

OCTOBER 2008 CROW TRIBAL LEGISLATURE

BILL NO. CLB 08-06

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

A BILL FOR AN ACT ENTITLED:

“RESCISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT ACT .”

WHEREAS, pursuant to the Memorandum of Agreement (the “MOA”) between the Legislative and Executive Branches of the Crow Tribe, dated August 3, 2006, and approved by LR06-04 (August 10, 2006), the Legislature passed CLB07-08, the “Fiscal Management Act” (hereinafter, the “Act”) on April 10, 2007, the Chairman of the Executive Branch approved the Act on April 12, 2007, and the Act became effective on April 12, 2007; and

WHEREAS, the Legislature passed a certain Bill to Amend the Fiscal Management Act as CLB07-15, in the October 2007 Session (the “FMA Amendments”), the Chairman of the Executive Branch vetoed the FMA Amendments on November 16, 2007, and the Legislature overrode the Chairman’s veto on January 10, 2008; and

WHEREAS, before the FMA Amendments passed by CLB07-15 became effective, the Chairman of the Executive Branch filed on April 8, 2008, a Verified Complaint for Declaratory Judgment and Permanent Injunction with the Crow Tribal Court, in a case entitled *Venne v. Stone, et al.*, Civ. Case No. 08-087 (the “Litigation”), alleging among other things that CLB07-15 exceeded the Legislature’s powers under the 2001 Crow Tribal Constitution and Bylaws (the “Constitution”); and

WHEREAS, the Tribal Court granted a preliminary injunction which, among other things, enjoined the Legislature from enforcing the FMA Amendments in CLB07-15; and

WHEREAS, the Legislature has filed motions and an appeal disputing, among other things, the jurisdiction of the Tribal Court to grant preliminary injunctive relief; and

WHEREAS, the Executive and Legislative Branches of the Crow Tribal Government have agreed that it is in the best interests of the Crow Tribe to avoid a Constitutional confrontation on the issue of the FMA Amendments and have therefore entered into a settlement agreement whereby the Litigation will be completely dismissed upon passage of legislation in the form of this Act which eliminates and rescinds the FMA Amendments made by CLB07-15;


NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

Section 1. Rescission of FMA Amendments. The amendments to the Fiscal Management Act made by CLB07-15 are hereby eliminated and rescinded, and such amendments, including all changes made to the Fiscal Management Act by CLB07-15, shall have no force or effect.

Section 2. Reaffirmation of Fiscal Management Act. The Fiscal Management Act as enacted by CLB07-08 (April 12, 2007), excluding any amendments prior to the date of this Act, shall remain the valid and effective law of the Crow Tribe.

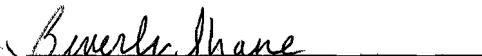
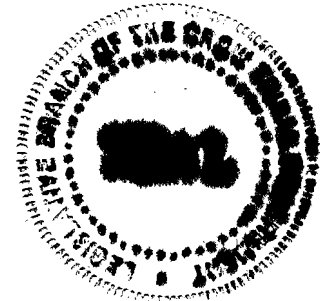
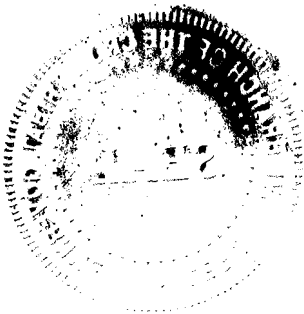
CERTIFICATION

I hereby certify that this Bill for an Act entitled "RESCISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT ACT" was duly approved by the Crow Tribal Legislature with a vote of 12 in favor, 3 opposed, and 0 abstained, and that a quorum was present on this 15 day of October, 2008.



Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature


EXECUTIVE ACTION

I hereby

approve,

veto

this Bill for an Act entitled "RESCISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT ACT" pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 16 day of Oct, 2008.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

“RECISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT ACT”

Bill or Resolution Number CLB 08-06 **Introduced by:** Willaim Watt

Date of Vote: Wednesday 10-15-2008

Senators	Yes	No	Abstain
C. Goes Ahead	_____	✓	_____
L. Plain Bull, Sr.	_____	✓	_____
O. Costa	_____	_____	_____
V. Crooked Arm	✓	_____	_____
M. Not Afraid	✓	_____	_____
P. Alden, Jr.	✓	_____	_____
B. House	✓	_____	_____
E. Fighter, Sr.	✓	_____	_____
C.J. Stewart	✓	_____	_____
L. Hogan, Jr.	_____	_____	_____
S. Fitzpatrick, Sr.	✓	_____	_____
O. Half, Jr.	✓	_____	_____
R. Old Crow, Sr.	✓	_____	_____
W. Plainfeather	✓	_____	_____
J. Stone, Sr.	_____	_____	_____
D. Wilson	✓	_____	_____
B. Shane <i>Secretary of the House</i>	✓	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	_____	✓	_____
Totals:	<u>12</u>	<u>3</u>	<u>0</u>

See Attached Letter
Regarding the Roll Call
Vote.

