

*Senate* JOINT RESOLUTION NO. 35

*McCallum*  
*Manly*  
*R. Smith*  
*Michener*  
*Reed*  
*McCracken*  
*Manning*  
*Boyer*  
*E. Smith*

INTRODUCED BY *Stephen Turnage* *Goodrich* *Kestel*  
A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS AND  
THE PRESIDENT TO ENACT LEGISLATION GRANTING STATES  
JURISDICTION OVER NON-INDIANS ON INDIAN RESERVATIONS WITHIN  
THEIR BOUNDARIES. *Lee* *Healy* *London* *Hall* *Watt* *Schoen*

WHEREAS, Montana exists as a sovereign state within the  
United States; and  
WHEREAS, seven Indian reservations exist within its  
boundaries; and  
WHEREAS, the tribal governments of several of these  
Indian reservations are attempting to declare themselves  
sovereign nations and assert executive, legislative, and  
judicial control over non-Indians and over their lands,  
water, and resources without representation or participation  
of the non-Indians in tribal government; and  
WHEREAS, state government has a legal and moral  
obligation to protect all of its citizens, Indian and  
non-Indian alike; and  
WHEREAS, nonrepresentative sovereign tribal government  
would create serious problems for land ownership, management  
of property, public finance, taxation, law enforcement,

management of fish, wildlife, and other natural resources,  
environmental protection and pollution control, water  
management and rights, commercial intercourse, and  
professional licensing throughout the State of Montana and  
its political subdivisions.  
NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
OF REPRESENTATIVES OF THE STATE OF MONTANA:  
That the Congress of the United States and the  
President of the United States and his subordinates are  
requested to support and pass legislation to establish that  
the states have exclusive jurisdiction and authority in all  
executive, legislative, and judicial matters over all  
non-Indians and non-Indian lands and interest in lands  
existing wholly or in part within the geographic boundaries  
of any Indian reservation.  
BE IT FURTHER RESOLVED, that the Secretary of State is  
instructed to send a copy of this resolution to the  
President of the United States, to the Secretary of the  
Interior, and to Senator John Melcher and Senator Lee  
Metcalf, and to Representative Max Baucus and Representative  
Ron Marlenee.

-End-

*SVR 35*

Approved by Committee  
on State Administration

1 SENATE JOINT RESOLUTION NO. 35

2 INTRODUCED BY GRAHAM, TURNAGE, GOODOVER, KOLSTAD,  
3 MCCALLUM, MANLEY, R. SMITH, MEHRENS, ROSKIE, ABER,  
4 MANNING, BOYLAN, E. SMITH, FASBENDER, FLYNN, GALT,  
5 MURRAY, BROWN, BERGREN, OLSON, THIESSEN, JERGESON,  
6 LENSINK, LEE, HEALY, LOCKREM, HAZELBAKER, MATHERS,  
7 WATT, STEPHENS, MCOMBER, HAGER, DOVER, PETERSON

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9 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
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12 JURISDICTION OVER NON-INDIANS ON INDIAN RESERVATIONS WITHIN  
13 THEIR BOUNDARIES AND PROVIDING INCREASED LAW ENFORCEMENT ON  
14 INDIAN RESERVATIONS.

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23 judicial control over non-Indians and over their lands,  
24 water, and resources without representation or participation  
25 of the non-Indians in tribal government; and

1 WHEREAS, state government has a legal and moral  
2 obligation to protect all of its citizens, Indian and  
3 non-Indian alike; and

4 WHEREAS, nonrepresentative sovereign tribal government  
5 would create serious problems for land ownership, management  
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7 management of fish, wildlife, and other natural resources,  
8 environmental protection and pollution control, water  
9 management and rights, commercial intercourse, and  
10 professional licensing throughout the State of Montana and  
11 its political subdivisions; AND

12 WHEREAS, FEDERAL JURISDICTION OVER CRIMINAL OFFENSES  
13 COMMITTED WITHIN THE BOUNDARIES OF THE INDIAN RESERVATIONS  
14 LOCATED WITHIN THE STATE OF MONTANA IS INEFFECTIVE AND  
15 LIMITED BECAUSE OF THE LACK OF ADEQUATE STAFF AND ATTENTION  
16 FROM THE UNITED STATES ATTORNEY'S OFFICE AND THE GREAT  
17 DISTANCE BETWEEN THE RESERVATION AREAS AND THE NEAREST  
18 FEDERAL DISTRICT JUDGE; AND

