

1 SENATE JOINT RESOLUTION NO. 24

2 INTRODUCED BY O'NEIL, BLACK, BUTCHER, CURTISS, JACKSON, JUNEAU, KITZENBERG, PEASE,
3 ROUSH

4
5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6 MONTANA ~~URGING~~ REQUESTING THE UNITED STATES CONGRESS TO ~~END THE PRACTICE OF~~
7 AUTHORIZE A FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER TRANSFERRING
8 FEDERAL FUNDS ALLOCATED TO THE STATE OF MONTANA FOR DISTRIBUTION TO MONTANA'S
9 AMERICAN INDIANS ~~THROUGH A STATE AGENCY~~ AS A MEANS OF PROVIDING BENEFITS TO SUPPORT
10 TRIBAL PROGRAMS ~~BY TRANSFERRING ALL FEDERAL FUNDS, OTHER THAN FEDERAL HIGHWAY~~
11 ~~FUNDS,~~ DIRECTLY TO MONTANA'S FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS IN THE FORM
12 OF DIRECT PAYMENTS INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY.

13
14 WHEREAS, the United States Supreme Court has recognized that the United States Constitution grants
15 Congress exclusive authority over Indian tribes and has repeatedly acknowledged that a special
16 trustee-beneficiary relationship exists between the federal government and the tribes; and

17 WHEREAS, as a trustee for all Indian tribes, the federal government has a legal and moral obligation
18 to fulfill its treaty commitments to protect and enhance Indian lands, resources, and tribal governments and to
19 provide those services necessary to protect the social well-being of Indian people; and

20 WHEREAS, the practice of transferring federal funds to state governments and requiring distribution of
21 federal funds to tribal governments and Indian people through state agencies or state programs unfairly shifts
22 many of the federal government's trustee responsibilities to the state, interferes with tribal sovereignty, and
23 restricts each tribe or tribes from providing benefits and programs based on what tribal governments determine
24 to be in the best interests of their members; AND

25 WHEREAS, A FEASIBILITY STUDY WILL ENHANCE THE ABILITY TO PROVIDE DIRECT FUNDING TO FEDERALLY
26 RECOGNIZED TRIBAL GOVERNMENTS IN MONTANA AND WILL PROVIDE FOR AN ORDERLY TRANSITION IN FEDERAL FUNDING
27 PRACTICES.

28
29 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
30 THE STATE OF MONTANA:

