

JANUARY 2016 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR 16-01

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 REQUESTING FEE TO TRUST ACQUISITIONS OF CROW
TRIBAL FEE LANDS”**

WHEREAS, the Crow Tribe of Montana is a federally-recognized Indian Tribe (77 Fed. Reg. 47868, 47869); and

WHEREAS, under the Preamble of the Constitution and Bylaws of the Crow Tribe of Indian (the “Constitution”), as approved by the Secretary of the Interior (the “Secretary”) effective July 14, 2001, states, “[w]e the adult members of the Crow Tribe of Indians located on the Crow Indian Reservation as established by the Fort Laramie Treaties of 1851 and 1868, in an effort to enforce and exercise our treaty rights, our inherent sovereign rights, to secure certain privileges and retain inherent powers do hereby adopt this Constitution to create a governing body to represent the members of the Crow Tribe of Indians, to promote the general welfare of the Crow Tribe and to provide for the lawful operation of government”; and

WHEREAS, Article II of the Constitution states, “[t]he jurisdiction of the Crow Tribal General Council shall extend to all lands within the exterior boundaries of the Crow Indian Reservation including those lands within the original boundaries of the Crow Indian Reservation as determined by federal statutes and case law and to such other lands as may hereafter be acquired by or for the Crow Tribe of Indians”; and

WHEREAS, under the Constitution, the Crow Tribe has the inherent authority to acquire trust or fee land in the Tribe’s name; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3(a) of the Constitution to represent the Crow Tribe in negotiations in matters of economic development, and in Article IV, Section 3(f) 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”; and

WHEREAS, the Indian Reorganization Act, 25 U.S.C. Section 465 authorizes the Secretary of the Interior to acquire any interest in lands, water rights, or surface rights to lands, within or without existing reservations, in trust for Indian Tribes, and the Indian Land Consolidation Act, 25 U.S.C. Section 2202, extends the Secretary’s authority to non-IRA Tribes including the Crow Tribe; and

WHEREAS, the Crow Tribe has acquired with its unrestricted funds, and now holds fee simple title to hundreds of tracts of land on the Crow Indian Reservation, including those certain lands as listed in Appendix A attached hereto, on which the Tribe has been paying substantial State and local property taxes; and

WHEREAS, in 2011 the Montana Legislature enacted law, codified at Montana Code Annotated Section 15-6-230, allowing for temporary exemption of tribally-owned fee lands from state taxation and which reads in relevant part as follows:

Property owned in fee by a federally recognized Indian tribe located within the boundaries of the state of Montana is temporarily exempt from taxation on January 1 after the following conditions are met: (a) the United States department of the interior, bureau of Indian affairs, has determined that the initial written request or trust application submitted by the tribe is complete; and (b) the tribe has submitted a timely property tax exemption application to the department [of revenue] and the department has approved the tribe's exemption application; and

WHEREAS, the temporary state tax exemption applies only during the timeframe upon which a decision on the trust application is officially pending before the United States Department of Interior, up to a period of 5 years and expires earlier if the United States denies the trust application; and

WHEREAS, pursuant to Montana Code Annotated Section 15-6-201(1)(a)(viii), and subject to certain limitations, the land of federally recognized Indian tribes is exempt from taxation “if the property is located entirely within the exterior boundaries of the reservation of the tribe that owns the property and the property is used exclusively by the tribe for essential government services. Essential government services are tribal government administration, fire, police, public health, education, recreation, sewer, water, pollution control, public transit, and public parks and recreational facilities[;]” and

WHEREAS, it is the continuing desire and intention of the Crow Tribe to request the United States, through the Secretary of the Interior, to acquire such Tribally-owned fee lands in the name of the United States in trust for the Crow Tribe.

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

Section 1. Official Request to Secretary of Interior. The Secretary of the Interior or his or her designee is hereby requested to acquire in the name of the United States to hold in trust for the benefit of the Crow Tribe the lands described in Appendix A (the "Property") attached hereto and incorporated by reference. This Resolution shall apply to mandatory as well as discretionary acquisitions of lands located both within and outside the exterior boundaries of the Crow Indian Reservation, as described in Appendix A.

Section 2. Tribal Intent, Use of Lands. Acquisition of the Property by the Secretary for the United States, along with other tribally-owned fee lands as may be made in the future, is needed in order to promote Tribal economic development, Tribal self-determination, and to enhance the jurisdiction of the United States and the Crow Tribe over the Property, the use of which shall include agricultural use, commercial and industrial development, housing and municipal development, and all other lawful and beneficial tribal uses under tribal and federal law.

Section 3. Urgency of Request. The Crow Tribe hereby requests that the Secretary take prompt action on the request set forth in this Resolution.


