SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY LOWE, CONROY

BY REQUEST OF THE COMMITTEE ON INDIAN LEGAL JURISDICTION

IN THE SENATE

January 10, 1979	Introduced and referred to Committee on State Administration.
January 12, 1979	Allowed to be introduced with Representative Conroy co-sponsor as Joint Rules now adopted.
January 15, 1979	Fiscal note requested.
January 19, 1979	Fiscal note returned.
February 3, 1979	Committee recommend bill do pass as amended. Report adopted.
February 5, 1979	Printed and placed on members' desks.
February 6, 1979	Second reading, do pass.
February 7, 1979	Considered correctly engrossed.
February 8, 1979	Third reading, passed. Transmitted to second house.
IN THE HOUSI	Е
February 9, 1979	Introduced and referred to Committee on State Administration.
March 3, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in as amended. Segregated from the Committee of the Whole report.
March 7, 1979	Second reading, concurred in as amended.
March 9, 1979	Third reading, concurred in.

IN THE SENATE

.

March	10,	1979	Returned from second house. Concurred in as amended.
March	12,	1979	Second reading, pass consideration.
March	13,	1979	Second reading, amendments adopted.
March	14,	1979	Third reading, amendments adopted. Sent to enrolling.
			Reported correctly enrolled.

JOINT RESOLUTION NO. ____ 1 INTRODUCED BY four Conroy 2 3 BY REQUEST OF THE COMMITTEE ON INDIAN LEGAL JURISDICTION 4 A JOINT RESOLUTION OF THE SENATE AND THE 5 HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE 6 7 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO APPOINT & SELECT COMMITTEE ON INDIAN AFFAIRS. 8 9 10 WHEREAS: there are seven Indian reservations and 11 numerous landless Indians in Montana; and 12 WHEREAS, the various tribes have treaties with the 13 United States and have been declared sovereign dependent 14 nations by the U.S. Supreme Court; and 15 WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in 16 17 virtually all subject areas including law enforcement, water 18 rights, pollution control, natural resources, health, social 19 services, education, and taxation which, in turn, produce tension and conflict in tribal/state and Indian/non-Indian 20 **2**1 relations; and

22 WHEREAS+ Congress+ as the ultimate authorfty on 23 relations with the Indian tribes, has not acted in a 24 decisive manner to resolve these questions and is unlikely 25 to do so in the foreseeable future; and

1 WHEREAS, jurisdictional litigation on a case-by-case basis is expensive to the state, tribes, and private 2 3 parties; and

4 WHEREAS, such litigation does not provide a 5 satisfactory resolution of jurisdiction-related problems 6 because court rulings rarely provide broad answers or define 7 legal relationships generally and because litigation causes 8 increased animosity and estrangement. further appravating 9 tribal/state and Indian/non-Indian conflicts; and

10 HHEREAS, barring decisive congressional action, the 11 only feasible means of providing long-term solutions to these complex and emotion-charged problems and improving 12 tribal/state, tribal/local government, and Indian/non-Indian 13 14 relations is that of negotiation, cooperation, and mutual agreement. 15

16

NOW. THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 17 OF REPRESENTATIVES OF THE STATE OF MONTANA: 18

That, with the prior approval of the Committee on 19 Priorities, the President of the Senate and the Speaker of 20 the House appoint four members of the Senate and four 21 22 members of the House, equally bipartisan, to serve on a 23 select legislative committee on Indian affairs.

BE IT FURTHER RESOLVED, that the committee seek the 24 opinions and information of Indian tribes, state agencies, 25 SJ& 1 INTRODUCED BILL

-2-

LC 0677/01

local governments, non-Indians living on or near Indian
 reservations, and other interested persons and agencies to
 gain insight into Indian problems in Montana.

4 BE IT FURTHER RESOLVED, that the committee act as 5 Finison between state government and the Indian tribes, 6 local governments, non-Indians living on or near 7 reservations, and other interested persons and agencies with 8 a view toward acting as a catalyst for negotiated settlement 9 of particular controversies and for long-term cooperative 10 tribal/state and tribal/local government agreements.

