

1 HOUSE BILL NO. 656

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

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTY REIMBURSEMENT FOR ASSUMPTION
6 OF CRIMINAL JURISDICTION WITHIN THE FLATHEAD INDIAN RESERVATION; PROVIDING THAT LAKE
7 COUNTY MAY WITHDRAW FROM ENFORCEMENT OF CRIMINAL JURISDICTION ON BEHALF OF THE
8 STATE; PROVIDING LEGISLATIVE INTENT; PROVIDING AN APPROPRIATION; AMENDING SECTION
9 SECTIONS 2-1-301 AND 2-1-306, MCA; AND PROVIDING AN EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 2-1-301, MCA, is amended to read:

14 **"2-1-301. Assumption of criminal jurisdiction of Flathead Indian country -- county**
15 **reimbursement.** (1) The state of Montana hereby obligates and binds itself to assume, as ~~herein~~ provided in
16 this section, criminal jurisdiction over Indians and Indian territory of the Flathead Indian reservation and country
17 within the state in accordance with the consent of the United States given by the act of August 15, 1953 (Public
18 Law 280, 83rd congress, 1st session).

19 (2) ~~The~~ UNLESS THE CONFEDERATED SALISH AND KOOTENAI TRIBES OR LAKE COUNTY WITHDRAWS
20 CONSENT TO ENFORCEMENT PURSUANT TO 2-1-306, THE state shall reimburse Lake County for assuming criminal
21 jurisdiction under this section annually. The annual amount of reimbursement must be adjusted each year
22 based on the consumer price index."

23
24 **SECTION 2. SECTION 2-1-306, MCA, IS AMENDED TO READ:**

25 **"2-1-306. Withdrawal of consent to state jurisdiction.** (1) No sooner than 6 months after April 24,
26 1993, and after consulting with local government officials concerning implementation, the Confederated Salish
27 and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal jurisdiction of the
28 state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that

1 effect.

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

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

16 ~~(3)(4)~~ Subsections (1) and ~~(2)~~ through (3) do not alter the existing jurisdiction or authority of the
 17 Confederated Salish and Kootenai tribes or the state of Montana, except as expressly provided for in
 18 subsections (1) and ~~(2)~~ through (3)."

19
 20 **NEW SECTION. Section 3. Appropriation.** (1) There is appropriated \$2,191,621 from the general
 21 fund to the department of justice in each year of the biennium beginning July 1, 2021, to reimburse Lake
 22 County for assuming criminal jurisdiction within the Flathead Indian reservation as required by 2-1-301.

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

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

26
 27 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2021.

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