



AN ACT REQUIRING COUNTY REIMBURSEMENT FOR ASSUMPTION OF CRIMINAL JURISDICTION WITHIN THE FLATHEAD INDIAN RESERVATION; PROVIDING THAT LAKE COUNTY MAY WITHDRAW FROM ENFORCEMENT OF CRIMINAL JURISDICTION ON BEHALF OF THE STATE; PROVIDING LEGISLATIVE INTENT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-1-301 AND 2-1-306, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

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

Section 1. Section 2-1-301, MCA, is amended to read:

"2-1-301. Assumption of criminal jurisdiction of Flathead Indian country -- county reimbursement. (1) The state of Montana hereby obligates and binds itself to assume, as ~~herein~~ provided in this section, criminal jurisdiction over Indians and Indian territory of the Flathead Indian reservation and country within the state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd congress, 1st session).

(2) Unless the Confederated Salish and Kootenai tribes or Lake County withdraws consent to enforcement pursuant to 2-1-306, the state shall reimburse Lake County for assuming criminal jurisdiction under this section annually to the extent funds are appropriated by the legislature. The annual amount of reimbursement must be adjusted each year based on the consumer price index."

Section 2. Section 2-1-306, MCA, is amended to read:

"2-1-306. Withdrawal of consent to state jurisdiction. (1) No sooner than 6 months after April 24, 1993, and after consulting with local government officials concerning implementation, the Confederated Salish and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal jurisdiction of the state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that

effect.

(2) The Confederated Salish and Kootenai tribes may, by separate resolution, withdraw consent to be subject to those areas of civil jurisdiction of the state of Montana that are delineated in tribal ordinance 40-A (revised and enacted May 5, 1965). The withdrawal is limited to those delineated areas of civil jurisdiction agreed upon in writing by the governor after consultation with the attorney general and officials of affected local governments. The tribes shall initiate this process by sending a certified letter to the governor. After consultation and execution of a written agreement between the governor and the tribes, the agreed-upon civil areas must be incorporated into a tribal resolution to be enacted by the tribes. Within 6 months after receipt of the tribal resolution, the governor shall issue a proclamation to that effect that reflects the terms of the written agreement.

(3) No sooner than 6 months after [the effective date of this act], and after consulting with tribal government officials concerning withdrawal, the board of county commissioners of Lake County may, by resolution, withdraw consent to enforce criminal jurisdiction on behalf of the state of Montana over the Confederated Salish and Kootenai tribes. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that effect.

~~(3)(4)~~ Subsections (1) ~~and (2)~~ through (3) do not alter the existing jurisdiction or authority of the Confederated Salish and Kootenai tribes or the state of Montana, except as expressly provided for in subsections (1) ~~and (2)~~ through (3)."

Section 3. Appropriation. (1) There is appropriated \$1 from the general fund to the department of justice in each year of the biennium beginning July 1, 2021, to reimburse Lake County for assuming criminal jurisdiction within the Flathead Indian reservation as required by 2-1-301.

(2) The appropriation may only be used to reimburse Lake County.

(3) The legislature intends that the appropriation be considered as part of the ongoing base for the next legislative session.

Section 4. Effective date. [This act] is effective July 1, 2021.

Section 5. Termination. [This act] terminates June 30, 2027.

- END -

I hereby certify that the within bill,
HB 656, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 656

INTRODUCED BY J. READ, L. BREWSTER, J. FULLER, S. GREEF, E. HILL, C. HINKLE, K. HOLMLUND, M. HOPKINS, B. LER, M. NOLAND, L. REKSTEN, J. SCHILLINGER, D. SKEES, B. TSCHIDA, B. USHER

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