11 BE IT FURTHER RESOLVED, that the committee study the 12 Montana statutes relating to participation in programs and 13 interlocal agreements by political subdivisions and seek 14 input from all interested persons in order to determine 15 whether it would be workable and desirable to specifically 16 include Indian tribes within the purview of any of those 17 statutes.

18 BE IT FURTHER RESOLVED, that the committee study the 19 possibility of establishing other state legislative plans or 20 mechanisms which would allow and encourage tribal/state or 21 tribal/local government cooperation or otherwise go toward 22 resolving Indian problems in Montana.

BE IT FURTHER RESOLVED, that the Legislative Council
provide staff to assist the committee, subject to approval
by the Committee on Priorities.

3

- LC 0677/01
- BE IT FURTHER RESOLVED, that the committee report its
- 2 activities, findings, recommendations, and any proposed
- 3 legislation to the 47th Legislature.

-End-

STATE OF MONTANA

REQUEST NO. 14-79

FISCAL NOTE

Form BD-15

n compliance with a	ritten request received January 15, 19 79, there is hereby submitted a Fiscal Note	;
or SJR 1	pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.	
Background information	used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to member	'S
of the Legislature upon	request .	

DESCRIPTION OF PROPOSED LEGISLATION:

A resolution calling for appointment of a select legislative committee to seek solutions to a broad range of controversial problems related to Indians in Montana. The committee would be appointed and staff assistance provided by the Legislative Council subject to approval of the Legislative Committee on Priorities.

ASSUMPTIONS:

- 1. This would be an "average" committee of 8 members meeting 6 times between June, 1979, and September, 1980.
- All costs associated with this proposal can be absorbed without additional funds, because the study cannot be selected under 5-5-222, M.C.A., unless Council resources allow it.
- 3. Financial support is included for interim committees in the Council budget request.

FISCAL IMPACT:

Precise committee costs will be subject to the adoption of a study plan and budget by a committee and approval of that budget by the Legislative Council. Estimated costs of an average committee with half-time staff support indicates a cost of \$21,220 in FY1980 and \$7,083 in FY1981. These costs include staff and legislator salaries; legislator travel expenses; postage and printing; and miscellaneous expenses.

d. Ju

BUDGET DIRECTOR Office of Budget and Program Planning Date: ______

46th Legislature

SJR 0001/02

Approved by Committee on State AdminAstration

1	SENATE JOINT RESOLUTION NO. 1
z	INTRODUCED BY LOWE + CONRDY
3	BY REQUEST OF THE COMMITTEE ON INDIAN LEGAL JURISDICTION
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
7	PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO
8	APPOINT & SELECT COMMITTEE ON INDIAN AFFAIRS.
9	
10	WHEREAS, there are seven Indian reservations and
11	numerous landless Indians in Montana; and
ıż	WHEREAS, the various tribes have treaties with the
13	United States andhavebeen-declared-sovereign-dependent
13 14	United States andhavebeen-declared-sovereign-dependent nations-by-the-UwSw-Supreme-Eourt; and
14	nations-by-the-UwSw-Supreme-Eourt; and
14 15	nations-by-the-UwSw-Supreme-Court; and WHEREAS, this situation gives rise to extremely complex
14 15 16	nations-by-the-UwSw-Supreme-Eourt; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in
14 15 16 17	nations-by-the-UwSw-Supreme-Court; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in virtually all subject areas including law enforcement, water
14 15 16 17 18	nations-by-the-U+S+-Supreme-Eourt; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in virtually all subject areas including law enforcement, water rights, pollution control, natural resources, health, social
14 15 16 17 18 19	nations-by-the-UwSw-Supreme-Gourt; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in virtually all subject areas including law enforcement, water rights, pollution control, natural resources, health, social services, education, and taxation which, in turn, produce
14 15 16 17 18 19 20	nations-by-the-U+S+-Supreme-Eourt; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in virtually all subject areas including law enforcement, water rights, pollution control, natural resources, health, social services, education, and taxation which, in turn, produce tension and conflict in tribal/state and Indian/non-Indian
14 15 16 17 18 19 20 21	nations-by-the-U+S+-Supreme-Gourt; and WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in virtually all subject areas including law enforcement, water rights, pollution control, natural resources, health, social services, education, and taxation which, in turn, produce tension and conflict in tribal/state and Indian/non-Indian relations; and

