

SENATE BILL NO. 358

INTRODUCED BY J. WINDY BOY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA STATE FLAG TO INCLUDE SYMBOLS
5 REPRESENTING AMERICAN INDIAN TRIBES IN MONTANA; PROVIDING IMPLEMENTATION
6 INSTRUCTIONS; AMENDING SECTION 1-1-502, MCA; AND PROVIDING EFFECTIVE DATES."
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8 WHEREAS, Article X, section 1, of the Montana Constitution recognizes the distinct and unique cultural
9 heritage of the American Indians; and

10 WHEREAS, all Montanans respect American Indian culture and recognize American Indian heritage as
11 a valued part of the history of all Montana; and

12 WHEREAS, there are seven federally recognized American Indian tribes and one state-recognized
13 American Indian tribe in Montana with more than 8 million acres of land on their reservations in Montana; and

14 WHEREAS, according to a 2006 estimate from the United States census bureau, there are about 60,400
15 American Indian people in Montana, or about 6.4% of the entire estimated population of our state; and

16 WHEREAS, the ancestors of Montana's indigenous people contributed to the history and success of the
17 State of Montana; and

18 WHEREAS, there is no representation of Montana's indigenous people on Montana's state flag; and

19 WHEREAS, the Frazer High School class of 2009 proposes a bill to provide that the state flag include
20 symbols that represents the American Indian tribes in our state.

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

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24 **Section 1.** Section 1-1-502, MCA, is amended to read:

25 **"1-1-502. State flag.** There is hereby established a state flag of Montana. The state flag of Montana shall
26 ~~be a flag having~~ must have a blue field with a representation of the great seal of the state in the center and with
27 golden fringe along the upper and lower borders of the flag; ~~the same being, which is the same as~~ the flag borne
28 by the 1st Montana Infantry, U.S.V., in the Spanish-American War, with the exception of the device, "1st Montana
29 Infantry, U.S.V."; ~~and above.~~ Above the great seal of the state shall must be the word "MONTANA" in helvetica
30 bold letters of gold color equal in height to one-tenth of the total vertical measurement of the blue field. The state

1 flag must also include two gold staffs, one on each side of the great seal and each positioned at the same
2 distance from the great seal as the word "MONTANA" is from the great seal. Each staff must have near its top
3 four black-tipped eagle feathers, one feather for each federally recognized and state-recognized American Indian
4 tribe in Montana. The staff on the left of the great seal must be tilted to the left at a 35-degree angle. The staff
5 on the right of the great seal must be tilted to the right at a 35-degree angle."

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7 **NEW SECTION. Section 2. Implementation.** The governor shall implement the provisions of [section
8 1] and approve the final design and placement of the new American Indian symbols on the state flag in
9 consultation with the coordinator of Indian affairs and each American Indian tribe.

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11 **NEW SECTION. Section 3. Notification to tribal governments.** The secretary of state shall send a
12 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
13 Chippewa tribe.

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15 **NEW SECTION. Section 4. Effective date.** (1) Except as provided in subsection (2), [this act] is
16 effective on passage and approval.

17 (2) [Section 1] is effective July 1, 2010.

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