#### MINUTES

# MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Brown, on January 6, 1989, at 9:00 a.m.

#### ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Judy Burggraff, Secretary; Lois Menzies,

Staff Researcher

Announcements/Discussion: None

### HEARING ON HB 2.

Presentation and Opening Statement by Sponsor: Rep. Marks stated the purpose of the bill is to clarify the polling of the Legislature after adjournment when the governor vetoes a bill previously approved by twothirds of each house.

Currently when a bill is vetoed after the Legislature has adjourned, the Secretary of State must immediately mail a copy of the bill and the veto message to each member of the Legislature and poll the members, if the bill was approved by two-thirds of the members of each house. Often members procrastinate sending their poll results back so the Secretary of State doesn't know when to cut the poll off because he didn't get enough positive votes to show that the veto had been overridden. This presents a problem to the people in the Legislative Council who have to codify the bills after the session.

This bill requires the Secretary of State within 5 days to mail a copy of the bill to members of the Legislature. Each legislator must return his vote

within 30 days after the date on which the bill and veto message are sent.

There were no testifying proponents or opponents.

Questions From Committee Members: Rep. Davis asked whether the 30 days was from date of receipt or from the date of mailing. Rep. Marks said it was from the date of mailing. Rep. Whalen asked if two-thirds of the legislators polled must respond to override the veto. Rep. Marks replied that it takes two-thirds vote of each house.

Closing by Sponsor: Rep. Marks requested a favorable response to the bill.

#### DISPOSITION OF HB 2

Discussion: None

Recommendation and Vote: Rep. Phillips moved <u>DO PASS</u>, seconded by Rep. Campbell. HB 2 passed unanimously.

#### HEARING ON HB 54

Presentation and Opening Statement by Sponsor: Rep. Hanson,
House District #100, stated that the Committee on
Indian Affairs wishes to continue their work into the
next interim. It now has four members and is
requesting a \$6,000 appropriation for the coming
biennium. The committee did manage to get by on \$4,500
last interim, but they had only one organizational
meeting. Since the tribes of this state represent our
largest minority and more people than what agriculture
represents, she felt the State Administration Committee
should pass this bill to fund their committee. The
committee mostly deals with tribal concerns. Having
the committee allows these concerns to be brought
before the Legislature.

List of Testifying Proponents and What Group They Represent:

Sen. Dick Pinsoneault, Senate District 27, Committee on Indian Affairs

Rep. Angela Russell, House District 99, Crown Indian Reservation

Rep. Bob Gervais, House District 9, Blackfeet Reservation

There are also five letters of support that have been entered into the records. See attachments.

### Testimony:

SEN. DICK PINSONEAULT said he is a member of the Committee on Indian Affairs and has been sitting on the committee for the past four years. He notes that the committee provides a forum for the tribal representatives from the seven reservations. The committee is a Legislative body where they can bring tribal concerns. Also, even though their budget is small the committee does have a substantial impact on the relationship between the reservation and the state of Montana.

An example of one issue that the committee addressed, is the implementation of the Indian Child Welfare Act. The committee sponsored two bills concerning the act; both were passed in the 1987 session. One bill allowed participation by tribal representatives in the adoptive and foster care process. The other bill created the 'position of Indian Child Welfare Specialist which acted as a liaison between the various tribes and the Indian Affairs Committee and did some "trouble shooting." He recommended the State Administration Committee give the bill a Do Pass.

REP. ANGELA RUSSELL stated that the Indians are the largest minority in the state of Montana with numbers of about 50,000; they make up about 5 to 6 percent of our population. She said that although there are separate jurisdictions, she feels it is imperative that we keep dialogue open between the jurisdictions because it is usually beneficial to both parties -- especially in keeping issues out of the court house. She urged passage of the bill.

REP. BOB GERVAIS said that the bill pretty much speaks for itself and seems like a good bill. He said the state of Montana has a dialogue going at the present time, and he thinks that it should be maintained. The tribes should be treated as an equal on a government-to-government basis. He recommended a do pass on the bill.

## List of Testifying Opponents and What Group They Represent:

None

Closing by Sponsor: Rep. Hanson said she believed this to be an important piece of legislation and she hoped that

the committee will recommend a do pass.

#### DISPOSITION OF HB 54

Motion: Rep. Whalen moved DO PASS on HB 54. Rep. Cocchiarella seconded the motion.

