



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue
Crow Agency, Montana 59022
Phone: (406) 638-2023/2025 ~~ Fax: (406) 638-2030
EMAIL: www.crowlegislature.org

NOTICE OF VETO OVERRIDE

Prior:

Arrow Creek

Carlson Goes Ahead
Lawrence DeCrane
Bryce J. Hugs

Big Horn:

Valley of the Give Away

Patrick Alden, Jr.
Secretary of the House
Marlin D. Not Afraid
Vincent Crooked Arm

Dunmore:

Black Lodge

Conrad J. Stewart
V. Jeannie Pretty Paint
H. Noel Two Leggins

Reno:

Center Lodge

Shawn E. Backbone, Sr.
Kenneth G. Shane
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

Dana Wilson
Gordon Real Bird, Jr.
M. Tye Backbone

Staff

Ronald Arneson, Esq.
Attorney At Law

G. Jay Harris
Law Clerk

Leslie Plainfeather
Legal Assistant

Jackie Blacksmith
Administrative Officer

William Old Crow
Finance Officer
Admin. Asst.

Sheri Chandler
Office Assistant

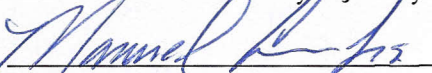
Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

THIS IS OFFICAL NOTICE AS AUTHORIZED BY LAW, CLB06-08 "AN ACT TO ESTABLISH A TIME LIMIT FOR EXECUTIVE VETO, A VETO OVERRIDE PROCESS AND REFERENDUM PROCESS."

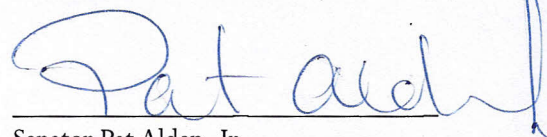
THE CROW LEGISLATURE IN REGULAR SESSION ON JANUARY 12, 2011 TOOK THE FOLLOWING VETO-OVERRIDE ACTION RELATIVE TO CLB10-07 "A BILL FOR AN ACT ENTITLED: AN ACT TO MAKE UNLAWFUL ANY HUNTING OF WILD BIG HORN SHEEP WITHIN THE EXTERIOR BOUNDARIES OF THE CROW INDIAN RESERVATION UNTIL THE ESTABLISHMENT OF A COMPREHENSIVE, LONG-TERM MANAGEMENT PROGRAM.

BILL IS ATTACHED, INCOPORATED BY REFERENCE AND MADE A PART HEREOF.

Done and dated this 12th day of January 2011



Senator Manuel Covers Up, Sr.
Speaker of the House




Senator Pat Alden, Jr.
Secretary of the House

CERTIFICATE OF SERVICE

Mr. William Watt, Attorney for the Crow Executive Branch Legal Council was served from Legislative Branch Staff member Jackie M. Blacksmith the following:

CLB10-07 "A BILL FOR AN ACT ENTITLED: AN ACT TO MAKE UNLAWFUL ANY HUNTING OF WILD BIG HORN SHEEP WITHIN THE EXTERIOR BOUNDARIES OF THE CROW INDIAN RESERVATION UNTIL THE ESTABLISHMENT OF A COMPREHENSIVE, LONG-TERM MANAGEMENT PROGRAM.

I,  received as stated above from Jackie M. Blacksmith
(Signature of recipient)

Done and dated this 25th day of Jan., 2011.

~TO BE COMPLETED BY LEGISLATIVE BRANCH STAFF MEMBER ONLY~

I, the undersigned Legislative Branch Staff member hand delivered the above to Jackie M. Blacksmith or designee for the Executive Branch at approximately 5:15 a.m/p.m.

