

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 20, 1981

The Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date in room 410 of the State Capitol Building at 10 a.m.

ROLL CALL: All members of the committee were present, excepting Senators Kolstad and Towe.

CONSIDERATION OF HOUSE BILL 789:

AN ACT AMENDING SECTION 22-10502, MCA, TO ALLOW THE STATE LAW LIBRARY OF THE STATE OF MONTANA TO OCCUPY QUARTERS IN BUILDINGS OTHER THAN THE STATE CAPITOL.

Rep. Yardley, sponsor, suggested they amend the section where the state law library will be located. The purpose of this bill will allow them to move it to the new building.

ACTION ON HOUSE BILL 789: Senator Ryan moved DO PASS; motion carried by those present. At this particular time, Senator Hammond had not arrived at the meeting.

CONSIDERATION OF HOUSE BILL 788:

AN ACT TO REQUIRE THE STATE ELECTRICAL BOARD TO ALLOW CERTAIN APPLICANTS TO TAKE LICENSE EXAMINATIONS.

Rep. Menahan, sponsor, suggested an amendment on line 20 to strike "or" and strike section 3. This bill allows people to take the test before becoming an electrician.

There were no proponents or opponents, so questions of the committee were asked.

Senator Ryan asked if all people have to go through the training, and the answer was yes. He asked if he understood that lines 20-24 were to be deleted but it is still subject to the same inspection. The answer was affirmative.

Senator Story asked who had asked for the bill, and Menahan said he did because some people were denied to take the test after they had completed a bona fide program.

Senator Johnson asked why they were denied, and he said they did not have proof that they had completed a bona fide program.

Senator Story asked Mr. Bersanti if the taking of the test and passing it are enough, and he was answered that the board must qualify him.

Senator Story cited an example of a person in his district with experience but was too old to go through an apprenticeship. He was answered that no restrictions are given to age. If he were qualified and submitted an application to the board, he would not have been denied.

Rep. Menahan said some people do the same type of work and others are skilled in different parts. They want them to be well qualified in all areas of the work.

Senator Story asked what is the purpose of the test, and Rep. Menahan said it is to see if they know all parts of the field.

CONSIDERATION OF HOUSE BILL 71:

AN ACT TO GENERALLY REVISE THE OPEN MEETING LAW.

Rep. Keedy, sponsor, said the bill has been changed significantly from the house, but it still will lend strength to Montana open-meeting law. It makes it more consistent with the Montana constitution. He read sections 8 and 9 in the code book. The current law requires all meetings of agencies to be open in keeping with the constitutional requirement except for matters of individual privacy or in cases where the body intends to discuss strategy, collective bargaining or litigation. The current statute contains no notice requirement at all. This bill provides that in new section 1 on the first page of the bill. The other significant part of this bill is on the last page dealing with the current 30-day statute of limitations on the right to assert that a constitutional right has been violated. It would run from the date it should have been made public. Public officials and the agencies of which they are a part have in the past too frequently shown a reluctance to allow the public to observe fully.

PROPOSERS: Dave Sexton, Montana Education Association, had supported the bill when it was in the house and considered it a much better bill. The only opponent was the school board association. They support open meetings, and the public should know it is a meeting. The courts have agreed. They believe that notices should be given also to the persons who will be the subject of the meeting. Thirty days limit is not enough time.

Mike Meloy, Press Association, said it is an attempt to provide some kind of basis and feels section 1 of the bill is needed. He wants an amendment that takes care of the problem with notifying people of the meeting. The individual person who is going to be discussed has the right to waive the right of privacy.

Allen Ostby, of Common Cause, concurs with the others.

OPPONENTS: Chad Smith, School Board Association, submitted amendments and explained them pointing out that he does not like the word "reasonable" because it means different things to different people including the courts. They want to spell out specifically the reasonableness. The trustees are in constant doubt exactly what they are supposed to do. In section 3 there is a concern who should be given notice. He feels an open meeting notice is totally unnecessary. They want the bill killed if all the amendments are not submitted.

