

1 *House* BILL NO. *829*
 2 INTRODUCED BY *Daniel Meloy*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE \$65,000
 5 FROM THE GENERAL FUND FOR AN INQUIRY INTO CRIMINAL AND CIVIL
 6 JURISDICTION OVER INDIAN COUNTRY TO PROVIDE RESEARCH AND
 7 PUBLIC HEARINGS AS A BASIS FOR SUGGESTED SOLUTIONS TO
 8 PROBLEMS CONFRONTING INDIANS AND NON-INDIANS LIVING IN
 9 MONTANA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Appropriation. There is appropriated from
 13 the general fund for the biennium ending June 30, 1979, the
 14 sum of \$65,000 to the legislative council which shall expend
 15 such portions thereof as are necessary to carry out this
 16 act.

17 Section 2. Purpose. The basic purpose of this act is
 18 to inquire into the complex situation that confronts Indians
 19 and non-Indians living on or near Indian country and
 20 federal, state, local, and tribal governments in Montana
 21 regarding criminal and civil jurisdiction generally and
 22 water rights, hunting and fishing rights, regulation of
 23 property, environment, and taxation specifically and to
 24 provide historical and legal research and public hearings as
 25 a basis for suggestions as to the solutions to the problems

1 found.

2 Section 3. Indian country jurisdiction committee. (1)
 3 The committee on committees of the senate shall appoint four
 4 senators and the speaker of the house shall appoint five
 5 representatives to serve on a select committee to carry out
 6 the inquiry contemplated by this act. No more than two
 7 members of the senate or three members of the house may be
 8 of the same political party.

9 (2) The committee shall elect one of its members as
 10 chairman and such other officers as it considers necessary.

11 (3) The committee shall meet as often as necessary
 12 upon the call of the chair. Members of the committee shall
 13 be compensated and reimbursed for expenses for attending
 14 committee meetings as provided by statute from the
 15 appropriation contained in this act.

16 Section 4. Task. The committee shall:

17 (1) study the historical and legal background of the
 18 subject of Indian jurisdiction for each particular Indian
 19 tribe and relevant Indian country, legislation, and
 20 developments, including litigation, in certain substantive
 21 areas such as water rights, hunting and fishing rights,
 22 regulation of property, environment, and taxation;

23 (2) hold hearings within each of Montana's Indian
 24 reservations and review the practical problems that confront
 25 state Indians and non-Indians living on or near those Indian

1 reservations;

2 (3) consider the problems faced by federal, state,
3 local, and tribal governmental units as the result of
4 different laws and judicial systems that share part or all
5 of the jurisdiction over the subject areas;

6 (4) suggest appropriate arrangements of Indian and
7 non-Indian representatives meeting together to work out
8 problems of jurisdiction;

9 (5) prepare a report, which shall be published by the
10 legislative council, of the findings with suggested
11 alternative solutions, including the following as potential
12 means of solution:

13 (a) generally educating non-Indians and Indians as to
14 the legal and historical context of the Indian country
15 jurisdiction issue to resolve confusion;

16 (b) ceding or retroceding portions of jurisdiction or
17 resolving confusion by use of any combination of the
18 following:

19 (i) interagency arrangements;

20 (ii) suggested amendments to existing federal, state,
21 local, or tribal governmental constitutions, statutes,
22 codes, or ordinances;

23 (iii) litigation.

-End-

Approved by Comm. on
Appropriation

HOUSE BILL NO. 829

INTRODUCED BY DRISCOLL, MELOY

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE ~~\$65,000~~
\$71,000 FROM THE GENERAL FUND FOR AN INQUIRY INTO CRIMINAL
AND CIVIL JURISDICTION OVER INDIAN COUNTRY TO PROVIDE
RESEARCH AND PUBLIC HEARINGS AS A BASIS FOR SUGGESTED
SOLUTIONS TO PROBLEMS CONFRONTING INDIANS AND NON-INDIANS
LIVING IN MONTANA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Appropriation. There is appropriated from
the general fund for the biennium ending June 30, 1979, the
sum of ~~\$65,000~~ \$71,000 to the legislative council which
shall expend such portions thereof as are necessary to carry
out this act.

