

# **DECEMBER 20TH 2012 SPECIAL SESSION OF THE CROW TRIBAL LEGISLATURE**

**LR No. 12-11**

Introduced by Senator Conrad J. Stewart  
Natural Resources Committee

A Legislative Resolution Titled:

## **A Resolution of the Crow Tribal Legislature to Request Montana's Congressional Delegation Take all Necessary and Appropriate Measures to Ensure an Extension of the Federal Indian Coal Production Tax Credit**

### **Legislative Findings:**

**WHEREAS**, Article V, Section 2(a) of the 2001 Crow Tribal Constitution provides that the Crow Tribal Legislature ("Legislature") is vested with the power and duty to promulgate and adopt resolutions in accordance with the 2001 Constitution and federal laws for the governance of the Crow Tribe of Indians; and

**WHEREAS**, Section 1(5) of Legislative Resolution 10-20 (enacted in special legislative session on August 10th, 2010) provides that a specific category of Crow tribal resolutions enacted by the Legislature shall be for the purpose of making recommendations and statements of support pertaining to the establishment of governmental policy by law or otherwise, including federal legislation, which may affect the Crow Tribe and its members; and

**WHEREAS**, the Crow Tribe is the beneficial owner of billions of tons of high-quality coal on the Crow Indian Reservation, a significant portion of which is currently under federally-approved leases to Westmoreland Resources for the purpose of surface mining and which provides million of dollars in revenue to the Crow Tribe and the Crow Tribal Government through the imposition of tribal taxes and mineral royalties and which also provides hundreds of jobs for Crow tribal members at levels capable of supporting households and which provide tremendous support to the local economy; and

**WHEREAS**, under the voluminous statutes and regulations governing the surface mining and reclamation of Crow tribal coal, which are largely intended to protect the best-interests of the Crow Tribe in the long-term, a competitive disadvantage is placed on development partners for the Crow Tribe, including Westmoreland and any other future coal lessees, as compared to privately-owned, federally-owned, or state-owned coal; and

**A Resolution of the Crow Tribal Legislature to Request Montana's Congressional Delegation Take all Necessary and Appropriate Measures to Ensure an Extension of the Federal Indian Coal Production Tax Credit**

**WHEREAS**, the Congress of the United States has the federal constitutional authority to lay and collect taxes and to regulate commerce with the Indian tribes, as recognized by the 1825 Treaty between the United States and the Crow Tribe; and

**WHEREAS**, in 2005 the Congress enacted federal law which established a \$1.50 per ton tax credit, which has since increased to \$2.00 per ton, for facilities which develop and bring to market Indian coal and which is referred to as the “Indian Coal Production Tax Credit” and which lasts through all such coal production made through December 31st, 2012; and

**WHEREAS**, the Legislature recognizes the importance of immediate Congressional action to amend Title 26 of the United States Code to provide for a permanent extension of the Indian Coal Production Tax Credit and now seeks to make an official request to Montana’s United States Senators and United States House Representative give their full support to ensuring federal legislation is introduced in the United States Congress which gives a permanent extension to the federal Indian Coal Production Tax Credit and to take all necessary and appropriate measures to ensure its passage in a timely fashion.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBAL  
LEGISLATURE IN SPECIAL SESSION:**

The Crow Tribal Legislative Branch of Government hereby makes a request to Montana’s Congressional Delegation to support the permanent extension of the federal Indian Coal Production Tax Credit.

**BE IT FURTHER RESOLVED:**

The Crow Tribal Legislature respectfully requests this tribal resolution and any accompanying correspondence from the Crow Tribal Executive Branch be admitted into the Congressional Record as statements of support for any and all such federal legislation which would accomplish the goals herein described.

**BE IT FURTHER RESOLVED:**

A certified copy of this tribal resolution shall be immediately delivered to the Office of United States Senator Max Baucus in Billings and Washington, D.C. and the Office of United States Senator Jon Tester in Billings and Washington, D.C. and the Office of United States Representative Dennis Rehberg in Billings and Washington, D.C and to the address of United States Representative-elect Steve Daines in Bozeman.