25 to do so in the foreseeable future; and

WHEREAS, jurisdictional litigation on a case-by-case
 basis is expensive to the state, tribes, and private
 parties; and

4 WHEREAS, such litigation does not provide a 5 satisfactory resolution of jurisdiction-related problems 6 because court rulings rarely provide broad answers or define 7 legal relationships generally and because litigation causes 8 increased animosity and estrangement, further aggravating 9 'tribal/state and Indian/non-Indian conflicts; and

10 WHEREAS, barring decisive congressional action, the 11 only feasible means of providing long-term solutions to 12 these complex and emotion-charged problems and improving 13 tribal/state, tribal/local government, and Indian/non-Indian 14 relations is that of negotiation, cooperation, and mutual 15 agreement.

16

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 18 OF REPRESENTATIVES OF THE STATE OF MONTANA:

19 That, with the prior approval of the Committee on 20 Priorities, the President of the Senate and the Speaker of 21 the House appoint four members of the Senate and four 22 members of the House, equally bipartisan, to serve on a 23 select legislative committee on Indian affairs.

24 BE IT FURTHER RESOLVED, that the committee seek the 25 opinions and information of Indian tribes, state agencies,

-2- SECOND READING

local governments, non-Indians living on or near Indian
 reservations, and other interested persons and agencies to
 gain insight into Indian problems in Montana.

4 BE IT FURTHER RESOLVED, that the committee act as 5 liaison between state government and the Indian tribes, 6 local governments, non-Indians living on or near 7 reservations, and other interested persons and agencies with 8 a view toward acting as a catalyst for negotiated settlement 9 of particular controversies and for long-term cooperative 10 tribal/state and tribal/local government agreements.

11 BE IT FURTHER RESOLVED, that the committee study the 12 Montana statutes relating to participation in programs and 13 interlocal agreements by political subdivisions and seek 14 input from all interested persons in order to determine 15 whether it would be workable and desirable to specifically 16 include Indian tribes within the purview of any of those 17 statutes.

18 BE IT FURTHER RESOLVED, that the committee study the 19 possibility of establishing other state legislative plans or 20 mechanisms which would allow and encourage tribal/state or 21 tribal/local government cooperation or otherwise go toward 22 resolving Indian problems in Montana.

23 BE IT FURTHER RESOLVED, that the Legislative Council
24 provide staff to assist the committee, subject to approval
25 by the Committee on Priorities.

- BE IT FURTHER RESOLVED, that the committee report its
- 2 activities, findings, recommendations, and any proposed
- 3 legislation to the 47th Legislature.

-End-

-3-

-4-

1 SENATE JOINT RESOLUTION NO. 1 INTRODUCED BY LOWE. CONROY 2 3 BY REQUEST OF THE COMMITTEE ON INDIAN LEGAL JURISDICTION 4 5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE 6 PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO 7 8 APPOINT & SELECT COMMITTEE ON INDIAN AFFAIRS. 9 10 WHEREAS, there are seven Indian reservations and 11 numerous landless Indians in Montana; and 12 WHEREAS, the various tribes have treaties with the 13 United States and--have--bean-dec?arad-sovereign-dependent nstions-by-the-WwSw-Supreme-Court; and 14 15 WHEREAS, this situation gives rise to extremely complex jurisdictional, social, and philosophical questions in 16 virtually all subject areas including law enforcement. water 17 18 rights, pollution control, natural resources, health, social services, education, and taxation which, in turn, produce 19 20 tension and conflict in tribal/state and Indian/non-Indian 21 relations; and 22 WHEREAS, Congress, as the ultimate authority on 23 relations with the Indian tribes, has not acted in a

accisive manner to resolve these questions and is unlikely

25 to do so in the foreseeable future; and

24

WHEREAS, jurisdictional litigation on a case-by-case
 basis is expensive to the state, tribes, and private
 parties; and