19 WHEREAS, THERE IS A NEED FOR MORE APPROPRIATE ACTION TO  
20 INSURE THE PEACE AMONG ALL PEOPLE RESIDING ON AND WITHIN THE  
21 RESERVATION BOUNDARIES OF MONTANA'S INDIAN RESERVATIONS;

22  
23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
24 OF REPRESENTATIVES OF THE STATE OF MONTANA:

25 That the Congress of the United States and the

SECOND READING

1 President of the United States and his subordinates are  
 2 requested to support and pass legislation to establish that  
 3 the states have exclusive jurisdiction and authority in all  
 4 executive, legislative, and judicial matters over all  
 5 non-Indians and non-Indian lands and interest in lands  
 6 existing wholly or in part within the geographic boundaries  
 7 of any Indian reservation.

8 ~~BE IT FURTHER RESOLVED, THAT THE CONGRESS OF THE UNITED~~  
 9 ~~STATES IS URGED AND REQUESTED TO PROVIDE FOR EMPLOYMENT OF~~  
 10 ~~FEDERAL PROSECUTORS UNDER THE SUPERVISION OF THE ATTORNEY~~  
 11 ~~GENERAL OF THE UNITED STATES AND TO APPOINT SUFFICIENT~~  
 12 ~~UNITED STATES MAGISTRATES AND TAKE ANY OTHER ACTION~~  
 13 ~~NECESSARY TO INSURE MORE ADEQUATE LAW ENFORCEMENT WITHIN THE~~  
 14 ~~BOUNDARIES OF INDIAN RESERVATIONS IN THE STATE OF MONTANA.~~

15 ~~BE IT FURTHER RESOLVED, THAT THE PROPER REPRESENTATIVES~~  
 16 ~~OF INDIANS AND NON-INDIANS ON OR ADJACENT TO EACH~~  
 17 ~~RESERVATION SHALL MEET TOGETHER AND WORK OUT THE MUTUAL~~  
 18 ~~PROBLEMS OF JURISDICTION ON EACH RESERVATION. THEN EFFORTS~~  
 19 ~~SHOULD BE MADE TO IMPLEMENT SOLUTIONS FOR THE HANDLING OF~~  
 20 ~~JURISDICTION ON EACH RESERVATION UPON THE FULL CONSENT OF~~  
 21 ~~INDIANS AND NON-INDIANS ALIKE.~~

22 BE IT FURTHER RESOLVED, that the Secretary of State is  
 23 instructed to send a copy of this resolution to the  
 24 President of the United States, to the Secretary of the  
 25 Interior, and to Senator John Melcher and Senator Lee

1 Metcalf, and to Representative Max Baucus and Representative  
 2 Ron Marlenee.

-End-

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 16       WHEREAS, Montana exists as a sovereign state within the  
 17 United States; and

18       WHEREAS, seven Indian reservations exist within its  
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20       WHEREAS, the tribal governments of several of these  
 21 Indian reservations are attempting to declare themselves  
 22 sovereign nations and assert executive, legislative, and  
 23 judicial control over non-Indians and over their lands,  
 24 water, and resources without representation or participation  
 25 of the non-Indians in tribal government; and

1       WHEREAS, state government has a legal and moral  
 2 obligation to protect all of its citizens, Indian and  
 3 non-Indian alike; and

4       WHEREAS, nonrepresentative sovereign tribal government  
 5 would create serious problems for land ownership, management  
 6 of property, public finance, taxation, law enforcement,  
 7 management of fish, wildlife, and other natural resources,  
 8 environmental protection and pollution control, water  
 9 management and rights, commercial intercourse, and  
 10 professional licensing throughout the State of Montana and  
 11 its political subdivisions; AND

12       WHEREAS, FEDERAL JURISDICTION OVER CRIMINAL OFFENSES  
 13 COMMITTED WITHIN THE BOUNDARIES OF THE INDIAN RESERVATIONS  
 14 LOCATED WITHIN THE STATE OF MONTANA IS INEFFECTIVE AND  
 15 LIMITED BECAUSE OF THE LACK OF ADEQUATE STAFF AND ATTENTION  
 16 FROM THE UNITED STATES ATTORNEY'S OFFICE AND THE GREAT  
 17 DISTANCE BETWEEN THE RESERVATION AREAS AND THE NEAREST  
 18 FEDERAL DISTRICT JUDGE; AND

19       WHEREAS, THERE IS A NEED FOR MORE APPROPRIATE ACTION TO  
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23       NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
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1 Metcalf, and to Representative Max Baucus and Representative  
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REFERENCE BILL

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