Discussion: Rep. O'Connell and members questioned why they should have to recreate this committee each session; they felt it was doing what it was set up to do and was beneficial in keeping dialogue going and keeping disputes out of the court house. Rep. Roth thought it was an important committee but that it should be continued the way it is, not as a permanent committee; he felt it would be more likely to be funded by the Appropriations Committee.

## Amendments and Votes:

Rep. O'Connell Moved to amend the bill to make it a permanent committee and remove the termination date. Rep. Russell seconded the motion. The motion passed, 16 - 2.

Rep. Squires moved <u>DO PASS AS AMENDED</u>, seconded by Rep. Cocchiarella.

See Standing Committee Report for listing of amend-ments.

#### DISPOSITION OF HB 11

Motion: Rep. Squires moved that HB 11 DO PASS, seconded by Rep. Russell.

<u>Discussion:</u> Rep. Phillips said that with Montana having only four electoral votes it wouldn't make much difference what we did and that he didn't think the bill was a good approach.

Rep. Moore said she was in support of HB 11. She stated that there are about 14 states that are about in the same situation that Montana is in and are very sparsely populated states. She said that obviously in 1969 there was a real failure in the electoral college process; and, even though Maine has already passed this bill into law, Montana could be second and get those 14 states lined up in a row. When the next electoral college fails and we have problems like we did in 1969

with George Wallace, we would have the mechanism to finally get something done.

Rep. Russell said that instead of the usual process of "winner take all" that this provides a voice for the minority, and she feels that it is real important that that minority voice be heard.

Rep. Squires feels that the bill would increase voter participation rather than the apathy that we see in many of the elections that occurred. She said that if people do honestly feel that their vote did count and the mechanism was in place through the electoral college to more accurately reflect their vote that they would be more inclined to vote.

Rep. Spring said that he agreed with Rep. Phillips, and he opposed the bill.

Rep. Whalen said he would like to speak in favor of the bill. He said that often times things are broken that we don't know that they are broken until we reach a crisis situation. He said that Dorothy Bradley has been bringing this bill to the State Administration Committee for a number of years and to his knowledge it has never made it to the floor. He thinks that it is an important enough issue that everybody should have the opportunity to hear the bill:

Rep. Cocchiarella said she doesn't think that voters realize that they have a say so in the electoral college, and she thinks it is our responsibility to take care of the voters.

Rep. Campbell feels that it would lessen the power of the state of Montana.

Rep. O'Connell agreed with Rep. Whalen that this bill ought to be sent to the floor for discussion.

Rep. Roth says he does understand the problem with the electoral college, but that he didn't think that if two states changed their laws it would make any difference. He said he thought that to pass a bill simply to get it to the floor was not the thing to do as there are enough bills on the floor right now; and to bring a bill to the floor that wouldn't make any difference is not a wise use of time.

Rep. Nelson felt that the committee process was to weed out bills, and he agreed with Rep. Roth. He did not think that Montanans exhibit apathy in their voting

when you consider that the state-wide turnout for the presidential election was 75 percent.

Amendments and Votes: None

Recommendation and Vote: The motion PASSED 10 - 8, with Reps. Campbell, Compton, Debruycker, Hayne, Nelson, Phillips, Roth and Spring voting no.

#### **ADJOURNMENT**

Adjournment At: 9:45 a.m.

N BROWN, Chairman

JB/jb

0514.min

# DAILY ROLL CALL

# STATE ADMINISTRATION COMMITTEE

# 51th LEGISLATIVE SESSION -- 1989

Date January 6, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Jan Brown, Chairman	/		
Rep. Helen O'Connell, Vice Ch.	/		
Rep. Vicki Cocchiarella			
Rep. Ervin Davis	/		
Rep. Floyd "Bob" Gervais	V		
Rep. Janet Moore	/		
Rep. Angela Russell	/		,
Rep. Carolyn Squires	/		
Rep. Vernon Westlake	V		
Rep. Timothy Whalen	$\checkmark$		
Rep. Bud Campbell			
Rep. Duane Compton	<b>√</b>	·	
Rep. Roger DeBruycker	$\sqrt{}$		
Rep. Harriet Hayne			
Rep. Richard Nelson	✓		
Rep. John Phillips	V		
Rep. Rande Roth	<b>√</b> ,	•	
Rep. Wilbur Spring, Jr.			
•			

## STANDING COMMITTEE REPORT

January 6, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>State Administration</u> report that <u>HOUSE BILL 2</u> (first reading copy -- white) <u>do pass</u>.

