

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.
JANUARY 20, 1987	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 determine
 2 tribal membership and conflict with the federal government's
 3 trust relationship with Indian tribes; and

4 WHEREAS, the trust relationship and the limits of
 5 tribal authority can be altered only by congressional
 6 action; and

7 WHEREAS, these proposed regulations will further limit
 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 than
 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 Indian
 14 Health Service to state and county agencies that are
 15 generally less knowledgeable about tribal health concerns;
 16 and

17 WHEREAS, the State of Montana is not adequately funded
 18 to bear such an influx of new patients; and

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

22
 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



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.

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.

-End-

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

1 tribal self-government and tribal authority to determine
2 tribal membership and conflict with the federal government's
3 trust relationship with Indian tribes; and

4 WHEREAS, the trust relationship and the limits of
5 tribal authority can be altered only by congressional
6 action; and

7 WHEREAS, these proposed regulations will further limit
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 than
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 Indian
14 Health Service to state and county agencies that are
15 generally less knowledgeable about tribal health concerns;
16 and

17 WHEREAS, the State of Montana is not adequately funded
18 to bear such an influx of new patients; and

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

22
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



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.

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.

-End-

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 determine
 2 tribal membership and conflict with the federal government's
 3 trust relationship with Indian tribes; and

4 WHEREAS, the trust relationship and the limits of
 5 tribal authority can be altered only by congressional
 6 action; and

7 WHEREAS, these proposed regulations will further limit
 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 than
 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 Indian
 14 Health Service to state and county agencies that are
 15 generally less knowledgeable about tribal health concerns;
 16 and

17 WHEREAS, the State of Montana is not adequately funded
 18 to bear such an influx of new patients; and

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

22
 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

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.

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.

-End-

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 determine
 2 tribal membership and conflict with the federal government's
 3 trust relationship with Indian tribes; and

4 WHEREAS, the trust relationship and the limits of
 5 tribal authority can be altered only by congressional
 6 action; and

7 WHEREAS, these proposed regulations will further limit
 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 than
 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 Indian
 14 Health Service to state and county agencies that are
 15 generally less knowledgeable about tribal health concerns;
 16 and

17 WHEREAS, the State of Montana is not adequately funded
 18 to bear such an influx of new patients; and

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

22
 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



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.

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, 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.

-End-

STANDING COMMITTEE REPORT

HOUSE

MARCH 5, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report SENATE JOINT RESOLUTION NO. 1

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached



REP. R. BUDD GOULD, Chairman

OPPOSING INDIAN HEALTH SERVICE REGS LIMITING ELIGIBILITY FOR HEALTH CARE

- 1. Page 3, line 10.
Following: "Delegation"
Insert: ", to the Secretary of the United States Department of the Interior,"

