SENATE JOINT RESOLUTION NO. 1

INTRODUCED BY GAGE

BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS

IN THE SENATE

JANUARY 5, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
JANUARY 15, 1987	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 16, 1987	PRINTING REPORT.
JANUARY 19, 1987	SECOND READING, DO PASS.
•	ENGROSSING REPORT.
JANUARY 21, 1987	THIRD READING, PASSED. AYES, 45; NOES, 0.
	TRANSMITTED TO HOUSE.
IN	THE HOUSE
FEBRUARY 4, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
MARCH 5, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 7, 1987	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 10, 1987	SECOND READING, CONCURRED IN.
MARCH 11, 1987	THIRD READING, CONCURRED IN. AYES, 95; NOES, 3.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 21, 1987

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS

CONCURRED IN.

MARCH 23, 1987

THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

1	SENATE JOINT RESOLUTION NO. 1
2	INTRODUCED BY GAGE
3	BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE
7 .	PROPOSED INDIAN HEALTH SERVICE REGULATIONS LIMITING
8	ELIGIBILITY FOR HEALTH CARE SERVICES.
9	
10	WHEREAS, tribal governments are recognized as sovereign
11	entities by Congress and the federal government and a unique
12	relationship exists between federal agencies and tribal
13	governments; and
14	WHEREAS, the State of Montana recognizes the existing
15	trust relationship between federal agencies and tribal
16	governments; and
17	WHEREAS, the Indian Health Service was established
18	under federal law to provide a trust service to Montana's
19	tribal governments and its Native American population; and
20	WHEREAS, the Indian Health Service has proposed
21	regulations to restrict tribal service programs to those
22	members of an Indian tribe who have one-fourth or more
23	Indian blood and who satisfy certain residency requirements;
24	and
25	WHEREAS, these proposed regulations infringe upon

1	tribal self-government and tribal authority to determin
2	tribal membership and conflict with the federal government
3	trust relationship with Indian tribes; and
4	WHEREAS, the trust relationship and the limits of
5	tribal authority can be altered only by congressions
6	action; and
7	WHEREAS, these proposed regulations will further limi
8	health care to tribal communities at a time when the
9	Congressional Office of Technology Assessment has reported
10	that Indians have less access to adequate health care tha
11	any group in America today; and
12	WHEREAS, these proposed regulations will in part shift
13	the responsibility for tribal health care from the India
14	Health Service to state and county agencies that ar
15	generally less knowledgeable about tribal health concerns
16	and
17	WHEREAS, the State of Montana is not adequately funde
18	to bear such an influx of new patients; and
19	WHEREAS, there may be many tribal members denie
20	adequate health care, with consequent suffering and earl
21	death.
22	
23	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUS
24	OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Montana Legislature views the Indian

LC 0118/01

- Health Service's rulemaking activity as a violation of federal trust responsibility and federal law and beyond its authority as an administrative agency.
- 4 (2) That the Montana Legislature opposes the proposed
 5 Indian Health Service regulations limiting eligibility for
 6 health care services because such regulations inhibit the
 7 delivery of adequate health care to tribal members.
- 8 (3) That the Secretary of State transmit a copy of
 9 this resolution to each member of the Montana Congressional
 10 Delegation and to the Secretary of the United States
 11 Department of Health and Human Services.

LC 0118/01

3

18 19

20

21 22 23

24

25

LC 0118/01

APPROVED BY COMMITTEE ON PUBLIC HEALTH. WELFARE & SAFETY

1	SENATE JOINT RESOLUTION NO. 1
2	INTRODUCED BY GAGE
3	BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE
7	PROPOSED INDIAN HEALTH SERVICE REGULATIONS LIMITING
8	ELIGIBILITY FOR HEALTH CARE SERVICES.
9	
10	WHEREAS, tribal governments are recognized as sovereign
11	entities by Congress and the federal government and a unique
12	relationship exists between federal agencies and tribal
13	governments; and
14	WHEREAS, the State of Montana recognizes the existing
15	trust relationship between federal agencies and tribal
16	governments; and
17	WHEREAS, the Indian Health Service was established
18	under federal law to provide a trust service to Montana's
19	tribal governments and its Native American population; and
20	WHEREAS, the Indian Health Service has proposed
21	regulations to restrict tribal service programs to those
22	members of an Indian tribe who have one-fourth or more
23	Indian blood and who satisfy certain residency requirements;
24	and
25	WHEREAS, these proposed regulations infringe upon

