

HOUSE BILL NO. 313

Introduced: 01/18/83

Referred to Committee on Human Services: 01/18/83

Hearing: 2/4/83

Report: 02/05/83, Do Pass, As Amended

2nd Reading: 02/08/83, Do Pass

3rd Reading: 02/10/83, Do Pass

Transmitted to Senate: 2/10/83

Referred to Committee on State Administration: 02/11/82

Hearing: 3/3/83

Died in Senate Committee

1 *House* BILL NO. *313*
2 INTRODUCED BY *Ally Kannerly Bader*
3 BY REQUEST OF THE OFFICE OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO THE OFFICE OF STATE COORDINATOR OF INDIAN
7 AFFAIRS; AMENDING SECTIONS 2-15-1813 AND 90-11-101, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 2-15-1813, MCA, is amended to read:

12 "~~2-15-1813. Office--of--state~~ *State* coordinator of
13 Indian affairs. (1) There is ~~an--office--of~~ a state
14 coordinator of Indian affairs ~~in the governor's office. The~~
15 ~~office--is--allocated--to--the--department--of--commerce--for~~
16 ~~administrative--purposes--only--as--prescribed--in--2-15-121.~~

17 (2) The coordinator shall be appointed by the governor
18 ~~from a list of five qualified Indian applicants agreed upon~~
19 ~~by after consultation with~~ the tribal councils of the
20 respective Indian tribes of the state and shall serve at the
21 pleasure of the governor."

22 Section 2. Section 90-11-101, MCA, is amended to read:

23 "90-11-101. Legislative policy. (1) Whereas, a
24 considerable portion of the citizens of the state of Montana
25 are members of the Indian race; and

1 (2) Whereas, in the course of the past 80 years these
2 Indian citizens of the state of Montana have been driven
3 from their native valleys and plains and are at present
4 living and residing upon reservations set apart for such
5 purposes by the United States of America, and by virtue of
6 that isolation and of supervision by the federal government,
7 great problems of economic and social significance have
8 arisen and presently exist, and no suitable progress has
9 been made to solve such problems by reason of the fact that
10 the Indians and those who are attempting to aid them in the
11 solution of their problems have never been able to present a
12 coordinated and united effort in solving such problems; and

13 (3) Whereas, it is hereby declared that it is the
14 legislative policy of this state that the best interests of
15 the Indians will be served by the fostering of a program
16 which is designed to establish and place our Indian citizens
17 in a position to take their rightful place in our society
18 and assume the rights, duties, and privileges of full
19 citizenship and as Indians, it is therefore necessary that
20 ~~there be a state office--of--the~~ coordinator of Indian affairs
21 ~~be--established~~ so that the problems of the Indians of
22 Montana can be approached and reconciled from a state level
23 in cooperation with the United States of America; and

24 (4) Whereas, agencies of the federal government retain
25 jurisdiction on Indian reservations in the state of Montana

1 of the administration of economic, social, health,
2 education, and welfare programs for Indians; and

3 (5) Whereas, Indians who reside off reservations
4 generally qualify for participation in federal programs but
5 are often prohibited from voting on tribal affairs and for
6 tribal officers; and

7 (6) Whereas, there are sizeable numbers of
8 off-reservation Indians residing in our state of both
9 enrolled and unofficial tribal descent (landless) whose
10 needs for environmental assistance are borne by state and
11 local agencies, and these needs are derived from problems
12 shared by all Indians, whether they reside on reservations
13 or not, and in consideration of their desire for official
14 voice and representation in seeking solutions to their
15 problems; and

16 (7) Whereas, programs of the state of Montana should
17 not duplicate those supported by agencies of the federal
18 government as regards jurisdiction of Indian people, and
19 since state responsibility is effected with off-reservation
20 Indians and since those Indians require assistance to
21 coordinate their affairs with various tribal groups and
22 federal agencies where they have no official recognition;

23 (8) Then therefore, let it be resolved that the
24 coordinator of Indian affairs should assess the problems of
25 all Indians to include those who reside off known

1 reservations and who seek ways and means of communicating
2 their opinions and needs to agencies of responsibility and
3 that the coordinator should actively assist them in
4 organizing their efforts and that he act as representative
5 and spokesman for organized bodies of Indian people, whether
6 reservation or off-reservation classification, whenever his
7 assistance is required."

8 NEW SECTION. Section 3. Effective date. This act is
9 effective July 1, 1983.

-End-

Approved by Comm. on Human Services

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(2) The coordinator shall be appointed by the governor from-a-list-of-five-qualified-Indian-applicants-agreed-upon by after--consultation--with FROM A LIST OF FIVE QUALIFIED INDIAN APPLICANTS AGREED UPON BY the tribal councils of the respective Indian tribes of the state and shall serve at the pleasure of the governor."

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are members of the Indian race; and

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(3) Whereas, it is hereby declared that it is the legislative policy of this state that the best interests of the Indians will be served by the fostering of a program which is designed to establish and place our Indian citizens in a position to take their rightful place in our society and assume the rights, duties, and privileges of full citizenship and as Indians, it is therefore necessary that there be a state office-of-the coordinator of Indian affairs be-established so that the problems of the Indians of Montana can be approached and reconciled from a state level in cooperation with the United States of America; and

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