

SENATE JOINT RESOLUTION NO. 26

2/19 Introduced
2/20 Referred to Local Government
2/23 Hearing
2/23 Committee Report-Bill Do Pass
2/26 2nd Reading Pass
2/27 3rd Reading Do Not Pass
2/27 Resolution Killed

1 Senate JOINT RESOLUTION NO. 26
 2 INTRODUCED BY Dup
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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED
 6 STATES CONGRESS TO ESTABLISH AN IMPACT AID PROGRAM SIMILAR
 7 TO THE PAYMENT IN LIEU OF TAXES PROGRAM WHEREBY MONEY WOULD
 8 BE APPROPRIATED TO LOCAL GOVERNMENTS ADJACENT TO INDIAN
 9 RESERVATIONS FOR THE PROVISION OF SERVICES TO INDIANS AND
 10 INDIAN TRIBES.

11
 12 WHEREAS, of the total acreage of the State of Montana
 13 of 93,271,000 acres, approximately 9,566,000 acres are
 14 contained within Indian reservations and approximately
 15 5,755,800 acres of the reservation lands are trust land,
 16 held by the federal government in trust for individual
 17 Indians and Indian tribes; and

18 WHEREAS, under federal law, absent the consent of
 19 Congress, the states and their political subdivisions may
 20 not assess a real property tax on trust land owned by
 21 individual Indians or Indian tribes; and

22 WHEREAS, neither the State of Montana nor its political
 23 subdivisions may levy real property tax on trust land owned
 24 by individual Indians or Indian tribes; and

25 WHEREAS, individual Indians, under federal and state

1 law, are citizens of the State of Montana and are therefore
 2 entitled to receive local government services to the same
 3 extent as are other Montana citizens; and

4 WHEREAS, local government services are funded, in
 5 substantial part, by taxes levied upon real property; and

6 WHEREAS, local governments are spending funds to
 7 provide services to persons many of whom, under federal law,
 8 are not subject to tax; and

9 WHEREAS, Congress has established, in Public Law
 10 97-258, a Payment in Lieu of Taxes (PILT) Program under
 11 which the federal government makes annual payments to
 12 certain local governments to offset the tax loss caused to
 13 those local governments by the presence within their
 14 boundaries of federal enclaves not subject to state and
 15 local real property taxes; and

16 WHEREAS, PILT payments may be used by local governments
 17 for any governmental purpose; and

18 WHEREAS, due to current economic conditions on Indian
 19 reservations, many Indians now need more governmental
 20 services than can be provided by local governments.

21
 22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 23 OF REPRESENTATIVES OF THE STATE OF MONTANA:

24 That the Congress of the United States is most
 25 earnestly requested to enact legislation establishing a



-2- INTRODUCED BILL
 SJR 26

1 program whereby the federal government appropriates funds to
2 local governments adjacent to Indian reservations to offset
3 the loss of revenue to the local governments caused by the
4 exemption from taxation of trust property owned by
5 individual Indians and Indian tribes; and

6 BE IT FURTHER RESOLVED, that payments made under such
7 program be used by local governments to provide services to
8 individual Indians and Indian tribes; and

9 BE IT FURTHER RESOLVED, that the Secretary of State
10 send copies of this resolution to the presiding officers of
11 the legislature of every state in which Indian reservations
12 are located; and

13 BE IT FURTHER RESOLVED, that the Secretary of State
14 send copies of this resolution to the President of the
15 United States, Governor Ted Schwinden, and each member of
16 the Congress of the United States.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

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