Done and dated this 25th day of January, 2011



Jackie M. Blacksmith
Administrative Officer
Crow Tribal Legislative Branch

The People's Branch of Government



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Sheri Chandler
Office Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

HAND DELIVERED

January 24, 2011

CLB10-07

**A BILL FOR AN ACT ENTITLED: AN ACT TO MAKE UNLAWFUL ANY
HUNTING OF WILD BIG HORN SHEEP WITHIN THE EXTERIOR BOUNDARIES
OF THE CROW INDIAN RESERVATION UNTIL THE ESTABLISHMENT OF A
COMPREHENSIVE, LONG-TERM MANAGEMENT PROGRAM.**

(2) Sets of Originals Attached with Veto Override Bill

1. Notice of Veto Override – Certificate of Service (1 pg)
2. 1/12/2011 Veto Override Roll Call Vote (1 pg)
3. 11/9/2010 Chairman's Statement on Veto of CLB10-07 (pages 1-2)
4. 10/13/2010 CLB10-07 Bill (pages 1-6)
5. 10/13/2010 Roll Call Vote (1 pg)

Pat Alden

Senator Pat Alden, Jr.
Secretary of the House
Legislative Branch
Crow Tribal Government





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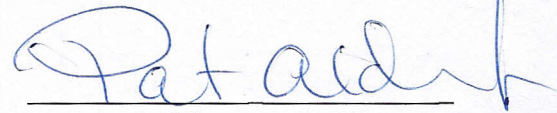
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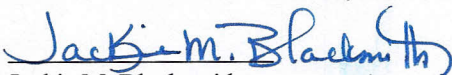
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Done and dated this 25 day January, 2011



Jackie M. Blacksmith
Administrative Officer
Crow Tribal Legislative Branch

VETO OVERRIDE

A BILL FOR AN ACT ENTITLED: AN ACT TO MAKE UNLAWFUL ANY HUNTING OF WILD BIG HORN SHEEP WITHIN THE EXTERIOR BOUNDARIES OF THE CROW INDIAN RESERVATION UNTIL THE ESTABLISHMENT OF A COMPREHENSIVE, LONG-TERM MANAGEMENT PROGRAM.

Bill or Resolution: **CLB10-07**
Number

Introduced by: **Big Horn District**

Date of Vote: **01/12/2011**

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	_____	_____	_____
V. Pretty Paint	<u> X </u>	_____	_____
C. J. Stewart	_____	_____	_____
K. Shane	<u> X </u>	_____	_____
S. Backbone	<u> X </u>	_____	_____
O. Half, Jr.	<u> X </u>	_____	_____
W. Plainfeather	<u> X </u>	_____	_____
R. Old Crow, Sr.	<u> X </u>	_____	_____
M. Not Afraid	<u> X </u>	_____	_____
V. Crooked Arm	<u> X </u>	_____	_____
L. DeCrane	<u> X </u>	_____	_____
C. Goes Ahead	_____	_____	_____
B. Hugs	_____	_____	_____
G. Real Bird, Jr.	<u> X </u>	_____	_____
M. Backbone	<u> X </u>	_____	_____
D. Wilson	<u> X </u>	_____	_____
P. Alden, Jr.	<u> X </u>	_____	_____
<i>Secretary of the House</i>			
M. Covers Up, Sr.	<u> X </u>	_____	_____
<i>Speaker of the House</i>			
Totals:	<u> 14 </u>	<u> 0 </u>	<u> 0 </u>


Result of Vote:

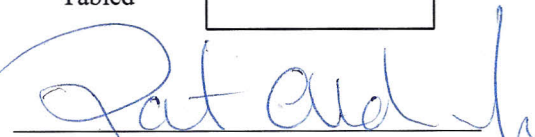
Passed

Not Passed

Tabled

Veto Override


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


Pat Alden, Jr. Date _____
Secretary of the House

CHAIRMAN'S STATEMENT ON VETO OF CLB NO. 10-07

Protecting Big Horn sheep and other big game animals on the Crow Reservation, and developing improved conservation and management policies, are priorities of us all. In fact, I have directed personnel to enforce a moratorium on big game hunting on the Reservation pending the development of a revised Fish and Game Code.

Despite support for the central purpose of CLB 10-07, however, I am forced to veto the legislation. My primary concerns are with the penalties provisions of the bill. Section 4 provides for (a) criminal penalties of up to one (1) year in jail and/or a \$1,000 fine for Indians violating Section 1 of the Act, and (b) civil restitution and exclusion from the restricted lands of the Crow Tribe for one (1) year for non-Indians. This double standard appears to have been drafted due to jurisdictional technicalities, and it may not represent the intention of the bill's sponsors. Certainly such a provision should not become part of the Crow Law and Order Code without extensive public meetings and input.

As Chairman of the Crow Tribe, I cannot support a bill criminalizing behavior for tribal members that would result in a slap on the wrist for non-Indians for the same behavior. It would be more appropriate to make all of the penalties civil penalties. It is particularly troubling to contrast Section 5, protecting Crow Indian treaty rights outside of the Reservation and the Big Horn Canyon National Recreation Area, with a bill that could subject Crow Indians (but not non-Indians) to criminal records and jail time for hunting on the Reservation. To protect our resources and the rights of our members, it may be (and currently is) necessary to limit hunting. However, the criminal penalties applicable only to Indians are unnecessary and unacceptable.

Among other consequences, this bill would create a new felony for which Crow tribal members if convicted would be ineligible to ever serve in the three branches of Crow tribal government. Such a dramatic proposed change in Crow law requires extensive analysis in order to minimize unintended consequences.

Besides my serious concern for the criminal provisions of CLB 10-07, I find that much of Sections 2 and 3 consists of political directives to the Executive Branch that are inappropriate as a matter of policy and separation of powers, and in our view, unconstitutional. In part, CLB 10-07 incorporates requirements relating to applying for and budgeting outside grant funds which are now before the Crow Tribal Court for decision on whether or not they conflict with the Crow Constitution. In addition, directives to Executive Branch Officials and departments on how our Branch would

implement the Act are an improper intrusion into internal Branch decisions within our enumerated powers in the Constitution.

For these reasons, I must, regrettably, veto the current bill.

DATED this 9th day of November 2010.

A handwritten signature in blue ink, appearing to read "Cedric Black Eagle", written over a horizontal line.

Cedric Black Eagle, Chairman
Crow Tribal Executive Branch

October 2010 Regular Session of the Crow Tribal Legislature

CLB No. 10-07

Co-Introduced by Senator Patrick Alden, Senator Vincent Crooked Arm, and Senator
Marlin Not Afraid
On behalf of the Big Horn District

A Bill for an Act Titled:

An Act to Make Unlawful any Hunting of Wild Big Horn Sheep within the Exterior Boundaries of the Crow Indian Reservation until the Establishment of a Comprehensive, Long-Term Management Program

Legislative Findings:

WHEREAS, the Crow Tribal Legislature ("Legislature") is vested with the authority to promulgate and adopt laws pursuant to Article V, Section 2 of the 2001 Crow Constitution; and

WHEREAS, the Crow Tribal Executive Branch ("Executive Branch") has authority and responsibility pursuant to Article IV, Section 4 of the 2001 Crow Constitution to implement all laws, resolutions, codes and policies duly adopted by the Legislature; and

WHEREAS, the Executive Branch has the authority and responsibility to enforce all laws, ordinances, resolutions, regulations or guidelines passed by the Legislative Branch providing for the levying of taxes and licensing of members and non-members for various purposes; and

WHEREAS, the Executive Branch has the authority and responsibility to protect and preserve the property, wildlife, and natural resources including air and water of the Tribe in accordance with ordinances adopted by the Legislative Branch; and

WHEREAS, the Bighorn River and Bighorn Mountains are named for the once-prominent herds of wild bighorn sheep that populated the area; and

WHEREAS, the Crow Tribe have traditionally held a close association with big horn sheep as a food source, for clothing and other needful items, and spiritual guidance; and

WHEREAS, big horn sheep have been nearly eradicated from the region, including within the exterior boundaries of the Crow Reservation, to the point where perhaps only a few dozen remain permanently or transitorily on the Reservation; and

WHEREAS, the Crow Tribal Government does not currently have adequate protections as a matter of law or policy for big horn sheep or their habitat; and

WHEREAS, there continues to be excellent big horn sheep habitat within the exterior boundaries of the Crow Reservation and the Legislature wishes to expand future opportunities for tribal members to observe and hunt big horn sheep throughout the Reservation as a major priority of the Crow Tribal Government.