Dave Figuli, Montana University System, opposed the first section of the bill that involves the individual because it is a great burden on the University system. It could result in many lawsuits and contention. Every matter that is discussed at a meeting involves an individual's view, etc. He showed a large stack of employee contracts that would require notice of approximately 1600 people. The open meeting law is not the place to address the problem. It should not become a vehicle that deals with the other issues that the public does not have the right to know. He opposes section 3 because it may cause contention and lawsuits. "If you like lawyers and litigation, you will like this bill."

Question from the committee: Senator Johnson asked Mr. Smith if he felt the first amendment spells it out the way he wants it, and he answered that it does.

Senator Ryan asked if "reasonable notice" is defined anywhere in the statutes, and he was told no.

Senator Hafferman suggested striking "reasonable", but Mr. Smith said he would have to check it more carefully. Senator Ryan asked if 48 hours or at least a specific time would be satisfactory. He then asked Mr. Smith if he is opposed to open meetings or just opposed to this bill. Mr. Smith said they wanted clarification, in particular the word, "reasonable". He said section 2 was amended and amended again. Their problem is with section 1 and section 3 involving the allowance of time.

Senator Johnson asked Mr. Meloy if "as determined by the governor's authority of the body" spells out more than "reasonable notice", and he said yes.

Chairman Story said it applies to all public meetings including those that do not have governing bodies. The real trouble is the government does not have a problem with most meetings. The public may be paying a high price.

Senator Hammond asked if there were any emergency provisions in the law itself, and he was answered affirmatively by Rep. Keedy. Some members require 48 hours. He was asked if there is some provision for the Department of Health, but Rep. Keedy said he cannot go through every department but most have provisions for special meetings.

Senator Hammond asked if an emergency meeting would entail discussion of some person in an accident, what would happen to this bill. Rep. Keedy said nothing in particular.

In closing Rep. Keedy said this bill has nothing more to do with school boards or any other public body. The testimony today sounded like it is due to conflict with school boards and MEA. It should not be regarded in that light because it does not deal with school laws at all, rather open meeting laws.

He referred to Senate Bill 154 by Senator Kolstad to amend open meetings and increase requirements imposed upon school boards that was submitted to the House education committee. The school board came and destroyed it.

In response to Meloy's answer to Senator Johnson regarding the public body determining what is reasonable notice, Rep. Keedy said the effect will be no notice whatsoever. He referred to Senate Bill 154, which schedules 48 hours before the meeting, and this conflicts with House Bill 71. Section 3 is essential to avoid a Catch-22 situation. If only thirty days are given, many days may elapse before it comes to an individual's attention.

He said this bill is an attempt to give greater guidance to public bodies so that they know what their obligations are and do not run into problems.

Chairman Story put this bill into a subcommittee with Senators Johnson, Hammond, Story and Ryan.

CONSIDERATION OF HOUSE BILL 766:

AN ACT TO AUTHORIZE PUBLIC AGENCIES TO ENTER INTO
COOPERATIVE AGREEMENTS WITH INDIAN TRIBES LOCATED
IN MONTANA.

Rep. Aubyn Curtiss read and enclosed her testimony and passed out two pamphlets, "Coal Tax Park Proposals" and "Land Controlled by the Montana Fish, Wildlife and Parks" for review by the committee.

The Representative wants an amendment to strike the governor as the oversight authority and insert the state land association.

PROPONENTS: Peter Jackson, Western Environmental Association, said the fact remains that land for public use is a controversial issue and needs to be addressed and given a simple decision to satisfy the public, particularly land owners. This bill provides that.

OPPONENTS: Jim Flynn, Department of Fish, Wildlife and Parks, enclosed testimony.

Larry Fasbender, liaison for the governor, said the bill provides that the governor give approval to those lands purchased, and they oppose that. Rep. Curtiss wants to amend it to give authority to state land association. The governor is not the proper person to make that decision and the ones he appoints should make that decision, the State Lands Board. This bill politicizes the purchase of state lands. They oppose the bill.

