

APRIL 2006 CROW TRIBAL LEGISLATURE

BILL NO. CLB06-03

**INTRODUCED BY THE
ECONOMIC DEVELOPMENT SUBCOMMITTEE
CROW TRIBAL LEGISLATIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

“AMENDMENT OF THE CROW LAW AND ORDER CODE, TITLE 26 BANKING, AUTHORIZATION AND DIRECTION TO THE EXECUTIVE BRANCH TO TAKE ALL NECESSARY STEPS TO CHARTER, ESTABLISH AND OBTAIN A LICENSE FROM THE COMPTROLLER OF THE CURRENCY FOR THE APSAALOOKE NATIONAL BANK AND OR HOLDING COMPANY LOCATED ON THE CROW INDIAN RESERVATION AS A PROFIT MAKING BUSINESS ENTITY WITH ALL DEPOSITS IN THE APSAALOOKE NATIONAL BANK INSURED BY THE FDIC”

WHEREAS, The Crow Legislative Economic Development Subcommittee has thoroughly reviewed and considered the economic advantages of the chartering, establishment, license of and operation of the Apsaalooke National Bank as a banking profit making business entity, and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its “powers and duties” in Article V, Section 2(c and d) of the Constitution “to adopt legislation, not inconsistent with this Constitution, which is necessary in exercising the duties conferred upon the three branches of government; and to adopt legislation chartering instrumentalities of the Crow Tribe for the purposes of economic development, housing, education or other purposes not inconsistent with this Constitution; ...”, and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(d) of the Constitution and Bylaws of the Crow Tribe of Indians to “engage in any business that will further the economic well-being of the members of the Tribe and undertake any economic development activity which does not conflict with the provisions of the Constitution;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE AND THE EXECUTIVE BRANCH OF THE CROW TRIBE:

**TITLE 26 OF THE CROW LAW AND ORDER CODE IS HEREBY ENTITLED
BANKING,**

AND FURTHER

26-1-101 ESTABLISHMENT OF THE APSAALOOKE NATIONAL BANK

THE CHAIRMAN OF THE EXECUTIVE BRANCH OF THE CROW TRIBE OF INDIANS, AS PART OF HIS ENUMERATED POWERS IN THE CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS IS HEREBY RESPECTFULLY REQUESTED, AUTHORIZED AND DIRECTED TO TAKE IN A TIMELY, BUSINESS LIKE MANNER ALL NECESSARY AND REASONABLE STEPS TO ESTABLISH AND OBTAIN A CHARTER AND A LICENSE FROM THE COMPTROLLER OF THE CURRENCY FOR THE APSAALOOKE NATIONAL BANK LOCATED ON THE CROW RESERVATION AS A PROFIT MAKING BUSINESS ENTITY WITH ALL DEPOSITS IN THE APSAALOOKE NATIONAL BANK INSURED BY THE FDIC AND AFTER THE CHARTER AND LICENSE HAVE BEEN ISSUED TO OPERATE THE APSAALOOKE NATIONAL BANK AS A PROFIT MAKING BANKING BUSINESS IN COMPLIANCE WITH ALL APPLICABLE BANKING RULES AND REGULATIONS BOTH TRIBAL AND FEDERAL.

AND FURTHER

26-1-102 CAPITAL – FOR AND ON BEHALF OF EACH TRIBAL MEMBER AS A SHAREHOLDER, TRANSFER TO THE APSAALOOKE NATIONAL BANK THE APPROXIMATELY \$85,000,000 HELD IN TRUST BY THE UNITED STATES GOVERNMENT.

THE APSAALOOKE NATIONAL BANK SHALL BE PROPERLY AND DEQUATELY CAPITALIZED SUCH THAT ALL APPLICABLE STANDARDS, RULES AND REGULATIONS ARE MET AT ALL TIMES INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

1. FDIC REQUIREMENT THAT “INITIAL CAPITAL SHALL BE SUFFICIENT TO PROVIDE A TIER 1 CAPITAL TO ASSETS LEVERAGE RATIO OF NO LESS THEN 8 PERCENT THROUGH THE FIRST THREE YEARS OF OPERATION, AND

2. THE OFFICE OF THE COMPTROLLER OF THE CURRENCY’S CAPITAL REQUIREMENT TO BE, REMAIN OR EXCEED AT ALL TIMES AT OR ABOVE THE “WELL CAPITALIZED LEVEL” AS DEFINED IN 12 CFR 6.4(b)(1) FOR THE FIRST THREE YEARS OF OPERATION. THESE ARE AND SHALL BE “MINIMUM CAPITAL STANDARDS” FOR THE APSAALOOKE NATIONAL BANK.

