

**FEBRUARY 7th, 2017 CROW TRIBAL LEGISLATURE
SPECIAL SESSION**

LR No. 17-01

Introduced by Senator Paul Hill
Center Lodge District
Judicial Committee

A Legislative Resolution Titled:

**A RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO PROVIDE SPECIAL
NOTICE TO THE SIXTY-FIFTH MONTANA STATE LEGISLATURE OF THE CROW
TRIBAL OFF-RESERVATION TREATY RIGHT TO HUNT**

Legislative Findings:

WHEREAS, the Crow Tribal Legislature ("Legislature") has the power and duty under Article V, Section 2 of the 2001 Constitution and Bylaws of the Crow Tribe of Indians to promulgate and adopt resolutions in accordance with the tribal constitution and federal laws for the governance of the Crow Tribe; and

WHEREAS, on May 7, 1868 the Crow Tribe entered into a treaty with the United States of America, known as the "1868 Fort Laramie Treaty," contained in the Congressional Record at 15 Stat. 649, which established the Crow Indian Reservation and preserved for all perpetuity specific use and occupation rights of the Crow Tribe in areas of historic Crow Country that were relinquished to the federal government through negotiated agreement; and

WHEREAS, pursuant to Article IV of the 1868 Fort Laramie Treaty between the United States of America and the Crow Tribe, the Crow Tribe's right to hunt the historic Crow Country was preserved on all unoccupied lands of the United States, so long as game may be found thereon; and

WHEREAS, Article VI of the Constitution of the United States provides that all treaties made under the Authority of the United States shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding; and

WHEREAS, in a special tribal legislative session held on the 145th Anniversary of the 1868 Fort Laramie Treaty, the Crow Tribal Legislature enacted Joint Action Resolution No. JAR 2013-09, which enacted and declared the Crow Tribe's policy of fully exercising off-Reservation treaty hunting rights pursuant to the Fort Laramie Treaty; and

WHEREAS, Crow Tribal Joint Action Resolution No. JAR 2013-09 required that the Crow Tribal Secretary provide a certified copy of the Tribal Resolution to the Montana Governor, Montana Attorney General, Director of the Montana Department of Fish, Wildlife, and Parks, and various federal officers, including the President, Attorney General, Secretary of Interior, Secretary of Agriculture and the Montana United States Attorney, but not the Montana State Legislature, its constituent representatives or officers; and

WHEREAS, the Sixty-Fifth Montana Legislative Session, convening in Helena, through the House of Representatives, passed House Bill No. 108, titled "An Act Reauthorizing the Allocation of Free Wild Buffalo Licenses to Tribes for Traditional Purposes, Providing Terms of Use, and Providing an Immediate Effective Date;" and

WHEREAS, House Bill No. 108 seeks to authorize the Montana Department of Fish, Wildlife, and Parks to allocate two wild buffalo licenses to the Crow Tribe each year, including in areas that are part of the historic Crow Country and that were previously part of the Crow Indian Reservation, and

WHEREAS, The Crow Tribe has not been consulted with prior to the introduction of HB 108; whereby the Crow Tribe would have expressed its right to uphold traditional treaty hunting rights and that such rights would be better served under a Crow Tribe-State of Montana agreement unique to the Crow Tribe treaties.

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

Section 1. Official Notice to Montana Legislature. The Crow Tribal Legislature provides formal notice to the Sixty-Fifth Montana Legislature in Session that Article IV of the 1868 Fort Laramie Treaty has clear and unequivocal language recognizing the Crow Tribe's right to hunt on all unoccupied lands of the United States renders void ab initio any legislation adopted by the State of Montana, including but not limited to House Bill No. 108, which seeks to limit or restrict — without Crow Tribal consent through tribal law — any exercise of the Crow Tribe's off-Reservation right to hunt any animal species not otherwise specifically protected by federal statute or Crow tribal law; and that the Crow Tribe Legislature officially opposes HB 108 until proper consultation has been made with the Crow Tribe whereby any proposed legislation seeks to inhibit any Crow Treaty.