Result of Vote: **Passed** Not Passed Tabled Veto Override

Manuel Covers Up, Sr.
 Senator Manuel Covers Up, Sr Date
 Speaker of the House

Beverly M. Shane
 Senator Beverly M. Shane Date
 Secretary of the House



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue
Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238 Fax: (406) 638-2030
EMAIL: www.crowlegislature.org

Legislative Branch

Pryor:

Arrow Creek

Larry Plain Bull, Sr.
Carlson Goes Ahead
Oliver Costa

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Marlin D. Not Afraid
Patrick Alden, Jr.

Dunmore:

Black Lodge

Bruce R. House
Ertis R. Fighter, Sr.
Conrad J. Stewart

Reno:

Center Lodge

Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Oliver Half, Jr.

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr
Speaker of the House
Rudolph K. Old Crow
Woodrow Plainfeather

Wyola:

Mighty Few

Beverly M. Shane
Secretary of the House
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith
Administrative Officer

William Old Crow
Finance Officer/Admin.Assist

Hubert Noel Two Leggins
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

Ronald Ameson, Esq.
Attorney At Law

October 28, 2008

To Whom It May Concern:

During the October Session an error was made to the Roll Call Vote for October 15, 2008. This letter is a CORRECTION and an update on the Roll Call Vote.

**BILL NO. CLB08-06 "RESCISSION OF CLB07-15
AMENDMENTS TO FISCAL MANAGEMENT ACT."
During Roll Call Vote on October 15th, 2008 Senator
Jonathan D. Stone, Sr. voted YES and Senator Dana
Wilson was absent and therefore did NOT VOTE.**

If you have any questions or concerns, please don't hesitate to contact me at 638-2023.

Sincerely,

Senator Manuel Covers Up, Sr.
Speaker of the House
Legislative Branch of the Crow Tribal Gov't.

Cc: Honorable Senators, Legislative Branch
Honorable Carl Venne, Chairman
Honorable Angela Russell, Chief Judge
Attorney Ron Arneson, ESQ.
Attorney William Watt, Executive Legal Department
Files

CORRECTION ON ROLL CALL VOTE DONE AND DATED ON 10/28/2008:

“RECISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT”

Bill or Resolution Number CLB08-06 Introduced by Executive Branch Date of Vote 10/15/2008

<u>Representative:</u>	Yes	No	Abstained
L. Plain Bull, Sr.	_____	<u> X </u>	_____
C. Goes Ahead	_____	<u> X </u>	_____
O. Costa	_____	_____	_____
V. Crooked Arm	<u> X </u>	_____	_____
M. Not Afraid	<u> X </u>	_____	_____
P. Alden, Jr.	<u> X </u>	_____	_____
B. House	<u> X </u>	_____	_____
E. Fighter, Sr.	<u> X </u>	_____	_____
C.J. Stewart	<u> X </u>	_____	_____
L. Hogan	_____	_____	_____
S. Fitzpatrick, Jr.	<u> X </u>	_____	_____
O. Half, Jr.	<u> X </u>	_____	_____
R. Old Crow, Sr.	<u> X </u>	_____	_____
W. Plainfeather	<u> X </u>	_____	_____
J. Stone, Sr.	<u> X </u>	_____	_____
D. Wilson	_____	_____	_____
B. Shane <i>Secretary of the House</i>	<u> X </u>	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	_____	<u> X </u>	_____

Totals:

Result of Vote: **12** **3** **0**

Passed **Not Passed** **Tabled** **Veto-Override**

Manuel Covers Up, Sr.
Senator Manuel Covers Up, Sr. **Date**
Speaker of the House

Beverly M. Shane
Senator Beverly M. Shane **Date**
Secretary of the House



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Staff

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Finance Officer/Admin. Asst.

H. Noel Two Leggins,
Legal Assistant/Editor

Kenny Pretty On Top,
Sergeant At Arms/Custodial

Ronald Arneson, Esq.
Attorney At Law

OFFICIAL CERTIFICATE OF DELIVERY

I, Beverly M. Shane, Secretary of the Crow Tribal Legislative Branch of Government hereby this Transitional Action do deliver a True and Correct Official copy Of the Final Approval for the Following Bill:

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

“RESCISSION OF CLB07-15 AMENDMENTS TO FISCAL MANAGEMENT ACT.”

Bill No. CLb08-06 to William Warts in the

Position of Executive Attorney for the

Crow Tribal Executive Branch.

Done and dated this 16 day of October, 2008 @ 12:55a.m/p.m.

Beverly M. Shane

Secretary of the House

Crow Tribal Legislative Branch of Government

Done and dated this 16 day of October, 2008.

Served by:

H. Noel Two Leggins
Legal Assistant/Editor
Crow Tribal Legislative Branch of Government

Cc: File

