

Amendment - 2nd Reading/2nd House-tan - Requested by: Greg Hertz - (S) Committee of Whole

- 2023
68th Legislature 2023

Drafter: Jaret Coles, 406-444-4022

HB0479.004.001

1 HOUSE BILL NO. 479
2 INTRODUCED BY J. READ, B. KEENAN
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF JUSTICE
5 TO ASSUME PROVIDE MONEY TO LAKE COUNTY TO OFFSET PAST COSTS AND COSTS IN THE
6 BIENNIUM FOR LAW ENFORCEMENT ACTIVITIES ON THE FLATHEAD RESERVATION; ~~CREATING A~~
7 PUBLIC LAW 280 TASK FORCE TO PROVIDE RECOMMENDATIONS; PROHIBITING LAKE COUNTY
8 FROM WITHDRAWING CONSENT TO BE SUBJECT TO CRIMINAL JURISDICTION OF THE STATE;
9 ESTABLISHING REPORTING REQUIREMENTS; PROVIDING AN APPROPRIATION; AND PROVIDING AN
10 EFFECTIVE DATE ~~AND A TERMINATION DATE~~ AND A TERMINATION DATE."
11

12 WHEREAS, THE STATE BELIEVES THAT THE RELATIONSHIP BETWEEN THE ~~CSKT Confederated Salish and~~
13 Kootenai Tribes AND LAKE COUNTY HAS FACILITATED EFFECTIVE LAW ENFORCEMENT AND THE ADMINISTRATION OF
14 JUSTICE BY SUBJECTING ALL PERSONS TO JURISDICTION OF THE STATE WHEN FELONIES OCCUR WITHIN THE EXTERIOR
15 BOUNDARIES OF THE COUNTY; AND

16 WHEREAS, THE STATE IS CONCERNED THAT THE POSITIVE ATTRIBUTES OF THE RELATIONSHIP COULD BE
17 SIGNIFICANTLY HARMED IF EITHER ~~THE STATE Lake County~~ OR THE TRIBE DECIDE TO WITHDRAW FROM THEIR
18 AGREEMENT consent to the state's exercise of criminal jurisdiction within the boundaries of the Flathead
19 Reservation under Public Law 280; AND

20 WHEREAS, ALTHOUGH THE STATE DOES NOT BELIEVE IT HAS AN OBLIGATION TO FUND LAW ENFORCEMENT
21 SERVICES IN LAKE COUNTY, IT WISHES TO PRESERVE THE STATUS QUO BETWEEN THE EFFECTIVE DATE AND THE END OF
22 THE BIENNIUM TO DETERMINE WHETHER THE TRIBE AND LAKE COUNTY WISH TO CONTINUE THE RELATIONSHIP WITH
23 THEIR COLLECTIVE RESOURCES, BUT IN THE ABSENCE OF ONGOING APPROPRIATIONS IN FUTURE BIENNIUMS FROM THE
24 STATE; AND

25 WHEREAS, TO PRESERVE THE STATUS QUO, THE STATE IS PROVIDING AN APPROPRIATED AMOUNT FOR THE
26 BIENNIUM TO LAKE COUNTY.
27

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

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3

(Refer to Introduced Bill)

4

Strike everything after the enacting clause and insert:

5

6 ~~NEW SECTION. Section 1. — Assumption of law enforcement activities.~~ The department of justice
7 ~~is authorized to enter into a memorandum of understanding or other binding contract with Lake County for Lake~~
8 ~~County to assume law enforcement activities on the Flathead Indian reservation.~~

9

10 NEW SECTION. Section 1. Recission of county resolution -- county resolution prohibition --

11 Public Law 280 task force -- recommendations. (1) The Lake County commissioners:

12 (a) shall rescind and vacate resolution no. 22-42(a), adopted on January 3, 2023; and

13 (b) may not adopt any further resolutions withdrawing consent to be subject to the criminal

14 jurisdiction of the state during the biennium beginning July 1, 2023.

15 (2) There is established a Public Law 280 task force to serve in an advisory capacity to evaluate
16 the current efficacy of Public Law 280 jurisdiction on the Flathead Indian reservation, associated costs, and the
17 funding mechanisms for those costs. The task force is allocated to the department of justice for staffing services
18 and administrative purposes only.

19 (3) The Public Law 280 task force, including the presiding officer, must be appointed by the
20 governor and must include but is not limited to:

21 (a) a representative of the governor;

22 (b) the presiding officer of the Confederated Salish and Kootenai tribes or the presiding officer's
23 designated representative;

24 (c) the presiding officer of the Lake County board of commissioners; and

25 (d) a representative of the attorney general.

26 (4) The Public Law 280 task force shall prepare and publish a report that includes
27 recommendations to the governor and the legislature regarding the findings of the task force on or before July

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1 1, 2024.

2
3 NEW SECTION. Section 2. Appropriation. There is appropriated \$27,500,000 ~~\$2.5 million~~ ~~\$2~~ ~~\$2.5~~
4 ~~MILLION~~ from the general fund to the department of justice for EACH YEAR IN the biennium beginning July 1, 2023,
5 to reimburse Lake County for ~~assuming~~ law enforcement activities on the Flathead Indian reservation related to
6 implementation of Public Law 280.

7
8 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2023.

9
10 NEW SECTION. Section 3. Termination. [This act] terminates June 30, 2028.

11
12 NEW SECTION. Section 4. Termination. [Sections 1 and 2] terminate June 30, 2025.

13 - END -