

JULY 2016 CROW TRIBAL LEGISLATURE

CLB No. 16-03

Introduced by Chairman Darrin Old Coyote
Crow Tribal Executive Branch

A Bill for an Act Titled:

PER CAPITA DISTRIBUTION FOR THE CROW TRIBE; REPEALING AND REPLACING CROW TRIBAL RESOLUTION 99-65; AND, REPEALING CROW LAW AND ORDER CODE OF 2005 9-4-113 (a)

WHEREAS, pursuant to Article V, Section 2(a) of the Crow Tribal Constitution, the Crow Tribal Legislature (hereinafter "Legislature") has the power and the duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations and guidelines in accordance with the Tribal Constitution and federal laws for the governance of the Crow Tribe, providing for the manner of sale disposition, lease or encumbrance of Tribal assets of the Crow Tribe of Indians; and

WHEREAS, pursuant to Article IV, Section 3(b) of the Crow Tribal Constitution, the Executive Branch has the power to administer and oversee all functions of the Executive Branch of the Crow Tribal Government including the hiring, firing, and staffing of all agencies, departments, and instrumentalities of the Executive Branch in accordance with established written policy; and

WHEREAS, pursuant to Article IV, Section 4(a) of the Crow Tribal Constitution, the Executive Branch Officials have the general duty to implement all laws, resolutions, codes and policies duly adopted by the Legislature; and

WHEREAS, the Crow Tribe Enrollment Office was established for the purpose of maintaining and updating data as well as adding to the Crow Tribe Membership Roll, all new enrollees approved by the Crow Tribe; and

WHEREAS, the Crow Tribe has authorized the distribution of per capita payments during the months of April, August, and December of every year; and

WHEREAS, the Crow Tribe must submit a final Crow Tribe Membership Roll of all enrolled members in a timely manner after the established cut-off date before funds can be authorized; and

WHEREAS, *Resolution 99-65, "A Resolution of the Crow Tribal Council Authorizing the Per Capita Office to Submit the Crow Tribal Membership Roll to the Bureau of Indian Affairs Area Office for Certification in Order for the Crow Tribe to Distribute Per Capita Payments"*, was implemented prior to the 2001 Constitution and lacks language providing for the authorization of per capita payments to, and disbursements from the "Supervised Accounts" of Crow tribal members, which are held by the Bureau of Indian Affairs; and

WHEREAS, it has come to the Legislature's attention that *Crow Law and Order Code, Title 9, Juveniles, Part 4, Suspension or Termination of Parental Rights, Section 113 (a). Funds of the Child, Final Accounting*, is in conflict with federal regulations governing the trust duty of the BIA to oversee and manage "Supervised Accounts" of tribal members.

**NOW THEREFORE, BE IT HEREBY ENACTED AS CROW TRIBAL LAW BY THE
CROW TRIBAL LEGISLATURE IN REGULAR SESSION:**

Section 1. Repeal of Resolution 99-65. Tribal Resolution 99-65, "A Resolution of the Crow Tribal Council Authorizing the Per Capita Office to Submit the Crow Tribal Membership Roll to the Bureau of Indian Affairs Area Office for Certification in Order for the Crow Tribe to Distribute Per Capita Payments" is hereby repealed.

Section 2. Repeal of CLOC 2005, 9-4-113. Crow Law and Order Code, Title 9, Juveniles, Part 4, "Suspension or Termination of Parental Rights, Section 113 (a). Funds of the Child, Final Accounting" is hereby repealed. Section (b) shall remain intact.

Section 3. Enactment of "Per Capita Distribution for the Crow Tribe" and Codification Instructions. Attachment "A" **Per Capita Distribution for the Crow Tribe** is hereby enacted by the Crow Tribal Legislature and codified under the Crow Law and Order Code of 2005 at Title 4, Enrollment, Chapter 5.

Section 4. Effective Date. This Act shall be effective immediately upon being duly adopted by the Legislature and approved by the Tribal Chairman.

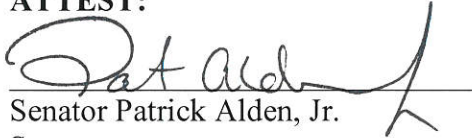
CERTIFICATION

I hereby certify that this Bill for an Act titled **PER CAPITA DISTRIBUTION FOR THE CROW TRIBE; REPEALING AND REPLACING CROW TRIBAL RESOLUTION 99-65; AND, REPEALING CROW LAW AND ORDER CODE OF 2005 9-4-113 (a)** was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 1 opposed, and 1 abstained and that a quorum was present on this 21 day of July, 2016.



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

ATTEST:



Senator Patrick Alden, Jr.
Secretary
Crow Tribal Legislature



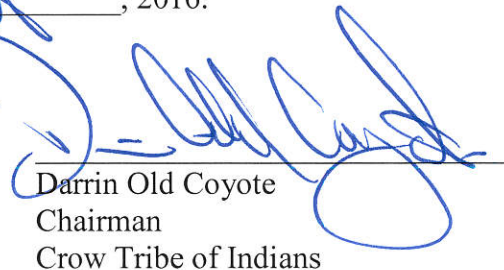
EXECUTIVE ACTION

I hereby:

☒ **APPROVE**

☐ **VETO**

This Bill for an Act titled **PER CAPITA DISTRIBUTION FOR THE CROW TRIBE; REPEALING AND REPLACING CROW TRIBAL RESOLUTION 99-65; AND, REPEALING CROW LAW AND ORDER CODE OF 2005 9-4-113 (a)** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Crow Tribal Constitution on this 2 day of August, 2016.



