

HOUSE BILL 797

Introduced by Russell, et al.

2/12	Introduced
2/12	Referred to Judiciary
2/13	First Reading
2/13	Fiscal Note Requested
2/19	Fiscal Note Received
2/19	Fiscal Note Printed
2/20	Hearing
2/20	Committee Report--Bill Passed
2/25	2nd Reading Do Not Pass
2/26	Reconsidered Previous Action and Placed on 2nd Reading This Day
2/26	2nd Reading Passed as Amended
2/27	3rd Reading Passed
	Transmitted to Senate
2/27	Referred to Judiciary
3/04	First Reading
3/18	Hearing
4/10	Tabled in Committee

1 *HOUSE* BILL NO. *797*  
 2 INTRODUCED BY *Russell* *Thompson* *Dave Brown* *Donnelly*  
 3 *Narcho* *Donnelly* *Selva Whalen* *Frankley* *Randy*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE *Cobb*  
 5 *Yellowtail* *Tribe* *Blackfoot* *Tribe* *Salish* *Tribe* *Beaver*  
 6 CONFEDERATED SALISH AND KOOTENAI INDIAN TRIBES TO ADOPT A *Jantz*  
 7 RESOLUTION WITHDRAWING THEIR CONSENT TO BE SUBJECT TO STATE  
 8 JURISDICTION PURSUANT TO 25 U.S.C. 1323; AMENDING SECTION  
 9 2-1-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

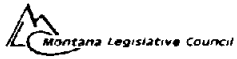
11 **Section 1.** Section 2-1-306, MCA, is amended to read:

12 "2-1-306. Withdrawal of consent to state jurisdiction.  
 13 Any Indian tribe, community, band, or group of Indians that  
 14 may consent to come within the provisions of this part may  
 15 ~~within--2-years-from-the-date-of-the-governor's-proclamation~~  
 16 withdraw their consent to be subject to the criminal and/or  
 17 civil jurisdiction of the state of Montana, by appropriate  
 18 resolution, and within 60 days after receipt of such  
 19 resolution, the governor shall issue a proclamation to that  
 20 effect."

21 NEW SECTION. **Section 2.** Effective date. [This act] is  
 22 effective on passage and approval.

-End-

INTRODUCED BILL  
HB 797



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0797, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Confederated Salish and Kootenai Indian Tribes to adopt a resolution withdrawing their consent to be subject to state jurisdiction pursuant to 25 U.S.C. 1323; amending Section 2-1-306, MCA; and providing an immediate effective date.

ASSUMPTIONS:


1. Either the federal government or tribal government will assume the services withdrawn by the proposed resolution.
2. The proposed retrocession would be a cost savings to the state because of federal and tribal reassumption of services.
3. Potential cost of savings to state and local governments cannot be determined at this time due to the lack of precedent and the unknown extent of the withdrawn governmental services.

FISCAL IMPACT:

Unable to determine at this time.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The proposed legislation would probably result in a cost savings to local governments because government services would become the responsibility of the federal government and/or tribal government.

  
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ROD SUNDSTED, BUDGET DIRECTOR                      DATE  
Office of Budget and Program Planning                      2-18-91

  
\_\_\_\_\_  
ANGELA RUSSELL, PRIMARY SPONSOR                      DATE  
2/9/91

Fiscal Note for HB0797, as introduced                      **HB 797**



1                   HOUSE BILL NO. 797  
 2           INTRODUCED BY RUSSELL, HARPER, D. BROWN, DRISCOLL,  
 3           DARKO, GERVAIS, STRIZICH, SCHYE, WHALEN, KIMBERLEY,  
 4           RANEY, DOHERTY, YELLOWTAIL, FRANKLIN, BIANCHI, HALLIGAN,  
 5           REAM, COBB, J. RICE, FAGG, VAN VALKENBURG,  
 6           NATHE, MAZUREK, MEASURE

1           effective on passage and approval.

-End-

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 8   A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 9   CONFEDERATED SALISH AND KOOTENAI INDIAN TRIBES TO ADOPT A  
 10   RESOLUTION WITHDRAWING THEIR CONSENT TO BE SUBJECT TO STATE  
 11   JURISDICTION PURSUANT TO 25 U.S.C. 1323; AMENDING SECTION  
 12   2-1-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

15       **Section 1.** Section 2-1-306, MCA, is amended to read:

16       "2-1-306. Withdrawal of consent to state jurisdiction.  
 17   Any Indian tribe, community, band, or group of Indians that  
 18   may consent to come within the provisions of this part may  
 19   ~~within--2-years-from-the-date-of-the-governor's-proclamation~~  
 20   withdraw their consent to be subject to the criminal and/or  
 21   civil jurisdiction of the state of Montana, by appropriate  
 22   resolution, and within 60 days after receipt of such  
 23   resolution, the governor shall issue a proclamation to that  
 24   effect."

25       NEW SECTION. **Section 2.** Effective date. [This act] is

## 1 HOUSE BILL NO. 797

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-End-

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 21 civil jurisdiction of the state of Montana, by appropriate  
 22 resolution, and within ~~60-days~~ 1 YEAR after receipt of such  
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 24 effect."

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