

**OCTOBER 2010 REGULAR SESSION OF THE
CROW TRIBAL LEGISLATURE**

CLB NO. 10-08

Introduced by Senator Bryce Hugs
Arrow Creek District

A Bill for an Act Entitled:

**AN ACT ADOPTING AND AUTHORIZING ENFORCEMENT OF THE MOST
CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE AS
OFFICIALLY UPDATED AND PUBLISHED BY THE INTERNATIONAL
CODE COUNCIL**

WHEREAS, the Legislature is the law-making branch of the Crow tribal government pursuant to the 2001 Constitution; and

WHEREAS, the Executive Branch has authority and responsibility pursuant to the 2001 Constitution to implement all laws, resolutions, codes and policies duly adopted by the Legislature; and

WHEREAS, public health and safety in the community, including safety in the construction of buildings, is a paramount concern of the Crow tribal government; and

WHEREAS, the Crow Tribe has not passed a comprehensive construction and building code as enforceable safety law on the Crow Reservation; and

WHEREAS, the Crow Legislature has determined after careful review in committee that there is a need to protect the health, welfare, and safety of all members and others through the establishment of lawful standards as to all construction, whether residential, commercial or industrial, on the Crow Reservation.

**NOW, THEREFORE, BE IT HEREBY ENACTED AS CROW TRIBAL LAW
BY THE CROW TRIBAL LEGISLATURE IN REGULAR SESSION:**

Section 1. *ADOPTION OF CODE.*

The most current version of the International Building Code, International Plumbing Code, International Electrical Code, International Fire Code, International Mechanical Code, and International Residential Code are hereby adopted by the Crow Tribe as an enforceable "Crow Tribal Building Code."

Section 2. *ENFORCEMENT OF CODE.*

Within ninety (90) calendar days of the enactment of this bill as law, the Executive Branch shall establish a tribal agency which shall have the lead enforcement responsibility for the Crow Tribal Building Code. The Crow tribal prosecutor shall have all requisite civil authority to enforce this law in Crow Tribal Court accordance with principles of due process and in accordance with the Crow Rules of Civil Procedure. Furthermore, the Executive Branch shall have the authority to establish a reasonable fine schedule for all enforcement actions related to the standards of the Crow Tribal Building Codes and shall provide adequate public notice of any such fine schedule.

Section 3. *INSPECTION NOTICE.*

No inspection by tribal officers of any building shall take place without specific authorization, in writing, of the Director of the Crow Tribal Office of Public Safety, and twenty-four hour notice to the persons or place subject to an inspection.

Section 4. *FUTURE CODE ENACTMENTS.*

All future International Building Codes and all the updates to the volumes referred to in Section 1 of this Act as officially enacted and published by the International Code Council shall be considered the current Crow Tribal Building Code.

Section 5. *RELATION TO WORKFORCE PROTECTION ACT.*

No part of this Act or the International Building Code shall be considered to repeal or rescind any provision of the Crow Workforce Protection Act, as amended. Any new tribal construction contracts shall comply with the requirements of the Crow Tribal Building Code and the Crow Workforce Protection Act.

Section 6. *CODIFICATION.*

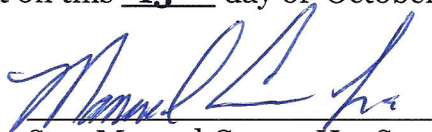
The Crow Tribal Building Code established by this Act shall be referenced in the next publication of the Crow Law and Order Code in the appropriate title as determined by the Secretary of the Legislature.

Section 7. *EFFECTIVE DATE, APPLICATION TO NEW CONSTRUCTION.*

This Act shall become effective after its passage as tribal law on January 1, 2011 or in accordance with the veto-override process established by tribal law. The Crow Tribal Building Code shall apply to all new building construction projects initiated after the effective date. The Building Code shall not apply to any building project in which construction had actually begun before its effective date.

