

HOUSE BILL NO. 366

INTRODUCED BY T. SHARP, L. SCHUBERT, S. KELLY, G. OVERSTREET, E. BYRNE, A. REGIER, P.

FIELDER, G. KMETZ, L. REKSTEN, S. MANESS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN APPROPRIATION TO REIMBURSE LAKE COUNTY FOR CONSENTING TO ASSUME FELONY CRIMINAL JURISDICTION; PROVIDING FOR PERMISSIBLE USES OF THE FUNDS, LEGISLATIVE INTENT, AND STATE RECOGNITION AND OBLIGATIONS; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Funding to Lake County -- permissible uses. (1) The legislature directs that funds be appropriated from the general fund to the office of budget and program planning as provided in [section 3] for the purpose of meeting financial requirements and funding shortfalls resulting from Lake County consenting to assist the state in the state's criminal jurisdiction and enforcement obligations under Public Law 280, 83rd congress, 1st session, and as specified in 2-1-301.

(2) Funds appropriated will be apportioned and distributed in accordance with [section 3] to transition felony criminal jurisdiction on the Flathead Indian reservation to the Confederated Salish and Kootenai tribes and to pay for expenditures incurred by Lake County in meeting the state's Public Law 280 obligations.

(3) All of the funds appropriated under [section 3] are subject to legislative audit.

NEW SECTION. Section 2. State recognition and obligations. (1) The legislature acknowledges that Lake County has withdrawn from Public Law 280 but will assist the state in fulfilling its obligation by aiding in the transition of felony jurisdiction to the Confederated Salish and Kootenai tribes until the appropriation in [section 3] ends. If the transition is not complete by June 30, 2027, and a new appropriation is obtained from the 70th Legislature, Lake County may provide further assistance in proportion to the funding authorized.

(2) The legislature acknowledges that if retrocession by the state or the tribes is not complete by

June 30, 2027, Lake County's withdrawal from Public Law 280 remains effective, the county incurs no obligation to reenter the agreement, and the county may at its own discretion continue to assist the state and the Confederated Salish and Kootenai tribes as requested.

NEW SECTION. Section 3. Appropriation. (1) The following money is appropriated from the general fund to the ~~department of justice to reimburse Lake County for consenting to assume felony criminal jurisdiction over any member of a federally recognized tribe and over Indian territory of~~ office of budget and program planning to be distributed in equal shares to the Confederated Salish and Kootenai tribes for the transition of felony criminal jurisdiction on the Flathead Indian reservation and to Lake County for expenditures resulting from the enforcement of felony criminal jurisdiction on behalf of Montana within the Flathead Indian reservation:

Fiscal year beginning July 1, 2025 ~~\$2.5 million~~ \$2,333,333

Fiscal year beginning July 1, 2026 ~~\$2.5 million~~ \$2,333,333

(2) The legislature intends that the appropriation in this section is considered part of the ongoing base for the next biennium and every biennium until the state retrocedes from Public Law 280.

NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2025.

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