

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 HOUSE

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.

1                     *Angie* JOINT RESOLUTION NO. *1*  
 2 INTRODUCED BY *Low Conroy*  
 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 A SELECT COMMITTEE ON INDIAN AFFAIRS.  
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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  
 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  
 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  
 2 basis is expensive to the state, tribes, and private  
 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 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.

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 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,

1 local governments, non-Indians living on or near Indian  
2 reservations, and other interested persons and agencies to  
3 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,  
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8 a view toward acting as a catalyst for negotiated settlement  
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11 BE IT FURTHER RESOLVED, that the committee study the  
12 Montana statutes relating to participation in programs and  
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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.

1 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

In compliance with a written 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 members 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.
2. 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.

*Richard L. Drury for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/19/79

Approved by Committee  
on State Administration

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14 ~~nations by the U.S. Supreme Court;~~ 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  
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  
2 basis is expensive to the state, tribes, and private  
3 parties; and

4 WHEREAS, such litigation does not provide a  
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6 because court rulings rarely provide broad answers or define  
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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:

1. Page 2, lines 19 and 20.

Following: "That"

Strike: ", with the prior approval of the Committee on Priorities,"

2. Page 3, lines 24 and 25.

Following: "committee"

Strike: ", subject to approval by the Committee on Priorities"

AND AS AMENDED,  
BE CONCURRED IN