Questions: Senator Hafferman mentioned to Mr. Flynn that Lincoln County has land that may be purchased from private enterprise to expand. He was answered by Mr. Flynn that possible unseen circumstances may mitigate a loss of some sort; for example, the dam construction. That loss must be compensated for some other place. They are putting on other unnecessary approval and funding.

Senator Hammond said the problem is that this bill points to the fact that it is necessary for the fish and game to own land. Why cannot they lease land and leave it on the tax rolls. Mr. Flynn remarked that 1/2 of all they have is leased. Senator Hammond pointed out that Ducks Unlimited in Canada is almost all leased. Mr. Flynn replied that their organization has had the money in the past to buy land, but this may not continue in the future. They have a mandate to purchase so much land every year for fishing. He concurred that possible leasing will have to be investigated.

In closing Rep. Curtiss gave an estimated tax amount was to be found to be between \$9,000 and \$49,000. The transfer would be political. She said agencies as a state government should be responsible to the people of the state. To buy and sell real estate has not been in the best interest of the taxpayers.

CONSIDERATION OF HOUSE BILL 25:

AN ACT TO AUTHORIZE PUBLIC AGENCIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES LOCATED IN MONTANA.

Rep. Tom Conroy, sponsor, said this bill is a result of four years of litigation and investigating the law allowing the law and order of the Crow tribe. He gave a history of how it

came about. The legislature was trying to open dialogue with the Indians to accommodate some of the problems that had arisen. A message he has received from the Indians indicates they are pleased.

This bill enables legislation and does not say they have to enter into an agreement. He stated that government bodies would benefit by a cooperative agreement. It will benefit the Indians and non-Indians of Montana.

PROPOSERS: Senator Patrick Ryan expressed his support; Terry Thompson, representing the Bureau of Indian Affairs; and Rod Sayegusa, Montana Inter-Tribal Policy Board.

OPPOSERS: Rep. Carl Seifert had chaired the hearing on two reservations. The tribal boards thought it would be neither helpful nor detrimental. In Browning they said they would not work with the state unless they recognized them as a sovereign nation; this attitude also came up on the Flathead. He feels it may not accomplish anything.

Walter Hammermeister, Sheriff of Pondera Co., feels that they have a good working relationship with the tribes. The laws on the book allow all the cooperation. If this bill is passed, the public agencies and tribes must do what the legislation says. They already have the means and the authority listed on page 11.

It is not needed for law enforcement as specified on page 4, lines 1-12. The laws presently on the books provide more answers than this bill. The Blackfeet were opposed and gave no support at a hearing last summer and this was also the feeling at the Ponderosa. The intention of HB 25 as it is spelled out in the preamble gives the attorney general control of departments that are run by the governor.

Senator Nelson, opponent, submitted and read testimony of another individual in Glacier County. He also submitted his own testimony and James C. Nelson's testimony.

Questions: Senator Johnson asked Rep. Conroy about the six-month cancellation notice. If one wanted to put out that contract, it would be in effect for 6 months. This answer was correct. She then asked which law would rule. The answer was either side could terminate the contract by written agreement.

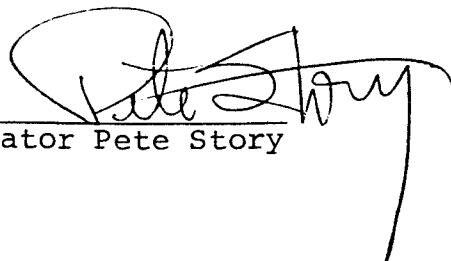
Senator Johnson asked what would be the result of a dispute, and the answer was that this agreement has to be entered into with the Department of Interior. She then asked which law rules supreme and was told that it would be a court case.

Senator Ryan asked what jurisdiction does Mr. Hammermeister have now. He was answered that in the hearings they did not feel the laws were adequate. He has been informed that Montana law is inadequate. The Crows and other tribes want this bill.

Senator Johnson was reaffirmed that the major thrust of this bill is for law enforcement. Senator Ryan made it clear he understood that if one party does not like it, they do not have to participate in it.

Senator Hammond asked about the jurisdiction within the state and was answered by Rep. Conroy that this bill addresses that with the consent of the Dept. of Interior. He left a book that gives the history of what they did during the hearings.