FOR AND ON BEHALF OF EACH TRIBAL MEMBER AS A COMMON STOCK SHAREHOLDER, THE CHAIRMAN OF THE EXECUTIVE BRANCH OF THE CROW TRIBE OF INDIANS, AS PART OF HIS ENUMERATED POWERS IN THE CONSTITUTION AND BYLAWS OF THE CROW TRIBE OF INDIANS IS HEREBY RESPECTFULLY REQUESTED, AUTHORIZED AND DIRECTED TO TAKE ALL NECESSARY AND REASONABLE STEPS TO AT THE APPROPRIATE TIME AFTER THE APSAALOOKE NATIONAL BANK IS CHARTERED, ESTABLISHED AND LICENSED TO TRANSFER THE APPROXIMATELY \$85,000,000 CURRENTLY HELD IN TRUST BY THE UNITED STATES GOVERNMENT TO THE APSAALOOKE NATIONAL

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BANK UNDER SUCH TERMS AND CONDITIONS AS ARE ESTABLISHED BY BOTH TRIBAL AND FEDERAL LAW, INCLUDING BUT NOT LIMITED TO THE LAWS, RULES AND REGULATIONS ESTABLISHED BY THE COMPTROLLER OF THE CURRENCY, THE CHARTERING, LICENSING AND THE OPERATIONS EXAMINING AGENCY...

AND FURTHER

26-1-103 THE APSAALOOKE NATIONAL BANK SHALL BE AND HAVE:

THE APSAALOOKE NATIONAL BANK SHALL BE CHARTERED, LICENSED, ESTABLISHED AND OPERATED UNDER THE TERMS AND CONDITIONS OF THE OFFICE OF COMPTROLLER OF THE CURRENCY WHICH INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING

“THE APSAALOOKE NATIONAL BANK SHALL BE AND HAVE

1. ORGANIZERS WHO ARE FAMILIAR WITH NATIONAL BANKING LAWS AND REGULATIONS, AND
2. COMPETENT MANAGEMENT INCLUDING A BOARD OF DIRECTORS THAT HAS THE ABILITY AND EXPERIENCE RELEVANT TO THE TYPE OF SERVICES TO BE PROVIDED, AND
3. CAPITALIZATION THAT IS PROJECTED TO SUPPORT THE PROJECTED VOLUME AND TYPE OF BUSINESS, AND
4. POLICY AND PROCEDURES THAT CAN REASONABLY BE EXPECTED TO ACHIEVE AND MAINTAIN PROFITABILITY, AND
5. OPERATED IN A SAFE AND SOUND PROPER BANKING BUSINESS LIKE MANNER.

26-1-104 ORGANIZING GROUP

WITH TRIBAL PARTICIPATION, AN ORGANIZING GROUP FOR THE APSAALOOKE NATIONAL BANK SHALL BE ESTABLISHED.

THE ORGANIZING GROUP SHALL BE

1. COMPOSED OF FIVE OR MORE PERSONS, AND
2. ONLY MEMBERS OF THE CROW TRIBE SHALL SERVE THE ORIGINAL/INITIAL BOARD OF DIRECTORS

3. SHALL HAVE PRESIDENT. THE PRESIDENT OF THE APSAALOOKE NATIONAL BANK SHALL BE THE CHIEF EXECUTIVE OFFICER AND SHALL BE A BOARD DIRECTOR/MEMBER AND
4. EACH BANK DIRECTOR SHALL BE AN ENROLLED AN ENROLLED MEMBER OF THE CROW TRIBE
 - 1 OWN STOCK IN THE BANK, AND
 2. BE A CITIZEN OF THE UNITED STATES THROUGHOUT HIS OR HER TERM OF SERVICE, AND
 3. MEET CROW INDIAN RESERVATION RESIDENCY REQUIREMENTS.

