



Lake County Commissioners

406-883-7204

Fax (406) 883-7283

# LAKE COUNTY

106 4th Ave. E.

Thursday, May 25, 2023

Polson, Mt. 59860

HB 479 would have provided five million dollars over two years from the Montana Department of Justice to Lake County for reimbursement of a portion of the costs of Public Law 280. Additionally, the bill would have created a task force that would recommend a permanent solution to funding of PL 280 to the next legislative session.

Governor Gianforte negated months of work by State legislators and Lake County Commissioners crafting HB 479 (which passed both houses of legislature by comfortable margins). Governor Gianforte's veto contradicted his prior statements to Lake County and Montana. In an interview with Jeff Smith on Kerr radio early in the 2023 legislative session, Governor Gianforte stated, "We (the State) recognize this is a problem, but ultimately it is a legislative appropriation issue." With the passing of HB 479, the legislature exercised that authority to appropriate only to be vetoed by the Governor.


The debate over which governmental entities should bear the costs of Public Law 280 has gone on for several years. In January of 2017, the Commissioners adopted Resolution 17-01. That resolution contained language indicating that the costs of the agreement were absorbing an ever-increasing amount of the County's budget and payment of those costs were unsustainable.


Since that time the County has steadfastly argued that although it consented to the State's entry into the Public Law 280 agreement in 1965, the State obligated itself to fund Public Law 280. This obligation was codified in Montana law in 2021 by MCA 2-1-301. The new law mandated legislative reimbursement of PL 280 costs as long as the County remained in the PL 280.

The Commissioners are steadfast in their resolve that Lake County taxpayers should not be saddled with funding all PL 280 costs. The extension of the effective date of Resolution 22-42(a) does not signal a weakening of that resolve. We are all in agreement that PL 280 provides the best platform for law enforcement on the Flathead Reservation for all of our citizens. Governor Gianforte acknowledged the agreement has been, "a model of success." We believe the Governor has no plan in place for the State to assume criminal jurisdiction on the Flathead Reservation if Lake County were to withdraw. Out of concerns for the safety of our residents, tribal members and the thousands of visitors who travel through our County, we cannot accept the potential repercussions of our withdrawal at this time. Therefore, we honor the trust we were given to see that the requirements of Public Law 280 are fulfilled, until such time as a legal determination is made by the Court. If it is determined that it is the State's obligation to fund Public Law 280, we will continue using that funding to maintain the model that has been so successful. If the Court determines it is not the State's obligation to provide funding, the County will withdraw from Public Law 280 and require the State of Montana to step in to fulfill its obligations.

We must have an answer from the Court before an informed decision can be made. Governor Gianforte's actions, words and promises have shown ambivalence to Lake County, CSKT and the residents of Lake County. Tribal members, police officers and people visiting Lake County require a judicial determination not subjected to a veto.

BOARD OF LAKE COUNTY COMMISSIONERS

  
Gale Decker, Chairman

  
Steve Stanley, Member

  
William D. Barron, Member