

## **APRIL 2007 CROW TRIBAL LEGISLATURE**

### **BILL NO. CLB07-10**

**INTRODUCED BY CARL E. VENNE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH**

### **A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING TRIBAL LEASE ASSIGNMENT POLICY AND PROHIBITING THE ASSIGNMENT OR TRANSFER OF AGRICULTURAL LEASES ON TRIBAL AND ALLOTTED TRUST LANDS."**

**WHEREAS**, the Apsaalooke Nation is a federally recognized Indian Nation residing on the Crow Reservation and possessing inherent sovereign governmental powers; and

**WHEREAS**, it is the responsibility of any government to look out for the safety and welfare of its constituents; and

**WHEREAS**, in order for the government of the Apsaalooke Nation to be of better service to its constituents and to provide the opportunity for Tribal-member allotment owners and the Crow Tribe to obtain full and fair value for agricultural leases on trust lands, the assignment of agricultural leases of trust lands must be generally prohibited; and

**WHEREAS**, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3(f) of the Constitution and Bylaws of the Crow Tribe of Indians to "negotiate and approve or prevent any sale, disposition, lease or encumbrance of Tribal lands, interests in lands or other Tribal assets, including buffalo, minerals, gas and oil with final approval granted by the Legislative Branch;" and

**WHEREAS**, the Legislative Branch has authority and responsibility pursuant to its "powers and duties" in Article V, Section 2(d) of the Constitution "to grant final approval or disapproval of items negotiated by the Executive Branch of Government pertinent to the sale, disposition, lease or encumbrance of Tribal lands, interests in lands or mineral assets provided that a process for such approval or disapproval may be established by legislation;" and

**WHEREAS**, the Legislative Branch has the power and duty pursuant to Article V, Section 2(a) of the Constitution "to promulgate and adopt laws, resolution, ordinances, codes, regulations, and guidelines in accordance with the Constitution and federal laws for the governance of the Crow Tribe of Indians and for providing for the manner of the sale, disposition, lease or encumbrance of tribal lands, interest in land, or other assets of the Crow Tribe;"

**NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF  
THE CROW TRIBE:**

**Section 1. Declaration of Policy.** It shall be the general and hereby declared policy of the Apsaalooke Nation that agricultural leases of Tribal and allotted lands held in trust or restricted status by the United States for the benefit of the Apsaalooke Nation or individual Indian owners and Tribal fee land shall not be subject to assignment or transfer nor be transferred in any manner or in any way by the Lessee to any other party, person or entity.

**Section 2. Assignment or Transfer of Agricultural Leases Prohibited.**

(a) Definitions. As used in this Act:

1. "Crow Trust Lands" means all Tribal and allotted lands held in trust or restricted status by the United States for the benefit of the Crow Tribe or individual Indian owners located within the exterior boundaries of the Crow Indian Reservation, including the "ceded area." For purposes of this Act, "Crow Trust Lands" shall also include all Reservation lands owned in fee or unrestricted status by the Crow Tribe.

2. "Assignment" or "Assigned" means any form of assignment, transfer, subletting or other conveyance of any of the lease rights to any person or entity other than the original Lessee named in the lease, whether by agreement of the Lessee or by operation of law, including but not limited to the dissolution of marriage or inheritance laws of any other jurisdiction.

3. "Agricultural purposes" or "agricultural lease" means a lease of agricultural land for farming and/or grazing purposes including all those trust leases covered by 25 C.F.R. Part 162, Subpart B (as in effect on the date of this Act) and competent Crow farming and grazing leases covered by the Act of May 26, 1926 (44 Stat. 658), as amended by the Act of March 15, 1948 (62 Stat. 80) and 25 C.F.R. Section 162.500.

(b) No lease or leases for agricultural purposes of Crow Trust Lands entered into after the effective date of this Act shall be assigned in whole or in part at any time to any other party, person or entity in any manner or for any reason.

(c) All agricultural leases for Crow Trust Lands entered into, issued or approved by the Bureau of Indian Affairs after the effective date of this Act shall include the following provision in large bold type with all capital letters:

**THIS LEASE MAY NOT BE ASSIGNED, TRANSFERRED OR  
SUBLEASED TO ANY OTHER PARTY, PERSON OR ENTITY IN ANY  
MANNER FOR ANY REASON.**

(d) This Act does not prohibit the assignment of agricultural leases on Crow Trust Lands that are in existence on the effective date of this Act ("existing leases"); *provided*, however, that any person or entity that takes or receives an assignment of such an existing lease after the effective date of this Act shall not thereafter be eligible to lease the Crow Trust Land that was the subject of the assignment. This ineligibility shall also apply to the immediate family of the Lessee and to all affiliated entities controlled by the Lessee or his or her immediate family.

(e) The restrictions in paragraphs (b) and (d) of this Section shall not apply to any assignments or transfers to the Crow Tribe.

**Section 3. Severance Clause.** If any provisions of this Act are held by a court with legal lawful jurisdiction to be invalid as contrary to the Tribal Constitution or federal law, such holding shall not invalidate the other provisions of this Act.

**Section 4. Effective Date.** This Act shall become effective immediately upon its approval by the Tribal Legislature and the Chairman of the Executive Branch.

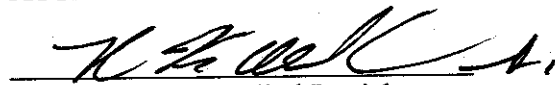
**Section 5. Codification.** Sections 1-3 of this Act are intended to be codified as an integral part of an appropriate title of the Crow Tribal Law and Order Code.

**CERTIFICATION**

I hereby certify that this Bill for "AN ACT ESTABLISHING TRIBAL LEASE ASSIGNMENT POLICY AND PROHIBITING THE ASSIGNMENT OR TRANSFER OF AGRICULTURAL LEASES ON TRIBAL AND ALLOTTED TRUST LANDS" was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 0 against, 0 abstained and that a quorum was present on this 19<sup>th</sup> day of April, 2007.

  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

  
Secretary, Crow Tribal Legislature




**EXECUTIVE ACTON**

I hereby:

approve, or  
 veto

this Bill for "AN ACT ESTABLISHING TRIBAL LEASE ASSIGNMENT POLICY AND PROHIBITING THE ASSIGNMENT OR TRANSFER OF AGRICULTURAL LEASES ON TRIBAL AND ALLOTTED TRUST LANDS" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians on this 20 day of APRIL, 2007.

  
Chairman, Executive Branch  
Crow Tribe of Indians

**"An Act Establishing Tribal Lease Assignment Policy and Prohibiting the Assignment or Transfer of Agricultural Leases on Tribal and Allotted Trust Lands."**

Bill or Resolution Number CB07-10 Introduced by Executive Branch Date of Vote April 19, 2007

Representative:	Yes	No	Abstained
L. Plain Bull	✓		
O. Costa	✓		
V. Crooked Arm	✓		
M. Not Afraid			
R. Iron			
B. House	✓		
E. Fighter	✓		
L. Costa	✓		
L. Hogan	✓		
S. Fitzpatrick	✓		
K. Real Bird			
M. Covers Up	✓		
L. Not Afraid	✓		
B. Shane			
J. Stone	✓		
D. Wilson			
R. Old Crow <i>Secretary of the House</i>	✓		
D. Goes Ahead <i>Speaker of the House</i>	✓		
Totals:	<u>13</u>	<u>0</u>	<u>0</u>

Result of Vote:

**Passed**      Not Passed      Tabled      Veto Override

Signature Officer: Carlton Jones Ahmad Date: 4-19-07