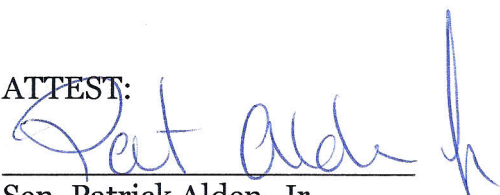
CERTIFICATION

I hereby certify that this **AN ACT ADOPTING AND AUTHORIZING ENFORCEMENT OF THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE AS OFFICIALLY UPDATED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL** was duly approved by the Crow Tribal Legislature with a vote of 18 in favor, 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
X approve
_____ veto

AN ACT ADOPTING AND AUTHORIZING ENFORCEMENT OF THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE AS OFFICIALLY UPDATED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL 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 ADOPTING AND AUTHORIZING ENFORCEMENT OF THE MOST CURRENT EDITION OF THE INTERNATIONAL
BUILDING CODE AS OFFICIALLY UPDATED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL**

Bill or Resolution: CLB10-08 **Introduced by:** Senator Bryce Hugs **Date of Vote:** 10/13/2010
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 18 </u>	<u> 0 </u>	<u> 0 </u>

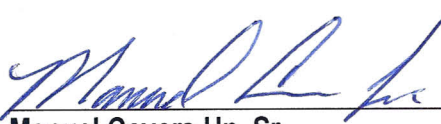
Result of Vote:

Passed

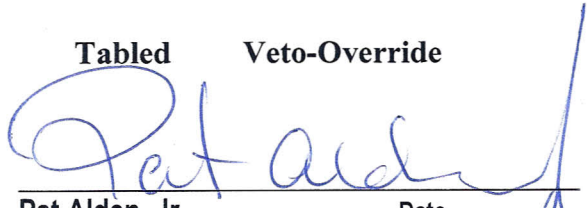
Not Passed

Tabled

Veto-Override



Manuel Covers Up, Sr.
Speaker of the House
Date



Pat Alden, Jr.
Secretary of the House
Date

**CHAIRMAN'S STATEMENT ON
APPROVAL OF CLB NO. 10-08**

Pursuant to the authority vested in me by Article V, Section 8 of the Crow Constitution, I have this day *approved* CLB No. 10-08 entitled **"An Act Adopting and Authorizing Enforcement of the Most Current Edition of the International Building Code as Officially Updated and Published by the International Code Council"** (the "Act"), because it will contribute to the public health and safety by requiring that new buildings on the Crow Reservation will be constructed according to modern, safe and sound building practices.

While the Act is a good first step toward improving building practices on the Crow Reservation, I have concerns that certain aspects of the Act, without further amendment, could be counter-productive by, among other things, unnecessarily increasing the cost of housing, government and commercial buildings, and causing confusion and uncertainty among local building professionals and contractors with respect to the applicable standards and enforcement mechanisms. For example, the most current versions of the Codes may not be appropriate for some types of buildings in this region, and may not have been adopted yet by other surrounding jurisdictions. In addition, with regard to enforcement, the Executive Branch currently lacks the financial and human resources to implement the requirement in Section 2 of the Act for establishing a Tribal enforcement agency within 90 days, or to establish fair procedures, with proper public notice and education, to enforce the Act civilly in the Crow Tribal Court.

Therefore, as previously discussed with the Tribal Legislature, I am approving the Act with the understanding and intent that the Executive Branch will introduce amendments to the Act providing, among other things, (a) for selective adoption of the most current versions of the Codes and possible additional related Codes (e.g., applying to existing buildings), and (b) that establishment of a Tribal enforcement agency and procedures shall be contingent on the Crow Tribe's receipt of sufficient funding to carry out this function in a fair, equitable and effective manner.

DATED this 9th day of November, 2010.



Cedric Black Eagle, Chairman
Crow Tribe Executive Branch



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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Legislative Branch

Pryor:

Arrow Creek

Carlson Goes Ahead
Lawrence DeCrane
Bryce J. Hugs

Big Horn:

Valley of the Give Away

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

Dunmore:

Black Lodge

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

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

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

OFFICIAL CERTIFICATE OF DELIVERY

I, Sheri Chandler, Legislative Staff for the Legislative Branch of the Crow Tribal Government, hereby this Transitional Action do deliver a True and Correct Official copy of the Final Approval for the following:

INTRODUCED BY SENATOR BRYCE HUGS
Arrow Creek District

A BILL FOR AN ACT TITLED:

"AN ACT ADOPTING AND AUTHORIZING ENFORCEMENT OF THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE AS OFFICIALLY UPDATED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL."

No. CLB 10-08 delivered to: *Pat Alden*, in the
position of: *Arrow Creek, Exec. Branch* for the
Crow Tribal Executive Branch.

Done and dated this *22nd* day of *October*, 2010 @ *1:50* a.m./p.m.

Pat Alden
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:

Sheri Chandler
Legislative Branch Staff

Cc: file



Certificate
Number:
2010-15