

## I. Introduction

Montana Code Annotated Section 87-1-228<sup>1</sup> establishes a cooperative agreement with the state of Montana and the Confederated Salish and Kootenai Tribes of the

<sup>1</sup> **87-1-228. Agreement with Indians concerning hunting and fishing -- Indian treaty of 1855.** (1) Whereas, by treaty of July 16, 1855, between the United States of America and the confederated tribes of the Flathead, Kootenai, and Upper Pend Oreille Indians, the tribes have certain rights to fish and hunt; and whereas, it appears to be to the common advantage of the state and Indian tribes to cooperate in matters involving hunting and fishing. Therefore, the department may negotiate and conclude an agreement with the council of the Confederated Salish and Kootenai tribes of the Flathead Indian reservation for the purpose of:

(a) authorizing individuals to serve on a state-tribal cooperative board to develop hunting and fishing regulations and reimbursing those individuals' expenses pursuant to 2-18-501 through 2-18-503;

(b) doing what in its judgment is necessary by way of granting to tribal Indians state permits to hunt and fish off reservation on open and unclaimed lands, to be issued without charge to the Indians, or allowing Indians to hunt without licenses, permits, or stamps;

(c) issuing jointly with the council hunting and fishing licenses, permits, and stamps under terms established by mutual agreement and recognized as valid for hunting and fishing throughout the state. These joint licensing and permit requirements supersede the general licensing and permit requirements set forth in this title.

(d) authorizing all revenues collected from sale of joint licenses, permits, and stamps to be remitted to the council for the purpose of a fish and wildlife program;

(e) transferring to the council an amount equal to all fines and restitution collected in state court for fish and wildlife violations within reservation boundaries for use in a fish and wildlife program;

(f) policing Indian and other lands for the protection of fish and game and providing responsibility for redress of fish and game violations to state or tribal courts; and

(g) in general carrying out the purposes of this section.

(2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18, chapter 11.

(3) Prior to concluding any agreement under this section, the department shall hold public meetings, after proper public notice of the meetings has been given and the proposed agreement has been made available for public review, to afford an opportunity to comment on the contents of the agreement.

**History:** Ap. p. Preamble, Sec. 1, Ch. 198, L. 1947; Sec. 26-131, R.C.M. 1947; Ap. p. Preamble, Sec. 1, Ch. 198, L. 1947; amd. Sec. 2, Ch. 9, L. 1977; amd. Sec. 13, Ch. 417, L. 1977; Sec. 26-132, R.C.M. 1947; R.C.M. 1947, 26-131, 26-132; amd. Sec. 13, Ch. 309, L. 1981; amd. Sec. 1, Ch. 590, L. 1989; amd. Sec. 1, Ch. 266, L. 1993.

SENATE JUDICIARY

Exhibit 9

Date 1-13-05 1

Bill No. SB 187

Amendments to Senate Bill No. 181  
1st Reading Copy

Requested by Senator Jon Ellingson

For the Senate Judiciary Committee

Prepared by Valencia Lane  
January 14, 2005 (8:11am)

1. Page 2, line 2.

**Following:** "owner."

**Insert:** "The term does not include money, in any form, identification documents, or wallets, purses, bags, or similar items that are generally used to carry money or documents. For purposes of subsection (2)(a), all personal property in a vehicle is presumed to be the property of the owner of the vehicle unless there is evidence on or attached to an item of personal property indicating that it belongs to someone other than the owner of the vehicle or unless there is a signed statement of ownership as provided in subsection (2)(c).

(c) A person, other than the owner of a vehicle subject to a lien under subsection (2)(a), who claims ownership of an item of personal property in the vehicle may provide the lienholder with a signed statement containing the person's name, address, and phone number, a description of the personal property, a statement that the person is the lawful owner of the personal property, and a request for return of the personal property. Upon receipt of the signed statement, the lienholder shall release the personal property to the person submitting the statement. The signed statement must be treated as a statement under oath or equivalent affirmation for the purposes of 45-7-202, relating to the criminal offense of false swearing. Receipt of property under this subsection (2)(c) by a person with the intent to deprive the lawful owner of the property must be treated as theft under 45-6-301."

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