

SENATE JUDICIARY

Exhibit No. 13
Date: 2/16/15
Bill No. SB262

To: Senate Judiciary Committee
Re: SB 262 (CSKT Water Compact)
From: Rick Jore, Ronan MT
February 16, 2015

Chairman Sales and Committee:

Thank you for your time today. I live and own property within the boundaries of the Flathead Reservation, having been born in Ronan in 1956. I speak in opposition to SB 262 for several reasons but my remarks today focus on constitutional questions surrounding the compact.

You will notice on page 40 of the bill, the establishment of the "Flathead Reservation Water Management Board," with details regarding the authority, jurisdiction, and duties of this Board described in the next several pages. The language is clear that the Board has "exclusive" jurisdiction regarding the administration of water rights within the boundaries of the current Flathead Reservation.

Proponents of the compact argue that the state is fulfilling its MT Constitution Art. IX Sec. 3 obligation to "provide for the administration, control, and regulation of water rights..." and is not depriving certain citizens of its "equal protection" obligation in Art. II Sec. 4. They contend that the legislature is indeed "providing for" the administration of water rights within the context of the Flathead Reservation Water Management Board. I disagree.

There are numerous references in the MT Constitution stating that "the legislature shall provide for..." such and such. Art. X, for example, says "the legislature shall provide a basic system of free quality public...schools." If the legislature ratified an agreement to give the CSKT tribal council authority to appoint two members of local school districts within the reservation, certainly the representation of the voting taxpayers in that district would be diminished

This Reservation Water Management Board is made up of five voting members; two appointed by the Tribal Council, two appointed by the Governor, and those four choosing a fifth. Because my tribal member neighbors are also state citizens and have opportunity to vote for the Governor of the state, they will have two votes to determine the makeup of this board. Non tribal members will have one.