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

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	Senate BILL NO. 418
2	INTRODUCED BY Delicating
3	BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE REQUIREMENTS FOR HUNTING AND FISHING LICENSES AND PERMITS ISSUED JOINTLY BY THE STATE AND INDIAN TRIBES SUPERSEDE THE GENERAL LICENSING AND PERMIT REQUIREMENTS OF STATE LAW; AND AMENDING SECTION 87-1-228, MCA."

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

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

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

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

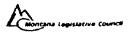
and reimbursing those individuals' expenses pursuant to 2 2-18-501 through 2-18-503;

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;

(c) issuing jointly with the council hunting and

fishing licenses, permits, and stamps under terms
established by mutual agreement and recognized as valid for
hunting and fishing throughout the state;. These joint
licensing and permit requirements supersede the general
licensing and permit requirements set forth in this title.

- (d) authorizing all revenues collected from sale of joint licenses, permits, and stamps to be remitted to the 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
- (g) in general carrying out the purposes of thissection.



(2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18, chapter 11.

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(3) Prior to concluding any agreement under this section, the department shall hold public meetings, after proper public notice of the meetings has been given and the proposed agreement has been made available for public review, to afford an opportunity to comment on the contents of the agreement."

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APPROVED BY COMMITTEE ON JUDICIARY

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2	INTRODUCED BY Delegaly
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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE REQUIREMENTS FOR HUNTING AND FISHING LICENSES AND PERMITS ISSUED JOINTLY BY THE STATE AND INDIAN TRIBES SUPERSEDE THE GENERAL LICENSING AND PERMIT REQUIREMENTS OF STATE LAW; AND AMENDING SECTION 87-1-228. MCA."

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

- and reimbursing those individuals' expenses pursuant to 1 2 2-18-501 through 2-18-503:
- 3 (b) doing what in its judgment is necessary by way of granting to tribal Indians state permits to hunt and fish off reservation on open and unclaimed lands, to be issued without charge to the Indians, or allowing Indians to hunt 7 without licenses, permits, or stamps;
- (c) issuing jointly with the council hunting and fishing licenses, permits, and stamps under terms 10 established by mutual agreement and recognized as valid for 11 hunting and fishing throughout the state7. These joint 12 licensing and permit requirements supersede the general
- 14 (d) authorizing all revenues collected from sale of joint licenses, permits, and stamps to be remitted to the 15 16 council for the purpose of a fish and wildlife program;

licensing and permit requirements set forth in this title.

- 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;
- (f) policing Indian and other lands for the protection 21 of fish and game and providing responsibility for redress of 22 23 fish and game violations to state or tribal courts; and
- 24 (q) in general carrying out the purposes of this section. 25

1 (2) Any agreement entered into under subsection (1)
2 must also satisfy the requirements of Title 18, chapter 11.

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(3) Prior to concluding any agreement under this section, the department shall hold public meetings, after proper public notice of the meetings has been given and the proposed agreement has been made available for public review, to afford an opportunity to comment on the contents of the agreement."

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2	INTRODUCED BY Driverly
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(a) authorizing individuals to serve on a state-tribal cooperative board to develop hunting and fishing regulations

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;
 - (c) issuing jointly with the council hunting and fishing licenses, permits, and stamps under terms established by mutual agreement and recognized as valid for hunting and fishing throughout the state. These joint licensing and permit requirements supersede the general licensing and permit requirements set forth in this title.
 - (d) authorizing all revenues collected from sale of joint licenses, permits, and stamps to be remitted to the 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;
 - (f) policing Indian and other lands for the protection of fish and game and providing responsibility for redress of fish and game violations to state or tribal courts; and
- 24 (g) in general carrying out the purposes of this 25 mection.

LC 1566/01

(2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18, chapter 11.

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(3) Prior to concluding any agreement under this section, the department shall hold public meetings, after proper public notice of the meetings has been given and the proposed agreement has been made available for public review, to afford an opportunity to comment on the contents of the agreement."

SB 0418/02

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3	BY REQUEST OF THE SENATE JUDICIARY COMMITTEE
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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
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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

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

- 3 (b) doing what in its judgment is necessary by way of granting to tribal Indians state permits to hunt and fish 4 off reservation on open and unclaimed lands, to be issued without charge to the Indians, or allowing Indians to hunt 7 without licenses, permits, or stamps;
- 9 fishing licenses, permits, and stamps under terms established by mutual agreement and recognized as valid for 10 11 hunting and fishing throughout the state;. These joint

(c) issuing jointly with the council hunting and

12 licensing and permit requirements supersede the general

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

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

(2) Any agreement entered into under subsection (1) must also satisfy the requirements of Title 18, chapter 11.

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