26-1-105 ORGANIZING GROUP/BANK DIRECTORS SHALL SELECT A CEO

THE ORGANIZING GROUP SHALL SELECT A COMPETANT, EXPERIENCED CHIEF EXECUTIVE OFFICER, CEO, WHO SHALL BE, HAVE, MEET OR EXCEED THE FOLLOWING:

THE CEO SHALL POSSESS, HAVE AND BE A PERSON WHO IS OR HAS

1. ONE OF THE ORIGINAL ORGANIZING GROUP, AND
2. EXPERIENCED, COMPETANT, HAVE A WILLINGNESS AND ABILITY TO DIRECT THE APSAALOOKE NATIONAL BANK'S AFFAIRS ACTIVELY IN A SAFE SOUND, BANKING BUSINESS LIKE AND LEGAL MANNER, AND
3. INVOLVED IN DEVELOPING THE PROPOSED BUSINESS PLAN AND IN IMPLEMENTING IT SUCESSFULLY ONCE THE BANK OPENS, AND
4. STRONG LEADERSHIP SKILLS AND HAVE MANAGED A BANK OR SIMILAR FINANCIAL INSTITUTION SUCESSFULLY OR HAVE SUCESSFUL EXPERIENCE AS A BANK OFFICER IN AREAS RELEVANT TO THE PROPOSED APSAALOOKE NATIONAL BANK'S MARKETING STRATEGY AND NEEDS, AND
5. POSSESS SKILLS AND COMPLEMENT THOSE SKILLS OF THE BANK DIRECTORS AND OTHER PROPOSED MEMBERS OF THE EXECUTIVE OFFICER TEAM, INCLUDING EXTENSIVE EXPERIENCE IN OPERATIONS AND ADMINISTRATION, AND

6. SUCH OTHER AND FURTHER QUALIFICATIONS AND SKILLS AS THE BOARD OF DIRECTORS DEEMS NECESSARY, FIT AND PROPER TO MEET THE PURPOSES AND GOALS OF THE APSAALOOKE NATIONAL BANK'S BUSINESS PLAN.

26-1-106 STOCK IN THE APSAALOOKE NATIONAL BANK OR ALTERNATIVELY IN THE APSAALOOK BANK HOLDING COMPANY

STOCK IN THE APSAALOOKE NATIONAL BANK OR ALTERNATIVELY IN THE APSAALOOKE BANK HOLDING COMPANY SHALL BE SUBSCRIBED FROM AND ISSUED TO THE SHAREHOLDERS OF THE BANK AND THE STOCK SHALL NOT CREATE CLASSES WITH DIFFERENT OR NO VOTING RIGHTS AS REQUIRED BY FEDERAL LAW COMMON STOCKHOLDERS IN THE APSAALOOKE NATIONAL BANK SHALL BE AND ARE, WITHOUT EXCEPTION, ENTITLED TO ONE VOTE PER SHARE IN ALL MATTERS, EXCEPT THE ELECTION OF DIRECTORS. AT THE TIME OF THE ELECTION OF THE DIRECTORS, SHAREHOLDERS HAVE CUMULATIVE VOTING RIGHTS.

COMMON STOCK SHALL REPRESENT OWNERSHIP OF THE APSAALOOKE NATIONAL BANK OR IN THE APSAALOOKE BANK HOLDING COMPANY WHEREIN THERE IS A DIRECT CORRELATION BETWEEN THE VALUE OF THE STOCK AND THE VALUE OF THE BANK WITH DIVIDENDS TO COMMON SHAREHOLDERS TIED TO THE EARNINGS OF THE BANK.

BECAUSE PREFERRED STOCK IS MORE SIMILAR TO A DEBT INSTRUMENT, IN CONFORMANCE TO AND COMPLIANCE WITH THE OFFICE OF THE COMPTROLLER OF THE CURRENCY'S POLICY "PREFERRED STOCK IS HEREBY DISCOURAGED THOUGH NOT PROHIBITED. ADDITIONALLY "PREFERRED STOCK" IS DISCOURAGED BECAUSE DIVIDENDS ON PREFERRED STOCK CREATE A BANK OBLIGATION THAT MAY PREVENT THE BANK FROM RETAINING EARNINGS TO FUND FUTURE GROWTH. ALSO, FUTURE BANK INVESTORS MAY BE RELUCTANT TO PURCHASE COMMON STOCK FROM A BANK WITH A SIGNIFICANT AMOUNT OF PREFERRED STOCK.