Signed:

Jan Brown, Chairman

#### STANDING COMMITTEE REPORT

January 6, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>State Administration</u> report that <u>House Bill 54</u> (first reading copy -- white) <u>do pass as amended</u>.

Signed: Jan Brown, Chairman

1. Title, line 5. Following: "CREATING A" Insert: "STATUTORY"

2. Title, line 6. Strike: "PROVIDING" through "1991;" on line 7

3. Page 5, line 10. Strike: "52nd"

4. Page 5, lines 11 through 13. Strike: section 9 in its entirety Renumber: subsequent sections

## STANDING COMMITTEE REPORT

January 6, 1989

Mr. Speaker: We, the committee on <u>State Administration</u> report that <u>HOUSE BILL 11</u> (first reading copy -- white) <u>do pass</u>.

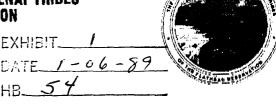
Signed: Jan Brown, Chairman

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# THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

**조** 1 406 675 2806

P.O. Box 278
Pablo, Montana 59855
(406) 675-2700
FAX (406) 675-2806



Joseph E. Dupuls - Executive Secretary Vern L. Clairmont - Executive Treasurer Bernice Hewankorn - Sergeant-at-Arms

January 5,1989

TRIBAL COUNCIL MEMBERS:
Michael T. (Mickey) Pablo - Chairman
Donald (Fred) Matt - Vice-Chairman
Elmer (Sonny) Morigeau, Jr.
Floyd W. Nicotal
Louis W. Adams
Laurence Kenmille
Robert L. (Bob) McCrea
Lityd D. Irvine
Joe Dog Felsman
Pat Lefthand

Jan Brown, Chairperson State Administration Committee Capital Building Helena, Montana

Honorable Jan Brown,

I am writing in support of House Bill 54 to continue the life of the State Indian Affairs Committee.

I believe the Indian Affairs Committee is an excellent and beneficial committee to bring state and tribal issues to the state legislature. The Committee provides needed communication for all people so that we may work together for the benefit of us all.

Sincerely,

Michael T. Pablo, Tribal Chairman Confederated Salish & Kootenai Tribes

# FORT PECK TRIBES

Assiniboine & Sioux

DATE 1-06-89 HB 54

January 5, 1989

Honorable Jan Brown, Chairwoman State Administration Committee State Capital Helena, Montana 59260

Dear Ms. Brown:

On behalf of the Fort Peck Assiniboine and Sioux Tribes, I would like to wish you and the other members of the committee a Happy New Year.

The Tribal Executive Board, our governing body, has expressed a sincere interest in the continuation in the State's Committee on Indian Affairs. We urge you to strongly recommend to the State Legislature the passage of House Bill 54 as proposed by Representative Marian W. Hanson.

We feel that the existence of the Indian Affairs Committee would not only prove invaluable to the promotion of Indian-nonIndian relations, but would also provide a forum to express our concerns. We know that in the past this committee has already played a functional role in the formation of public policy as it relates to Indian issues. Our wish is that it continue.

Best Wishes,

Chairman

Raymond White Tail Feather

CC: Honorable Stan Stephens, Governor

01/05/89 15:57 **2**353 2797 FT BELKNAP TRIBE

Ø 002 DATE\_1-06-89

# Fort Belknap Community Council



(406) 353-2205 P.O. Box 249 Fort Beiknap Agency Harlem, Montana 59526

> Fort Salknap Indian Community (Tribal Govt.) Fort Belknep Indian Community

(Elected to administer the affairs of the community and to represent the Assintbolne and the Gros Ventre Tribes of the Fort Belknap Indian Reservation

January 5, 1989

Jan Brown, Chairperson STAR Administration Committee Montana State Legislature State Capitol Helena, MT 59620

Dear Chairman Brown:

We are writing this letter to you to express the support of the Fort Belknap Community Council for House Bill (H.B.) -54. We understand that this piece of legislation will recreate the Legislative Committee on Indian Affairs for this session of the Montana Legistative Session.

We the governing body of the Fort Belknap Indian Reservation strongly feel that there is a need for a Committee on Indian Affairs. In this year, the very beginning of Montana's second century of existence, the Gros Ventre and Assiniboine Tribes of Fort Belknap also begin our second century of unified existence. Our reservation consists of 652,000 acres and we have 4,782 enrolled Gros Ventres and Assiniboine Tribal members.