NHEREAS, such litigation does not provide a
satisfactory resolution of jurisdiction-related problems
because court rulings rarely provide broad answers or define
legal relationships generally and because litigation causes
increased animosity and estrangement, further aggravating
'tribal/state and Indian/non-Indian conflicts; and

10 WHEREAS, barring decisive congressional action, the 11 only feasible means of providing long-term solutions to 12 these complex and emotion-charged problems and improving 13 tribal/state, tribal/local government, and Indian/non-Indian 14 relations is that of negotiation, cooperation, and mutual 15 agreement.

16

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 18 OF REPRESENTATIVES OF THE STATE OF MONTANA:

19 That, with the prior approval of the Committee on 20 Priorities, the President of the Senate and the Speaker of 21 the House appoint four members of the Senate and four 22 members of the House, equally bipartisan, to serve on a 23 select legislative committee on Indian affairs.

24 BE IT FURTHER RESOLVED, that the committee seek the 25 opinions and information of Indian tribes, state agencies,

```
-2- SJR 1
THIRD READING
```

SUR 40001/02

SJR 1

local governments, non-Indians living on or near Indian
 reservations, and other interested persons and agencies to
 gain insight into Indian problems in Hontana.

4 SE IT FURTHER RESOLVED, that the committee act as 5 liaison between state government and the Indian tribes, 6 local governments, non-Indians living on or near 7 reservations, and other interested persons and agencies with 8 a view toward acting as a catalyst for negotiated settlement 9 of particular controversies and for long-term cooperative 10 tribal/state and tribal/local government agreements.

11 BE IT FURTHER RESOLVED, that the committee study the 12 Nontana statutes relating to participation in programs and 13 interlocal agreements by political subdivisions and seek 14 input from all interested persons in order to determine 15 whether it would be workable and desirable to specifically 16 include Indian tribes within the purview of any of those 17 statutes.

18 BE IT FURTHER RESOLVED, that the committee study the 19 possibility of establishing other state legislative plans or 20 mechanisms which would allow and encourage tribal/state or 21 tribal/local government cooperation or otherwise go toward 22 resolving Indian problems in Montana.

BE IT FURTHER RESOLVED, that the Legislative Council
provide staff to assist the committee, subject to approval
by the Committee on Priorities.

,-3-

SJR .0001.002

- 1 BE IT FURTHER RESOLVED, that the committee report its
- 2 activities, findings, recommendations, and any proposed
- 3 legislation to the 47th Legislature.

-End-

-4-

SJR 1

1 WHEREAS, iur

1	SENATE JOINT RESOLUTION NO. 1
2	INTRODUCED BY LOWE, CONROY
3	SY REQUEST OF THE COMMITTEE ON INDIAN LEGAL JURISDICTION
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE
7	PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE TO
8	APPOINT A SELECT COMMITTEE ON INDIAN AFFAIRS.
9	
10	WHEREAS, there are seven Indian reservations and
11	numerous landless Indians in Montana; and
12	WHEREAS, the various tribes have treaties with the
13	United States andhavebean-declared-sovereign-dependent
14	nations-by-the-V#S#-Supreme-Eourt; and
15	WHEREAS, this situation gives rise to extremely complex
16	jurisdictional, social, and philosophical questions in
17	virtually all subject areas including law enforcement, water
18	rights, pollution control, natural resources, health, social
19	services, education, and taxation which, in turn, produce
20	tension and conflict in tribal/state and Indian/non-Indian
21	relations; and
22	WHEREAS, Congress, as the ultimate authority on

