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**OSAGE NATION CONGRESS**

2<sup>nd</sup> Session of the 2<sup>nd</sup> Congress

**BILL NUMBER ONCA** 11-51

AS INTRODUCED

**March 29, 2011**

SPONSOR: Shannon L. Edwards

SPONSOR SIGNATURE: \_\_\_\_\_

**An Act**

To authorize the Osage Nation Treasurer to establish the Osage Tribe Annuitant Non-Mineral Estate Distribution Account; directing the Treasurer to audit accounts to determine the amount of funds generated by Kansas Real Property deeded to the Osage Nation for benefit of the Osage Tribe Annuitants; to segregate those funds and deposit them into the Osage Tribe Annuitant Non-Mineral Estate Distribution Account and report to the Osage Congress in writing so that the funds can be appropriated to the Osage Tribe Annuitants; to direct the Treasurer to request technical assistance of the Secretary of the Interior to identify the Osage Tribe Annuitants and provide a calculation of the distribution percentage for each Osage Tribe Annuitant; to declare an emergency and establish an effective date.

*Be it enacted by the Congress of the Osage Nation:*

**SECTION 1. FINDINGS**

- A. In 2001, the Osage Nation was deeded real property in Chase County Kansas pursuant to probate of the estate of Gary Shaw, deceased. The deed is recorded by the registrar of Deeds in Book L129 of land at pages 293-294. The Kansas Real Property is deeded to the "Osage Nation for the benefit of the Osage Tribe Annuitants".
- B. After the Property was deeded to the Osage Nation, it was leased and realized income which upon information and belief was placed in the General Treasury of the Osage Nation and in a Bank account identified as "General fund S-510". No accounting of the income realized from the Kansas real Property deeded for the benefit of the Osage annuitants has been made.
- C. The funds attributable to income produced by the Kansas Real property have never been distributed for the benefit of the Osage Tribe Annuitants. The Osage Tribe Annuitants have never been provided an accounting of these funds.

- 48 D. The Osage Minerals Council has purported to notify Chief Red Eagle of its desire  
49 to control administration of the Kansas Real Property and to pay out to certain  
50 individuals non mineral income in opposition to the Osage Constitution, which  
51 states the Osage Minerals council is established for the sole purpose of continuing  
52 its previous duties to administer and develop the Osage mineral estate within the  
53 boundaries of the Osage reservation pursuant to the Act of June 28,1906, which  
54 is designated "the Osage Mineral Estate".  
55
- 56 E. Under the 1906 Act and the Osage Constitution, the Minerals Council has no  
57 legislative authority and therefore cannot authorize or appropriate by law  
58 distribution to Osage Tribe Annuitants of non-Osage mineral Estate funds realized  
59 from non-Osage mineral sources.  
60
- 61 F. The Osage Nation Congress has never been formally advised of the existence of  
62 the deed of Kansas Real Property, lease of that Property, or of the income that  
63 was and is being realized from the Kansas Real Property, nor have Executive  
64 Branch officials or the Minerals council requested the Osage Congress  
65 appropriate funds to the Osage annuitants. The existence of the deed of Kansas  
66 Real Property, the existence of a lease of that property, and of income realized  
67 from that lease came to the attention of individual congress members through  
68 publication of the Kansas Real Property deed, public statements of Osage  
69 Minerals Council members, and requests for public information made of Osage  
70 Nation employees.  
71

72 **SECTION 2. PURPOSE**  
73

- 74 A. In order to give effect to the deed of Kansas real property to the Osage nation for  
75 the benefit of Osage Tribe Annuitants, any and all funds and interest accrued and  
76 accruing from the Kansas Real Property in the past, now and in the future should  
77 be disclosed and annually distributed to the Osage Tribe Annuitants.  
78
- 79 B. The purpose of this legislation is to provide a process for the Osage Nation to  
80 identify and distribute to Osage Tribe Annuitants income from Kansas Real  
81 Property deeded to the Osage Nation for the benefit of the Osage Tribe annuitants  
82

83 **SECTION 3. DEFINITIONS**  
84

85 As used in this act, the following terms have the following meaning:  
86

- 87 A. "Deed" means that document entitled "Executor's Deed" recorded by the Chase  
88 County Kansas registrar of Deeds in Book L129 of land at pages 293-294, made  
89 by Bob Barnes, Executor of the Estate of Gary Shaw, deceased, Grantor, and  
90 Osage Nation for the Benefit of the Osage Tribe Annuitants, Grantee conveying  
91 all right, title and interest to Kansas Real Property.  
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- B. "Kansas Real Property" means the following real estate situated in Chase County, Kansas: The West One-Half (W1/2) of the Southwest Quarter (SW ¼) and the South one Half (S1/2) of the Northwest Quarter (NW1/4) of Section 22; All of Section 21; the East One-Half (E1/2) of the Northeast (NE1/4) of Section 20 and all that part of the Southeast Quarter (SE1/4) of Section 17 lying south of the right of way of the Kansas Turnpike Authority, all in Township 22 South, Range 8 East of the Sixth Principal Meridian, Chase County, Kansas; The Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and the Northwest Quarter of the Southeast Quarter (NW ¼ SW ¼) and the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) of Section 22, Township 22 South, Range 8 East of the Sixth Principal Meridian; Chase County, Kansas.
  
- C. "Income from Kansas Real Property" means all income generated from sale, lease or other use of The West One-Half (W1/2) of the Southwest Quarter (SW ¼) and the South one Half (S1/2) of the Northwest Quarter (NW1/4) of Section 22; All of Section 21; the East One-Half (E1/2) of the Northeast (NE1/4) of Section 20 and all that part of the Southeast (1/4) of Section 17 lying south of the right of way of the Kansas Turnpike Authority, all in Township 22 South, Range 8 East of the Sixth Principal Meridian, Chase County, Kansas; The Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) and the Northwest Quarter of the Southeast Quarter (NW ¼ SW ¼) and the Northeast Quarter of the Southwest Quarter (NE ¼ SW ¼) of Section 22, Township 22 South, Range 8 East of the Sixth Principal Meridian; Chase County, Kansas.
  
- D. "Osage Tribe Annuitant" means an individual who has succeeded to a right to periodic payment as an heir or devisee of a member of the Osage Tribe as defined in the Act of June 28, 1906, 34. Stat. 539, as amended by the Act of March 2, 1929 § 4, 45 Stat. 1478 and who has been issued or is entitled to be issued a United States Department of the Interior, Bureau of Indian Affairs, Osage Agency, Certificate of Degree of Osage Indian Blood.

**SECTION 4. AUTHORIZATION OF CREATION OF OSAGE TRIBE ANNUITANTS NON-MINERAL ESTATE DISTRIBUTION ACCOUNT**

- A. To carry out the purposes of the Executor's Deed of April 20, 2001, from Bob Barnes, Executor of the Estate of Gary Shaw, deceased to the Osage Nation for the Benefit of the Osage Tribe Annuitants, Grantee, there is authorized to be established the Osage Nation Tribal Annuitants Non Osage Mineral Estate Distribution Account.
  
- B. The account shall consist of all proceeds realized since the date of the Deed from lease, sale and/or other income generating activity of the Kansas Real Property.

138 **SECTION 5. DIRECTIVE TO TREASURER TO PERFORM AUDIT OF ALL OSAGE NATION**  
139 **ACCOUNTS AND THE "S-510" ACCOUNT TO SEGREGATE FUNDS**  
140

141 The Treasurer of the Osage Nation is authorized and directed to audit all Osage Nation  
142 accounts to determine the amount of income which has been realized pursuant to the Deed of the  
143 Kansas Real Property since the Deed, and to withdraw and segregate those funds, including  
144 interest earned. This should include a review of the funds currently deposited in an account  
145 identified "S-510". The Treasurer should report in writing to the Osage Nation Congress within  
146 sixty days of the effective date of this Act the total amount of funds placed in the account,  
147 including a calculation of the interest that ha been earned from the funds. In connection with the  
148 audit, the Treasurer should also report the existence of other funds controlled by the Osage  
149 Nation which are not Osage Mineral Estate funds but which were realized for the benefit of  
150 should be distributed to the Osage Tribe Annuitants.  
151

152 **SECTION 6. REQUEST OF TECHNICAL ASSISTANCE FROM THE SECRETARY OF THE INTERIOR**  
153 **TO DETERMINE ALL OSAGE ANNUITANTS IN PREPARATION FOR APPROPRIATING**  
154 **FUNDS TO THE OSAGE TRIBE ANNUITANTS**  
155

156 In furtherance of carrying out the purpose of this Legislation, the Secretary of the  
157 Interior, through his designee, is requested to provide technical assistance in the form of a  
158 determination and report of the name, last known address, and percentage of headright interest of  
159 each Osage Tribe Annuitant as defined above. The information should be reported to the  
160 Treasurer of the Osage Nation, to be kept confidential and to be utilized by the Osage Nation  
161 Treasurer for the sole purpose of notifying the Osage Nation Annuitants of right to receive a  
162 distribution from the Account, other notices and information sharing relating to interest in the  
163 Account, and to establish where to send funds from the Account.  
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165 **SECTION 7. DECLARATION OF ALTERNATIVE EFFECTIVE DATE**  
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167 This bill is effective upon signature of the Principal Chief or upon signature of the  
168 Speaker of the Osage Nation Congress following legislative override.  
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Entered in Transfer Record in My Office This 21<sup>st</sup>

Day of May A.D. 2001

Edward C. Hillman  
County Clerk

CHASE COUNTY

Recorded May 2 2001

at 9:00 o'clock A M in

Book L129 of Land

page 293 & 294

Ray Messing  
Register of Deeds

EXECUTOR'S DEED

This indenture made this 20<sup>th</sup> day of April, 2001, by and between Bob Barnes, Executor of the Estate of Gary Shaw, Deceased, GRANTOR, and OSAGE NATION FOR THE BENEFIT OF THE OSAGE TRIBE ANNUITANTS, GRANTEE.

GRANTOR, does by these presents, grants, bargains, sells, and conveys unto OSAGE NATION FOR THE BENEFIT OF THE OSAGE TRIBE ANNUITANTS, all right, title, and interest of Bob Barnes, Executor of the Estate of Gary Shaw, Deceased, discharged from liability for his debts, in and to all of the following real estate situated in Chase County, Kansas:

The West One-Half (W $\frac{1}{2}$ ) of the Southwest Quarter (SW  $\frac{1}{4}$ ) and the South One-Half (S $\frac{1}{2}$ ) of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 22; All of Section 21; the East One-Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 20 and all that part of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section 17 lying south of the right of way of the Kansas Turnpike Authority, all in Township 22 South, Range 8 East of the Sixth Principal Meridian, Chase County, Kansas;

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ) and the Northeast Quarter of the Southwest Quarter (NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ) of Section 22; Township 22 South, Range 8 East of the Sixth Principal Meridian; Chase County, Kansas.

TO HAVE AND TO HOLD the above granted premises, together with the appurtenances and hereditaments and every part thereof, unto OSAGE NATION FOR THE BENEFIT OF THE OSAGE TRIBE ANNUITANTS.

IN WITNESS WHEREOF, GRANTOR has hereunto set his hand this 20<sup>th</sup> day of April, 2001.