

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on January 15, 1991, at 10:00 A.M. in Room 405.

ROLL CALL

Members Present:

Eleanor Vaughn, Chairperson (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)
Bernie Swift (R)

Members Excused: None

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON SENATE BILL 43

Presentation and Opening Statement by Sponsor:

Senator Noble, Senate District # 21, Great Falls, stated that Senate Bill 43 is an act eliminating Heritage Day as a state holiday and establishing as a state holiday Chief Joseph Day on the third Monday in January. Heritage Day is a state paid holiday set aside by the governor to honor our heritage. He's proposing to eliminate that and move that holiday to coincide with the national holiday on the 3rd Monday in January. There should be a minor saving to the state, because when there is a national holiday and no state holiday, and visa versa, interaction between the two entities is stymied. That's time lost. The reason for Chief Joseph Day is that Chief Joseph has become the essence of the struggle for human equality and

dignity. Neighborhoods are split on the distinctions between white and red. The civil rights efforts have become centered around the native American for racial equality. Chief Joseph was known for non-violent resistance against his oppressors. He proposes naming this holiday the Chief Joseph Day in Montana.

Proponents' Testimony:

Henrietta Whiteman Morton rose in support of Senate Bill 43. She handed the committee copies of her testimony. (See Exhibit # 1)

Lawrence Kenmille, Vice Chairman of the Confederated Salish and Kootnai Tribes, said he's proud that someone has taken the initiative to submit a bill which would recognize the first occupants of this nation, country and territory. Chief Joseph was a strong leader. He feels that Chief Joseph would have liked to see all native Americans recognized. Mr. Kenmille suggested an amendment to Senate Bill 43 that on page 1, strike line 15 entirely, then on page 1, line 21, strike the words "Columbus Day" and insert "Native American Day".

Representative Bob Gervais, House District 9, Glacier County and Blackfeet Reservation, said he supports Senate Bill 43 but only with the amendments.

Gary Foster is known as a mixed blood who lives in Helena. He has resided in Montana 25 years. He supports SB 43 with the amendment and feels it would bring Indian people around the state and nation together.

Rhonda Langford, a member of the Confederated Salish and Kootnai Tribes is in favor of Senate Bill 43 with the amendments. Thank you for listening to this bill and recognizing the importance of civil rights for native Americans in the state of Montana. She said Columbus is not a native American hero. He brought the concept of adverse possession to this country. She thinks it would be appropriate to change that particular holiday.

Pat Smith of Arlee, an attorney for the Salish Kootnai Tribes, supports the bill and the amendment offered by Vice Chairman Kenmille. He said since Christopher Columbus was the first European to enslave Indians, it would be appropriate to change Columbus Day and honor Native Americans.

Senator Dennis Nathe, Senate District # 10, said that the committee should add more names, primarily those from Montana. Perhaps start with Crazy Horse, Sitting Bull, Redstone, the Assiboine, Louie Real, Plenty Coup, because these people all made outstanding contributions to their culture.

Opponents' Testimony:

John Manzer, business representative for the Teamsters Union in Great Falls stated that he represents 6 thousand teamsters state wide and approximately half of them are affected by the Heritage Day holiday. They are opposed to changing Heritage Day for many of the same reasons that the Native American Indians would like to see Native American Day recognizing all Indians. They would support the amendment, but rise in opposition to Senator Nobles bill setting out 1 native American Indian to recognize. The concept of Heritage Day represents very many people, which includes Native American Indians. Heritage Day allows each individual to do as he pleases on that particular day with his family to build his own heritage or recognize that he has within his own nationality or race. He recalled the bicentennial and how so many different activities were enjoyed across the state. Taking Heritage Day away would be a disservice to many people in the state. He opposes Senator Noble's bill but not the amendment.

Questions From Committee Members:

Senator Blaylock asked Senator Noble if he would support the amendment. Senator Noble responded that his reason for picking Chief Joseph was that he would represent all Indians, since he struggled for human equality. He suggests changing Chief Joseph Day to Native American Day. He likes the day he has designated, but would accept either day.

Senator Blaylock asked Senator Noble if he minded calling the holiday Native American Day? He agreed that would be fine.

