

HOUSE BILL NO. 595

INTRODUCED BY RUSSELL, GERVAIS, REAM, MOORE, RANEY,  
BROOKE, CODY, BARDANOUVE, SPAETH, HANSON, VINCENT,  
PHILLIPS, YELLOWTAIL, GLASER, ADDY, HARPER

IN THE HOUSE

FEBRUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
FEBRUARY 7, 1989	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS AS AMENDED.
FEBRUARY 21, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 93; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HIGHWAYS & TRANSPORTATION.
	FIRST READING.
MARCH 17, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1989	PASS CONSIDERATION.
MARCH 20, 1989	SECOND READING, CONCURRED IN.
MARCH 22, 1989	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 1, 1989

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

APRIL 5, 1989

REPORTED CORRECTLY ENROLLED.

APRIL 6, 1989

SIGNED BY SPEAKER.

IN THE SENATE

APRIL 6, 1989

SIGNED BY PRESIDENT.

IN THE HOUSE

APRIL 6, 1989

DELIVERED TO GOVERNOR.

APRIL 7, 1989

RETURNED FROM GOVERNOR WITH  
RECOMMENDED AMENDMENTS.

APRIL 11, 1989

SECOND READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.

APRIL 12, 1989

THIRD READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.

IN THE SENATE

APRIL 14, 1989

SECOND READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.

APRIL 17, 1989

THIRD READING, GOVERNOR'S RECOM-  
MENDED AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 18, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *595* *Raney*  
 2 INTRODUCED BY *Angela Russell* *Herwig Ream* *Moore*  
 3 *Charles Gary Spack* *Vincent Yellowtail* *Adley*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE  
 5 DEPARTMENT OF HIGHWAYS TO ERECT INDIAN HISTORICAL MARKERS  
 6 ALONG PRIMARY AND INTERSTATE HIGHWAYS; AND REQUIRING INDIAN  
 7 TRIBAL GOVERNMENTS IN MONTANA TO DESIGN THE MARKERS AND  
 8 DESIGNATE THE LOCATIONS."

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

11 NEW SECTION. **Section 1.** Indian historical markers.

12 Subject to the provisions of federal law, the department  
 13 shall erect at specified locations on the primary and  
 14 interstate highways in Montana up to 25 markers that are  
 15 clearly visible to traffic and that identify sites of  
 16 significant events in the history of the Indian people of  
 17 Montana.

18 NEW SECTION. **Section 2.** Indian tribes to designate

19 locations -- design of markers. (1) Each of the seven tribal  
 20 governments in Montana and the Little Shell band of Indians  
 21 shall designate locations for the markers.

22 (2) The markers must be designed by the seven tribal  
 23 governments and the Little Shell band of Indians, in  
 24 cooperation with the department.

25 NEW SECTION. **Section 3.** Extension of authority. Any

1 existing authority to make rules on the subject of the  
 2 provisions of [this act] is extended to the provisions of  
 3 [this act].

4 NEW SECTION. **Section 4.** Codification instruction.

5 [Sections 1 and 2] are intended to be codified as an  
 6 integral part of Title 60, chapter 2, part 2, and the  
 7 provisions of Title 60, chapter 2, part 2, apply to  
 8 [sections 1 and 2].

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB595, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act requiring the Department of Highways to erect Indian historical markers along primary and interstate highways; and requiring Indian tribal governments in Montana to design the markers and designate the locations.

ASSUMPTIONS:

1. Signs will be similar in size to the historical signs.
2. Cost will be similar to historical signs.
3. A rock or concrete base will not be used due to liability issue with "clear zones".
4. FY90 will be used to design the signs, costs will be incurred in FY91 only.
5. The expenses will be funded with Highway State Special Revenue Account.
6. Signs will be placed on locations where no turnout is needed.

FISCAL IMPACT:

	Current	FY90 Proposed		Current	FY91 Proposed	
<u>Expenditures:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Personal Services	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$ 2,663	\$ 2,663
Operating Expenses	-0-	-0-	-0-	-0-	51,000	51,000
Total	\$ -0-	\$ -0-	\$ -0-	\$ -0-	\$53,663	\$53,663

Funding: Highway State Special Revenue Account

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The cost of maintenance is 10% of the sign costs.