The meeting was adjourned at 12:05.



Senator Pete Story

ROLL CALL

STATE ADMINISTRATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-20-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Pete Story, Chairman	✓		
Senator Allen Kolstad, V. C.		✓	
Senator William Hafferman	✓		
Senator H. W. Hammond	✓		
Senator Jan Johnson	✓		
Senator Patrick Ryan	✓		
Senator Thomas Towe		✓	

Each day attach to minutes.

HOUSE BILL NO. 71

MR. CHAIRMAN, I move to amend the third reading copy of House Bill No. 71 as follows:

1. On page 1, in line 12 following the word "notice", by inserting the words ", as determined by the governing authority of the body,".
2. On page 1, lines 16 through 19 by deleting the sentence, "IN ADDITION, REASONABLE NOTICE SHALL BE DELIVERED TO ANY INDIVIDUAL WHO IS SCHEDULED TO BE THE SUBJECT OF DISCUSSION OR ACTION AT ANY REGULAR OR SPECIAL MEETING."
3. On page 3, lines 24 and 25 and further on page 4, lines 1 through 11, by deleting all of Section 3.

NAME: DAVID FIGULI DATE: 3-20-81

ADDRESS: 33 S. LAST CHANCE GULCH HELENA

PHONE: 449-3024

REPRESENTING WHOM? Bd. of Regents

APPEARING ON WHICH PROPOSAL: HB 71

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



MARCH 6, 1981

MONTANA STATE HOUSE OF REPRESENTATIVES

make copy for Koss
The Big Sky Country
#766
3-20
Aubrey
Curtiss
amend: give oversight and approval
Authority to State Lands Commission.
Strike governor - add insert "State Land Commission"

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE,

FOR THE RECORD, MY NAME IS AUBYN CURTISS, DISTRICT 20 REPRESENTATIVE.

MR. CHAIRMAN, HOUSE BILL 766 IS NO STRANGER TO THOSE OF YOU WHO HAVE BEFORE SERVED ON THE COMMITTEE, AND IN THE STATE LEGISLATURE. IT IS BEFORE YOU AGAIN, BECAUSE OF THE DEEP CONCERN MANY MONTANANS SHARE OVER THE CONTINUAL EROSION OF OUR TAX BASE, BROUGHT ABOUT BY LAND ACQUISITION POLICIES OF THE DEPARTMENT OF FISH, WILDLIFE AND PARKS.

THE INTRODUCED BILL, HB 251, PLACED OVERSIGHT RESPONSIBILITY ON THE LEGISLATURE. THE HOUSE FISH AND GAME COMMITTEE DOUBTED THE WISDOM OF DOING THAT BECAUSE THE LEGISLATURE MEETS ONLY EVERY TWO YEARS. THEY AMENDED IT TO TRANSFER THAT OPTION TO THE GOVERNOR AND MADE IT INTO A COMMITTEE BILL. THEY ALSO AMENDED ~~the~~ LIMITATIONS UPWARD TO READ ON PAGE 2 LINES, 3, 4, and 5 "THAT SUCH APPROVAL NEED BE OBTAINED FOR AREAS LARGER THAN 100 ACRES AND COSTING MORE THAN \$100,000."

THE DEPARTMENT IS PRESENTING PROPOSALS TO THIS LEGISLATURE FOR ACQUISITION OF ALMOST 6,861 ACRES WHICH WOULD REQUIRE A TOTAL OF \$6,896,000 OF COAL TAX MONEY. THESE REQUESTS MUST BE APPROVED BY THE BODY, AS REQUIRED BY STATUTE.

WHAT ARE NOT MONITORED BY THE LEGISLATURE ARE ACQUISITIONS PURCHASED BY OTHER EARMARKED FUNDS RECEIVED FROM FEDERAL AGENCIES,

FEES AND TAXES ON FIREARMS, SPORTING GOODS, AND AMMUNITION. IF I HAVE BEEN FURNISHED ACCURATE INFORMATION PROPOSED PURCHASES FOR FISCAL 1980-81, FUNDED FROM THESE OTHER SOURCES, TOTAL OVER 11,631 ACRES AND REFLECT A TOTAL EXPENDITURE OF ANOTHER \$5,557,834.

