

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 HOUSE JOINT RESOLUTION NO. 9
 2 INTRODUCED BY Russell Lewis Yellowstone
 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 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

22 WHEREAS, the 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

1 pass legislation reversing the Duro decision; and
 2 WHEREAS, the United State Congress is now considering
 3 legislation that would rectify the error of the United
 4 States Supreme Court in Duro by confirming that tribal
 5 governments have the authority to maintain criminal
 6 jurisdiction over nonmember Indians.
 7

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 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
 12 Montana's Congressional Delegation support legislation
 13 confirming that tribal governments within the United States
 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
 19 Congressional Delegation, the Tribal Chairman of each
 20 Montana tribe, and the Montana-Wyoming Tribal Chairman's
 21 Association.

-End-



-2- INTRODUCED BILL
 HJR9

APPROVED BY COMMITTEE
ON JUDICIARY

1 HOUSE JOINT RESOLUTION NO. 9
2 INTRODUCED BY Richard Lewis 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 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

22 WHEREAS, the 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

1 pass legislation reversing the Duro decision; and

2 WHEREAS, the United State Congress is now considering
3 legislation that would rectify the error of the United
4 States Supreme Court in Duro by confirming that tribal
5 governments have the authority to maintain criminal
6 jurisdiction over nonmember Indians.
7

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
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
12 Montana's Congressional Delegation support legislation
13 confirming that tribal governments within the United States
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
19 Congressional Delegation, the Tribal Chairman of each
20 Montana tribe, and the Montana-Wyoming Tribal Chairman's
21 Association.

-End-



-2- SECOND READING
HJR9

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 2 INTRODUCED BY Richard Lewis 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 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

22 WHEREAS, the 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

1 pass legislation reversing the Duro decision; and

2 WHEREAS, the United State Congress is now considering
 3 legislation that would rectify the error of the United
 4 States Supreme Court in Duro by confirming that tribal
 5 governments have the authority to maintain criminal
 6 jurisdiction over nonmember Indians.

7
 8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 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
 12 Montana's Congressional Delegation support legislation
 13 confirming that tribal governments within the United States
 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
 19 Congressional Delegation, the Tribal Chairman of each
 20 Montana tribe, and the Montana-Wyoming Tribal Chairman's
 21 Association.

-End-



-2- THIRD READING
 HJR9

HOUSE JOINT RESOLUTION NO. 9

INTRODUCED BY RUSSELL, GERVAIS, YELLOWTAIL

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~~ ASSURING 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

WHEREAS, ~~this--ruling--contradicts--the--historical--and--traditional~~ IT HAS BEEN THE practice of Indian tribes to regard nonmember Indians living in Indian country as tribal members for purposes of tribal jurisdiction; and

WHEREAS, the Montana-Wyoming Tribal Chairman's 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 pass legislation reversing TO RESOLVE THE JURISDICTIONAL DILEMMA RAISED IN the Duro decision; and

WHEREAS, the United State Congress is now considering legislation that would ~~rectify--the--error--of--the--United States--Supreme--Court--in Duro~~ by--confirming ASSURE 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 ASSURING 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, SO LONG AS CONSISTENT WITH THE PROTECTIONS GUARANTEED BY THE UNITED STATES CONSTITUTION.

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

-End-
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REFERENCE BILL
AS AMENDED