

SENATE BILL NO. 24

INTRODUCED BY TOWE, ASAY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

IN THE SENATE

January 7, 1985	Introduced and referred to Committee on Judiciary.
January 11, 1985	Committee recommend bill do pass. Report adopted.
January 12, 1985	Bill printed and placed on members' desks.
January 14, 1985	Second reading, do pass.
January 15, 1985	Considered correctly engrossed.
January 16, 1985	Third reading, passed. Ayes, 48; Noes, 0.  Transmitted to House.

IN THE HOUSE

January 18, 1985	Introduced and referred to Committee on State Administration.
March 7, 1985	Committee recommend bill be concurred in. Report adopted.
March 9, 1985	Second reading, concurred in.
March 11, 1985	Third reading, concurred in.  Returned to Senate.

IN THE SENATE

March 12, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1                    SENATE    BILL NO. 24  
 2    INTRODUCED BY TOWE, ASAY  
 3                    BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

4  
 5    A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY LIMITATIONS  
 6    ON PERMISSIBLE SUBJECT MATTER OF STATE-TRIBAL COOPERATIVE  
 7    AGREEMENTS; AMENDING SECTION 18-11-110, MCA."

8  
 9    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10            Section 1. Section 18-11-110, MCA, is amended to read:

11            "18-11-110. Specific limitations on agreements.  
 12    Nothing in this chapter may be construed to authorize an  
 13    agreement that:

14            (1) ~~enlarges or diminishes the jurisdiction over civil~~  
 15    ~~or criminal matters that may be exercised by either the~~  
 16    ~~state of Montana or tribal governments located in Montana;~~  
 17    is not permitted by federal law. However, the parties are  
 18    encouraged to deal with substantive matters and enforcement  
 19    matters that can be mutually agreed upon, but no such  
 20    agreement may be considered to affect the underlying  
 21    jurisdictional authority of any party unless expressly  
 22    authorized by congress.

23            (2) authorizes a public agency or tribal government,  
 24    either separately or pursuant to agreement, to expand or  
 25    diminish the jurisdiction presently exercised by the

1    government of the United States to make criminal laws for or  
 2    enforce criminal laws in Indian country; or

3            (3) authorizes a public agency or tribal government to  
 4    enter into an agreement except as authorized by their own  
 5    organizational documents or enabling laws; ~~or~~

6            ~~(4) provides for the alienation, financial~~  
 7    ~~encumbrance, or taxation of any real or personal property,~~  
 8    ~~including water rights, belonging to any Indian or any~~  
 9    ~~Indian tribe, band, or community that is held in trust by~~  
 10    ~~the United States or is subject to a restriction against~~  
 11    ~~alienation imposed by the United States."~~

-End-



-2-            INTRODUCED BILL  
                   **SB 24**

APPROVED BY COMMITTEE  
ON JUDICIARY

1                   SENATE   BILL NO.   24

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6   ON PERMISSIBLE SUBJECT MATTER OF STATE-TRIBAL COOPERATIVE

7   AGREEMENTS; AMENDING SECTION 18-11-110, MCA."

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2   enforce criminal laws in Indian country; or

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4   enter into an agreement except as authorized by their own

5   organizational documents or enabling laws; ~~or~~

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7       ~~encumbrance, or taxation of any real or personal property,~~

8       ~~including water rights, belonging to any Indian or any~~

9       ~~Indian tribe, band, or community that is held in trust by~~

10       ~~the United States or is subject to a restriction against~~

11       ~~alienation imposed by the United States."~~

-End-



SECOND READING

SB24

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-End-

THIRD READING  
SB 24



SENATE BILL NO. 24

INTRODUCED BY TOWE, ASAY

BY REQUEST OF THE SELECT COMMITTEE ON INDIAN AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY LIMITATIONS ON PERMISSIBLE SUBJECT MATTER OF STATE-TRIBAL COOPERATIVE AGREEMENTS; AMENDING SECTION 18-11-110, MCA."

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

Section 1. Section 18-11-110, MCA, is amended to read:

"18-11-110. Specific limitations on agreements.

Nothing in this chapter may be construed to authorize an agreement that:

(1) enlarges or diminishes the jurisdiction over civil or criminal matters that may be exercised by either the state of Montana or tribal governments located in Montana, is not permitted by federal law. However, the parties are encouraged to deal with substantive matters and enforcement matters that can be mutually agreed upon, but no such agreement may be considered to affect the underlying jurisdictional authority of any party unless expressly authorized by congress.

(2) authorizes a public agency or tribal government, either separately or pursuant to agreement, to expand or diminish the jurisdiction presently exercised by the

government of the United States to make criminal laws for or enforce criminal laws in Indian country; or

(3) authorizes a public agency or tribal government to enter into an agreement except as authorized by their own organizational documents or enabling laws; or

(4) provides for the alienation, financial encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States."

-End-

REFERENCE BILL