Closing by Sponsor:

Senator Noble asked the committee to find a day to honor the native Americans. He said that's where the civil rights conflicts are more likely to happen in Montana. It's something we need to respond to by giving a holiday.

Chairperson Vaughn state we will not take executive action today because there are amendments to be considered, and there are other bills coming up designating changing Heritage Day to other things. We will put this under advisement and take action at a later date. We will be meeting on the 17th and 21st and proceed with taking action at that time.

GOVERNOR APPOINTMENTS

Chairperson Vaughn announced the committee has received a list of appointments by the governor that needs to be confirmed by the Senate. She has some biographical sketches for the people listed in the request. She has assigned each person on the list to a committee member to investigate, to check on and to do whatever

they feel is right to get us back a report on these confirmations. The governor's office has given us a sketch and made it clear that their office is open and we can feel free to contact Rick Bartos or John Kenna for answers to any questions we have. The appointment of Charles Brooks is given to Senator Fritz; Robert Marks, to Senator Blaylock; Dennis Iverson, Dept. of Health, to Senator Hockett; Tom Olson, to Senator Farrell; Zoann Atwood, Director of the State Lottery, to Senator Swift; and Dennis Adams, to Senator Rea.

ANNOUNCEMENTS

There is no committee meeting tomorrow. On January 17th Senate Bills 71 and 76 are schedule to be heard in room 331. On Monday, January 21 Senate Bill 78 is scheduled to be heard in the Senate Judiciary Room as a Joint hearing with the House State Administration Committee at 10:00.

Senator Blaylock asked when will executive action be taken on Senate Bill 43? He will be gone Thursday, Friday and Saturday. Chairperson Vaughn responded that we should hear the Martin Luther King bill on the 21st, since they are both asking for a change of holidays. We could take executive action on both bills after that time.

Senator Farrell asked what the procedure would be on appointments? Are we going to have hearings on appointments if anyone wants to oppose someone? Chairman Vaughn responded that if any committee member would like to ask those people to be present, they have that right. If you want that done, please let her know so that she can schedule them to appear.

Senator Blaylock asked if we are getting the Supreme Court judge nominees. There is a judicial appointment up from Butte and will we get that appointment? Chairperson Vaughn responded that it's going to Judiciary.

Senator Hockett asked if the appointments she'd given out for perusal were already acting in that capacity?. Chairperson Vaughn responded that they were because the legislature only meets every two years, those people are appointed and it's up to the Senate to confirm or deny their appointment. That is one of the problems of the biennial system. The appointees have always been willing to come before the committee.

Senator Hockett asked if these nominees had signed these biographical sketches as they would a resume? Rick Bartos responded that the information you have came from each of the appointees.

Senator Blaylock asked for complete biographical resumes on each department head appointment. Rick Bartos responded that his office would supply every committee member a complete resume of

each nominee. The department heads are the only appointments that need to be so detailed. The many boards that are appointed by the governor needn't be so detailed.

Senator Swift asked if he could contact a former employer, or a name on the resume on his own without going through the governor. Chairperson Vaughn said it is perfectly acceptable to inquire into an appointees background in order to feel comfortable in confirming the appointment.

ADJOURNMENT

Adjournment At: 10:50 A.M.


ELEANOR VAUGHN, Chairman


DOLORES HARRIS, Secretary

EV/dh

ROLL CALL

STATE ADMINISTRATION COMMITTEE

DATE 1-15-91

52 LEGISLATIVE SESSION _____

NAME	PRESENT	ABSENT	EXCUSED
SENATOR ELEANOR VAUGHN	X		
SENATOR BOB PIPINICH	X		
SENATOR JOHN ANDERSON	X		
SENATOR CHET BLAYLOCK	X		
SENATOR JAMES BURNETT	X		
SENATOR "BILL" FARRELL	X		
SENATOR HARRY FRITZ	X		
SENATOR BOB HOCKETT	X		
SENATOR JACK "DOC" REA	X		
SENATOR BERNIE SWIFT	X		

Each day attach to minutes.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 15 day of Jan, 1991.

Name: John Manzer

Address: P.O. Box 2648 G.F 879403

Telephone Number: 406 - 453 - 1431

Representing whom?