Now, therefore, be it hereby enacted as Crow Tribal Law by the Crow Tribal Legislature in Regular Session:

Section 1. Immediate Closure of Big Horn Sheep Hunting.

(a) Criminal violation for hunting big horn sheep.

It shall be considered a Crow Tribal felony for any Indian to knowingly hunt, shoot, kill, injure, or harass any wild big horn sheep within the exterior boundaries of the Crow Reservation.

(b) Civil violation for hunting big horn sheep.

It shall be considered unlawful as a civil violation for any person to knowingly hunt, shoot, kill, injure, or harass any wild big horn sheep on any tribal trust, individual trust, or tribal fee lands within the exterior boundaries of the Crow Reservation.

(c) Penalties.

Any violation of this Section shall be punished in accordance with Section 4 of this Act and any other applicable tribal law.

(d) Effective period.

This Section shall be valid law until the adoption of a comprehensive management plan in accordance with Section 2 of this Act.

Section 2. Directive to the Crow Tribal Executive Branch Departments.

(a) Comprehensive management plan.

The Crow Tribal Department of Natural Resources and Crow Tribal Fish and Game Department are directed to prepare and implement, under the supervision of the Tribal Chairman, Tribal Vice-Chairman, Tribal Secretary, and Tribal Vice-Secretary, and in a collaborative effort with the Fish, Wildlife, Parks, and Recreation Committee of the Legislature, a comprehensive long-term big horn sheep management plan to provide for the expansion of big horn sheep populations

through biological study, reintroduction, habitat improvement, and other necessary conservation measures authorized under tribal law.

(b) Support from other departments, etc.

Any other Crow Tribal department, agency or program not mentioned in subsection above is hereby directed to provide support to any such efforts made by the Department of Natural Resources and Department of Fish and Game pursuant to this Section.

(c) Reporting to the Legislature.

All efforts made by the Executive Branch pursuant to this Act shall be reported on a quarterly basis in writing to both the Natural Resources Committee of the Legislature as well as the Fish, Wildlife, Parks, and Recreation Committee of the Legislature.

(d) Adoption of Management Plan.

The proposed Management Plan shall be introduced to the Legislature and enacted as a joint action resolution or legislative bill.

(e) Enforcement and incorporation of federal laws.

The Executive Branch is directed to comply with and enforce all applicable federal laws relating to the protection of big horn sheep and their habitat, including but not limited to the National Historic Preservation Act, Public Law 102-575, as amended.

Section 3. Authorization for Federal Grants and Other Outside Source Funding.

(a) Authorization and directive to apply for grants and awards.

In accordance with Crow tribal law, the Executive Branch of the Crow Tribal Government is hereby authorized and directed to apply for any and all federal grants, awards, and other outside source funding for the purposes of supporting the enforcement and implementation of this Act.

(b) Copy of grant or award application to Legislature.

Any application for outside source funding, including federal grants, pursuant to subsection of this section shall be copied to the Secretary of the Legislature before submission to the grantor agency, individual, or organization.

(c) Budget amendment required for receipt of funds.

Any receipt of outside source funds shall be appropriated under tribal law by amendment to a duly-enacted tribal budget.

Section 4. Penalties, Rule of Construction.

(a) Criminal penalties.

Any Indian found guilty of violating Section 1 of this Act shall be punished by a term of up to one (1) year in jail and/or a \$1,000 fine.

(b) Civil penalties.

Any non-Indian found guilty of violating Section 1 of this Act shall be punished by paying civil restitution of \$1,000 to the Crow Tribe and shall be excluded from the restricted lands of the Crow Tribe for one (1) year.

(c) Judicial discretion in sentencing.

Notwithstanding subsections (a) and (b) of this Section, any Crow tribal judge shall have the discretion to sentence any person found guilty of violating Section 1 of this Act by requiring the violator to make restitution to the Crow Tribe in accordance with Crow customs and tradition.