PASSAGE OF HB 102 REQUESTED BY THE DEPARTMENT, I BELIEVE, GIVES THEM GREATLY INCREASED FLEXIBILITY IN BUYING AND SELLING, AS WELL AS DEVELOPING THE RESOURCES ON LANDS THEY PURCHASE. IT ESSENTIALLY PUTS A DEPARTMENT OF STATE GOVERNMENT IN THE REAL ESTATE BUSINESS.

TOO OFTEN, LAND IS PURCHASED WITH EARMARKED MONIES OVER WHICH THE LEGISLATURE EXERTS NO CONTROL. THE STATE AND ITS TAXPAYERS MUST EXPEND GENERAL FUND MONEY TO MAINTAIN THE PROPERTIES SO ACQUIRED.

A NOTE ON MATERIAL FURNISHED ME INDICATES THAT A TYPICAL FISHING SITE COSTS \$1,000-\$5,000 ANNUALLY TO MAINTAIN: THE AVERAGE COST IS ABOUT \$2,250. I WONDER HOW MANY OF THESE WE CAN AFFORD.

MR. CHAIRMAN, I WISH TO POINT OUT THAT THIS REPORT DATED JULY 1980 CITES 1976 FIGURES FOR THEIR TOTAL OWNERSHIP. I WOULD LIKE TO HEAR FROM THE DEPARTMENT HOW MANY ACRES, OVERALL, THEY HAVE ACQUIRED SINCE THAT TIME. I WOULD ALSO LIKE TO KNOW HOW MANY ACRES THEY CONTROL BY LEASE, AND THE TOTAL AMOUNT OF TAXES PAID BY THE DEPARTMENT IN 1979.

IN ADDITION TO THE TOTAL ACREAGES ABOVE, THE ARMY CORPS OF ENGINEERS HAS PURCHASED ANOTHER 2,444 ACRES IN LINCOLN COUNTY WHICH THEY ARE IN THE PROCESS OF CONVEYING TO THE STATE OF MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS, TO MITIGATE ALLEGED GAME RANGE LOSS DUE TO LIBBY DAM. THE NEW TOTAL WHICH APPEARS TO BE MARKED FOR ACQUISITION IN SUMMER 1981 IS 20,936 ACRES. THE TOTAL

Page 3
March 6, 1981

COULD BE AS MUCH AS 30,000 SHOULD THE ARMY CORPS OF ENGINEERS
COMPLETE THEIR ASSIGNMENT.

MR. CHAIRMAN, COMMITTEE MEMBERS,

IN CLOSING I SIMPLY WISH TO SAY THAT I BELIEVE THAT AGENCIES
OF STATE GOVERNMENT SHOULD BE RESPONSIBLE TO THE PEOPLE OF THE
STATE. I BELIEVE THAT THE LATITUDE GIVEN THIS DEPARTMENT TO BUY
AND SELL REAL ESTATE HAS NOT BEEN IN THE BEST INTEREST OF MONTANA
TAXPAYERS, NOR HAS IT ENABLED THE DEPARTMENT TO BETTER MANAGE
MONTANA'S WILDLIFE.

FOR THAT REASON, I URGE YOU SUPPORT PASSAGE OF HB 251.

THANK YOU, VERY MUCH.

ERRATA SHEET FOR COAL TAX PARK PROPOSALS -- 1981

A report on proposed Coal Tax Acquisitions for the Montana State Park System,
prepared by the Montana Department of Fish, Wildlife and Parks

1. On page 15, (the Lake Elmo Proposal), the total cost of the project is \$3,500,000. Under other sources of assistance, the \$3,500,000 listed should be deleted. Some other sources of assistance could possibly be utilized and thus reduce the cost of the acquisition to what is available from the Coal Tax Fund.
2. On page 11, (the Engle Ranch Proposal), the project sponsor reported the following changes in the land purchase:

- dry land acreage available -- 2,373 deeded

- river bottom acreage available -- 550

Total Land Purchase = 2,923 acres

Owner's Asking Price = \$800,000.

