

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CONFEDERATED SALISH AND KOOTENAI TRIBES,
LAKE COUNTY,
AND
THE STATE OF MONTANA**

WHEREAS, in 1953, the United States Congress enacted Public Law 83-280 (67 Stat. 588) (hereinafter “Public Law 280”) to grant certain states “jurisdiction over offenses committed by or against Indians” and consented for other states to “assume [such] jurisdiction”; and

WHEREAS, in 1964, the Confederated Salish and Kootenai Tribes (“Tribes”), the State of Montana, Flathead County, Lake County, Missoula County, and Sanders County consented to Montana’s assumption of concurrent criminal jurisdiction in the Flathead Reservation; and

WHEREAS, the 1993 Montana Legislature enacted Senate Bill 368 (codified in the Montana statutes at Mont. Code Ann. § 2-1-306 (1993)), which provided for the partial withdrawal of the consent of the Confederated Salish and Kootenai Tribes to Public Law 280 jurisdiction on the Flathead Reservation; and

WHEREAS, in 1994, the Confederated Salish and Kootenai Tribes withdrew consent to be subject to the criminal misdemeanor jurisdiction of the State; and

WHEREAS, since that time, the Confederated Salish and Kootenai Tribes have had exclusive misdemeanor jurisdiction over offenses committed by Indians in the Flathead Indian Reservation, and have shared concurrent felony jurisdiction with the State of Montana; and

WHEREAS, although the Tribes, the federal government, and the State of Montana have shared concurrent felony jurisdiction within the Flathead Indian Reservation, historically the State of Montana, through the counties, including Lake County, has been the primary government to exercise felony jurisdiction in the Flathead Indian Reservation; and

WHEREAS, today, the Confederated Salish and Kootenai Tribes have begun to increasingly exercise felony jurisdiction in the Flathead Indian Reservation; and

WHEREAS, the Tribes and County desire to keep the current Public Law 280 agreement in place as it is beneficial to the safety and well-being of all Flathead Reservation residents and the Tribes, Lake County, and the State have a mutual desire for more consistent coordination on criminal jurisdiction and a shared commitment to public safety;

WHEREAS, to provide one-time-only financial assistance to the Tribes and Lake County to ensure the economic sustainability of Public Law 280 implementation through County and Tribal resources, the 2025 Montana Legislature enacted Senate Bill 393, which allocates \$3 million to the Tribes and \$3 million to Lake County, \$1.5 million each per year over two years, “to provide reimbursement for expenditures resulting from the enforcement of felony criminal jurisdiction on the Flathead Indian Reservation”; and

WHEREAS, Senate Bill 393 provides that the “balance of the appropriation for the fiscal year beginning July 1, 2025, must be distributed in equal amounts to Lake County and to the Confederated Salish and Kootenai Tribes within 30 days of the entrance into an agreement between the state of Montana, Lake County, and the Confederated Salish and Kootenai Tribes addressing the sharing of costs between Lake County and the Confederated Salish and Kootenai [T]ribes associated with the implementation of Public Law 280 within Lake County, including provisions relating to the expenditure of the amount allocated” under Senate Bill 393; and

WHEREAS, Senate Bill 393 further provides that “[t]he appropriation for the fiscal year beginning July 1, 2026, must be distributed in equal amounts to Lake County and to the Confederated Salish and Kootenai [T]ribes by July 31, 2026, subject to confirmation by the office of budget and program planning of substantial compliance by all parties with the terms of the agreement between the state of Montana, Lake County, and the Confederated Salish and Kootenai [T]ribes;” and

WHEREAS, the purpose of this Memorandum of Understanding is to meet the requirements of Senate Bill 393 and to support the design and implementation of strategies to ensure the long-term economic sustainability of Public Law 280 implementation in the Flathead Indian Reservation through Tribal and County resources and without on-going funding from the State; and

WHEREAS, the Tribes, Lake County, and the State shall act in good faith to effectuate the specific provisions of this Memorandum of Understanding;

NOW, THEREFORE, THE CONFEDERATED SALISH AND KOOTENAI TRIBES, LAKE COUNTY, AND THE STATE OF MONTANA ENTER INTO THIS MEMORANDUM OF UNDERSTANDING AS FOLLOWS:

I. COLLABORATION ON CRIMINAL JUSTICE ISSUES

A. Biannual Meetings

The Tribes and Lake County agree to meet on a biannual basis to coordinate on criminal justice efforts, strategize on the best use of resources, and to advance the shared goal of the Tribes continuing to exercise more felony jurisdiction over time, correspondingly decreasing the number of felony cases that Lake County prosecutes. These meetings shall consist of at least one councilmember and appropriate staff from the Tribes and at least one commissioner and appropriate staff from Lake County. The State may join these meetings if it desires or as requested.

