

**AUGUST 5, 2014 SPECIAL SESSION  
CROW TRIBAL LEGISLATURE**

**JOINT ACTION RESOLUTION NO. JAR14-16**

INTRODUCED BY DARRIN OLD COYOTE, CHAIRMAN  
CROW TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE  
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

**RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE  
ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE  
BANK FOR APSAALOOKE HORSE RACING**

**WHEREAS**, horse racing is an important traditional activity of the Crow people; and

**WHEREAS**, the Crow Tribe is authorized to conduct pari-mutuel wagering on live or simulcast horse racing under the terms of the Gaming Compact with the State of Montana (titled: "Agreement Between the Crow Indian Tribe of Montana and the State of Montana Concerning Class III Gaming"), approved by the Secretary of the Interior on June 12, 1998, and executed by the Tribe and the State on March 11, 1998, and March 19, 1998 respectively; and

**WHEREAS**, CLB No. 14-01 (titled "The Crow Board of Horse Racing Act"), passed by the Legislature in the January 2014 quarterly session and signed into law on January 24, 2014, established a seven-member Crow Board of Horse Racing and a regulatory framework within tribal jurisdiction for horse racing activities on the Crow Reservation; and

**WHEREAS**, CLB No. 14-01 provided that the benefits to the Tribe of sanctioned racing and wagering included strengthening Crow horse breeding and adding to the possibilities for economic development on the reservation"; and

**WHEREAS**, the Legislature confirmed Chairman Darrin Old Coyote's nominations to the Crow Board of Horse Racing in LR No. 14-09, (titled "A Resolution of the Crow Tribal Legislature to Confirm Nominations to the Crow Board of Horse Racing"), passed by the Legislature in the June 5, 2014 special session; and

**WHEREAS**, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3 of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare affecting the Crow Tribe, and to engage in business that will further the economic well-being of Tribal members and undertake economic development activity;" 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”; and

**WHEREAS**, the Crow Tribal Legislature and the Crow Tribal Executive Branch enacted Joint Action Resolution No. JAR 13-19 on October 24, 2013 to approve a loan agreement for a loan from First Interstate Bank in the amount of Ten Million Dollars (\$10,000,000.00), secured by interest from the 107<sup>th</sup> Settlement Trust Fund (the “Loan”), for the purposes of funding land purchases and economic development projects, and paying off the 2013 Unsecured Line of Credit, and such Loan closed on November 1, 2013 and all BIA and OST approvals have been obtained; and

**WHEREAS**, pursuant to Joint Action Resolution No. JAR 13-19, the balance of the Loan proceeds, after repayment of the 2013 Unsecured Line of Credit and transaction costs for the Loan, have been deposited in a separate Economic Development Account with First Interstate Bank; and

**WHEREAS**, the Joint Action Resolution No. JAR 13-19 required additional Joint Action Resolutions to approve all Future Project Expenditures from the Loan funds; and,

**WHEREAS**, the Executive Branch has determined that horse races will provide income, jobs and services for the Reservation, as well as, support future economic development projects and community services; and

**WHEREAS**, JAR 13-19 approving the loan agreement on October 24, 2013 contemplated future expenditures for the above purposes; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE  
AND THE CROW TRIBAL EXECUTIVE BRANCH:**

**Section 1. Tribal Expenditures from the Economic Development Account at First Interstate Bank are hereby authorized for the following projects and purchases, in the amounts specified below, pursuant to the business plans and/or project budgets for each such project, attached hereto and incorporated by reference:**

- (a) Apsaalooke Horse Racing, in the amount of two-hundred sixteen thousand, six-hundred dollars (\$216,600.00).
- (b) The Apsaalooke Nights Casino will be responsible for repaying to the Economic Development Account all such amounts as authorized by this Tribal Resolution.

