

OCTOBER 2003 CROW TRIBAL LEGISLATURE

BILL NO. CLB 03-10

**INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED "AN ACT OF THE CROW TRIBAL LEGISLATURE GRANTING FINAL APPROVAL OF THE SETTLEMENT AGREEMENT BETWEEN BILL BARRETT CORPORATION AND THE CROW TRIBE WITH RESPECT TO THE EXPLORATION AGREEMENT DATED JUNE 11, 2002."

WHEREAS, Bill Barrett Corporation ("BBC") and the elected officials of the Executive Branch of the Crow Tribe signed a certain "Exploration Agreement" dated June 11, 2002; and

WHEREAS, certain disagreements arose between BBC and the Executive Branch regarding the validity and enforceability of the Agreement, the parties' rights and obligations under the Agreement, and the benefit of the Agreement to the Tribe; and

WHEREAS, on March 6, 2003, BBC notified the Executive Branch that it wished to terminate the Exploration Agreement, and proposed a settlement agreement and further negotiations whereby, among other things, the Tribe would reimburse BBC for certain monies previously paid to the Tribe and certain costs expended by BBC; and

WHEREAS, the Chairman promptly commenced negotiations with BBC with a view toward concluding a settlement agreement that would terminate all rights and obligations under the Exploration Agreement; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the "enumerated powers" in Article IV, Section 3(f) of the Constitution and Bylaws of the Crow Tribe of Indians 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 in Article IV Section 3(k) to "negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2(f) of [the] Constitution;" and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its "powers and duties" in Article V, Section 2(d) of the Constitution and Bylaws of the Crow Tribe of Indians "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 in Article V, Section 2(f) to "grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes;" and

WHEREAS, the Chairman and BBC have reached an agreement for the termination or rescission of the Exploration Agreement and the settlement of all related claims, and at the time this Bill was submitted to the Legislature in order to comply with Article V, Section 7 of the Constitution, the parties were in the process of finalizing the "Settlement Agreement," which final Agreement attached hereto has been submitted to and reviewed by the Legislature; and

WHEREAS, the Legislature has previously in its July 2003 Session approved the Tribal budget for Fiscal Year 2004 which includes provision for payment of the amounts due BBC during the first year following the effective date of the Settlement Agreement; and

WHEREAS, after approval by the Legislature and Executive Branch of the Crow Tribe, the Settlement Agreement and any arrangements for Tribal funding necessary to implement the Settlement Agreement may be subject to approval by the Secretary of the U.S. Department of the Interior or her designee, the Bureau of Indian Affairs, and/or the Office of Trust Funds Management of the Office of the Special Trustee;

NOW THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE CROW TRIBE:

Section 1. The following Settlement Agreement between Bill Barrett Corporation and the Crow Tribe is hereby granted final approval pursuant to Article V, Sections 2(d) and 2(f) of the Constitution and Bylaws of the Crow Tribe. The Chairman of the Executive Branch is authorized to sign and execute the Settlement Agreement on behalf of the Crow Tribe.

Section 2. The final approval granted in Section 1 extends to the Settlement Agreement, including the limited waiver of sovereign immunity therein provided, and all other arrangements and actions to be made or taken by the Chairman in order to implement and perform the Tribe's obligations under the Settlement Agreement, including, without limitation, the first guaranteed payment budgeted for the Tribe's 2004 Fiscal Year.


Section 3. The Tribe specifically requests the Bureau of Indian Affairs and the Office of Trust Funds Management to approve or consent to and acknowledge the Settlement Agreement, and requests, authorizes and directs the Bureau of Indian Affairs and the Office of Trust Funds Management to make the payments due under the Agreement from Tribal Funds as provided in the Settlement Agreement.

Section 4. The final approval granted herein is effective on the date of approval of this Act, and is subject only to any such further approvals as are required by Federal law.


CERTIFICATION

I hereby certify that this Bill was duly approved by the Crow Tribal Legislature with a

vote of 13 in favor, 2 opposed, and 1 abstained and that a quorum was present on this 16th day of December, 2003.

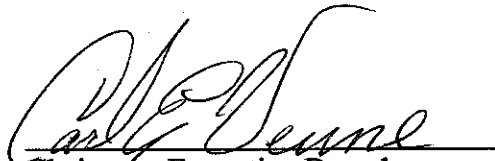

Speaker of the House
Crow Tribal Legislature

ATTEST:

 12/16/03
Secretary, Crow Tribal Legislature Date

EXECUTIVE ACTION

I hereby X approve, _____ veto this Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Sections 3(f) and 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians on this 18 day of December, 2003.


Chairman, Executive Branch
Crow Tribe of Indians