Section 4. Supplemental Applications for Other Tribal Fee Lands. The Executive Branch is hereby authorized to prepare and submit future applications for the United States to acquire additional Tribally-owned fee lands to be held in trust for the benefit of the Crow Tribe, which shall be added to and incorporated into Appendix A. This Resolution shall apply to mandatory as well as discretionary acquisitions of lands located both within and outside of the Crow Indian Reservation including the Ceded Strip (Act of April 27, 1904, ch. 624, 33 Stat. 352) and Crow aboriginal territory. Supplemental applications shall be subject to approval by Legislative Resolution of the Legislative Branch upon the request of the Chairman of the Executive Branch.

Section 5. Effective Date. This Resolution shall take effect on the date of approval by the Legislative Branch and the Chairman of the Executive Branch.

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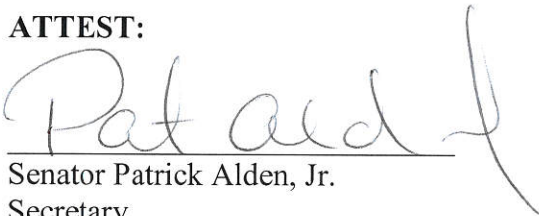
CERTIFICATION

I hereby certify that this Joint Action Resolution entitled “**RESOLUTION REQUESTING FEE TO TRUST ACQUISITIONS OF CROW TRIBAL FEE LANDS**” was duly enacted by the Crow Tribal Legislature with a vote of 15 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 13th day of January, 2016.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Patrick Alden, Jr.
Secretary
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

X approve or

_____ veto.

this Joint Action Resolution entitled “**RESOLUTION REQUESTING FEE TO TRUST ACQUISITIONS OF CROW TRIBAL FEE 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 29th day of January, 2016.



Darin Old Coyote, Chairman
Crow Tribal Executive Branch

APPENDIX A

**LEGAL DESCRIPTION OF CROW TRIBAL FEE LANDS TO BE
ACQUIRED IN TRUST FOR THE CROW TRIBE**

CROW TRIBE EXECUTIVE BRANCH



Bacheeitcha Avenue
P.O. Box 159
Crow Agency (Baaxuwuashé), Montana 59022
Phone: (406) 638-3732/638-3786
Fax: (406) 638-3773

Darrin Old Coyote

CHAIRMAN

Dana Wilson

VICE CHAIRMAN

Alvin Not Afraid Jr.

SECRETARY

Shawn Backbone

VICE SECRETARY

Office of Chairman Darrin Old Coyote

Date: October 13, 2015

To: Darrin Old Coyote, Chairman

From: Fee-To-Trust Program *[Signature]*
Thur: Land Management Office *[Signature]*

Subject: Declaration of Ownership 12 Mandatory Fee-To-Trust transactions

Attached are 12 mandatory fee-to-trust transactions requiring the Chairman's signature on the Declaration of Ownership form. The Crow Tribe purchased undivided interests in the following through a Sheriff's Sale.

Allot. 2329 & 1482	1/9 interest
Allot. 243-A & 531	1/18 interest
Allot. 278	2/9 interest
Allot. 243	1/18 interest
Allot. 2462	1/18 interest
Allot. 2461 & 2463	1/18 interest
Allot. 1364	1/27 interest
Allot. 144-B	1/3 interest
Allot. 1245	1/6 interest
Allot. 563-A	1/9 interest
Allot. 563 & 284	1/9 interest
Allot. 2581	1/3 interest

Upon signature of the Declaration of Ownership the Fee-To-Trust program thru William Watt, Crow Tribal Legal Department will request a special session with the Legislative branch to issue a JAR as the application for the above allotments to transfer the undivided fee interests into trust for the Crow Tribe. The JAR and all supporting documents will be submitted to the Bureau of Indian Affairs for further processing.

**JOINT ACTION RESOLUTION ENTITLED:
"RESOLUTION REQUESTING FEE TO TRUST ACQUISITIONS OF CROW TRIBAL FEE LANDS"**

Bill or Resolution: JAR16-01 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 1/13/2016
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u>X</u>	<u> </u>	<u> </u>
B. Rogers	<u>X</u>	<u> </u>	<u> </u>
F. White Clay	<u> </u>	<u> </u>	<u> </u>
P. Hill	<u>X</u>	<u> </u>	<u> </u>
E. Birdinground	<u>X</u>	<u> </u>	<u> </u>
S. Real Bird	<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>
V. Crooked Arm	<u>X</u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> </u>	<u> </u>	<u> </u>
L. DeCrane	<u> </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u>X</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>
B. Good Luck	<u>X</u>	<u> </u>	<u> </u>
H. Male Bear, Jr.	<u>X</u>	<u> </u>	<u> </u>
P. Alden, 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>
Totals:	<u>15</u>	<u>0</u>	<u>0</u>

Result of Vote:


Passed

Not Passed

Tabled

Veto-Override


 Senator R. Knute Old Crow, Sr. 1-13-16
Speaker of the House Date


 Senator Patrick Alden, Jr. 1-28-16
Secretary of the House Date