trust relationship with Indian tribes; and
WHEREAS, the trust relationship and the limits of
tribal authority can be altered only by congressional
action; and
WHEREAS, these proposed regulations will further limit
health care to tribal communities at a time when the
Congressional Office of Technology Assessment has reported
that Indians have less access to adequate health care than
any group in America today; and
WHEREAS, these proposed regulations will in part shift
the responsibility for tribal health care from the Indian
Health Service to state and county agencies that are
generally less knowledgeable about tribal health concerns;
and
WHEREAS, the State of Montana is not adequately funded
to bear such an influx of new patients; and
WHEREAS, there may be many tribal members denied
adequate health care, with consequent suffering and early
death.

tribal self-government and tribal authority to determine tribal membership and conflict with the federal government's

OF REPRESENTATIVES OF THE STATE OF MONTANA:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

(1) That the Montana Legislature views the Indian

- Health Service's rulemaking activity as a violation of federal trust responsibility and federal law and beyond its
- 3 authority as an administrative agency.
- 4 (2) That the Montana Legislature opposes the proposed 5 Indian Health Service regulations limiting eligibility for
- $6\,$ $\,$ health care services because such regulations inhibit the
- 7 delivery of adequate health care to tribal members.
- 8 (3) That the Secretary of State transmit a copy of
- 9 this resolution to each member of the Montana Congressional
- 10 Delegation and to the Secretary of the United States
- 11 Department of Health and Human Services.

1

2	INTRODUCED BY GAGE
3	BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS
4	•
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
6	REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE
7	PROPOSED INDIAN HEALTH SERVICE REGULATIONS LIMITING
8	ELIGIBILITY FOR HEALTH CARE SERVICES.
9	
10	WHEREAS, tribal governments are recognized as sovereign
11	entities by Congress and the federal government and a unique
12	relationship exists between federal agencies and tribal
13	governments; and
14	WHEREAS, the State of Montana recognizes the existing
15	trust relationship between federal agencies and tribal
16	governments; and
17	WHEREAS, the Indian Health Service was established
18	under federal law to provide a trust service to Montana's
19	tribal governments and its Native American population; and
20	WHEREAS, the Indian Health Service has proposed
21	regulations to restrict tribal service programs to those
22	members of an Indian tribe who have one-fourth or more
23	Indian blood and who satisfy certain residency requirements;
24	and
25	WHEREAS, these proposed regulations infringe upon

SENATE __ JOINT RESOLUTION NO. _1

tribal self-government and tribal authority to determin	ıe
tribal membership and conflict with the federal government'	5
trust relationship with Indian tribes; and	
WHEREAS, the trust relationship and the limits of	Æ
tribal authority can be altered only by congressiona	ıl
action; and	
WHEREAS, these proposed regulations will further limi	t
health care to tribal communities at a time when th	e
Congressional Office of Technology Assessment has reporte	ď
that Indians have less access to adequate health care tha	ın
any group in America today; and	
WHEREAS, these proposed regulations will in part shift	t
the responsibility for tribal health care from the India	ın
Health Service to state and county agencies that ar	e
generally less knowledgeable about tribal health concerns	i ;
and	
WHEREAS, the State of Montana is not adequately funde	ьd
to bear such an influx of new patients; and	
WHEREAS, there may be many tribal members denie	еđ

10

11 12

13

14

15

16 17

18 19

20

21

22

death.

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 24 OF REPRESENTATIVES OF THE STATE OF MONTANA:

25 (1) That the Montana Legislature views the Indian

adequate health care, with consequent suffering and early

1 Health Service's rulemaking activity as a violation of 2 federal trust responsibility and federal law and beyond its 3 authority as an administrative agency.

