

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - SPECIAL SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Russell Fagg, on December 14, 1993,
at 9:00 a.m.

ROLL CALL

Members Present:

Rep. Russ Fagg, Chairman (R)
Rep. Randy Vogel, Vice Chairman (R)
Rep. Ellen Bergman (R)
Rep. Jody Bird (D)
Rep. Vivian Brooke (D)
Rep. Bob Clark (R)
Rep. Duane Grimes (R)
Rep. Scott McCulloch (D)
Rep. Jim Rice (R)
Rep. Angela Russell (D)
Rep. Tim Sayles (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Bill Tash (R)
Rep. Howard Toole (D)
Rep. Tim Whalen (D)
Rep. Karyl Winslow (R)
Rep. Diana Wyatt (D)

Members Excused: Randy Vogel, Rep. Diana Wyatt, Rep. Robert
Clark, Rep. Duane Grimes, Rep. Karyl Winslow

Members Absent: None

Staff Present: John MacMaster, Legislative Council
Karmen Tuttle, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HJR 8
Executive Action: HJR 8

HEARING ON HJR 8Opening Statement by Sponsor:

Rep. Bob Gervais, HD #9, said that HJR 8 relates to the federal programs that have been eliminated due to actions this session in the House. This resolution would give the tribes an option to pick up the program and would eliminate FTE and save state money. If a program was eliminated, the tribes could take over the program administration and pay the matching funds of up to a third of the program. Tribes could do it under a state tribal cooperative agreement. Tribes that would participate are the ones that could afford to match the funds.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members and Responses:

Rep. Howard Toole asked for examples of programs subject to this bill. Rep. Gervais answered that there are numerous programs that have been through the cooperative agreement process. Most of the programs matching fund cuts were done through the human services appropriations subcommittee.

Rep. Russell Fagg asked which group of people actually negotiate these agreements. Rep. Gervais answered that these agreements would be negotiated by the departments with federal funds to serve the tribes, such as human services.

Rep. Fagg asked if there is a particular agency that negotiates under the State-Tribal Agreements Act. Rep. Gervais said we have a negotiating team for water rights, gambling, tax and other services already in place.

Rep. Fagg asked if Rep. Gervais has talked to anyone from the Attorney General's Office about this resolution. Rep. Gervais answer that he had not talked to anyone.

Rep. Tim Sayles asked what federally funded programs would be eliminated. Rep. Gervais said programs with federal funds administered by the state for the tribes.

Rep. Jody Bird asked whether, if only one tribe wanted to negotiate to administer a service program, people from other tribes would have to travel to that reservation. Rep. Gervais answered that each tribe would have to negotiate a different agreement and provide matching funds should they elect to do so. Rep. Russell answered that it would be similar to a county program where funds are matched.

Rep. Randy Vogel asked whether, if state budget cuts affect a program on the reservation, the tribes will be able to pick up the costs and continue the program. Rep. Gervais answered yes.

Rep. Clark asked if all of the tribes will be able to afford these programs. Rep. Gervais answered no.

Rep. Duane Grimes asked if there are any cooperative agreements like this now. Rep. Gervais answered that there are about 80 programs.

Closing by Sponsor:

Rep. Gervais closed.

Motion: Rep. Vogel moved do pass.

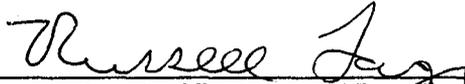
Motion: Rep. Bird requested to wait on executive action so she may get more information. The request was granted.

AT 4:00 p.m. the committee met for executive action.

Motion/Vote: Rep. Wyatt moved do pass. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:30 P.M.



REP. RUSSELL FAGG, Chairman



KARMEN TUTTLE, Secretary

RF/KT

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE December 14, 1993

NAME	PRESENT	ABSENT	EXCUSED
REP. RUSSELL FAGG, CHAIRMAN	x		
REP. RANDY VOGEL, VICE CHAIRMAN	x		
REP. JODY BIRD	x		
REP. VIVIAN BROOKE	x		
REP. ELLEN BERGMAN	x		
REP. DIANA WYATT	x		
REP. DEBBIE SHEA	x		
REP. ROBERT CLARK	x		
REP. DUANE GRIMES	x		
REP. SCOTT MCCULLOCH	x		
REP. JIM RICE	x		
REP. ANGELA RUSSELL	x		
REP. TIM SAYLES	x		
REP. LIZ SMITH	x		
REP. HOWARD TOOLE	x		
REP. BILL TASH	x		
REP. TIM WHALEN	x		
REP. KARYL WINSLOW	x		

HR:1993
 wp:rollcalls.man
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HOUSE STANDING COMMITTEE REPORT

December 14, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Joint Resolution 8 (first reading copy -- white) do pass.

Signed: Russell Fagg
Russ Fagg, Chair

Committee Vote:
Yes 19, No 0.

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Handwritten initials and date:
JF
12/15/93