26-1-10 THE LEGISLATIVE BRANCH SHALL TAKE ALL REASONABLE AND NECESSARY STEPS TO COOPERATE AND ASSIST THE CHAIRMAN AND THE EXECUTIVE BRANCH IN THE CHARTERING, ESTABLISHMENT AND LICENSE OF THE APSAALOOKS NATIONAL BANK

Be it Further Resolved, that the Crow Nation Legislature hereby adopts, formally a free market economic system, that will accommodate the interaction of resources within resources and productive markets that will generate jobs, income and wealth to Crow Indian Individuals and the Crow Nation Government, and retain the economic and financial returns on the Crow Indian Reservation for the benefit of the Crow Indians and

Be it Further Resolved, that Crow Indian Individuals will be empowered by this legislation to participate in markets, to exercise their rights alienable property, to allow them freedom of enterprise and competition, to own and control capital, to access and utilize the Crow Indian owned financial and natural resources to produce and consume goods and services, to develop the resource and productive markets, and develop the marketing, distribution and delivery systems in conformity with the right of the Crow Indian Individual to, collectively, confer certain enumerated tasks in the Crow Constitution to certain offices and to retain other powers for themselves that are not in conflict with their intent to confer limited authority to elected public officials,

Be it Finally Resolved, that the Crow Nation Legislature authorizes the following "Sections" to implement the objectives of the Bill, to-wit:

Section I - Crow Nation Legislative Department will formulate plans to develop the necessary infrastructure and institutions to support this undertaking, by formulating the necessary programs and financial plans to support the activities of the economic sectors. the Crow Nation Legislature's Infrastructure Sub-Committee is hereby, authorized to develop the plans and implement them by establishing an administrative structure that

will carry out the provisions of this bill. The Crow Nation Legislature's Infrastructure Sub-Committee will report to the full Legislature the extent of the program and financial plans within ninety (90) days from the passage of this bill.

Section II - The Crow Nation Legislature's Revenue Sub-Committee will formulate plans to research all the sources of income and exchange of cash and credit for goods and services that occurs on the Crow Indian Reservation and to report to the Crow Nation Legislature the disposition of that official finding within ninety (90) days of the enactment of this bill. The data collected will be used to formulate laws and policies relative to money management, Federal Reserve activities, and market reports. The research projects to encompass financial transactions that are transacted on the Crow Indian Reservation which include the cash and credit transactions of Crow members with all business entities located on or off the Crow Indian Reservation. Cash and credit transactions are to include, but not limited to lending activities with banks and/or other financial institutions that finance business and consumer entities and their respective operations and activities such as the growing of crops, the raising of cattle, and the purchasing of capital equipment, house(s) and automobile(s) and other consumer goods. Primary and secondary sources of information, containing reliable and relevant information, can be accessed to collect the data to be included in the final report to the full Crow Nation Legislature. In addition, the Revenue Sub-Committee is, also, authorized to contact all federal, state, county and tribal entities that are currently engaged in business relationships with the Crow Nation and Crow People, do obtain budget data that reflects cash and credit transactions that occur on the Crow Indian Reservation. Cash and Credit transactions that occur on the Crow Indian Reservation

means all transaction that begin with Crow resources, individual and tribal, through legal agreement and contracts that generate income from wages, rental fees for the use of resources, business operations and investment of funds, grants and contracts an all other transactions related to the production and consumption of goods and services.

Section III - The Natural Resources Sub-Committee is hereby authorized to established a comprehensive land use bill that would include, but not limited, to the establishment of land use zones relative to commercial, residential, recreational, sacred Crow cultural sites, governance districts, manufacturing sites, Class III gaming sites and other specialized industrial development sites in order that Crow owned land be properly managed and conserved.

Section IV – The Little Big Horn College will provide and guide the primary educational services, training and technical assistance required to support the overall goal of this bill so that the proper skills, knowledge and transfer of technology be achieved, in an orderly and timely manner, in concert with the plans of the Crow Nation. The mission statement of the Little Big Horn College underscores the significance of education our Crow People to become self-sufficient through economic development and economic growth.

