

House Bill 82

In The House

January 6, 1981

Introduced and referred
to Committee on Rules.

January 21, 1981

Committee recommend bill
do not pass.

1 HOUSE BILL NO. 82
 2 INTRODUCED BY IVERSON
 3 BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE A PERMANENT
 6 LEGISLATIVE COMMITTEE ON INDIAN AFFAIRS."
 7
 8 WHEREAS, there are seven Indian reservations and
 9 numerous landless Indians in Montana; and
 10 WHEREAS, the various tribes have treaties with the
 11 United States which still require interpretation; and
 12 WHEREAS, extremely complex jurisdictional, social,
 13 political, and philosophical questions arise in virtually
 14 all subject areas, including law enforcement, water rights,
 15 pollution control, natural resources, game management,
 16 health, social services, education, and taxation that in
 17 turn produce tension and conflict in tribal/state and
 18 Indian/non-Indian relations; and
 19 WHEREAS, Congress, as the ultimate authority on
 20 relations with the Indian tribes, has not been able to act
 21 in a decisive manner to resolve these questions and is
 22 unlikely to do so in the foreseeable future; and
 23 WHEREAS, jurisdictional litigation on a case-by-case
 24 basis is expensive to the state, tribes, and private
 25 parties; and

1 WHEREAS, the jurisdictional, social, and philosophical
 2 problems between Indians and non-Indians are historical and
 3 cannot be expected to dissipate quickly; and
 4 WHEREAS, the non-Indian people of Montana find it is to
 5 their benefit to have a cooperative and communicative
 6 liaison with the Indian people in Montana on a continuing
 7 basis; and
 8 WHEREAS, the Indian people in Montana have indicated it
 9 is also to their benefit to have a legislative committee
 10 with which to maintain such a cooperative and communicative
 11 liaison.
 12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 14 Section 1. Definitions. As used in [this act],
 15 "committee" means the permanent committee on Indian affairs
 16 created in [section 2].
 17 Section 2. Committee on Indian affairs -- appointment
 18 and composition. (1) There is a committee on Indian affairs.
 19 (2) The committee consists of four members of the
 20 senate, appointed by the president of the senate, and four
 21 members of the house of representatives, appointed by the
 22 speaker of the house. No more than two members from either
 23 house may be members of the same party.
 24 (3) Appointments must be made before final adjournment
 25 of a regular session.

1 Section 3. Term of office. Appointments to the
2 committee are for 2 years. A member of the committee serves
3 until his term of office as a legislator is ended or his
4 successor is appointed, whichever occurs first.

5 Section 4. Vacancies. (1) A vacancy occurring during a
6 legislative session must be filled in the same manner as the
7 original appointment.

8 (2) A vacancy occurring when the legislature is not in
9 session must be filled by the selection of a member of the
10 appropriate house and political party by the remaining
11 members of the committee.

12 (3) An appointment to the committee under this section
13 is for the unexpired term of the original member.

14 Section 5. Officers. The committee shall elect one of
15 its members as chairman and may elect other officers it
16 considers necessary.

17 Section 6. Meetings and compensation. (1) The committee
18 shall meet as often as the chairman considers it necessary
19 during and between legislative sessions.

20 (2) Committee members are entitled to receive
21 compensation and expenses as provided in 5-2-302.

22 Section 7. Staff assistance. The legislative council
23 shall provide staff assistance to the committee. The
24 legislative council has the same authority of investigation
25 and examination and the same authority to hold hearings on

1 behalf of the committee as it has for other committees under
2 5-11-106 and 5-11-107.

3 Section 8. Duties of the committee. The committee
4 shall:

5 (1) act as an available conduit for the Indian people
6 to the legislature;

7 (2) seek opinions of and information from Indian
8 tribes, state agencies, local governments, non-Indians
9 living on or near Indian reservations, and other interested
10 persons and agencies to gain insight into Indian/non-Indian
11 relations;

12 (3) particularly encourage and foster participation
13 from Indian people at its meetings;

14 (4) study the possibility of state plans or mechanisms
15 that would allow and encourage tribal/state or tribal/local
16 government cooperation or otherwise promote solutions for
17 state/Indian and local/Indian jurisdictional, social, and
18 philosophical problems in Montana;

19 (5) when requested or when considered appropriate by
20 the committee, hold hearings and act as a negotiating body
21 to facilitate agreements and better understanding between
22 the tribes and public agencies;

23 (6) provide a continuing dialogue with the Indian
24 people of Montana in order to improve their knowledge of the
25 legislative process and the structure of state agencies; and

LC 0012/01

1 (7) report its activities, findings, recommendations,
2 and any proposed legislation to each legislature in a report
3 to be published not later than November 15 of each year
4 preceding a regular legislative session.

-End-