

**CROW TRIBAL LEGISLATURE
SEPTEMBER 29, 2016 SPECIAL SESSION**

JOINT ACTION RESOLUTION NO. JAR16-08

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:

**“AMENDMENT TO JAR16-07 ALLOCATING REDUCTIONS IN TRIBAL PAYMENTS
FROM COAL LEASES WITH WESTMORELAND RESOURCES, INC.”**

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 and Bylaws of the Crow Tribe of Indians (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, on September 6, 2016, the Legislature enacted and the Chairman approved Joint Action Resolution JAR16-07 entitled “**RESOLUTION APPROVING AMENDMENTS TO WESTMORELAND RESOURCES, INC. COAL LEASES TO REDUCE TRIBAL PAYMENTS IN ORDER TO MAINTAIN THE ECONOMIC VIABILITY OF THE ABSALOKA MINE,**” which Agreement provided for, among other things, certain total per-ton reductions in Tribal Royalty, Severance Taxes, and/or Gross Proceeds Taxes (collectively, “Tribal Payments”) during the period October 1, 2016 – December 31, 2018; and

WHEREAS, Section 3 of JAR16-07 provided “**That the Legislative and Executive Branches of the Crow Tribe will expressly agree upon the allocation of the reductions in Tribal payments, between the Tribal Royalty (per capita distributions) and the Severance/Gross Proceeds Taxes (Tribal General Fund). Such agreement shall be set forth in an amendment to this Joint Action Resolution to be enacted and approved on or before October 1, 2016, and promptly communicated to WRI and the Bureau of Indian Affairs[;]**”

WHEREAS, the Agreement was executed by the Crow Tribe and Westmoreland Resources, Inc. (“WRI”) on September 6, 2016, and such Agreement contained a provision in Section 4(C) similar to the above-quoted language from Section 3 of JAR16-07; and

WHEREAS, after serious and open discussions and deliberations, and consideration of the budgetary and per capita impacts of the reductions, the Legislative and Executive Branches have agreed upon the allocation of the reductions in Tribal Payments;

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

Section 1. That JAR16-07 is hereby amended to allocate the reductions in Tribal Payments pursuant to the “Agreement to Amend Coal Leases” dated September 6, 2016 between the Crow Tribe and Westmoreland Resources, Inc. (the “Agreement”), as follows:

(a) The Tribal Severance Tax otherwise payable pursuant to the WRI Coal Leases shall be reduced by Eighty-five cents per ton (\$0.85/ton) for coal sold during the period October 1 – December 31, 2016, and by One Dollar and ten cents per ton (\$1.10/ton) for coal sold during the period January 1, 2017 – December 31, 2018;

(b) The Tribal Gross Proceeds Tax otherwise payable pursuant to the WRI Coal Leases shall be reduced by Forty cents per ton (\$0.40/ton) for coal sold during the period October 1 – December 31, 2016, and by Forty cents per ton (\$0.40/ton) for coal sold during the period January 1, 2017 – December 31, 2018; and

(c) The Tribal Royalty otherwise payable pursuant to the WRI Coal Leases shall be reduced by -0- cents per ton (\$0.00/ton) for coal sold during the period October 1 – December 31, 2016, and by -0- cents per ton (\$0.00/ton) for coal sold during the period January 1, 2017 – December 31, 2018.

Section 2. That pursuant to Section 3 of JAR16-07 and Section 4(C) of the Agreement, the Executive Branch shall promptly forward this Joint Action Resolution amending JAR16-07 to WRI and to the Bureau of Indian Affairs.

Section 3. That this Joint Action Resolution is effective on the date of approval of this Resolution by the Chairman of the Executive Branch, and is subject only to such further approvals as are required by Federal law.

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CERTIFICATION

I hereby certify that this Joint Action Resolution “**AMENDMENT TO JAR16-07 ALLOCATING REDUCTIONS IN TRIBAL PAYMENTS FROM COAL LEASES WITH WESTMORELAND RESOURCES, INC.**” was duly approved by the Crow Tribal Legislature pursuant to Article V, Section 2(d) of the Constitution and Bylaws of the Crow Tribe with a vote of 10 in favor, 3 opposed, and 0 abstained and that a quorum was present on this 29th day of September, 2016.



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

ATTEST:



Senator Eric Birdinground
Secretary Pro-Tem
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

X approve,
 veto

this Joint Action Resolution “**AMENDMENT TO JAR16-07 ALLOCATING REDUCTIONS IN TRIBAL PAYMENTS FROM COAL LEASES WITH WESTMORELAND RESOURCES, INC.**” pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Section 3(f) of the Constitution and Bylaws of the Crow Tribe of Indians on this 30th day of September, 2016.



Chairman, Executive Branch
Crow Tribe of Indians

**JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH
ENTITLED: "AMENDMENT TO JAR16-07 ALLOCATING REDUCTIONS IN TRIBAL PAYMENTS FROM COAL LEASES
WITH WESTMORELAND RESOURCES, INC.**

Bill or Resolution: JAR16-08 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 9/29/2016
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>X</u>	<u> </u>	<u> </u>
P. Hill	<u> </u>	<u>X</u>	<u> </u>
E. Birdinground	<u>X</u>	<u> </u>	<u> </u>
S. Real Bird	<u> </u>	<u>X</u>	<u> </u>
V. Nomee	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> </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>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>
G. Real Bird, Jr.	<u> </u>	<u> </u>	<u> </u>
B. Good Luck	<u> </u>	<u>X</u>	<u> </u>
H. Male Bear, Jr.	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> </u>	<u> </u>	<u> </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>10</u>	<u>3</u>	<u>0</u>


Result of Vote:


Passed

Not Passed

Tabled

Veto-Override


 Senator R. Knute Old Crow, Sr. Date 9-30-16
 Speaker of the House


 Senator Eric Birdinground Date 9-30-16
 Secretary Pro-Tem