

CHAPTER 15
LAND CONSOLIDATION

15-1 TITLE

This shall be known as the Kootenai Tribe of Idaho Land Consolidation Ordinance.

15-2 NONMEMBERS NOT ENTITLED TO RECEIVE

15-2.01 Be it enacted by the Kootenai Tribal Council that notwithstanding any other provision of law, nonmembers of the Kootenai Tribe of Idaho or non-Indians shall not be entitled to receive by devise or descent any interest in trust or restricted lands within the Tribe's reservation or otherwise subject to the Tribe's jurisdiction provided:

(1) If an Indian dies intestate, the surviving non-Indian or nonmember spouse and/or children may elect to receive a life estate in as much of the trust or restricted lands as such person or persons would have been entitled to take in the absence of a qualified person taking a life estate;

(2) If an intestate Indian decedent has no heir to whom land in trust or restricted status may pass, such interests shall escheat to the Tribe, subject to any non-Indian or nonmember spouse and/or children's rights as described in subsection 15-2.01(1) of this section;

(3) If an Indian decedent has devised interests in trust or restricted lands to persons who are ineligible for such an inheritance by reason of this ordinance, the devise shall be voided only if, while the estate is pending before the Secretary for probate, the Tribe acquires such interest by paying to the Secretary for probate, on behalf of the devisees, the fair market value of a life estate as determined by the Secretary as of the date of the decedent's death: Provided, that any non-Indian or nonmember spouse and/or children of such decedent have been devised such interest may retain, at their option a life estate in such interests.

15-3 UNDIVIDED LANDS

15-3.01 No undivided tracts of trust or restricted lands within a Tribe's reservation or otherwise subject to the jurisdiction of the Tribe shall descend by intestacy or devise but shall escheat to the

Kootenai Tribe of Idaho if such an interest represents two per centum or less of the total acreage in such tract and is incapable of earning \$100.00 in any one of the five years from the date of decedent's death. Where the fractional interest has earned to the owner less than \$100.00 in any one of the five years before the date of the decedent's death, there shall be a rebuttable presumption that such an interest is incapable of earning \$100.00 or more in any one of the five years following the death of the decedent.

15-3.02 Nothing in this section shall prohibit the devise of such an escheatable fractional interest to any other owner of an undivided interest in such parcel or tracts of trust or restricted lands, provided the owner is a member of the Kootenai Tribe of Idaho.

15-4 CONSOLIDATION

15-4.01 For the purpose of effecting the consolidation of lands situated within the jurisdiction of the Kootenai Tribe of Idaho into the ownership of the Kootenai Tribe of Idaho and its individual members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition and other use of tribal lands and other individual allotted lands under the jurisdiction of the Kootenai Tribe of Idaho, the Secretary is authorized in his discretion to:

(1) Sell or approve sale of any tribal trust lands, including interests therein and improvements thereon.

(2) Exchange any tribal trust lands, including interests therein and improvements thereon, for any lands or interests in lands situated within such reservation.

15-5 REQUEST BY TRIBAL COUNCIL

15-5.01 The sale and exchange of lands for the Kootenai Tribe of Idaho pursuant to this ordinance shall be upon the request of the Tribal Council of the Kootenai Tribe of Idaho, evidenced by a resolution adopted in accordance with the Constitution and Bylaws of the Tribe, and shall be in accordance with

the Land Consolidation Plan approved by the Secretary.

15-6 SECRETARY OF THE INTERIOR

15-6.01 The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands or interests therein on the lands under the jurisdiction of the Kootenai Tribe of Idaho held in multiple ownership to the Kootenai Tribe, to any member thereof, or to any other Indian having an interest in the land involved, if the sale or exchange is authorized in writing by owners of at least a majority of the trust interest in such lands: except that no greater percentage of approval of such interest shall be required under this ordinance than in any other statute of general application approved by Congress.

15-7 TITLE TO LAND

15-7.01 Titles to any lands, or interest therein, acquired pursuant to this ordinance shall be taken in the name of the United States of America to be held in trust for the Kootenai Tribe of Idaho or individual members and shall be subject to the same laws relating to other Indian trust lands subject to the Kootenai Tribal Council's jurisdiction.

15-8 MORTGAGE TO LAND

15.8.01 The Tribal Council of the Kootenai Tribe of Idaho may encumber any tribal lands by a mortgage or deed of trust, with the approval of the Secretary of the Interior, and such land shall be subject to foreclosure or sale pursuant to the terms of a mortgage or deed of trust in accordance with the laws of the state of Idaho.