Amendment - 1st Reading-white - Requested by: Jeffrey Welborn - (S) Finance and Claims

68th Legislature Drafter: Julie Johnson, 406-444-4024 SB0127.001.001

| 1 | SENATE BILL NO. 127 |
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| 2 | INTRODUCED BY G. HERTZ |
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| 4 | A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE STATE AND LAKE COUNTY TO AGREE ON |
| 5 | THE AMOUNT OF REIMBURSEMENT FOR ASSUMING CRIMINAL JURISDICTION OVER FLATHEAD |
| 6 | RESERVATION; PROVIDING THAT IF FUNDING IS NOT AGREED ON AND APPROPRIATED, THE STATE |
| 7 | SHALL ASSUME CRIMINAL JURISDICTION OVER FLATHEAD RESERVATION; AMENDING SECTION 2-1- |
| 8 | 301, MCA; REPEALING SECTION 5, CHAPTER 556, LAWS OF 2021; PROVIDING FOR LEGISLATIVE |
| 9 | INTENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." |
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| 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. (Temporary) Assumption of criminal jurisdiction of Flathead Indian country county |
| 15 | reimbursement agreement and appropriations. (1) The state of Montana hereby obligates and binds itself |
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| 16 | to assume, as provided in this section, criminal jurisdiction over Indians and Indian territory of the Flathead |
| 16 17 | Indian reservation and country within the state in accordance with the consent of the United States given by the |
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| 17 | Indian reservation and country within the state in accordance with the consent of the United States given by the |
| 17 18 | 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). |
| 17 18 19 | 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 |
| 17 18 19 20 | 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 |
| 17 18 19 20 21 | 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 legislature shall |
| 17 18 19 20 21 | 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 legislature shall appropriate funds to the department of justice in an amount that is mutually agreed to by the state and Lake |
| 117 118 119 220 221 222 223 | 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 legislature shall appropriate funds to the department of justice in an amount that is mutually agreed to by the state and Lake County in the agreement described in subsection (3). The department of justice shall reimburse Lake County |
| 117 118 119 120 221 222 223 | 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 legislature shall appropriate funds to the department of justice in an amount that is mutually agreed to by the state and Lake County in the agreement described in subsection (3). The department of justice shall reimburse Lake County according to the terms of the agreement. The annual amount of reimbursement must be adjusted each year |
| 17 18 19 20 21 22 23 24 | 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 legislature shall appropriate funds to the department of justice in an amount that is mutually agreed to by the state and Lake County in the agreement described in subsection (3). The department of justice shall reimburse Lake County according to the terms of the agreement. The annual amount of reimbursement must be adjusted each year based on the consumer price index. |



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| 1 | (4) If the state and Lake County do not agree on an amount of funding by March 1 of each odd- |
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| 2 | numbered year, or if the legislature does not appropriate the amount set forth in the agreement by May 1 of |
| 3 | each odd-numbered year, the state shall assume criminal jurisdiction over the Indians and Indian territory of the |
| 4 | Flathead Indian reservation and country beginning on July 1 of that year.(Terminates June 30, 2027sec. 5, |
| 5 | Ch. 556, L. 2021.) |
| 6 | 2-1-301. (Effective July 1, 2027) Assumption of criminal jurisdiction of Flathead Indian country. |
| 7 | The state of Montana hereby obligates and binds itself to assume, as herein provided, criminal jurisdiction over |
| 8 | Indians and Indian territory of the Flathead Indian reservation and country within the state in accordance with |
| 9 | the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd congress, 1st |
| 10 | session)." |
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| 12 | NEW SECTION. Section 2. Legislative intent. It is the intent of the legislature that one-half of the |
| 13 | cost associated with the implementation of [this act] be paid with personal services savings resulting from |
| 14 | vacant positions within the department of justice, up to \$413,000 for fiscal year 2024, and \$2,491,416 for fiscal |
| 15 | year 2025. |
| 16 | |
| 17 | NEW SECTION. Section 3. Repealer. Section 5, Chapter 556, Laws of 2021, is repealed. |
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| 19 | NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval. |
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