**Section 2. Pari-mutuel Wagering on Live Horse Racing on the Crow Reservation shall be organized in accordance with applicable federal and tribal law, as follows:**

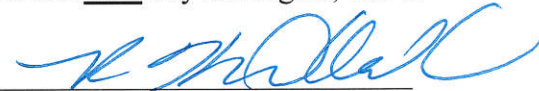
- (a) The Board of Horse Racing shall promulgate rules and regulations<sup>6</sup> governing pari-mutuel wagering on live horse racing in accordance with the Sixth Amendment to the Montana-Crow Tribe Class III Gaming Compact and the Crow Tribal Board of Horse Racing Act (CLB No. 14-01). Such rules and regulations shall be at least as restrictive as select provisions of the Administrative Rules of Montana, as provided for in the Sixth Amendment to the Class III Gaming Compact, including each of the following areas: General Conduct of Racing, Simulcast Rules, Medication, Corrupt Practices and Penalties, and Parimutuel Operations. The Board of Horse Racing shall license and regulate the conduct of live horse racing, including the scheduling of race meets, in the best interests of the horse racing industry and in accordance with all applicable law.
- (b) The Crow Tribal Gaming Commission shall license and regulate all Class III gaming operations associated with pari-mutuel wagering on live horse racing, in accordance with the Class III Gaming Compact, the Crow Tribal Gaming Ordinance of 2013 (CLB No. 14-02), the Crow Tribal Board of Horse Racing Act, and such rules and regulations as adopted by the Tribal Board of Horse Racing.
- (c) The Apsaalooke Nights Casino shall conduct pari-mutuel wagering on live horse racing in accordance with the Class III Gaming Compact, the Crow Tribal Gaming Ordinance of 2013, the Crow Tribal Board of Horse Racing Act, and such rules and regulations as adopted by the Tribal Board of Horse Racing.
- (d) The Crow Tribal Horse Racing Commissioner, as elected by the Crow Tribal General Council, shall organize and conduct live horse racing during Crow Fair celebrations in accordance with the Class III Gaming Compact, the Crow Tribal Board of Horse Racing Act, and such rules and regulations as promulgated by the Tribal Board of Horse Racing.

**Section 3. Joint Action Resolution No. 14-06 is hereby amended to add an additional category of authorized project expenditure titled “Apsaalooke Horse Racing,” subject to final approval by the Legislature through legislative resolution. Any such funding requests shall include a Crow tribal horse racing feasibility study, as prepared by the Apsaalooke Night Casino.**

**Section 4. This Tribal Resolution shall be effective immediately upon being duly adopted by the Legislature and signed into law by the Executive Branch Chairman.**

### CERTIFICATION

I hereby certify that this Joint Action Resolution entitled **RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE BANK FOR APSAALOOKE HORSE RACING** was duly enacted by the Crow Tribal Legislature with a vote of 16 in favor 0 opposed, And 0 abstaining and that a quorum was present on this 5<sup>th</sup> day of August, 2014.

  
Sen. R. Knute Old Crow  
Speaker of the House  
Crow Tribal Legislature

ATTEST:

  
Sen. Gordon Real Bird, Jr.

Secretary  
Crow Tribal Legislature

### EXECUTIVE ACTION

I hereby:

X approve, or  
       veto



This Joint Action Resolution entitled **RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT ACCOUNT LOAN FUND AT FIRST INTERSTATE BANK FOR APSAALOOKE HORSE RACING** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 on this 11 day of August, 2014.

  
Darrin Old Coyote, Chairman  
Crow Tribal Executive Branch

RESOLUTION AUTHORIZING PROJECT EXPENDITURES FROM THE ECONOMIC DEVELOPMENT  
ACCOUNT LOAN FUND AT FIRST INTERSTATE BANK FOR APSAALOOKE HORSE RACING

**Bill or Resolution:** JAR14-16 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 8/5/2014  
**Number**

<u>Representative:</u>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
G. Three Irons	<u>X</u>	<u>          </u>	<u>          </u>
B. Rogers	<u>X</u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>X</u>	<u>          </u>	<u>          </u>
P. Hill	<u>          </u>	<u>          </u>	<u>          </u>
E. Birdinground	<u>X</u>	<u>          </u>	<u>          </u>
A.Coyote-Runs, Sr.	<u>X</u>	<u>          </u>	<u>          </u>
V. Nomee	<u>X</u>	<u>          </u>	<u>          </u>
T. Gros Ventre	<u>X</u>	<u>          </u>	<u>          </u>
P. Alden, Jr.	<u>X</u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>          </u>	<u>          </u>	<u>          </u>
P. Spotted Horse, Sr.	<u>X</u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>X</u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>X</u>	<u>          </u>	<u>          </u>
B. Hugs	<u>X</u>	<u>          </u>	<u>          </u>
B. Good Luck	<u>X</u>	<u>          </u>	<u>          </u>
G. Stewart	<u>X</u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
R. Old Crow, Sr. <i>Speaker of the House</i>	<u>X</u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>16</u>	<u>0</u>	<u>0</u>