(d) Rule of construction.

Any ambiguities regarding the enforcement of this Act shall be reviewed in accordance with all applicable provisions of the Crow Law and Order Code, so long as the purpose of conserving big horn sheep is made the paramount consideration.

Section 5. Non-applicability to 1868 Fort Laramie Treaty Hunting Rights.

Nothing in this Act shall be considered to diminish, restrict, or otherwise affect any treaty right of a Crow Indian to hunt big horn sheep on the unoccupied lands of the United States which are outside of the Crow Reservation. Provided that, all areas within the exterior boundaries of the Big Horn Canyon National Recreation Area shall be subject to the temporary restriction on hunting big horn sheep contained in this Act.

Section 6. Notice to Federal and State Agencies.

The United States Fish and Wildlife Service, National Park Service, United States Forest Service, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Montana Department of Fish, Wildlife, and Parks, and Wyoming Game and Fish Department shall all be notified immediately upon passage of this Act as law, and shall be provided a copy of the Act.

Section 7. Codification.

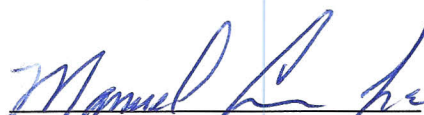
Title 8 and Title 12 of the Crow Law and Order Code shall be amended by the Secretary of the Legislature upon publication of the next edition of the Crow Law and Order Code to incorporate this Act.

Section 8. Effective Date.

This Act shall become effective immediately upon signature by the Crow Tribal Chairman or, if vetoed, in accordance with the veto override process under tribal law.

CERTIFICATION

I hereby certify that this **An Act to Make Unlawful any Hunting of Wild Big Horn Sheep within the Exterior Boundaries of the Crow Indian Reservation until the Establishment of a Comprehensive, Long-Term Management Program** was duly approved by the Crow Tribal Legislature with a vote of 15 in favor of 0 opposed, and 0 abstained and that a quorum was present on this 13th day of October, 2010.


Sen. Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:


Sen. Patrick Alden, Jr.
Secretary
Crow Tribal Legislature

EXECUTIVE ACTION

I hereby

_____ approve

X veto

An Act to Make Unlawful any Hunting of Wild Big Horn Sheep within the Exterior Boundaries of the Crow Indian Reservation until the Establishment of a Comprehensive, Long-Term Management Program

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 9th day of ~~October~~ Nov., 2010.



Chairman Cedric Black Eagle
Crow Tribal Executive Branch

An Act to Make Unlawful any Hunting of Wild Big Horn Sheep within the Exterior Boundaries of the Crow Indian Reservation until the Establishment of a Comprehensive, Long-Term Management Program

Bill or Resolution: CLB10-07 **Introduced by:** BIG HORN DISTRICT **Date of Vote:** 10/13/2010
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	X		
V. Pretty Paint	X		
C. J. Stewart	X		
K. Shane	X		
S. Backbone			
O. Half, Jr.	X		
W. Plainfeather	X		
R. Old Crow, Sr.	X		
M. Not Afraid	X		
V. Crooked Arm	X		
L. DeCrane			
C. Goes Ahead	X		
B. Hugs	X		
G. Real Bird, Jr.			
M. Backbone	X		
D. Wilson	X		
P. Alden, Jr.	X		
<i>Secretary of the House</i>			
M. Covers Up, Sr.	X		
<i>Speaker of the House</i>			
Totals:	15	0	0

Result of Vote:

Passed

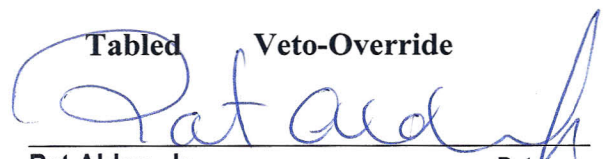
Not Passed

Tabled

Veto-Override


Manuel Covers Up, Sr.
Speaker of the House

Date


Pat Alden, Jr.
Secretary of the House

Date