Darrin Old Coyote
Chairman
Crow Tribe of Indians

A BILL FOR AN ACT TITLED: PER CAPITA DISTRIBUTION FOR THE CROW TRIBE; REPEALING AND REPLACING CROW TRIBAL RESOLUTION 99-65; AND, REPEALING CROW LAW AND ORDER CODE OF 2005 9-4-113 (a)

Bill or Resolution: CLB16-03 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 7/21/2016
Number

Representative:	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>X</u>	<u> </u>
C. Goes Ahead	<u>X</u>	<u> </u>	<u> </u>
B. Hugs	<u> </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.	<u> </u>	<u> </u>	<u>X</u>
Secretary of the House	<u> </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u>X</u>	<u> </u>	<u> </u>
Speaker of the House	<u> </u>	<u> </u>	<u> </u>
Totals:	<u>13</u>	<u>1</u>	<u>1</u>

Result of Vote:


Passed

Not Passed

Tabled

Veto-Override

 7-21-16
 Senator R. Knute Old Crow, Sr. Date
 Speaker of the House


 Senator Patrick Alden, Jr. Date
 Secretary of the House

CROW LAW AND ORDER CODE

Title 4: Enrollment, Chapter 5: Per Capita Distribution for the Crow Tribe

4-5-101. *Preparation of the Crow Tribe Membership Roll.*

The Crow Tribal Enrollment Department shall prepare an accurate membership roll according applicable law to be submitted to the Secretary of Interior or his/her duly authorized representative for Per Capita distribution.

4-5-102 *Per Capita Distribution Authorization and Dates.*

- A. Crow Tribal Trust Income. The Executive Branch pursuant to the 2001 Constitution, Article IV, Section 3 (d) and Section 4 (a), shall draw down funds for per capita payments derived from Crow Tribal Trust Income.
- B. Per capita distribution shall occur during the months of April, August, and December of every year. The Executive Branch shall further announce to the public cut-off dates for enrollment prior to each distribution period.

4-5-103 *Per Capita Distribution for Tribal Members with Supervised Individual Indian Money (IIM) Accounts*

A. Per Capita Payments for those:

- 1. Adults who have an IIM account supervised by the BIA will be paid directly into the individual's IIM account; and
- 2. Minors who have an IIM account supervised by the BIA will be paid directly into the individual's IIM account.

B. Disbursement of Per Capita Payments

- 1. Adults whose Per Capita Payment is in a Supervised IIM account may have those funds released based upon this law, the needs of the account holder and in accordance with a valid BIA Distribution Plan, and in accordance with the requirements contained in 25 C.F.R. part 115.
- 2. Minors whose Per Capita Payments is in a Supervised IIM account may have those funds released based upon this law, and the request is for the best interest, education, and welfare of the child, there is a valid BIA Distribution Plan in place, and in accordance with the requirements contained in 25 C.F.R. part 115.

4-5-104 *Tribal Holds on Per Capita Payments to Crow Tribal Members.*

- A. A hold shall be placed on the distribution of a per capita payment to a Crow Tribal Member by the Crow Tribal Enrollment Department when any one of the following occurs:

1. On request by the per capita recipient through a notarized letter;
2. Incomplete or missing information as to the recipient's correct mailing address, which also includes returned checks;
3. A tribal court order;
4. Lack identification of residence of a minor by his or her legal guardian;
5. Evidence of a member being enrolled in the Crow Tribe as well as in another tribe;
6. Notification from a legal entity by documentation that an individual is classified as a missing person;
7. Notification from an individuals' primary physician that an individual is mental incapacitated.
8. Death of the recipient as evidenced by a legal document.

B. Notice. The decision to place a recipient's per capita payment on hold must be sent by the Enrollment Department within 48 hours of the hold to the recipient's last known address and publish such hold in local media. Such notice shall also provide for the remedy to reverse the hold.

4-5-105 Reissuance of a Per Capita Distribution Payment

Reissuance of a Per Capita Distribution Payment shall be permitted in accordance with the Crow Tribe Financial Management Policies and Procedures.

4-5-106 Retropayment of Per Capita back to Date of Application for Enrollment

Retro payment shall be allowed if the individual's name was not included in the membership roll submitted to the BIA for per capita distribution, if the individual's application was, in fact, completed and submitted to the Enrollment Department prior to the cut- off for membership roll-deadline.

4-5-107 Per Capita Payments of Deceased Members, Without Issue

Per Capita payments issued to deceased members without issue, after the Tribe's enrollment list cutoff date, shall escheat to the Tribe for educational scholarships, *provided*, that all due process and probate proceedings have concluded.