

SENATE JOINT RESOLUTION 29

Introduced by Halligan, et al.

4/10	Referred to Judiciary
4/10	Introduced
4/10	First Reading
4/13	Committee Reading--Bill Passed
4/16	2nd Reading Passed
4/17	3rd Reading Passed
	Transmitted to House
4/17	First Reading
4/17	Referred to Judiciary
4/22	Hearing
4/22	Tabled in Committee

SENATE JOINT RESOLUTION NO. 29
 INTRODUCED BY *[Handwritten signatures]*
 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE MATTER OF RETROCESSION BY THE STATE OF MONTANA TO THE UNITED STATES OF PUBLIC LAW 280 JURISDICTION ON THE FLATHEAD INDIAN RESERVATION; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 53RD LEGISLATURE.

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WHEREAS, Public Law 280 was enacted by Congress in 1953 during the era of federal Indian policy that was directed at terminating the historical federal trust relationship owed to Indian tribes and at assimilating Indians into the mainstream; and

WHEREAS, in furtherance of the federal termination policy, the Montana Legislature enacted Public Law 280 enabling legislation in 1963, and the only Montana tribal government to consent to state jurisdiction was the Confederated Salish and Kootenai Tribes in 1965; and

WHEREAS, since 1970, all branches of the federal government have officially embraced the policy of encouraging tribal self-determination and, pursuant thereto, approximately 30 Indian tribes across the United States have withdrawn from Public Law 280 jurisdiction; and

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WHEREAS, the Montana Legislature recognizes and supports federal policy encouraging self-determination for Indian tribal governments in Montana and across the United States; and

WHEREAS, the Confederated Salish and Kootenai Tribes have distinguished themselves as being leaders among Indian reservations in the United States in matters of law and order, tribal judiciary, education, drug and alcohol rehabilitation, and human services delivery; and

WHEREAS, the Confederated Salish and Kootenai Tribes, as part of their self-determination efforts, wish to be able to withdraw their consent to Montana's Public Law 280 jurisdiction, and that after withdrawal, the State of Montana will seek to retrocede this jurisdiction to the United States; and

WHEREAS, it is imperative that Indian and non-Indian residents of the Flathead Indian Reservation and affected governmental entities and individuals understand the complex jurisdictional issues involved if retrocession occurs; and

WHEREAS, the Legislature desires to cooperate with the Confederated Salish and Kootenai Tribes and other governmental entities to assure that retrocession occurs in an orderly fashion.

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



1 OF REPRESENTATIVES OF THE STATE OF MONTANA:

2 (1) That the Committee on Indian Affairs be assigned to
3 study the matter of retrocession by the State of Montana to
4 the United States of Public Law 280 jurisdiction on the
5 Flathead Indian Reservation.

6 (2) That the study include public meetings on the
7 Flathead Indian Reservation, with participation by affected
8 federal, state, tribal, and local government agencies that
9 would be impacted by the retrocession by the State of
10 Montana to the United States of Public Law 280 on the
11 Flathead Indian Reservation.

12 (3) That the Committee have background legal materials
13 prepared and made available to all known interested persons
14 prior to the first public meetings.

15 (4) That affected federal, state, and local agencies be
16 encouraged to cooperate with the Confederated Salish and
17 Kootenai Tribes in any discussions that will lead to
18 cooperative working relationships, especially
19 cross-deputization of affected law enforcement personnel.

20 BE IT FURTHER RESOLVED, that the Committee on Indian
21 Affairs report the findings of the study to the 53rd
22 Legislature and present specific recommendations as to how
23 retrocession can be most effectively accomplished, including
24 a law enforcement plan that will protect the safety and
25 well-being of all reservation residents.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE JOINT RESOLUTION NO. **29**

INTRODUCED BY

John H. ...
Greg Doherty *Sen. ...* *Bob Brown* *HART*

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WHEREAS, Public Law 280 was enacted by Congress in 1953 during the era of federal Indian policy that was directed at terminating the historical federal trust relationship owed to Indian tribes and at assimilating Indians into the mainstream; and

WHEREAS, in furtherance of the federal termination policy, the Montana Legislature enacted Public Law 280 enabling legislation in 1963, and the only Montana tribal government to consent to state jurisdiction was the Confederated Salish and Kootenai Tribes in 1965; and

WHEREAS, since 1970, all branches of the federal government have officially embraced the policy of encouraging tribal self-determination and, pursuant thereto, approximately 30 Indian tribes across the United States have withdrawn from Public Law 280 jurisdiction; and

WHEREAS, the Montana Legislature recognizes and supports federal policy encouraging self-determination for Indian tribal governments in Montana and across the United States; and

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[Handwritten signatures: G. J. Doherty, Steve Bob Brown, HART, Magul]
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