

HOUSE BILL NO. 306

INTRODUCED BY R. JORE

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A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE STATE-TRIBAL COOPERATIVE AGREEMENTS ACT BY PROHIBITING AN AGREEMENT CEDING JURISDICTION OVER NONTRIBALLY OWNED FEE LANDS WITHIN A RESERVATION WHERE EXCLUSIVE STATE JURISDICTION HAS BEEN JUDICIALLY DETERMINED; AMENDING SECTION 18-11-110, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 18-11-110, MCA, is amended to read:

**"18-11-110. Specific limitations on agreements.** ~~Nothing in this~~ This chapter may not be construed to authorize an agreement that:

(1) is not permitted by federal law. However, the parties are encouraged to deal with substantive matters and enforcement matters that can be mutually agreed upon, but ~~no such an~~ an agreement may not be considered to affect the underlying jurisdictional authority of any party unless expressly authorized by congress.

(2) authorizes a public agency or tribal government, either separately or pursuant to agreement, to expand or diminish the jurisdiction presently exercised by the government of the United States to make criminal laws for or enforce criminal laws in Indian country; ~~or~~

(3) authorizes a public agency or tribal government to enter into an agreement except as authorized by ~~their~~ its own organizational documents or enabling laws; or

(4) authorizes the state to cede jurisdiction over nontribally owned fee lands within the exterior boundaries of any Indian reservation in Montana where exclusive state jurisdiction has been judicially determined to exist."

**NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

**NEW SECTION. Section 3. Effective date -- applicability.** [This act] is effective on passage and



1 approval and applies to agreements entered into on or after [the effective date of this act].

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