TECHNICAL OR MECHANICAL DEFECTS OR CONFLICTS WITH EXISTING LEGISLATION:

It is assumed the Indian historical markers will be placed where there are existing road turnouts. If there is no turnout, an additional \$13,010 per turnout will be added to the sign costs.



DATE 2/14/89

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/17/89

ANGELA RUSSELL, PRIMARY SPONSOR

Fiscal Note for HB595, as introduced**HB 595**

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 595

INTRODUCED BY RUSSELL, GERVAIS, REAM, MOORE, RANEY,  
BROOKE, CODY, BARDANOUVE, SPAETH, HANSON, VINCENT,  
PHILLIPS, YELLOWTAIL, GLASER, ADDY, HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE  
DEPARTMENT OF HIGHWAYS TO ERECT AND THE MONTANA HISTORICAL  
SOCIETY TO FUND INDIAN HISTORICAL MARKERS ALONG PRIMARY AND  
INTERSTATE HIGHWAYS; AND REQUIRING INDIAN TRIBAL GOVERNMENTS  
IN MONTANA TO DESIGN THE MARKERS AND DESIGNATE THE  
LOCATIONS; AND PROVIDING A TERMINATION DATE."

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

NEW SECTION. Section 1. Indian historical markers.

Subject to the provisions of federal law, the department  
shall erect at specified locations on the primary and  
interstate highways in Montana up to 25 markers that are  
clearly visible to traffic and that identify sites of  
significant events in the history of the Indian people of  
Montana.

NEW SECTION. Section 2. Indian tribes to designate

locations -- design of markers. (1) Each of the seven tribal  
governments in Montana and the Little Shell band of Indians  
shall designate THE GENERAL locations for the markers. THE  
DEPARTMENT SHALL DETERMINE THE EXACT LOCATION OF EACH

MARKER.

(2) The markers must be designed by the seven tribal  
governments and the Little Shell band of Indians,--in  
~~cooperation-with-the-department.~~ THE PRESERVATION REVIEW  
BOARD ESTABLISHED IN 2-15-1512, IN CONSULTATION WITH THE  
COORDINATOR OF INDIAN AFFAIRS, SHALL REVIEW THE DESIGN AND  
TEXT OF EACH MARKER. A MARKER MAY NOT BE ERECTED IF THE  
TRIBAL GOVERNMENT AND THE REVIEW BOARD DO NOT AGREE ON ITS  
DESIGN AND TEXT.

NEW SECTION. Section 3. HISTORICAL SOCIETY TO PAY  
COST OF MARKERS FROM ALLOCATION UNDER LODGING FACILITY TAX.  
THE MONTANA HISTORICAL SOCIETY SHALL PAY THE COST OF  
MANUFACTURE AND ERECTION OF MARKERS PROVIDED FOR IN [SECTION  
1] FROM FUNDS AVAILABLE TO THE SOCIETY UNDER 15-65-121(1)(A)  
AFTER JUNE 30, 1991, AND THE SOCIETY SHALL EXPEND UP TO  
\$10,000 EACH FISCAL YEAR FOR THE PURPOSES OF [SECTION 1].

NEW SECTION. Section 4. Extension of authority. Any  
existing authority to make rules on the subject of the  
provisions of [this act] is extended to the provisions of  
[this act].

NEW SECTION. Section 5. Codification instruction.  
[Sections 1 and 2] are intended to be codified as an  
integral part of Title 60, chapter 2, part 2, and the  
provisions of Title 60, chapter 2, part 2, apply to  
[sections 1 and 2].

HB 0595/02

- 1        NEW SECTION. SECTION 6. TERMINATION DATE. [THIS ACT]
- 2        TERMINATES JULY 1, 1997.

-End-

## 1 HOUSE BILL NO. 595

2 INTRODUCED BY RUSSELL, GERVAIS, REAM, MOORE, RANEY,  
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9 INTERSTATE HIGHWAYS; AND REQUIRING THE DEPARTMENT TO CONSULT  
10 WITH INDIAN TRIBAL GOVERNMENTS IN MONTANA TO ON THE DESIGN  
11 AND LOCATION OF THE MARKERS AND DESIGNATE THE LOCATIONS; AND  
12 PROVIDING A TERMINATION DATE."

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15 NEW SECTION. Section 1. Indian historical markers.

