

**SPIRIT LAKE TRIBE
RESOLUTION NO. A05-25-203**



**Resolution to Approve Section 17 Corporation for the
Ptaya Wicozani, Inc. to serve as our Indian Managed Health Care Entity**

WHEREAS, the Spirit Lake Tribe, formerly known as the Devils Lake Sioux Tribe is a federally recognized Indian Tribe governed by a constitution dated April 14, 1944, approved by the Acting Commissioner, Bureau of Indian Affairs on February 14, 1946 and as subsequently amended on January 10, 1958, May 5, 1960, July 14, 1961, July 17, 1969; May 3, 1974; April 16, 1976; May 4, 1981; November 21, 1991; and August 19, 1996; and

WHEREAS, the Spirit Lake Tribe of North Dakota is signatory to the 1867 Treaty with the United States of America, and is the sovereign Federally Recognized Indian tribe of the Spirit Lake Reservation; see 89 FR 944, 946 (Jan. 8, 2024); and

WHEREAS, the Spirit Lake Tribe is vested with sovereign authority over our members and our territory, the Constitution of the Spirit Lake Tribe generally authorizes and empowers the Spirit Lake Tribal Council to act for the general welfare of the Tribe and our tribal members, and the Spirit Lake Tribal Council (“Tribal Council”) is the governing body of the Tribe empowered to administer the economic resources and financial affairs of the Tribe; and

WHEREAS, Section 17 of the Indian Reorganization Act (“IRA”) provides for the organization of Tribal Government Corporations to revitalize Indian economies, promote economic development, and exercise the governmental authority of the Indian tribe to promote a sustainable way of life for our Native People; and

WHEREAS, to form a section 17 corporation, the Federally Recognized Indian tribe must draft a charter, submit it for approval to the Bureau of Indian Affairs, and receive an Approval of the Charter of Incorporation signed by the Secretary of the Interior. The corporation must be structured as a legal entity wholly owned by the tribe or tribes, but separate and distinct from the tribal government(s). A section 17 corporation shares the same privileges and immunities as the tribal government(s) but holds assets or property separately from the tribal governing body.

WHEREAS, IRA Section 17 codified as 25 U.S.C. sec. 5124 provides as follows:

Incorporation of Indian tribes; charter; ratification by election

The Secretary of the Interior may, upon petition by any tribe, issue a charter of incorporation to such tribe: *Provided* that such charter shall not become operative until ratified by the governing body of such tribe. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law; but no authority shall be granted to sell, mortgage, or lease for a period exceeding twenty-five years any trust or restricted lands included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress. (June 18, 1934, Ch. 576, §17, 48 Stat. 988; Pub. L. 101–301, § 3(c), May 24, 1990, 104 Stat. 207.).

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WHEREAS, under the Supreme Court's decision in *Mescalero Apache v. Jones*, the Internal Revenue Service acknowledges that the Section 17 Corporation has the same non-taxable status as the Tribal Government: IRS Ruling 94-16 (March 24, 1994).

WHEREAS, under the SLT Constitution, the Tribal Council has the authority to promote general welfare and public health, regulate commerce for our Tribe and our tribal members, to enact resolutions to carry out said authority, and to organize subordinate organizations to promote the interests of the Tribe and our members; and

WHEREAS, SLT seeks to join the Section 17 Corporation, *Ptaya Wicozani*, Incorporated, to participate in an Indian Managed Care Entity to, inter alia, engage with the State of North Dakota on Indian Managed Care Management for Medicaid and help secure 100% FMAP for Dakota Medicaid patients.


WHEREAS, SLT Tribal Council jointly authorizes participation as an owner and director of the *Ptaya Wicozani, Inc.*, an Indian Managed Care Entity (IMCE) to raise the Great Plains standard of Indian Health Care through Managed Health Care, promote prevention and regular health care, improve the health care status and outcomes, and increase the quality of life and life expectancy for our Native American People of the Great Plains Region; and

NOW THEREFORE BE IT RESOLVED that SLT maintains our status as an unincorporated Indian tribe, and exercising our authority under 25 U.S.C. sec. 5124 and 5126, hereby supports the incorporation of the annexed Section 17 *Ptaya Wicozani, Inc.* and joins the Corporation as a shareholder on an equal basis with the Sisseton-Wahpeton Oyate (and other Sioux Nation tribes), with its purpose to build health care institutions, support health care, increase the quality of life and life expectancy, to revitalize our Tribal economy, promote economic development for our Tribe and our tribal members, create jobs and opportunity, and to promote Spirit Lake Reservation and our original Great Sioux Nation territory as the livable permanent home of our Dakota People;


BE IT FURTHER RESOLVED that SLT calls upon the Secretary of the Interior to act pursuant to 25 U.S.C. sec. 5124 and 5126 to affirm our support for the Federal Certificate of Incorporation for the Section 17 Indian Managed Health Care Corporation, *Ptaya Wicozani, Inc.*, annexed hereto and the Chairman shall notify *Ptaya Wicozani, Inc.*, of our participation therein.

CERTIFICATION

I, the undersigned as Secretary-Treasurer of the Tribal Council, do hereby certify that the Tribal Council is composed of six (6) members of whom five (5) were present, constituting a quorum for a Special Meeting duly called and convened on this 27th day of February, 2025 and approved this resolution by an affirmative vote of three (3) in favor, none (0) opposed, none (0) abstaining, and one (1) absent (Kooper Longie, Woodlake District Representative). The Secretary-Treasurer does not vote and the Chairman votes only in case of a tie.


Charmayne Bohanon
Secretary Treasurer




Lonna J. Street
Tribal Chairwoman