

# **JANUARY 2007 CROW TRIBAL LEGISLATURE**

## **BILL NO. CLB07-03**

**INTRODUCED BY: CENTER LODGE DISTRICT**

**“ENACTING A BILL THAT SHALL BE CODIFIED IN THE CLOC  
AUTHORIZING THE CROW TRIBE AND CROW TRIBAL  
MEMBERS AS INDIVIDUALS OR COLLECTIVELY AS CO-  
OWNERS TO PROTECT AND ENFORCE IN THE CROW TRIBAL  
COURT THEIR GRAZING AND TRESPASS RIGHT(S) ON TRUST  
PROPERTY WITHIN THE EXTERIOR BOUNDARIES OF THE  
CROW INDIAN RESERVATION, THE CEDED AREA, AND ANY  
OTHER CROW LAND ON OR NEAR RESERVATION.”**

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe are empowered to act for and on behalf of the Crow Tribe pursuant to the Constitution of the Crow Tribe of Indians, and

**WHEREAS**, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V. Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, approved by the Secretary of Interior on July 14, 2001; and

**WHEREAS**, it is essential for the safety, security, economic development, and good order of the Crow Nation for the Crow Law and Order Code to be current and understandable and accessible to members of the Tribe, other citizens residing within the exterior boundaries of the Crow Reservation, and other persons, agencies, programs, businesses, and governmental entities; and

**WHEREAS**, the Crow Constitution Articles V grants as to the legislative branch of the Crow Tribe the following:

**Section 2. Powers and Duties.** The powers and duties of the Legislative Branch shall be:

- b. to promulgate and adopt law, resolutions, ordinances, codes, regulations, and guidelines in accordance with this Constitution and federal laws for the governance of the Crow Tribe of Indians; and for providing for the levying of taxes, licensing of members and non-members for various purposes; for the exclusion of persons not legally entitled to reside or remain within the exterior boundaries of the Crow Indian Reservation;
- c. to adopt legislation, not inconsistent with this Constitution, which is necessary in exercising the duties conferred upon the three branches of government; and

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe recognizes that there are numerous, extensive, and serious trespasses on agricultural lands



within the exterior boundaries of the Crow Reservation, which lands are owned by the United States and held in trust for the Crow Tribe and for members of the Crow Tribe, and

**WHEREAS**, Congress in 1993 enacted the American Indian Agricultural Resources Management Act ("AIARMA"), 107 Stat. 2011, which in part authorized the Secretary of the Interior to adopt regulations establishing penalties for trespassing on Indian agricultural lands and granted tribes, including tribal courts, the authority to enforce such trespass regulations, and

**WHEREAS**, the Secretary of the Interior has adopted regulations addressing trespasses upon Indian agricultural lands, which regulations are codified at 25 C.F.R. Part 166, Subpart I (Section 166.800 *et seq.*), and

**WHEREAS**, one provision of the regulations that is codified at 25 C.F.R. 166.802(a) provides in part that "The BIA enforces the provisions of this subpart. If the tribe adopts the provisions of this subpart, the tribe will have concurrent jurisdiction to enforce<sup>4</sup> this subpart," and

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe desires to empower the Crow Tribe, including the Crow Tribal Court, to enforce the trespass provisions of AIARMA as implemented in 25 C.F.R. Part 166, Subpart I, by authorizing the Crow Tribe in its own name to commence trespass litigation in tribal court against trespassers on the member's (s') agricultural land(s), and

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe desire to empower enrolled members of the Crow Tribe to enforce the trespass provisions of AIARMA as implemented in 25 C.F.R. Part 166, Subpart I, by authorizing those enrolled member(s), in his, her, or their own name(s), to commence trespass litigation in tribal court against trespassers on the member's (s') agricultural land(s), and

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe desires to empower the Crow Tribal Court to exercise jurisdiction over trespass cases brought by the Crow Tribe and/or by enrolled member of the Crow Tribe that challenged third parties' trespasses upon the tribal or members' agricultural lands, and to authorize the Crow Tribal Court to provide all forms of relief for such trespasses as specified in 25 C.F.R. Part 166, Subpart I, and

**WHEREAS**, the Legislative Branch and the Executive Branch of the Crow Tribe explicitly intends that this BILL be retroactive to the date that the Secretary of the Interior first adopted the regulations now codified in 25 C.F.R. Part 166, Subpart I,

**NOW, THEREFORE, BE IT ENACTED AS CODIFIED LAW**, that the Legislative Branch of the Crow Tribe hereby adopts the provisions of 25 C.F.R. Part 166, Subpart I (codified at 25 C.F.R. § 166.800 *et seq.*) as if those provisions were reprinted in full herein (SEE ATTACHED), and

**BE IT FURTHER ENACTED AS CODIFIED LAW**, that the Legislative Branch of the Crow Tribe hereby authorizes the Crow Tribe, action in its sovereign capacity, and enrolled members of the Crow Tribe, acting in their individual capacities to bring challenges to trespasses upon their respective agricultural lands to the Crow Tribal Court, where such challenges may be litigated and resolved in accordance with the provisions of 25 C.F.R. Part 166, Subpart I, and


**BE IF FURTHER ENACTED AS CODIFIED LAW**, that the Legislative Branch of the Crow Tribe hereby authorizes the Crow Tribal Court to accept and exert jurisdiction over challenges to trespasses on agricultural lands beneficially owned by the Crow Tribe and by enrolled members of the Crow Tribe in accordance with the provisions of 25 C.F.R. Part 166, Subpart I, effective as of the date of the Secretary of the Interior's first adoption of the regulations now codified in 25 C.F.R. Part 166, Subpart I, and

**BE IT FINALLY ENACTED AS CODIFIED LAW**, that nothing in this act shall be construed as limiting, repealing or otherwise restricting the jurisdiction of or remedies available through the Crow Tribe or the Crow Tribal Court that would otherwise exist in the absence of this Act.



## CERTIFICATION

I hereby certify that this bill entitled, **enacting a bill that shall be codified in the CLOC authorizing the Crow Tribe and Crow Tribal Members as individuals or collectively as co-owners to protect and enforce in the Crow Tribal Court their grazing and trespass right(s) on trust property within the exterior boundaries of the Crow Indian Reservation and the ceded strip**, was duly approved by the Crow Tribal Legislature with a vote of 18 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 16<sup>th</sup> day of January, 2007.

  
Speaker of the House  
Crow Tribal Legislative Branch

Attest:

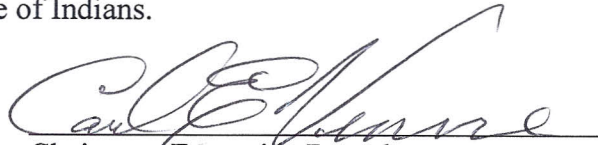
  
Secretary of the House  
Crow Tribal Legislature



## EXECUTIVE ACTION

I hereby,  
✓, approve  
      , veto

this bill entitled, **enacting a bill that shall be codified in the CLOC authorizing the Crow Tribe and Crow Tribal Members as individuals or collectively as co-owners to protect and enforce in the Crow Tribal Court their grazing and trespass right(s) on trust property within the exterior boundaries of the Crow Indian Reservation and the ceded strip**, on this 20 day of Feb, 2007, 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.

  
Chairman, Executive Branch  
Crow Tribe of Indians

Bill or Resolution Number CLB07-03 Introduced by Center Date of Vote January 16, 2007  
Lodge Dist.

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:	18	0	0

Result of Vote:

Passed

Not Passed

Tabled

Veto Override

Signature Officer: Carlton D. Smith Date: 1-16-07