22 where case congress, as the utilitate autility of 23 relations with the Indian tribes, has not acted in a 24 decisive manner to resolve these questions and is unlikely 25 to do so in the foreseeable future; and

WHEREAS, jurisdictional litigation on a case-by-case 2 basis is expensive to the state, tribes, and private 3 partiest-and. 4 WHEREASy---- such---- itigation---- does---- not---provide---a 5 sattsfactory--resolution--of--jurisdiction-related--problems 6 because-court-rulings-rerely-provide-broad-answers-or-define 7 teget-retationships-generally-and-because-titigation--causes 8 increased--enimosity--end--estrangementy-further-aggreveting 9 tribal/state-ond-Indian/non-Indian-conflicts_-and 10 WHEREASy-barring--decisive--congressionel--actiony--the 11 only--feasible--means--of--providing--lang-term-salutions-to these-complex-and--emotion-charged--problems--and--improving 12 13 tribal/stater-tribal/local-governmenty-and-Indian/non-Indian 14 relations--is--that--of-negotiationy-cooperationy-and-mutual 15 ogreements 16 17 NOW. THEREFORE. BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: 16 19 Thaty--with--the--prior--approval--of--the-Committee-on 20 Priorities, the President of the Senate and the Speaker of 21 the House appoint four members of the Senate and four

22 members of the House, equally bipartisan, to serve on a 23 select legislative committee on Indian affairs.

24 BE IT FURTHER RESOLVED, that the committee seek the 25 opinions and information of Indian tribes, state agencies,

> -2- SJR 1 REFERENCE BILL

local governments, non-Indians living on or near indian
 reservations, and other interested persons and agencies to
 gain insight into Indian problems in Montana.

4 tiaison-between-state--government--end--the--fndian--tribesv 5 6 7 reservationsy-and-other-interested-persons-and-agencies-with a-view-toward-acting-ss-a-catalyst-for-negotisted-settlement 8 Q of-particular-controversies-and--for--long-tera--cooperative 10 tribalystate-and-tribal/local-government-agraements. 11 BE IT FURTHER RESOLVED, that the committee study the

12 Nontana statutes relating to participation in programs and 13 interlocal agreements by political subdivisions and seek 14 input from all interested persons in order to determine 15 whether it would be workable and desirable to specifically 16 include Indian tribes within the purview of any of those 17 statutes.

18 BE IT FURTHER RESOLVED, that the committee study the 19 possibility of establishing other state legislative plans or 20 mechanisms which would allow and encourage tribal/state or 21 tribal/local government cooperation or otherwise go toward 22 resolving Indian problems in Montana.

23 BE IT FURTHER RESOLVED, that the Legislative Council 24 provide staff to assist the committeev-subject-to-approval 25 by-the-Gommittee-on-Priorities.

- BE IT FURTHER RESOLVED, that the committee report its
- 2 activities, findings, recommendations, and any proposed
- 3 legislation to the 47th Legislature.

-End-

-4-

HOUSE OF REPRESENTATIVES March 6, 1979

Committee of the Whole amendments to Senate Joint Resolution No. 1, third reading copy, as follows:

1. Page 2, line 3.
Following: "parties"
Strike: "; and"
Insert: "."

2. Page 2, lines 4 through 15. Strike: lines 4 through 15 in their entirety

3. Page 3, lines 4 through 10. Strike: lines 4 through 10 in their entirety

AND AS AMENDED, BE CONCURRED IN HOUSE OF REPRESENTATIVES March 7, 1979

Committee of the Whole Amendments to Senate Joint Resolution No. 1, third reading copy, as follows:

Page 2, lines 19 and 20.
 Following: "That"
 Strike: ", with the prior approval of the Committee on Priorities,"
 Page 3, lines 24 and 25.
 Following: "committee"
 Strike: ", subject to approval by the Committee on Priorities"

AND AS AMENDED, BE CONCURRED IN

Ĩ