

SENATE BILL NO. 418

INTRODUCED BY DOHERTY
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

FEBRUARY 17, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 22, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
FEBRUARY 23, 1993	SECOND READING, DO PASS.
FEBRUARY 24, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1993	SECOND READING, CONCURRED IN.
MARCH 18, 1993	THIRD READING, CONCURRED IN. AYES, 81; NOES, 16.
MARCH 19, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 20, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 418
2 INTRODUCED BY DeLoach
3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE
6 REQUIREMENTS FOR HUNTING AND FISHING LICENSES AND PERMITS
7 ISSUED JOINTLY BY THE STATE AND INDIAN TRIBES SUPERSEDE THE
8 GENERAL LICENSING AND PERMIT REQUIREMENTS OF STATE LAW; AND
9 AMENDING SECTION 87-1-228, MCA."

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

12 **Section 1.** Section 87-1-228, MCA, is amended to read:

13 "87-1-228. Agreement with Indians concerning hunting
14 and fishing -- Indian treaty of 1855. (1) Whereas, by treaty
15 of July 16, 1855, between the United States of America and
16 the confederated tribes of the Flathead, Kootenai, and Upper
17 Pend Oreille Indians, the tribes have certain rights to fish
18 and hunt; and whereas, it appears to be to the common
19 advantage of the state and Indian tribes to cooperate in
20 matters involving hunting and fishing. Therefore, the
21 department may negotiate and conclude an agreement with the
22 council of the Confederated Salish and Kootenai tribes of
23 the Flathead Indian reservation for the purpose of:

24 (a) authorizing individuals to serve on a state-tribal
25 cooperative board to develop hunting and fishing regulations

1 and reimbursing those individuals' expenses pursuant to
2 2-18-501 through 2-18-503;

3 (b) doing what in its judgment is necessary by way of
4 granting to tribal Indians state permits to hunt and fish
5 off reservation on open and unclaimed lands, to be issued
6 without charge to the Indians, or allowing Indians to hunt
7 without licenses, permits, or stamps;

8 (c) issuing jointly with the council hunting and
9 fishing licenses, permits, and stamps under terms
10 established by mutual agreement and recognized as valid for
11 hunting and fishing throughout the state. These joint
12 licensing and permit requirements supersede the general
13 licensing and permit requirements set forth in this title.

14 (d) authorizing all revenues collected from sale of
15 joint licenses, permits, and stamps to be remitted to the
16 council for the purpose of a fish and wildlife program;

17 (e) transferring to the council an amount equal to all
18 fines and restitution collected in state court for fish and
19 wildlife violations within reservation boundaries for use in
20 a fish and wildlife program;

21 (f) policing Indian and other lands for the protection
22 of fish and game and providing responsibility for redress of
23 fish and game violations to state or tribal courts; and

24 (g) in general carrying out the purposes of this
25 section.

1 (2) Any agreement entered into under subsection (1)
2 must also satisfy the requirements of Title 18, chapter 11.
3 (3) Prior to concluding any agreement under this
4 section, the department shall hold public meetings, after
5 proper public notice of the meetings has been given and the
6 proposed agreement has been made available for public
7 review, to afford an opportunity to comment on the contents
8 of the agreement."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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