Section 2. Purpose. The basic purpose of this act is
to inquire into the complex situation that confronts Indians
and non-Indians living on or near Indian country and
federal, state, local, and tribal governments in Montana
regarding criminal and civil jurisdiction generally and
water rights, hunting and fishing rights, regulation of
property, environment, and taxation specifically and to
provide historical and legal research and public hearings as
a basis for suggestions as to the solutions to the problems

SECOND READING

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Section 3. Indian country jurisdiction committee. (1)
The committee on committees of the senate shall appoint four
senators and the speaker of the house shall appoint five
EQUI representatives to serve on a select committee to carry
out the inquiry contemplated by this act. No more than two
members of the senate or three IND members of the house may
be of the same political party.

(2) The committee shall elect one of its members as
chairman and such other officers as it considers necessary.

(3) The committee shall meet as often as necessary
upon the call of the chair. Members of the committee shall
be compensated and reimbursed for expenses for attending
committee meetings as provided by statute from the
appropriation contained in this act.

Section 4. Task. The committee shall:

(1) study the historical and legal background of the
subject of Indian jurisdiction for each particular Indian
tribe and relevant Indian country, legislation, and
developments, including litigation, in certain substantive
areas such as water rights, hunting and fishing rights,
regulation of property, environment, and taxation;

(2) hold hearings within each of Montana's Indian
reservations and review the practical problems that confront
state Indians and non-Indians living on or near those Indian

1 reservations;

2 (3) consider the problems faced by federal, state,
3 local, and tribal governmental units as the result of
4 different laws and judicial systems that share part or all
5 of the jurisdiction over the subject areas;

6 (4) suggest appropriate arrangements of Indian and
7 non-Indian representatives meeting together to work out
8 problems of jurisdiction;

9 (5) prepare a report, which shall be published by the
10 legislative council, of the findings with suggested
11 alternative solutions, including the following as potential
12 means of solution:

13 (a) generally educating non-Indians and Indians as to
14 the legal and historical context of the Indian country
15 jurisdiction issue to resolve confusion;

16 (b) ceding or retroceding portions of jurisdiction or
17 resolving confusion by use of any combination of the
18 following:

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20 (ii) suggested amendments to existing federal, state,
21 local, or tribal governmental constitutions, statutes,
22 codes, or ordinances;

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 appropriation contained in this act.

Section 4. Task. The committee shall:

(1) study the historical and legal background of the
 subject of Indian jurisdiction for each particular Indian
 tribe and relevant Indian country, legislation, and
 developments, including litigation, in certain substantive
 areas such as water rights, hunting and fishing rights,
 regulation of property, environment, and taxation;

(2) ~~GIVE NOTICE AND~~ hold hearings within each of
 Montana's Indian reservations and, ~~IN CONSULTATION WITH~~
~~INDIAN AND NON-INDIAN INDIVIDUALS AND ASSOCIATIONS,~~ review

1 the practical problems that confront state Indians and
 2 non-Indians living on or near those Indian reservations;
 3 MINUTES OF THE HEARINGS SHALL BE MADE AVAILABLE TO
 4 INTERESTED PERSONS.

5 (3) consider the problems faced by federal, state,
 6 local, and tribal governmental units as the result of
 7 different laws and judicial systems that share part or all
 8 of the jurisdiction over the subject areas;

9 (4) suggest appropriate arrangements of Indian and
 10 non-Indian representatives meeting together to work out
 11 problems of jurisdiction;

12 (5) prepare a report, which shall be published by the
 13 legislative council, of the findings with ENUMERATION OF
 14 POSITIONS HELD IN COMMON BETWEEN STATE INDIANS AND
 15 NON-INDIANS AND suggested alternative solutions TO PROBLEMS
 16 EQUINO, including the following as potential means of
 17 solution:

18 (a) generally educating non-Indians and Indians as to
 19 the legal and historical context of the Indian country
 20 jurisdiction issue to resolve confusion;

21 (b) ceding or retroceding portions of jurisdiction or
 22 resolving confusion by use of any combination of the
 23 following:

24 (i) interagency arrangements;

25 (ii) suggested amendments to existing federal, state,

1 local, or tribal governmental constitutions, statutes,
 2 codes, or ordinances;
 3 (iii) litigation.

-End-