

1 SENATE BILL NO. 310

2 INTRODUCED BY L. WHITFORD

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CRIMINAL JURISDICTION ON THE
5 FLATHEAD INDIAN RESERVATION; REQUIRING NOTIFICATION TO THE CONFEDERATED SALISH AND
6 KOOTENAI TRIBAL GOVERNMENT; AMENDING SECTION 2-1-306, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 2-1-306, MCA, is amended to read:
12 **"2-1-306. Withdrawal of consent to state jurisdiction.** (1) No sooner than 6 months after April 24,
13 1993, and after consulting with local government officials concerning implementation, the Confederated Salish
14 and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal ~~misdemeanor~~
15 jurisdiction of the state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a
16 proclamation to that effect.

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

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

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28 **NEW SECTION. Section 2. Notification to tribal government.** The secretary of state shall send a
29 copy of [this act] to the Confederated Salish and Kootenai tribal government.

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