(2) That the Montana Legislature opposes the proposed Indian Health Service regulations limiting eligibility for health care services because such regulations inhibit the delivery of adequate health care to tribal members.

5

7

8 (3) That the Secretary of State transmit a copy of
9 this resolution to each member of the Montana Congressional
10 Delegation and to the Secretary of the United States
11 Department of Health and Human Services.

SJR 0001/02 50th Legislature SJR 0001/02

*	BENATE COINT RESOLUTION NO. 1				
2	INTRODUCED BY GAGE				
3	BY REQUEST OF THE COMMITTEE ON INDIAN AFFAIRS				
4					
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF				
6	REPRESENTATIVES OF THE STATE OF MONTANA OPPOSING THE				
7	PROPOSED INDIAN HEALTH SERVICE REGULATIONS LIMITING				
8	ELIGIBILITY FOR HEALTH CARE SERVICES.				
9					
10	WHEREAS, tribal governments are recognized as sovereign				
11	entities by Congress and the federal government and a unique				
12	relationship exists between federal agencies and tribal				
13	governments; and				
14	WHEREAS, the State of Montana recognizes the existing				
15	trust relationship between federal agencies and tribal				
16	governments; and				
17	WHEREAS, the Indian Health Service was established				
18	under federal law to provide a trust service to Montana's				
19	tribal governments and its Native American population; and				
20	WHEREAS, the Indian Health Service has proposed				
21	regulations to restrict tribal service programs to those				
22	members of an Indian tribe who have one-fourth or more				
23	Indian blood and who satisfy certain residency requirements;				
24	and				
25	WHEREAS, these proposed regulations infringe upon				

CENAME TOTAM DECOLUETON NO. 1

2	trib
3	trus
4	
5	trib
6	acti
7	
8	heal
9	Cong
10	that
11	any
12	
13	the
14	Heal
15	gene
16	and
17	
18	to b
19	
20	adeç

22

al membership and conflict with the federal government's t relationship with Indian tribes; and WHEREAS, the trust relationship and the limits of al authority can be altered only by congressional on: and WHEREAS, these proposed regulations will further limit th care to tribal communities at a time when the ressional Office of Technology Assessment has reported Indians have less access to adequate health care than group in America today; and WHEREAS, these proposed regulations will in part shift responsibility for tribal health care from the Indian th Service to state and county agencies that are erally less knowledgeable about tribal health concerns;

tribal self-government and tribal authority to determine

WHEREAS, the State of Montana is not adequately funded pear such an influx of new patients; and

WHEREAS, there may be many tribal members denied quate health care, with consequent suffering and early 21 death.

23 NOW. THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: 24

(1) That the Montana Legislature views the Indian 25

-2-

- Health Service's rulemaking activity as a violation of federal trust responsibility and federal law and beyond its authority as an administrative agency.
 - (2) That the Montana Legislature opposes the proposed Indian Health Service regulations limiting eligibility for health care services because such regulations inhibit the delivery of adequate health care to tribal members.

5

6

7

6 (3) That the Secretary of State transmit a copy of
9 this resolution to each member of the Montana Congressional
10 Delegation, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT
11 OF THE INTERIOR, and to the Secretary of the United States
12 Department of Health and Human Services.

STANDING COMMITTEE REPORT

HOU	USE	MARCH	5.	19_ <u>87</u>
Mr. Speaker: V	Ve, the committee on <u>HUMAN</u> SE	RVICES AND AG	ING	
report	SENATE JOINT RESOLUTION	NO. 1		
☐ do pass ☐ do not pass	₭ be concurred in be not concurred	in Company	☑ as amend ☐ statement	ed of intent attached
	•	REP. R. BUDD	GOULD,	Chairman
OPPOSING CARE	INDIAN HEALTH SERVICE REGS	LIMITING ELI	GIBILITY 1	FOR HEALTH
1.	Page 3, line 10. Following: "Delegation" Insert: ", to the Secretar of the Interior,"	y of the Unit	ed States	Department