Section V – The Crow Nation Legislature, through the Revenue Sub-Committee, authorizes the immediate and necessary appropriations of Crow Nation funds to achieve the objectives of the several sections contained within this bill and that an appropriate system of accounting of funds, to include a periodic audit, be established to oversee the expenditure of authorized funds. The amount of the authorized funds, sources of funds and a program of expenditures will be developed by the Revenue Sub-committee in conjunction with the other Legislative Sub-Committees named in this bill and report to

the full Legislature for final approval.

Section VI – The Economic Development Sub-Committee of the Crow Nation

Legislature is hereby authorized to work with the full legislature and the various sub-committees to take any and all necessary actions to monitor and enforce the provisions of this bill in accordance with the laws established by the Crow Nation Legislature and the provisions of the Crow Nation Constitution. A time line of activities to monitor and enforce the provisions of this bill is to be developed and reported to the Crow Nation Speaker of the Legislature within (15) fifteen working days from the date of the passage of this bill. The Economic Development Sub-Committee is further authorized to formulate a plan to promote business and commercial development and develop a measurement of an estimate of the total money value of all the final goods and services produced and consumed in a given one-year period using the factors of production owned by the Crow Indian and located within the Crow Indian Reservation.

Bill or Resolution Number CLB06-03 Introduced by: Kennard
Real Bird Date of Vote: April 19, 2006

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
L. Plain Bull	<u>X</u>	<u> </u>	<u> </u>
O. Costa	<u>X</u>	<u> </u>	<u> </u>
V. Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
M. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
R. Iron	<u>X</u>	<u> </u>	<u> </u>
B. House	<u>X</u>	<u> </u>	<u> </u>
E. Fighter	<u>X</u>	<u> </u>	<u> </u>
L. Hogan	<u>X</u>	<u> </u>	<u> </u>
S. Fitzpatrick	<u>X</u>	<u> </u>	<u> </u>
K. Real Bird	<u>X</u>	<u> </u>	<u> </u>
M. Covers Up	<u> </u>	<u> </u>	<u> </u>
R. Old Crow	<u>X</u>	<u> </u>	<u> </u>
L. Not Afraid	<u>X</u>	<u> </u>	<u> </u>
B. Shane	<u>X</u>	<u> </u>	<u> </u>
J. Stone	<u>X</u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
L. Costa <i>Secretary of the House</i>	<u>X</u>	<u> </u>	<u> </u>
D. Goes Ahead <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>16</u>	<u>0</u>	<u>0</u>


Result of Vote:

Passed Not Passed Tabled Veto Override

Signature Officer: Carlton D. Smith Date: 4-19-06

CERTIFICATION

I hereby certify that this BILL, "AMENDMENT OF THE CROW LAW AND ORDER CODE, TITLE 26 BANKING, WITH DIRECTION TO THE EXECUTIVE BRANCH TO TAKE ALL NECESSARY STEPS TO ESTABLISH AND OBTAIN A LICENSE FROM THE COMPTROLLER OF THE CURRENCY FOR THE APSAALOOKE NATIONAL BANK AND OR HOLDING COMPANY ON THE CROW RESERVATION AS A PROFIT MAKING BANKING BUSINESS ENTITY WITH ALL DEPOSITS IN THE APSAALOOKE NATIONAL BANK INSURED BY THE FDIC", was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 19TH day of April, 2006.


Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

CROW LEGISLATURE SEAL:

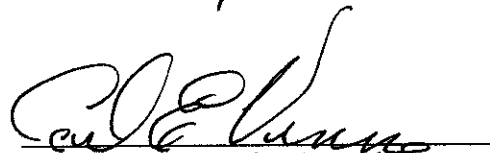


EXECUTIVE ACTION

I hereby:

Approve,
 Veto

this BILL, "AMENDMENT OF THE CROW LAW AND ORDER CODE, TITLE 26 BANKING, WITH DIRECTION TO THE EXECUTIVE BRANCH TO TAKE ALL NECESSARY STEPS TO ESTABLISH AND OBTAIN A LICENSE FROM THE COMPTROLLER OF THE CURRENCY FOR THE APSAALOOKE NATIONAL BANK AND OR HOLDING COMPANY ON THE CROW RESERVATION AS A PROFIT MAKING BUSINESS ENTITY WITH ALL DEPOSITS IN THE APSAALOOKE NATIONAL BANK INSURED BY THE FDIC" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Sections 3(f) and 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians on this 19 day of May, 2006.


Chairman, Executive Branch
Crow Tribe of Indians