## HOUSE JOINT RESOLUTION NO. 9

## INTRODUCED BY RUSSELL, GERVAIS, YELLOWTAIL

## IN THE HOUSE

JANUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 17, 1991	FIRST READING.
JANUARY 23, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 24, 1991	PRINTING REPORT.
JANUARY 26, 1991	SECOND READING, DO PASS.
JANUARY 28, 1991	ENGROSSING REPORT.
JANUARY 30, 1991	THIRD READING, PASSED. AYES, 88; NOES, 12.
	TRANSMITTED TO SENATE.
	IN THE SENATE
JANUARY 31, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
APRIL 4, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 5, 1991	SECOND READING, CONCURRED IN.
APRIL 6, 1991	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.
	IN THE HOUSE
APRIL 10, 1991	RECEIVED FROM SENATE.
·	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 11, 1991	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1

3

4

5

6 7

8 9

10

11

12

13

14

15

16

17

	Hau SE JOINT RESOLUTION NO.	
INTRODUCED	BY Trustal General Hello	wtand

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS TO PASS LEGISLATION CONFIRMING THAT A TRIBAL GOVERNMENT WITHIN THE UNITED STATES HAS THE AUTHORITY TO MAINTAIN CRIMINAL JURISDICTION OVER NONMEMBER INDIANS WHO COMMIT CRIMINAL ACTS WITHIN THE BOUNDARIES OF THE RESPECTIVE TRIBE'S RESERVATION AND UPON THE TRIBAL GOVERNMENT'S LANDS.

WHEREAS, the United States Supreme Court, in Duro v. Reina, No. 88-6546, (United States Sup. Ct., May 29, 1990), has ruled that Indian tribal governments and their courts do not have criminal jurisdiction over nonmember Indians who commit criminal acts upon the reservations or lands of the tribes; and

18 WHEREAS, this ruling contradicts the historical and 19 traditional practice of Indian tribes to regard nonmember 20 Indians living in Indian country as tribal members for 21 purposes of tribal jurisdiction; and 22

WHEREAS. Montana-Wyoming Tribal Chairman's 23 Association, composed of the tribal chairmen of the 24 federally recognized tribes of Montana and Wyoming, has 25 adopted a resolution urging the United States Congress to

21

Association.

pass legislation reversing the Duro decision; and 1 WHEREAS, the United State Congress is now considering legislation that would rectify the error of the United States Supreme Court in Duro by confirming that tribal governments have the authority to maintain criminal jurisdiction over nonmember Indians. NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the Montana Legislature join the Montana-Wyoming Tribal Chairman's Association by formally requesting that Montana's Congressional Delegation support legislation confirming that tribal governments within the United States have the authority to maintain criminal jurisdiction over nonmember Indians who commit criminal acts within the boundaries of the reservations and upon lands of the tribes. BE IT FURTHER RESOLVED, that the Secretary of State send 18 copies of this resolution to each member of the Montana 19 Congressional Delegation, the Tribal Chairman of each 20 Montana tribe, and the Montana-Wyoming Tribal Chairman's

-End-

INTRODUCED BILL

## APPROVED BY COMMITTEE ON JUDICIARY

Hause joint resolution no. 9 1 INTRODUCED BY THE Lewis Hellowtan 2 3 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE 4 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED 5

STATES CONGRESS TO PASS LEGISLATION CONFIRMING THAT A TRIBAL 6 7 GOVERNMENT WITHIN THE UNITED STATES HAS THE AUTHORITY TO MAINTAIN CRIMINAL JURISDICTION OVER NONMEMBER INDIANS WHO 8 9 COMMIT CRIMINAL ACTS WITHIN THE BOUNDARIES OF THE RESPECTIVE

TRIBE'S RESERVATION AND UPON THE TRIBAL GOVERNMENT'S LANDS.

10 11 12

13

14

15

16 17

WHEREAS, the United States Supreme Court, in Duro v. Reina, No. 88-6546, (United States Sup. Ct., May 29, 1990), has ruled that Indian tribal governments and their courts do not have criminal jurisdiction over nonmember Indians who commit criminal acts upon the reservations or lands of the tribes; and

18 WHEREAS, this ruling contradicts the historical and 19 traditional practice of Indian tribes to regard nonmember 20 Indians living in Indian country as tribal members for 21 purposes of tribal jurisdiction; and

Montana-Wyoming Tribal 22 WHEREAS. Chairman's the 23 Association, composed of the tribal chairmen ο£ 24 federally recognized tribes of Montana and Wyoming, has 25 adopted a resolution urging the United States Congress to pass legislation reversing the Duro decision; and

WHEREAS, the United State Congress is now considering 2 legislation that would rectify the error of the United 3 States Supreme Court in Duro by confirming that tribal

governments have the authority to maintain criminal

jurisdiction over nonmember Indians.

7

10

17

18

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature join the Montana-Wyoming Tribal Chairman's Association by formally requesting that 11 12 Montana's Congressional Delegation support legislation confirming that tribal governments within the United States 13 14 have the authority to maintain criminal jurisdiction over nonmember Indians who commit criminal acts within the 15 16 boundaries of the reservations and upon lands of the tribes.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the Montana Congressional Delegation, the Tribal Chairman of each

19

20 Montana tribe, and the Montana-Wyoming Tribal Chairman's

Association.

-End-

SECOND READING

20

21

Association.