3. The chart on page 3 contains errors and does not give a full picture of the cost of Coal Tax park acquisitions. The chart below illustrates this cost correctly and more adequately.

Acquisitions Made With the Coal Tax			Acreage	Appraisal, Survey, and Title Costs	Purchase Cost
December, 1977	Roche Jaune SRA	Custer County	1.0	\$ 460.75	\$ 19,600
June, 1978	Bannack SP addition	Beaverhead County	1 lot	--	1,850
June, 1978	Powder River Depot SM*	Prairie County	easement	1,203.75	-0-
August, 1978	Council Grove SM	Missoula County	186.0	3,287.50	140,000
October, 1978	Rosebud Battlefield SM	Big Horn County	4883.0	4,070.76	881,160
January, 1979	Makoshika SP Addition	Dawson County	650.36	1,847.50	143,900
July, 1979	Giant Springs-Heritage SP Addition	Cascade County	28.6	1,800.00	97,500
August, 1979	Lake Josephine (leased to city)	Yellowstone County	--	4,106.16	125,000
TOTAL			5749+ acres	\$16,776.42	\$1,409,010

Total Cost: \$1,425,786.42
Other Matching Funds: \$ 225,786.42
Coal Tax Funds: \$1,200,000.00

*Easement for historic monument, recreation and fishing access site from Burlington Northern.

Coal Tax Park Proposals - 1981

A report on proposed Coal Tax Acquisitions
for the Montana State Park System.



Prepared by the Montana Department of Fish, Wildlife and Parks;
Submitted by the Montana Fish and Game Commission
to the 1981 Montana State Legislature
in accordance with Section 23-1-108 MCA.

Representative

Aubyn Curtis

Co. 11
L. 1
Lumber
Please return

LANDS
CONTROLLED
by the
MONTANA
DEPARTMENT
OF
FISH, WILDLIFE
& PARKS

July, 1980

\$ 1.4
each year
for on licenses
90,000 for hunting
50,000



BLACKLEAF WILDLIFE MANAGEMENT AREA (DEPT. PHOTO)

PRESENTED BY: James W. Flynn, Director
Dept. Fish, Wildlife, & Parks

March 20, 1981

HB 766

Mr. Chairman, members of the committee, my name is Jim Flynn. I am here today on behalf of the Department of Fish, Wildlife, & Parks, and I speak in opposition to HB 766.

The problem this bill seeks to address is the claimed excessive purchase of land by the Department of Fish, Wildlife, & Parks. The past three sessions of the legislature, and this session, have considered proposals to limit or require legislative approval on department land acquisitions. Each has been rejected.

The department is the state agency charged with the responsibility of protection, preservation, and supervision of the wildlife of this state. It has also been granted the authority to acquire lands for a variety of purposes related to protection and preservation of wildlife, as well as provision of public hunting, fishing, and recreational areas. The department has been carrying out this charge since 1940 and has been acquiring lands important to wildlife and recreational purposes until now there are 214,774 purchased (102,000 leased) acres in our program as compared to the 94 million acres within the state of Montana. These lands are acquired because they provide optimum wildlife habitat or recreational opportunity. A primary focus of this land acquisition program has centered on key wintering areas for elk in the western half of the state, while in the eastern half of the state, it has focused on more diverse recreational activities.

The department does not purchase these lands without due consideration. After contact from a willing seller, a real estate agent, or department

employees, land acquisition is reviewed by regional supervisors and wildlife, parks, or fisheries personnel for their potential as viable wildlife or recreational habitat. A proposal is reviewed to determine whether it meets requirements under federal aid statutes, and I must approve and make the final decision on purchase before final action is taken. My decision is taken to the Fish & Game Commission for their approval before any acquisition of land is carried out.

