

MINUTES OF MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

AUG 10 1979

OF MONTANA

February 1, 1979

The fifteenth meeting of the Senate State Administration Committee was called to order in the temporary absence of Chairman Story, by Senator George Roskie, Acting Chairman, on the above date, in Room 442 of the State Capitol Building at 10:00 a.m.

ROLL CALL: All members of the Committee were present, although Sen. Story arrived late and Sen. Pat Ryan arrived near the end of the hearing due to a prior commitment.

CONSIDERATION OF SENATE JOINT RESOLUTION No. 1.: With Chairman Story assuming the chair, sponsor of the resolution was called on to present his testimony on Senate Joint Resolution No. 1.

Sen. Bill Lowe responded that he and Representative Tom Conroy co-sponsored the resolution which was the result of an interim study committee. Sen. Lowe read portions of the report prepared by the Legislative Council of the Committee on Indian Legal Jurisdiction entitled "A Report to the Forty-Sixth Legislature". He went on to explain that as mentioned in the Report, some of these issues are highly emotional, and the Interim Committee thought this study was very helpful on such matters. He proposed an amendment to the resolution which would delete reference to the Indian sovereign dependent nations. They have conferred with the Intertribal council on this and feel it is necessary to the acceptability of the resolution and continuation of the Committee. The study committee was proposed last session by the Governor and the legislature and implemented as a proper issue for study. In my report to the Gov. yesterday, he was pleased to get the report and felt that the Committee should be continued. We didn't spend much money on the project and that it was a very worthwhile way to get these groups together. \$5,600.00 was the total amount spent for the project out of the \$40,000 allotted. This time, Sen. Lowe suggested that the Committee not be limited to meeting on each reservation as it did not work out; joint meetings were necessary in order to function properly. Representatives from the Governor's office made suggestions as to issues of discussion and court systems, both state and tribal, collection of tax moneys, joint actions for law enforcement or civil litigation, coal and oil development are issues for study. Although previous laws stressed that more Indians be included on some of the state boards and agencies of state government, this hasn't been done. Continuation of the program would allow cooperative agreements to be worked out in problem areas, such as Fish and Game laws, natural resources, pollution and collection of taxes. At the last meeting of this Committee, 8 tribes had leaders representing them; they finally were made to understand that this was a cooperative effort with the legislative representatives. This was very productive although certain areas were found to be beyond the realm of our jurisdiction as the state does not have the power to make agreements where only Congress has jurisdiction; however, this was a forum in which such matters could be discussed. Recognition of treaty rights, publication matters, court systems, pollution,

mining and other areas of mutual interest need to be addressed by future meetings. After this meeting, the tribal leaders were asked if they felt this effort was worthwhile. All responded that the committee discussions were very helpful. Sen. Lowe then read from the Report some comments on the project results and recommendations for future meetings. He then requested that this committee on Indian Affairs be continued.

Rep. Tom Conroy, Dist. 58, Hardin, stated he represents the major portion of the Crow Reservation. Explaining some history of the Interim Committee set up during the last session, he voiced his apprehension at any productive results when he was chosen vice-chairman of the Committee. He added the Committee spent a lot of time and work on their own contacting the different tribes and trying to get together with the various reservations. In October they did coordinate a meeting in Billings; it was necessary to convince the tribes that we were there in a cooperative effort. Much information was brought out at this meeting, he felt, and that this project should continue now that open lines of communication have been established. SJR 35 of last session was very expensive in comparison to the cost of this Committee. Division of ethnic groups could result from legislation like SJR 35, but he felt continuation of this type of Committee would be a means of correcting these problems.

Chairman Story called for proponents to SJR No. 1.

Sen. Lowe introduced John Sinclair of the Montana Inter-Tribal Policy Board, who presented written testimony, a copy of which is attached to these original Minutes, on behalf of the Board in favor of the Resolution.

Mike Stephen, representing the Montana Association of Counties, supported the Resolution as a great means for communication and exchange between the state and the tribes and as a positive effort in trying to solve mutual problems.

Jim Halverson, County Commissioner from Roosevelt County, testified in support of the Resolution if the amendment proposed by Sen. Lowe were adopted.

There being no further proponents, opponents to the Bill were called for.

