

## HOUSE BILL NO. 437

INTRODUCED BY M. MONFORTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A COMPACT BETWEEN THE FEDERAL

5 GOVERNMENT AND THE STATE OF MONTANA MAY NOT BE RATIFIED EXCEPT BY AN AFFIRMATIVE

6 VOTE OF TWO-THIRDS OF ALL MEMBERS OF THE MONTANA LEGISLATURE; AMENDING SECTIONS

7 85-2-702 AND 85-2-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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11 NEW SECTION. **Section 1. Ratification of compact with federal government.** A compact between

12 the federal government and the state of Montana may not be ratified except by an affirmative vote of two-thirds

13 of all members of the Montana legislature.

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15 **Section 2.** Section 85-2-702, MCA, is amended to read:

16 **"85-2-702. Negotiation with Indian tribes.** (1) The reserved water rights compact commission, created

17 by 2-15-212, may negotiate with the Indian tribes or their authorized representatives jointly or severally to

18 conclude compacts authorized under 85-2-701. Compact proceedings must be commenced by the commission.

19 The commission shall serve by certified mail directed to the governing body of each tribe a written request for the

20 initiation of negotiations under this part and a request for the designation of an authorized representative of the

21 tribe to conduct compact negotiations. Compact negotiations commence upon receipt of the written designation

22 from the governing body of a tribe.

23 (2) When the compact commission and the Indian tribes or their authorized representatives have agreed

24 to a compact, they shall sign a copy and file an original copy with the department of state of the United States

25 of America and copies with the secretary of state of Montana and with the governing body for the tribe involved.

26 The compact is effective and binding upon all parties upon ratification by ~~the~~ two-thirds of all members of the

27 legislature of Montana pursuant to [section 1] and any affected tribal governing body, and approval by the

28 appropriate federal authority.

29 (3) Upon its ratification by the Montana legislature and the tribe, the terms of a compact must be included

30 in the preliminary decree as provided by 85-2-231, and unless an objection to the compact is sustained under

1 85-2-233, the terms of the compact must be included in the final decree without alteration. However, if approval  
2 of the state legislature and the tribe has not been accomplished by July 1, 2013, all Indian claims for reserved  
3 water rights that have not been resolved by a compact must be filed with the department within 24 months. These  
4 new filings must be used in the formulation of the preliminary decree and must be given treatment similar to that  
5 given to all other filings."  
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7 **Section 3.** Section 85-2-703, MCA, is amended to read:

8 **"85-2-703. Negotiation with federal government.** The compact commission may also enter into  
9 separate negotiations with the federal government for the conclusion of compacts concerning the equitable  
10 division and apportionment of water between the state and its people and the federal government claiming  
11 non-Indian reserved waters within the state. The terms and conditions of such negotiations shall be the same as  
12 provided in this section for negotiations with Indian tribes and subject to the ratification requirements of [section  
13 1]."  
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15 NEW SECTION. **Section 4. Notification to tribal governments.** The secretary of state shall send a  
16 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
17 Chippewa tribe.  
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19 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
20 integral part of Title 2, chapter 1, and the provisions of Title 2, chapter 1, apply to [section 1].  
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22 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.  
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