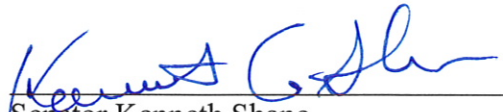
**BE IT FINALLY RESOLVED:**

This tribal resolution shall take effect immediately upon being duly adopted by the Crow Tribal Legislature.

**A Resolution of the Crow Tribal Legislature to Request Montana’s Congressional Delegation Take all Necessary and Appropriate Measures to Ensure an Extension of the Federal Indian Coal Production Tax Credit**

## CERTIFICATION

I hereby certify that this Tribal Resolution titled **A Resolution of the Crow Tribal Legislature to Request Montana's Congressional Delegation Take all Necessary and Appropriate Measures to Ensure an Extension of the Federal Indian Coal Production Tax Credit** was duly adopted by the Crow Tribal Legislature with a vote of 14 in favor, and 0 opposed, and 0 abstained, and that a quorum was present on this 20th day of December, 2012.



Senator Kenneth Shane  
Speaker of the House  
Crow Tribal Legislature

Attest:



Senator R. Knute Old Crow  
Secretary  
Crow Tribal Legislature



**A Resolution of the Crow Tribal Legislature to Request Montana's Congressional Delegation Take all Necessary and Appropriate Measures to Ensure an Extension of the Federal Indian Coal Production Tax Credit**

December 20th, 2012 Special Legislative Session

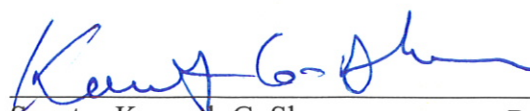
**An Act to Amend the Crow Traffic Ordinance to Regulate Rates and Services Provided  
by Commercial Towing Companies**


**Bill or Resolution:** CLB12-04 **Introduced by:** V. Jeannie Pretty Paint **Date of Vote:** 12/12/ 2012  
**Number**

<b><u>Representative:</u></b>	<b>Yes</b>	<b>No</b>	<b>Abstained</b>
H. Two Leggins	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Pretty Paint	<u>  X  </u>	<u>          </u>	<u>          </u>
C. J. Stewart	<u>  X  </u>	<u>          </u>	<u>          </u>
(Vacant)	<u>          </u>	<u>          </u>	<u>          </u>
A.Coyote-Runs, Sr.	<u>  X  </u>	<u>          </u>	<u>          </u>
L. Not Afraid.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Covers Up, Sr.	<u>  X  </u>	<u>          </u>	<u>          </u>
P. Alden, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Not Afraid	<u>  X  </u>	<u>          </u>	<u>          </u>
V. Crooked Arm	<u>          </u>	<u>          </u>	<u>          </u>
L. DeCrane	<u>  X  </u>	<u>          </u>	<u>          </u>
C. Goes Ahead	<u>          </u>	<u>          </u>	<u>          </u>
B. Hugs	<u>  X  </u>	<u>          </u>	<u>          </u>
G. Real Bird, Jr.	<u>  X  </u>	<u>          </u>	<u>          </u>
M. Backbone	<u>  X  </u>	<u>          </u>	<u>          </u>
(Vacant)	<u>          </u>	<u>          </u>	<u>          </u>
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
K. Shane <i>Speaker of the House</i>	<u>  X  </u>	<u>          </u>	<u>          </u>
<b>Totals:</b>	<u>  14  </u>	<u>    0    </u>	<u>    0    </u>

Result of Vote:

**Passed                  Not Passed                  Tabled                  Veto-Override**

  
\_\_\_\_\_  
Senator Kenneth G. Shane                  Date  
Speaker of the House

 12/20/12  
\_\_\_\_\_  
Senator R. Knute Old Crow, Sr.                  Date  
Secretary of the House