Wm. Big Spring, Sr., from East Glacier, objected to the Bill and presented written testimony, a copy of which is attached to these Minutes.

Fred Johnson, County Commissioner from Glacier County, also testified in opposition to the Bill, because of the concept of further pushing the sovereign nation idea and felt they should try to work through the present systems and courts in getting the white people and the Indians together rather than separating them.

Chairman Story asked if there were any other people in the audience wishing to speak; none responding, he asked for the closing statement.

Sen. Lowe felt so strongly that this is a worthwhile project that he expressed doubt that the opponents fully understood the objectives of the Committee. He felt discussions were much more beneficial than a strictly legal approach through court systems, particularly since this was a cooperative effort with holding of joint meetings, rather than addressing issues on a case by case basis.

The Chairman explained that the time for testimony had now terminated, and the hearing was opened for questions by the Committee members.

Sen. Hafferman questioned the reason that there were no longer any Indian legislators, to which Sen. Lowe responded that this question was also brought up at the joint meetings. It was blamed on re-districting. In the near future when re-districting will again come up, perhaps something can be done to alleviate this problem.

There being no further questions, the Chairman thanked everyone for coming and closed the hearing on Senate Joint Resolution No. 1.

RECONSIDERATION OF HOUSE BILL No. 83: Sen. Story explained briefly the jurisdictional dispute between the Attorney General and the Board of Regents over the Law Enforcement Academy. After the Bill had favorably passed out of our Committee, but before the hearing on the Senate floor, a contract was brought to his attention on the leasing of land for Academy purposes which appeared to be very cushiony. The Bill was put back into our Committee for further consideration. He then asked for the direction of the members on handling the situation.

Sen. Roskie felt the problem was twofold: the jurisdictional being above and beyond the problem of the lease. His suggestion was that these be separated and if the Academy was not being properly handled by the person put in charge, then they could take up that problem.

Sen. Jergeson agreed that they were separate issues and that perhaps Sen. Lockrem's bill (SB 171) might take care of the lease situation.

Sen. Hafferman, upon requesting a copy of the contract, was advised by the Chairman that it was in the office where anyone could look at it when it was convenient for them.

Sen. Rasmussen, in agreeing on the segregation of the issues, suggested that the legislature should look at the location issue.

Sen. Brown, who had seen the contract, remarked that unless the location of the property were known, it was difficult to tell the real situation.

Sen. Story questioned if the determination on HB 83 depended on the propriety of the contract.

Sen. Roskie explained his reasoning on the Bill over the jurisdic-

tional question and the need for additional information.

Sen. Story stated the Attorney General agreed to send up some people to talk to the Committee about this if that would be helpful.

This suggestion was discussed favorably, with Sen. Hafferman requesting to hear from the Board of Regents also, and Sen. Roskie adding that Rep. Scully should also be invited to be present.

Arrangements will be made for a work session at which these people will be asked to attend and present further information.

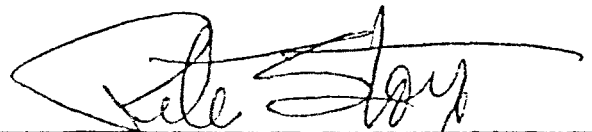
The Chairman then inquired if the Committee would require much more time to complete their investigations of the Governor's appointees. During discussion, he asked if the Committee would like to have a news release concerning these appointments. This suggestion met with approval of the members as no full-blown hearings were contemplated, but some means of advising the public should be undertaken.

Feb. 15th was set as the hearing date for consideration of these appointees, with anyone wishing to present information having a bearing on any of the persons being advised they may do so at that time.

RECONSIDERATION OF SENATE BILL No. 171: Chairman Story advised he felt this bill should be put into a subcommittee and asked for volunteers. There were issues brought out at the hearing that even the sponsor had not considered, and these should be cleared up before the Subcommittee on Senate Bill 171 are Tom Rasmussen and Greg Jergeson.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:10 a.m.