Teamsters Union / Public Employees Craft Council

Appearing on which proposal?

5.3^{II} 43

Do you: Support? _____ Amend? _____ Oppose? X

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

SENATE BILL NO. 43

52nd Legislature

SB 0043/01

INTRODUCED BY SENATOR JERRY NOBLE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING HERITAGE DAY AS A STATE HOLIDAY; ESTABLISHING AS A STATE HOLIDAY CHIEF JOSEPH DAY ON THE THIRD MONDAY IN JANUARY; AND AMENDING SECTION 1-1-216, MCA."

Senate State Administration Committee
January 15, 1991

PROPONENT: HENRI WHITEMAN MORTON

Mr. Chairman and Members of the Committee:

My name is Henrietta Whiteman Morton, my address is 119 Foss Court, Missoula, Montana.

I am pleased to provide testimony in support of Senate Bill 43, a bill that proposes to establish Chief Joseph Day as a state holiday.

This bill has been introduced by Senator Jerry Noble of Great Falls, whose constituency includes many of this state's first citizens. This bill and the forethought that obviously went into it serves as evidence of the sponsor's responsiveness to the cultural dignity that Montana is committed to maintaining in its relationships at both the individual and tribal state government levels.

Though separated by time and heritage, Senator Noble like the man he honors in this legislation are both wise leaders of their people. They are both humanitarians and peace-makers. Each possesses a courage that is guided not only by the intellect, but by the heart, as well.

Today, January 15, 1991, is an historic day. The Persian Gulf situation poses a national threat and we are at the crossroads between war and peace. Helen Howard and Dan McGrath, two of Joseph's biographers commenting upon his 1,800 mile running battle from Oregon, through Idaho, and across Montana to the Bear Paw Mountains conclude that he "had accomplished a military exploit of the first magnitude, and displayed the tactical skill of a Napoleon" (War Chief Joseph, p.284).

What is even more significant, however, was his will toward maintaining peace. On October 5, 1877 he stated, "from where the sun now stands, I will fight no more forever" (Henry, From Where the Sun Now Stands, p.230). Today, our world leaders would do well to pay heed to these words and these sentiments, which are embodied in Senator Noble's proposed legislation to honor this great Nez Perce man.

It is time in our country's development that our history reflect the culturally pluralistic composition and orientation of its people. In terms of this evolution, Montana occupies a proud place in history, particularly as it pertains to its new Constitution adopted by its citizens in 1972. Constitutionally declared policy is explicit in terms of recognizing the cultural uniqueness of its American Indian population and in maintaining their integrity as a people. The State has been in the vanguard of this movement toward cultural pluralism and will continue this momentum in terms of its direction proposed in this legislation.

I would like to reiterate that though Chief Joseph was a Nez Perce, he was global in terms of his concern for all Indians as a race. I am certain that he would not want recognition only of himself, but would like all his American Indian kinsmen to share in this recognition of their common humanity.

The future is important to us, particularly as we near the 500 year anniversary of living in this country as American Indians and non-Indians. Columbus Day need not be diminished in any way but rather become a means of creating a healthy balanced view of history and a time of celebrating our common destiny as a country. With the passage of this amended bill, the year 1992 can be pivotal in terms of positive intercultural relations in which there is a sincere respect for cultural diversity.

I believe that was Chief Joseph's vision, who in his twilight years had time to reflect upon his personal tribal history and by extension American history as he said:

When I think of our condition . . . my heart is heavy. We only ask an even chance to live as other men live. We ask to be recognized as men. . . . Whenever the white man treats the Indian as they treat each other, then we shall have no more wars. We shall be all alike--brothers of one father and one mother, with one sky above us and one country around us, and one government for all (Henry, pp. 244-245).

Today, we can begin writing a new State history and Senator Noble has provided strong leadership direction in this regard. In conclusion, I strongly urge you to pass Senate Bill 43 favorably out of Committee.

SENATE STATE ADMIN.

EXHIBIT NO. 2

DATE Jan. 15, 1991

BILL NO. SB43

AMENDMENTS TO

SB 43

Page 1, line 15, Strike:line 15 in its entirety.

Page 1, line 21, Strike:"Columbus Day"
Insert:"Native American Day"

Amend Title as necessary.