

SENATE BILL NO. 127

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE STATE AND LAKE COUNTY TO AGREE ON THE AMOUNT OF REIMBURSEMENT FOR ASSUMING CRIMINAL JURISDICTION OVER FLATHEAD RESERVATION; PROVIDING THAT IF FUNDING IS NOT AGREED ON AND APPROPRIATED, THE STATE SHALL ASSUME CRIMINAL JURISDICTION OVER FLATHEAD RESERVATION; AMENDING SECTION 2-1-301, MCA; REPEALING SECTION 5, CHAPTER 556, LAWS OF 2021; PROVIDING FOR LEGISLATIVE INTENT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

**"2-1-301. ~~(Temporary)~~ Assumption of criminal jurisdiction of Flathead Indian country -- county reimbursement -- agreement and appropriations.** (1) The state of Montana hereby obligates and binds itself to assume, as provided in this section, criminal jurisdiction over Indians and Indian territory of the Flathead 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.

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