The Fish & Game Commission is a citizen group charged, by law, with the responsibility of approving all acquisitions or transfers of land or water interests by the Department of Fish, Wildlife, & Parks. The law states that the department, only with the consent of the commission, may acquire by purchase, condemnation (in limited instances), lease, agreement, gift or easements land for fish hatcheries, nursery ponds and game farms, and also lands for public hunting, fishing, or trapping areas, state parks and outdoor recreation areas, and lands or water suitable for game, bird, fish, or fur-bearing animals restoration, propagation, or protection.

The department is not going to have a major budget for large land purchases in the upcoming biennium, but to the extent that a willing seller appears with the potential for protecting wildlife habitat and providing fishing and other recreation opportunity which may be determined as essential in a given area, this bill will add to the bureaucracy necessary in making that acquisition.

HB 766 will also create a potential of reverse pressure. By this, I mean that instead of individuals coming to the department to purchase land and to learn if the department is interested, they would be

him to talk to the department and commission about purchase of the land. At the present time, lands are purchased for their present and potential wildlife and recreational values. We feel these are proper and adequate considerations. HB 766 offers the potential for factors other than these to heavily impact the decision-making process.

For these reasons, we recommend HB 766 be given a do not concur recommendation.



The Big Sky Country

MONTANA STATE SENATE

Sen. Harold C. Nelson
District No. 7
Home Address:
704 3rd St. N.E.
Cut Bank, Montana 59427
Helena Address:
Capitol Station
Box 101
Helena, Montana 59620

Committees:
Labor & Employment Relations—Chairman,
Finance and Claims

The only way I could see any advantage to H.B. 25 would be with an amendment that would require:

(a) Prior approval of any such agreement by the Secretary of the Interior before it would become effective and that the approval by the Secretary would override (or act as a repeal of) and Federal or Tribal Law, regulation, or rule which might otherwise render such agreement illegal or invalid.

(b) That by such approval of any such agreement by the Secretary, the United States would automatically become a party to such agreement; that such agreement would be enforceable against the United States; and that the approval of the Secretary would constitute consent by the United States; and the Indian tribe, to being sued in any lawsuit involving such agreement in the United States District Court of the District wherein the Reservation of the contracting Indian tribe is located.

One Further Problem

Federal law prohibits seizure of tribal property to satisfy a judgment---This act would have to be amended to allow the enforcement of a judgment recovered in such a lawsuit though the seizure of sale of tribal property.



NAME: ROD SAYEGUSA

DATE: 3/20/81

ADDRESS: RR#2, Box 422, Clancy, MT.

PHONE: 933-5712

REPRESENTING WHOM? MONTANA INTER-TRIBAL POLICY BOARD.

APPEARING ON WHICH PROPOSAL: *HB-25*

SUPPORT?

AMEND?

OPPOSE?

COMMENTS:

NAME: Walter L. Hammermeister DATE: Mar 20, 1981

ADDRESS: Box 958 Conrad, Montana 59425

PHONE: 0 278 - 3923 H 278 - 3163

REPRESENTING WHOM? B. Sheriff & Ponder Co.

APPEARING ON WHICH PROPOSAL: HB 25

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

DATE 3-20

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with c-

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Walt. L. Hammermeister	Sheriff of Pondera Co	HB 25		✓
Betti Christie	Office of Public Instruction	71	✓	
David F. Ziegler	Montana Univ Sys	71		✓
Al Bersante	2BEA.			
Tom Bartlett	OMB & Co			
DAVID SEXTON	MONT. EDUC ASSN.	71	✓	
David Engel	State Law Lib	789	✓	
ALAN OSTBY	COMMON CAUSE	HB 71	✓	
Eric S. Anderson	MT. Petroleum Assoc	HB 766		
Alan Skadure	MT. Assoc of Counties			
Betsy Johnson	Senators	HB 766	✓	
David C. Nelson	Senators Dist 7	HB 25		
ROD SAYEGUSA	MONTANA INTER-TRIBAL POLICY BOARD	H B-25	X	

STANDING COMMITTEE REPORT

MARCH 20 19 81

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 789

YARDLEY (STORY)

HOUSE

Respectfully report as follows: That Bill No. 789

BE CONCURRED IN

STATE PUB. CO.
Helena, Mont.

PETE STORY

Chairman.