Since we are also Montanans we have many concerns which we share with the State of Montana. Heretofore we have always been able to meet with the State of Montana and settle any differences which we may have had. With the establishment of the Legislative Committee on Indian Affairs we will be able to have an excellent vehicle for continued, postive dialogue.

If you have need of any more information we would be happy to provide it to you...

W allen

Albert Horn, Sr.,

cc: file

DATE 1-06-89

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone:

(406)-395-4478 or 4727 - Finance Office (406)-395-4282 or 4285 - Business Committee Rocky Boy Route, Box 544 Box Elder, MT 59521

RESOLUTION

NO: 109-88

TO SUPPORT THE MONTANG STATE LEGISLATOR INDIAN AFFAIRS COMMITTEE

WHEREAS, THE CHIPPEWA ORDE TRIBAL BUSINESS COMMITTEE IS THE GOVERNING BODY OF THE CHIPPEWA CREE TRIBAL OF THE ROCKY BOY'S INDIAN RESERVATION BY THE OUTHORITY OF CONSTITUTION AND EY-LAWS OF THE CHIPPEWA CREE TRIBE APPROVED ON THE 23RD DAY OF NOVEMBER, 1935, AND

WHEREAS, the Business Committee is fully aware of the crucial importance of the Montana State Legislator Indian Affairs Committee, and

WHEREAS, past association with the Montana State Legislator Indian Affairs Committee has been beneficial to the Chippewa Cree Tribe, NOW

THEREFORE BE IT RESOLVED, that the Chippewa Oree Tribal Business Committee strongly support and endorse the Montana State Legislator Indian Affairs Committee and request maintenance of said committee.

# CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY/TREASURER OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS OF WHOM 6 MCMODERS CONSTITUTING A QUORUM WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD, THIS 5 DAY OF JONUARY, 1989, AND THAT THE FOREGOING RESOLUTION WAS DULY ADOPTED, AT SUCH A MEETING, BY THE AFFIRMATIVE VOTE OF 5 MEMBERS FOR AND 0 MEMBERS AGAINST, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

CHAIRMAN BUSINESS COMMITTEE

SECRETARY, BUSINESS COMMITTEE

TO'A #2.00 YO.00.10

KHMSMIIIEV FROM



# NORTHERN CHEYENNE TRIBE

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• WOHEHIV -The Morning Star

P.O. Box 128

LAME DEER, MONTANA 59043

January 5, 1989

State Administrative Committee Attn: Jan Brown Helena, Montana

Dear Jan;

The Northern Cheyenne Tribal Council is in full support in continuing the Legislative Committee on Indian Affairs. This Committee has been instrumental in clarifying Indian Issues and has contact with the Tribes in Montana.

We therefore urge support of House Bill 54, which recreates the Legislative Committee on Indian Affairs. We would like the continued support of this Committee by the State Legislature.

Sincerely,

Edwin Dahle

President

Northern Cheyenne Tribe

# VISITORS' REGISTER

# STATE ADMINISTRATION COMMITTEE

HB BILL NO. 2	DATE 1-06-89		
SPONSOR Rep. Marks			
NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Granth Jacobson	Sec. of State's Office		
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

# STATE ADMINISTRATION COMMITTEE

HB BILL NO. 54	DATE 1-06-89		
SPONSOR REP. M. HANSON	<del></del>		
NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Sungola Trusell	Box 333 hodge braws, Mt	X	
Loyd BOB FERVAIS  MJ Form Bureau  Johnson Silvis	Box 1810 Browning 14T	X	
Lompine Sellis			
Dik Vinsweget	By 250 St. Ignolius, Mt.	X	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# ROLL CALL VOTE

	COMMITTEE	
DATE 1-06-89 BILL NO. #8 11	NUMBER	
NAME	AYE	NAY
Jan Brown		
Helen O'Connell	1/	
Vicki Cocchiarella	V	
Ervin Davis		
Floyd "Bob" Gervais	7.	
Janet Moore		
Angela Russell		·
Carolyn Squires		
Vernon Westlake	V.	
Timothy Whalen		
Bud Campbell		V
Duane Compton		V
Roger DeBruycker		V
Harriet Hayne		1
Richard Nelson		V
John Phillips		V,
Rande Roth		V
Wilbur Spring, Jr.		1
		L
TALLY	10	
Jud. Burgauff Segretary 97 11	in Brown	
// Segretary // //	Chairman	
NOTION: O Pass		
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