

1 SENATE BILL NO. 127

2 INTRODUCED BY G. HERTZ

3
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; AND PROVIDING AN IMMEDIATE
9 EFFECTIVE DATE."

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

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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
16 to assume, as provided in this section, criminal jurisdiction over Indians and Indian territory of the Flathead
17 Indian reservation and country within the state in accordance with the consent of the United States given by the
18 act of August 15, 1953 (Public Law 280, 83rd congress, 1st session).

19 (2) Unless the Confederated Salish and Kootenai tribes or Lake County withdraws consent to
20 enforcement pursuant to 2-1-306, the state shall reimburse Lake County for assuming criminal jurisdiction
21 under this section annually to the extent funds are appropriated by the legislature. The legislature shall
22 appropriate funds to the department of justice in an amount that is mutually agreed to by the state and Lake
23 County in the agreement described in subsection (3). The department of justice shall reimburse Lake County
24 according to the terms of the agreement. The annual amount of reimbursement must be adjusted each year
25 based on the consumer price index.

26 (3) By March 1 of each odd-numbered year, the state and Lake County shall enter into an
27 agreement to set the amount of annual reimbursement for Lake County assuming criminal jurisdiction under
28 this section.

1 (4) If the state and Lake County do not agree on an amount of funding by March 1 of each odd-
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, 2027--sec. 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. Repealer. Section 5, Chapter 556, Laws of 2021, is repealed.

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14 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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