rasmussen that
SJR 34 DO Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

..... February 19 19 77

MR. President.....

We, your committee on State Administration

having had under consideration Senate Joint Resolution Bill No. 34

Respectfully report as follows: That Senate Joint Resolution Bill No. 34

ga.

~~REMARKS~~ BE ADOPTED

SENATE COMMITTEE STATE ADMINISTRATION

Date 2/19/77 Senate Bill No. 34 Time
Joint
Resolution

NAME	YES	NO
Senator Tom Towe, Chairman	X	
Senator Pete Story, Vice Chairman	X	
Senator Bob Brown	X	
Senator Tom Rasmussen	X	
Senator George Roskie		
Senator John Devine		
Senator Greg Jergeson		
Senator Chet Blaylock		

Jill Robyans
Secretary

Thomas E. Pease
Chairman

Motion: by Senator Paxmonow that
SJR 31 DO Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

..... February 19 1977

MR. President.....

We, your committee on State Administration.....

having had under consideration Senate Joint Resolution..... Bill No. 34.....

Respectfully report as follows: That Senate Joint Resolution..... Bill No. 34.....

g.a.

~~REAPPROVED~~ BE ADOPTED