Section 2. Notice to Be Served. The Secretary of the Crow Tribal Legislature shall take care that a certified copy of this Tribal Resolution, a certified copy of Crow Tribal Joint Action Resolution No. JAR 2013-09, and a certified copy of the 1868 Fort Laramie Treaty is immediately delivered to the Secretary of the Montana Senate and Chief Clerk of the Montana House of Representatives.

Section 3. Effective Date. This Tribal Resolution shall take effect immediately upon a majority vote of a quorum of the Crow Tribal Legislature in special legislative session, pursuant to the Crow Tribal Constitution.

CERTIFICATION

I hereby certify that this Legislative Resolution titled **A RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO PROVIDE SPECIAL NOTICE TO THE SIXTY-FIFTH MONTANA STATE LEGISLATURE OF THE CROW TRIBAL OFF-RESERVATION TREATY RIGHT TO HUNT** was duly adopted by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained and that a quorum was present on the 7th day of February, 2017.



Senator Eric Birdinground
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Gordon Realbird, Jr.
Secretary
Crow Tribal Legislature



LR: A RESOLUTION OF THE CROW TRIBAL LEGISLATURE TO PROVIDE SPECIAL NOTICE TO THE SIXTY-FIFTH MONTANA STATE LEGISLATURE OF THE CROW TRIBAL OFF-RESERVATION TREATY RIGHT TO HUNT.

Bill or Resolution: LR17-01 Introduced by: Senator Paul Hill -CL District Date of Vote: 2/7/2017
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>X</u>	<u> </u>	<u> </u>
P. Hill	<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>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u>X</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u>X</u>	<u> </u>	<u> </u>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u>X</u>	<u> </u>	<u> </u>
L. DeCrane	<u>X</u>	<u> </u>	<u> </u>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
B. Hugs	<u> </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>
G. Real Bird, Jr.	<u>X</u>	<u> </u>	<u> </u>
E. Birdinground <i>Speaker of the House</i>	<u>X</u>	<u> </u>	<u> </u>
Totals:	<u>14</u>	<u>0</u>	<u>0</u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override


 Senator Eric Birdiground
 Speaker of the House

Date


 Senator Gordon Real Bird, Jr.
 Secretary of the House

Date

1 HOUSE BILL NO. 108

2 INTRODUCED BY B. SMITH

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REAUTHORIZING THE ALLOCATION OF FREE WILD BUFFALO
6 LICENSES TO TRIBES FOR TRADITIONAL PURPOSES; PROVIDING TERMS OF USE; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **NEW SECTION. Section 1. Allocation of wild buffalo licenses to tribes for traditional purposes.**

12 (1) If the commission authorizes the issuance of 40 or more special wild buffalo licenses in any license year, the
13 department shall also issue special licenses to two members of each tribe designated in subsection (3) to hunt
14 wild buffalo during the regular season for wild buffalo in accordance with this section and department rules and
15 regulations. The licenses must be issued free of charge.

16 (2) Wild buffalo taken with special licenses issued pursuant to this section must be harvested by tribal
17 members in accordance with the traditional ceremonies of each tribe. All parts of wild buffalo taken pursuant to
18 this section may be possessed and used by each designated tribe in the manner that the tribe sees fit.
19 The tribes must be informed of and abide by any rules adopted pursuant to 87-2-730(3)(c) through (3)(i), except
20 that fair chase hunting by tribal members may include hunting conducted on horseback.

21 (3) Each of the following tribal governments in Montana may designate two tribal members to receive
22 department-issued special licenses for use in accordance with this section:

- 23 (a) Assiniboine and Sioux tribes of the Fort Peck reservation;
24 (b) Blackfeet tribe;
25 (c) Chippewa Cree Indians of the Rocky Boy's reservation;
26 (d) Confederated Salish and Kootenai tribes;
27 (e) Crow tribe;
28 (f) Fort Belknap Indian community of the Fort Belknap reservation;
29 (g) Northern Cheyenne tribe; and
30 (h) Little Shell Chippewa tribe.

1

2 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
3 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
4 Chippewa tribe.

5

6 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 87, chapter 2, part 7, and the provisions of Title 87, chapter 2, part 7, apply to [section 1].

8

9 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

10

- END -