PETE STORY, CHAIRMAN

COMMITTEE ON INDIAN LEGAL JURISDICTION

A REPORT TO THE
FORTY-SIXTH LEGISLATURE

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Montana Inter-Tribal Policy Board

300 North 25th St., Suite 103 • Billings, MT 59101 • (406) 245-2228

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TESTIMONY SENATE STANDING COMMITTEE STATE ADMINISTRATION

SENATE JOINT RESOLUTION I

CHAIRMAN STORY AND COMMITTEE MEMBERS, MY NAME IS JOHN SINCLAIR. I AM HERE OFFERING TESTIMONY ON BEHALF OF THE MONTANA INTER-TRIBAL POLICY BOARD. THE POLICY BOARD'S MEMBERSHIP INCLUDES ALL THE RESERVATIONS IN THE STATE OF MONTANA AND THE LITTLE SHELL TRIBE, AN ORGANIZED GROUP, WHOSE MEMBERSHIP INCLUDES A GOOD PORTION OF THOSE INDIANS LIVING IN URBAN CENTERS THROUGHOUT THE STATE.

THE POLICY BOARD SUPPORTS SJR I.

THE PAST COMMITTEE ON INDIAN LEGAL JURISDICTION WHICH WAS SO SKILLFULLY CHAIRED BY SENATOR WILLIAM LOWE, OFFERED THE TRIBES AND STATE A MEANINGFUL MECHANISM FOR ADDRESSING COMPLICATED AND SOMETIMES CONFLICTING PROBLEMS. THE COMMITTEE, ALTHOUGH NOT VERY SUCCESSFUL AT THE ONSET, WAS FINALLY ABLE TO MEET WITH TRIBAL LEADERS LATE LAST YEAR. THAT ONE MEETING WAS ALL IT TOOK TO OPEN EVERYONE'S EYES AND MAKE THEM AWARE OF WHAT CAN BE ACCOMPLISHED THROUGH OPEN DISCUSSION. EVEN THOUGH SOLUTIONS TO THE PROBLEMS WERE NOT FORTHCOMING FROM THAT MEETING, A MODE FOR OPENING COMMUNICATION LINES WAS ESTABLISHED AND MUTUAL TRUST DEVELOPED BY MOST OF THOSE PEOPLE ATTENDING.

IN OUR OPINION, WE ARE AT THE BRINK OF RE-ESTABLISHING A LONG LOST NOTION. THE NOTION WE HERE SPEAK OF, IS ONE WHERE PROBLEMS ARE "DELIBERATED" IN TALKS ACROSS THE TABLE INSTEAD OF "ARGUED" IN A COURT OF LAW.

TESTIMONY
SJR I
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THE COMMITTEE ON INDIAN LEGAL JURISDICTION PROVIDES ALL OF US, INTERESTED IN RESOLVING CONFLICTING ISSUES AMICABLY WITH A VERY NECESSARY AND WORTHY TOOL.

THE MANDATE OF THE 45TH LEGISLATURE WILL NOT BE SUCCESSFULLY CARRIED OUT IF SJR I IS NOT APPROVED.

WE HAVE FEW ALTERNATIVES AT THIS POINT.

WE EITHER CONTINUE, AS IN THE PAST, TO ARGUE OR NOT TALK AT ALL OR WE WORK TOWARDS JOINTLY EXPRESSING MUTUAL CONCERN IN A MANNER WHICH LENDS ITSELF TO A BETTER UNDERSTANDING BY ALL.

I RESPECTFULLY SUGGEST THAT WE GIVE THE OPPORTUNITY A CHANCE. LETS ALL MOVE FORWARD DILIGENTLY, EFFECTIVELY AND HONORABLY.

THANK YOU MR. CHAIRMAN.

OBJECTIONS TO JOINT RESOLUTION NO. 1
NEGOTIATING WITH TRIBES
(CONROY AND LOWE)

This bill is highly objectionable because it brings politics into the legal relationship between Tribes and the State of Montana.

The laws should be followed without playing politics.

The Tribes can go to court whenever they feel the law is wrong, the same as anybody else. There should be no special favors for Indian Tribes, power companies, oil companies, or anyone else.

We all stand equal before the law. This joint resolution would upset our equality and cause political horse trading in regard to the relationship between the State and the Indian Tribes.

This relationship should be kept on a strictly legal basis, and politics should be kept out.

This bill should be killed.



William Big Spring, Sr.