

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 11, 1985

The fourth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on January 11, 1985, by Vice Chairman Kermit Daniels in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Jack Galt, who was excused.

ACTION ON SB 5: Senator Towe stated that based on what was discussed yesterday, it would be impractical at this time to do a blanket repeal or individual repeal of all sections considered redundant. He sees no reason for a fiscal note, as there should be no impact at all. Senator Brown questioned what the list of section numbers provided by Mr. Petesch indicated. Mr. Petesch stated what that showed was the impracticality of repealing RCM sections, because most are subsections or portions of sections. Senator Daniels stated it would be a herculean task because there would be too many different opinions as to whether it were redundant or not. Senator Towe moved that SB 5 DO PASS, which motion carried with Senator Crippen voting in opposition.

ACTION ON SB 24: Senator Yellowtail stated that although the Tribes indicated they wished to file further written testimony and would have it to the committee by today, he did not believe it would be anything that would cause any serious objection. Senator Towe suggested we consider the bill even though the committee has not yet received any further information from the Tribes. Senator Towe moved that SB 24 DO PASS, which motion carried unanimously.

ACTION ON SB 26: Senator Towe moved that SB 26 be amended as follows:

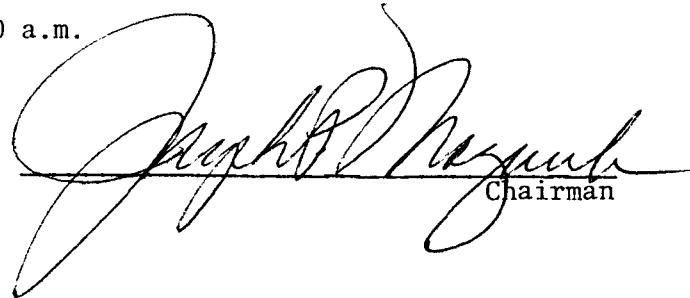
1. Page 2, line 14.
Following: "reservation"
Insert: "as established by act of Congress"
2. Page 3, line 15.
Following: "reservation"
Insert: as established by act of Congress"

Senator Towe explained this suggestion was made by one of the witnesses, but since it helps make it clearer, he would like to go along with it. Senator Crippen questioned whether there were any difference between the

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reservation boundaries now and the boundaries established by congress. Senator Yellowtail explained the only way the boundaries may be changed would be by act of congress. The staff researcher, Mr. Petesch, does not think this would be a problem. The motion to amend the bill passed unanimously. Senator Blaylock then questioned whether we could reject the bids if we didn't think they were right. Senator Towe explained it's in the enabling act that it must be by bid and by public auction. Senator Blaylock stated we should protect our lands. He prefers land exchange rather than land sales. Senator Crippen stated they need an appraisal, but that brings up the question as to how they appraise it. An appraiser is free to look at land that is locked and come up with a lower value. Senator Mazurek recalled that when it does transfer, it retains its status as school land. Senator Towe explained the emphasis of the bill is the land exchange. That is what they want to do. They don't have any intention of selling land anyway. Senator Daniels questioned what safeguards they have on an exchange so they don't get 640 acres of desert land for 640 acres of meadow land. Senator Towe stated the appraisal should take care of this problem. Staff researcher, Greg Petesch, stated section 11 of the enabling act provides that any of the said lands may be exchanged for other lands of equal value and as near as may be of equal value. Senator Yellowtail stated he believes our concern about the issues is well covered. Senator Towe moved the bill DO PASS, AS AMENDED, which motion was unanimously carried.

The meeting was adjourned at 10:30 a.m.



Chairman

STANDING COMMITTEE REPORT

JANUARY 11

19 35

MR. PRESIDENT

We, your committee on **JUDICIARY**

having had under consideration **SENATE** No. **5**

FIRST reading copy (**WHITE**)
color

PRECEDENCE OF CHANGED ACA OVER REDUNDANT UNCODIFIED PROVISION OF LAW

Respectfully report as follows: That **SENATE** No. **5**

DO PASS

DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

January 11

19 35

MR. PRESIDENT

We, your committee on **JUDICIARY**

having had under consideration **SENATE** No. **24**

FIRST reading copy (**WHITE**)
color

TO CLARIFY LIMITATIONS ON STATE TRIBAL COOPERATIVE AGREEMENTS

Respectfully report as follows: That **SENATE** No. **24**

DO PASS

~~DO NOT PASS~~

Chairman.

STANDING COMMITTEE REPORT

January 11

19. 85

MR. PRESIDENT

We, your committee on..... **JUDICIARY**

having had under consideration..... **SENATE** No..... **26**

FIRST reading copy (**WHITE**)
color

PERMITTING SALE OR EXCHANGE OF STATE LANDS TO MONTANA INDIAN TRIBES

Respectfully report as follows: That..... **SENATE** No..... **26**

be amended as follows:

1. Page 2, line 14.

Following: "reservation"

Insert: "as established by act of Congress"

2. Page 3, line 15.

Following: "reservation"

Insert: "as established by act of Congress"

AND, AS AMENDED,

DO PASS

~~XXXXXXXXXX~~

Chairman.

CLERICAL

Date: 1/11/85

S Bill 26

Time: 4:15 pm

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

Amendments 1 + 2

lower case " congress "

#1. Following: reservation

1/12/84 9:00 a.m. Margaret
Sponsor Chen

MER

Secretary of Senate
or
Chief Clerk

Legislative Council