

House Taxation Committee
Hon. Mike Miller
63rd Montana State Legislature
Capitol Building
Helena, Montana

March 26, 2013

RE: Follow-up to Senate Committee Questions from February 14, 2013 hearing on SB 231

The Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") appreciated the opportunity to present testimony in support of SB 231 in front of the House and Senate Taxation Committees. At the hearing February 14, 2013, the Senate Taxation Committee raised some important questions that merited a brief follow-up. I am supplying this Committee with a copy of the questions answers that were provided.

1. What is the difference between trust land, recreational land, and parkland?

Trust land.

- Nearly all of the land set aside for natives is held in trust. As such, it is exempt from both federal and state taxation. The federal government owns the legal title to Indian trust land, but the beneficial interest remains with the tribe or individual Indian. Accordingly, certain limitations apply to the alienation of Indian trust land. See 25 U.S.C. § 2201.
- Acquiring lands in trust is an equitable way for tribes to recover and protect reservation land that was formerly lost to non-Indians. The Secretary of the Interior is authorized to acquire lands in trust for the benefit of Indians, in order to "facilitate tribal self-determination, economic development, or Indian housing." See 25 C.F.R. § 151.3.
- The CSKT has a total of 716,000 acres of trust land as follows:
 - 618,925 acres – open to non-members for recreation
 - The remainder of trust lands include those for: home sites, individual trust lands, primitive areas (for tribal member use only) and other tribal uses
 - Almost the entire CSKT land base is in trust. CSKT does not convert trust land into fee land. CSKT leads the nation in moving fee owned land into trust land.

Recreational land. "Recreational" lands are lands used for "hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling." Section 15-1-101(1)(r), MCA.

Parkland. A park is generally defined as land set aside for public use.

2. What happens with the revenue from recreational permits?

Under a state/tribal bird hunting and fishing agreement, the CSKT earmarks for reservation-wide fish and wildlife programs all revenue from non-member fishing and bird hunting license sales. These funds constitute about 10-20% of the CSKT's annual budget. Under the agreement, the State receives all of the boating tax and federal sporting goods tax revenue that is generated from the reservation.

3. Do "health facilities" qualify for exemptions under SB 231?

No. The law already provides a process for healthcare facility to obtain an exemption, and such process is not within the scope of SB 231. See § 15-6-201(1)(g), MCA.

4. Is Kerr Dam going to be exempt under SB 231?

No. Kerr Dam is on trust land. Therefore, it is not within the scope of SB 231.

Sincerely,
/Shane Morigeau/
Lobbyist, Confederated Salish and Kootenai Tribes