22

23

24

25

WHEREAS.

the

,1

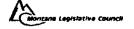
1	HOUSE JOINT RESOLUTION NO. 7
2	INTRODUCED BY RILLO Demais Hellowtail
3	$\mathcal{T}$
4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5	REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED
6	STATES CONGRESS TO PASS LEGISLATION CONFIRMING THAT A TRIBAL
7	GOVERNMENT WITHIN THE UNITED STATES HAS THE AUTHORITY TO
8	MAINTAIN CRIMINAL JURISDICTION OVER NONMEMBER INDIANS WHO
9	COMMIT CRIMINAL ACTS WITHIN THE BOUNDARIES OF THE RESPECTIVE
10	TRIBE'S RESERVATION AND UPON THE TRIBAL GOVERNMENT'S LANDS.
11	
12	WHEREAS, the United States Supreme Court, in Duro v.
13	Reina, No. 88-6546, (United States Sup. Ct., May 29, 1990),
14	has ruled that Indian tribal governments and their courts do
15	not have criminal jurisdiction over nonmember Indians who
16	commit criminal acts upon the reservations or lands of the
17	tribes; and
18	WHEREAS, this ruling contradicts the historical and
19	traditional practice of Indian tribes to regard nonmember
20	Indians living in Indian country as tribal members for
21	purposes of tribal jurisdiction; and

Montana-Wyoming

Association, composed of the tribal chairmen of the

federally recognized tribes of Montana and Wyoming, has

adopted a resolution urging the United States Congress to



Tribal Chairman's

1 pass legislation reversing the Duro decision; and WHEREAS, the United State Congress is now considering 2 legislation that would rectify the error of the United 3 States Supreme Court in Duro by confirming that tribal governments have the authority to maintain criminal jurisdiction over nonmember Indians. 7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 8 9 OF REPRESENTATIVES OF THE STATE OF MONTANA: 10 That the Montana Legislature join the Montana-Wyoming 11 Tribal Chairman's Association by formally requesting that Montana's Congressional Delegation support legislation 12 confirming that tribal governments within the United States 13 14 have the authority to maintain criminal jurisdiction over 15 nonmember Indians who commit criminal acts within the 16 boundaries of the reservations and upon lands of the tribes. 17 BE IT FURTHER RESOLVED, that the Secretary of State send 18 copies of this resolution to each member of the Montana Congressional Delegation, the Tribal Chairman of 19

-End-

Montana tribe, and the Montana-Wyoming Tribal Chairman's

THIRD READING
H TR 9

1	HOUSE JOINT RESOLUTION NO. 9
2	INTRODUCED BY RUSSELL, GERVAIS, YELLOWTAIL
3	
4	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5	REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED
6	STATES CONGRESS TO PASS LEGISLATION CONFIRMING ASSURING THAT
7	A TRIBAL GOVERNMENT WITHIN THE UNITED STATES HAS THE
8	AUTHORITY TO MAINTAIN CRIMINAL JURISDICTION OVER NONMEMBER
9	INDIANS WHO COMMIT CRIMINAL ACTS WITHIN THE BOUNDARIES OF
10	THE RESPECTIVE TRIBE'S RESERVATION AND UPON THE TRIBAL
11	GOVERNMENT'S LANDS.
12	
13	WHEREAS, the United States Supreme Court, in Duro v.
14	Reina, No. 88-6546, (United States Sup. Ct., May 29, 1990),
15	has ruled that Indian tribal governments and their courts do
16	not have criminal jurisdiction over nonmember Indians who
17	commit criminal acts upon the reservations or lands of the
18	tribes; and
19	WHEREAS, thisrulingcontradictsthehistorical-and
20	traditional IT HAS BEEN THE practice of Indian tribes to
21	regard nonmember Indians living in Indian country as tribal
22	members for purposes of tribal jurisdiction; and
23	WHEREAS, the Montana-Wyoming Tribal Chairman's
24	Association, composed of the tribal chairmen of the
25	federally recognized tribes of Montana and Wyoming, has

adopted a resolution urging the United States Congress to 2 pass legislation reversing TO RESOLVE THE JURISDICTIONAL DILEMMA RAISED IN the Duro decision; and 3 WHEREAS, the United State Congress is now considering 4 5 legislation that would rectify--the--error--of--the--United States--Supreme--Court--in Duro by--confirming ASSURE that 7 tribal governments have the authority to maintain criminal jurisdiction over nonmember Indians. 9 10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE 11 OF REPRESENTATIVES OF THE STATE OF MONTANA: 12 That the Montana Legislature join the Montana-Wyoming 13 Tribal Chairman's Association by formally requesting that 14 Montana's Congressional Delegation support legislation 15 confirming ASSURING that tribal governments within the 16 United States have the authority to maintain criminal jurisdiction over nonmember Indians who commit criminal acts 17 18 within the boundaries of the reservations and upon lands of 19 the tribes, SO LONG AS CONSISTENT WITH THE PROTECTIONS 20 GUARANTEED BY THE UNITED STATES CONSTITUTION. 21 BE IT FURTHER RESOLVED, that the Secretary of State send 22 copies of this resolution to each member of the Montana

Montana Legislativa Council

23

24

25

Association.

-End-

Congressional Delegation, the Tribal Chairman of each

Montana tribe, and the Montana-Wyoming Tribal Chairman's

-2-

REFERENCE BILL

AS AMENDED