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17 shall erect at specified locations on the primary and  
18 interstate highways in Montana up to 25 markers that are  
19 clearly visible to traffic and that identify sites of  
20 significant events in the history of the Indian people of  
21 Montana.

22 NEW SECTION. Section 2. Indian tribes to designate  
23 locations---design-of-markers MARKER LOCATION AND DESIGN --  
24 CONSULTATION WITH TRIBES REQUIRED. (1) Each THE DEPARTMENT  
25 SHALL CONSULT WITH EACH of the seven tribal governments in

1 Montana and the Little Shell band of Indians ~~shall designate~~  
2 BEFORE DESIGNING THE MARKERS AND DESIGNATING THE GENERAL  
3 locations for the markers. THE DEPARTMENT SHALL DETERMINE  
4 THE EXACT LOCATION OF EACH MARKER.

5 (2) ~~The markers must be designed by the seven tribal~~  
6 ~~governments and the Little Shell band of Indians, in~~  
7 ~~cooperation with the department. THE PRESERVATION REVIEW~~  
8 ~~BOARD ESTABLISHED IN 2-15-1512, IN CONSULTATION WITH THE~~  
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11 ~~TRIBAL GOVERNMENT AND THE REVIEW BOARD DO NOT AGREE ON ITS~~  
12 ~~DESIGN AND TEXT.~~

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17 1] FROM FUNDS AVAILABLE TO THE SOCIETY UNDER 15-65-121(1)(A)  
18 AFTER JUNE 30, 1991, AND THE SOCIETY SHALL EXPEND UP TO  
19 \$10,000 EACH FISCAL YEAR FOR THE PURPOSES OF [SECTION 1].

20 NEW SECTION. Section 4. Extension of authority. Any  
21 existing authority to make rules on the subject of the  
22 provisions of [this act] is extended to the provisions of  
23 [this act].

24 NEW SECTION. Section 5. Codification instruction.  
25 [Sections 1 and 2] are intended to be codified as an

HB 0595/03

1 integral part of Title 60, chapter 2, part 2, and the  
2 provisions of Title 60, chapter 2, part 2, apply to  
3 [sections 1 and 2].

4 NEW SECTION. SECTION 6. TERMINATION DATE. [THIS ACT]  
5 TERMINATES JULY 1, 1997.

-End-



SENATE STANDING COMMITTEE REPORT

March 16, 1989

MR. PRESIDENT:

We, your committee on Highways and Transportation, having had under consideration HB 595 (third reading copy -- blue), respectfully report that HB 595 be amended and as so amended be concurred in:

Sponsor: Russell (Yellowtail)

1. Title, line 8.

Following: "FUND"

Insert: "AND DESIGN"

2. Title, line 9.

Strike: "DEPARTMENT"

Insert: "HISTORICAL SOCIETY"

3. Title, line 11.

Following: first occurrence of "AND"

Insert: "GENERAL"

4. Page 1, line 24.

Strike: "DEPARTMENT"

Insert: "preservation review board established in 2-15-1512"

5. Page 2, line 1.

Following: "Montana"

Insert: " , "

Strike: "and"

Following: "Indians"

Insert: " , and the coordinator of Indian affairs"

6. Page 2, line 2.

Following: "MARKERS"

Insert: " , writing the text, "

7. Page 2, lines 7 through 10.

Strike: "THE" on line 7 through "MARKER." on line 10

AND AS AMENDED BE CONCURRED IN

Signed: \_\_\_\_\_

*Sen. Tveit*  
Larry J. Tveit, Chairman

HB 595

SENATE

## 1 HOUSE BILL NO. 595

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22 \$10,000 EACH FISCAL YEAR FOR THE PURPOSES OF [SECTION 1].

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HB 0595/04

1 [this act].

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3 [Sections 1 and 2] are intended to be codified as an  
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7 NEW SECTION. SECTION 6. TERMINATION DATE. [THIS ACT]  
8 TERMINATES JULY 1, 1997.

-End-

GOVERNOR'S AMENDMENTS  
HOUSE BILL 595  
(REFERENCE COPY)  
April 7, 1989

1. Page 2, line 6.  
Following: "for the markers."  
Insert: "The department shall determine the exact  
location of each marker."

-END-

HB 595

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HB 0595/05

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