II. OBJECTIVES FOR FUNDING AND SHARING OF COSTS

A. Confederated Salish and Kootenai Tribes

The Tribes commit to expend the \$3 million in funding appropriated pursuant to Senate Bill 393 on criminal justice costs, which can include but are not limited to capacity, equipment, supplies, and infrastructure for the Tribal Police Department, Tribal Court, Healing Court, Tribal Prosecutors Office, Tribal Defenders Office, Probation and Parole, Victims Services, and Tribal Health, and on services and programs for the criminal justice system and the individuals and families involved with it.

B. Lake County

Lake County commits to spending the \$3 million in funding appropriated pursuant to Senate Bill 393 to ensure that its facilities, staff, equipment, and programs are sufficient to continue to exercise Public Law 280 jurisdiction over those felonies that the Tribes do not exercise jurisdiction over as the Tribes expand their capacity and to reimburse itself for criminal justice costs incurred or obligated after July 1, 2025 associated with the exercise of Public Law 280.

C. Sharing of Costs

The Tribes and Lake County shall each bear their own costs associated with the implementation of Public Law 280.

D. State Disbursement of Funds

Lake County and the Tribes shall expend or obligate expenditures in a manner that demonstrates progress of increased Lake County and Tribal capacity to sustain the implementation of Public Law 280 jurisdiction with County and Tribal resources other than the standard cost-sharing and services ordinarily provided by the State to assist local and tribal governments in their enforcement of State criminal jurisdiction.

Lake County and the Tribes shall submit invoices and associated receipts to the Governor's Office of Budget and Program Planning (OBPP) monthly for reimbursements until all funding has been exhausted. OBPP shall verify that expenditures are eligible for reimbursement under this Memorandum of Understanding before disbursement of funds to Lake County or the Tribes. OBPP will reimburse eligible expenditures within 30 days of its receipt of invoices.

At their option, either Lake County or the Tribes may seek pre-approval from OBPP that proposed projects are eligible for funding by providing a proposal for expenditures to OBPP. If a project is pre-approved, all expenditures specified in the project shall be eligible for reimbursement by OBPP.

III. GENERAL PROVISIONS

A. Effective Date and Term

The Memorandum of Understanding becomes effective upon execution by the parties in accordance with its terms. It is effective until July 1, 2027 unless extended by mutual agreement of the Parties.

B. Amendments

This Memorandum of Understanding may be amended at any time provided said amendments are in writing and signed by all parties to the Memorandum.

C. Review of Process

Any party may request to convene additional meetings at any time during the term hereof, to discuss new developments or suggested improvements or changes to this Memorandum of Understanding. The Parties will make every effort to accommodate such requests within one month.

D. Negative Declaration

Nothing in this Memorandum of Understanding shall prejudice the right of any individual to challenge the regulatory or adjudicatory jurisdiction of either party. Neither this Memorandum of Understanding nor the activities of the parties pursuant to this Memorandum shall be deemed as enlarging or diminishing the jurisdiction or authority of any of the parties within the Flathead Reservation.

Nothing herein affects any existing law regarding the sovereign immunity of the parties. Nothing in this Agreement waives the sovereign immunity of the Tribes or Tribal employees in tribal, federal, or state court. Nothing in this Agreement shall be construed as waiving the sovereign immunity of Lake County, the State of Montana, or their employees from suit in tribal or federal court. Lake County and the State of Montana's liability for suit in state court is determined by existing state law and is not altered by this Agreement.

E. Notices

All notices and other communications required to be given hereunder by the Parties to this Agreement shall be deemed to have been duly given when delivered by electronic mail, in person, or posted by United States certified mail, return receipt requested, with postage prepaid, addressed as follows:

1. If to the Tribes:
Chairperson
Confederated Salish and Kootenai Tribes
P.O. Box 278
Pablo, MT 59855

2. If to the State:
Office of the Governor
PO Box 200801
Helena, MT 59620-0801

Budget Director
PO Box 200802

Helena, MT 59620-0802

3. If to Lake County:

Lake County Commissioners
Lake County Courthouse
106 Fourth Avenue East
Polson, MT 59860

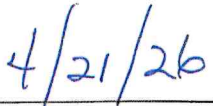
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SIGNATURE PAGE

CONFEDERATED SALISH AND KOOTENAI TRIBES



Michael Dolson
Chairman



Dated

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SIGNATURE PAGE

STATE OF MONTANA



Governor
Governor of Montana

April 21, 2026
Dated

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SIGNATURE PAGE

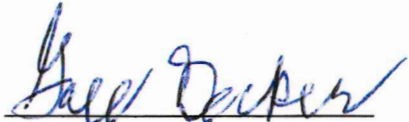
LAKE COUNTY COMMISSIONERS



Bill Barron

04/21/2026

Dated



Gale Decker

04.21.2026

Dated



Steve Stanley

4-23-26

Dated