Result of Vote:

**Passed**

**Not Passed**

**Tabled**

**Veto-Override**

  
\_\_\_\_\_  
Senator R. Knute Old Crow, Sr.  
Speaker of the House

8/5/14  
Date

  
\_\_\_\_\_  
Senator Gordon Real Bird, Jr.  
Secretary of the House

\_\_\_\_\_  
Date

## **SOURCES & USES OF FUNDS**

### **SOURCES OF FUNDS**

Investment of Cash by Owner (equity)	<u>                    </u>
Investment of Non-cash Assets by Owner (lower of market value or cost)	<u>\$ 1,052,893</u>
Bank Loan to Business - Long Term	<u>\$ 200,000</u>
<b>TOTAL SOURCES OF FUNDS</b>	<b><u>\$ 1,252,893</u></b>

### **USES OF FUNDS**

Land	<u>                    </u>
Building	<u>                    </u>
Equipment	<u>                    </u>
Inventory	<u>                    </u>
Vehicles	<u>                    </u>
Non-cash Assets Contributed by Owner (equipment)	<u>                    </u>
Working Capital	<u>\$ 200,000</u>
<b>TOTAL USES OF FUNDS</b>	<b><u>\$ 200,000</u></b>



## Amortization Table

A simple amortization table covering each payment period of a loan.

1) To use the table, simply change any of the values in the **Initial Data** area of the worksheet.

2) To print the table, highlight the desired print area, choose **File, Set Print Area**, then **File and Print**.

## Initial Data

LOAN DATA		TABLE DATA	
Loan amount:	\$200,000	Table starts at date:	
Annual interest rate:	6.00%	or at payment number:	1
Term in years:	15		
Payments per year:	1		
First payment due:	10/10/2015		
<b>PERIODIC PAYMENT</b>			
Entered payment:	\$0.00	<i>The table uses the calculated periodic payment amount unless you enter a value for "Entered payment".</i>	
Calculated payment:	\$20,592.55		
<b>CALCULATIONS</b>			
Use payment of:	\$20,592.55	Beginning balance at payment 1:	200,000.00
1st payment in table: 1		Cumulative interest prior to payment 1:	0.00

## Table

[illegible]

## CASH FLOW

[illegible]



# Apsaalooke Nights Horse Racing Budget

	#	rate	total
Announcer	4	100	400
Stewarts	12	200	2400
Paddock Identifier	4	50	200
Clerk of Scales	4	50	200
Starter	4	200	800
Assistant Starter	40	100	4000
Water Truck Driver	8	100	800
Tractor Driver	8	100	800
Security	12	75	900
Parking	8	50	400
Admissions Gate	8	50	400
Sound System	4	500	2000
Jock's Room Custodian	4	75	300
Patrol Judge	8	75	600
Test Barn Vet	4	1000	4000
Vet Tech	12	75	900
EMT	32	80	2560
Racing Secretary	8	200	1600
Assistant Racing Secretary	8	100	800
Horseman's Bookkeeper	8	100	800
Race Day Outrider	4	100	400
Call to Post Bugler	4	75	300
Purse Money	4	25000	100000
Purse Money Stakes Races	1	35000	35000
Tote Board & Machines	4	1700	5100
Photo Finish	4	500	2000
Race Programs	4	500	2000
Jockey Liability Insurance	4	4000	16000
Jockey Incentive	4	4000	16000
Advertising	1	5000	5000
Race Equipment/Supplies	1	2500	2500
Office Equipment/supplies	1	3000	3000
Misc. Cost	1	4500	4500
	Total		216660