

HOUSE BILL 686

Introduced by McCormick, et al.

2/14	Introduced
2/14	Referred to Human Services & Aging
2/15	Fiscal Note Requested
2/17	Hearing
2/20	Committee Report--Bill Passed
2/21	Fiscal Note Received
2/21	2nd Reading Do Pass as Amended
	Failed
2/27	Fiscal Note Printed

1 *House* BILL NO. *686*  
2 INTRODUCED BY *Richard Nesbitt*

3  
4 A BILL FOR AN ACT ENTITLED: "THE TRADITIONAL NATIVE  
5 AMERICAN COUNSELORS ACT; PROVIDING FOR STATE RECOGNITION OF  
6 TRADITIONAL NATIVE AMERICAN COUNSELING METHODS; AND  
7 ESTABLISHING AN ADVISORY BOARD."

8  
9 STATEMENT OF INTENT

10 A statement of intent is required for this bill because  
11 [section 3] grants the newly created advisory board of  
12 traditional Native American counselors the authority to  
13 adopt rules related to the certification of traditional  
14 Native American counselors. It is the intent of the  
15 legislature that the board adopt rules including but not  
16 limited to qualifications, scope of practice, applications,  
17 examinations, and fees for certification of Native American  
18 counselors in Montana.

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 NEW SECTION. Section 1. Short title. [This act] may  
22 be cited as the "Traditional Native American Counselors  
23 Act".

24 NEW SECTION. Section 2. Purpose. (1) The legislature  
25 finds that the recognition of traditional counselors will

1 motivate Native Americans to work toward achieving drug- and  
2 alcohol-free lives.

3 (2) It is the purpose of the legislature in providing  
4 state recognition of traditional Native American counseling  
5 practices to reduce costs of drug and alcohol treatment,  
6 costs of imprisonment of those committed for drug- and  
7 alcohol-related crimes, and other inestimable human costs.  
8 The legislature recognizes that Native American counseling  
9 methods are in the best interests of the state, Native  
10 Americans, and the people of Montana.

11 NEW SECTION. Section 3. Traditional Native American  
12 counselors advisory board -- qualification for certification  
13 of counselors. (1) After consultation with the state  
14 traditional Native American counseling organization, the  
15 governor shall appoint three persons of Native American  
16 descent to serve 3-year terms on the traditional Native  
17 American counselors advisory board.

18 (2) The board shall adopt rules, including but not  
19 limited to:

20 (a) the qualifications for certification of  
21 traditional Native American counselors;

22 (b) the scope of practice of traditional Native  
23 American counselors;

24 (c) applications, examinations, and fees for  
25 certification; and

1 (d) procedures for certification renewal and  
2 revocation of certification.

3 (3) To be certified as a traditional Native American  
4 counselor, an applicant shall:

5 (a) submit a minimum of five affidavits from  
6 instructors to verify his skill in traditional counseling  
7 methods;

8 (b) have completed a minimum of 4 years of study in  
9 Native American counseling and general cultural study, which  
10 may include Native American traditional practices such as  
11 sweat lodge group counseling, fasting, sun dance, and  
12 memorial feast procedures;

13 (c) have been counseled by Native American elders and  
14 have been educated for a minimum of 4 years by elders of  
15 high traditional standards; and

16 (d) not have been convicted in the past 3 years of a  
17 drug- or alcohol-related crime.

18 NEW SECTION. Section 4. Revocation of certification  
19 -- penalty. (1) Upon conviction of a drug- or  
20 alcohol-related crime, the certification of a traditional  
21 Native American counselor may be revoked for up to 6 months  
22 from the day of conviction. While his license is revoked,  
23 the counselor shall undergo rehabilitation, and he shall  
24 undergo board review before applying for recertification.

25 (2) A person who practices as a traditional Native

1 American counselor without first having obtained a  
2 certificate is guilty of a misdemeanor and may be fined up  
3 to \$500 or imprisoned for up to 6 months, or both.

4 NEW SECTION. Section 5. Codification instructions.  
5 [This act] is intended to be codified as a new part of Title  
6 37, chapter 23.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB686, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB686 would provide for state recognition of traditional Native American counseling methods and establish an advisory board.

ASSUMPTIONS:

1. The advisory board will be attached to the tribal council.
2. There is no fiscal impact to the Department of Commerce.

FISCAL IMPACT: None

It is not clear where the advisory board will be located or whether it is to be self-funded through fees similar to most other certification functions.



DATE 2/21/89

RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

 DATE 2/21/89  
LLOYD J. MCCORMICK, PRIMARY SPONSOR

Fiscal Note for HB686, as introduced

**HB 686**

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

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SECOND READING

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