

APRIL 2012 CROW TRIBE LEGISLATIVE BRANCH

CLB NO. 12-01

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBE EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO PROVIDE FOR THE PROTECTION OF STRAY ANIMALS AND THE
GENERAL PUBLIC ON THE CROW INDIAN RESERVATION”**

WHEREAS, the Crow Tribal community has repeatedly suffered the loss of lives and physical impairment due to automobile accidents involving loose or straying livestock on highway rights-of-ways; and

WHEREAS, there has been and continues to be a large number of animals either killed or injured as a result of these accidents occurring as a result of loose or straying livestock on highway rights-of-ways; and

WHEREAS, livestock owners who do not have sufficient pasture, range, or feed available to support their animals have repeatedly allowed their animals to forage on public rights-of-way and within town sites and housing cluster sites; and

WHEREAS, loose and straying livestock have caused thousands of dollars in property damage to the residents of the Crow Reservation; and

WHEREAS, all governments must bring change to provide for modern transportation and safer conditions for all inhabitants, both human and animal, residing under jurisdictional protection of said governments; and

WHEREAS, the Crow Law and Order Code currently contains provisions that criminalize the abandonment of animals on public roads, at CLOC § 8B-8-206(1)(c), and criminal sanctions for such conduct, at CLOC § 8B-8-206(3); and

WHEREAS, the Crow Tribe must take immediate action to alleviate the continuing suffering of both animals and humans as a result of owners allowing their livestock to stray or go loose.

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

Section 1: REPEAL OF RESOLUTION 91-38

- (a) Resolution 91-38, “A RESOLUTION OF THE CROW TRIBAL COUNCIL AMENDING THE CROW TRIBAL LAW AND ORDER CODE TO PROVIDE FOR THE PROTECTION OF STRAY ANIMALS” is hereby officially repealed by this Bill, provided that nothing herein shall be construed to establish that Resolution 91-38

remained in effect after the passage of the 2001 Constitution and Bylaws of the Crow Tribe of Indians.

- (b) Nothing herein shall be construed to repeal or otherwise invalidate any current provision of the 2005 Crow Law and Order Code, Title 8B, as amended herein.

Section 2: AMENDMENTS TO TITLE 8B OF THE CROW LAW AND ORDER CODE.

Title 8B, of the Crow Law and Order Code, Crow Criminal Code, § 8B-8-206. *Cruelty to Animals*., is hereby amended as follows:

- (a) 8B-8-206(1)(c) is hereby amended to read as follows:

“(c) Abandoning any helpless animal or placing any loose animal on any highway, railroad, public right-of-way, town site, housing cluster site area, or in any other place where it may suffer injury, hunger or exposure, become a public charge, disrupt or present a hazard to normal vehicle traffic, cause damage to personal or public property, or otherwise present a threat to public safety; or”

- (b) 8B-8-206(3)(c) is hereby amended to read as follows:

“(c) If any person convicted of the offense of Cruelty to Animals pursuant to this Section is the owner of the animal at issue in the underlying incident, she or he shall be required to forfeit to the Crow Tribe title to and/or ownership of any animal affected, and any person who entrusted or placed said animal with the individual convicted of said offense may be required to forfeit to the Crow Tribe title to and/or ownership any animal affected. The Crow Tribe shall be authorized to sell, auction, or otherwise dispose of any animals forfeited by owners of livestock involved in violations of this section at the Tribe’s discretion.”

Section 3: LOOSE LIVESTOCK ABATEMENT PROGRAMS.

- (a) Policy and Intent.

It shall be the policy of the Crow Tribe to consider any loose livestock located on the Crow Indian Reservation to be a public nuisance, particularly any loose livestock located on or along a public roadway or tribal roadway and which either impede traffic, obstruct or hinder efforts at maintaining roadways, or which otherwise create a hazard or threat to public safety. The intent of this Bill is to establish a lawful means by which the problem of loose livestock can be addressed effectively and efficiently in a manner that also respects the traditional Apsaalooke horse culture, instills respect for horse and other livestock ownership, and protects private property rights

(b) Definitions.

“Incentive program” means the Loose Livestock Abatement Incentive Program as established pursuant to Section 3 of this legislation.

“Loose Livestock” means any domesticated animal, regardless of whether the animal is owned by a Crow Tribal member or a nonmember, including but not limited to horses, cattle, sheep, and goats, located on any highway, railroad, public or tribal roadways, public rights of way, town site, housing cluster site area, or in any other place where it may suffer injury, hunger or exposure, become a public charge, disrupt or present a hazard to normal vehicle traffic, cause damage to personal or public property, or otherwise present a threat to public safety.

“Loose Livestock Abatement Program” means a program established by the Executive Branch pursuant to this legislation which identifies problematic areas associated with loose livestock and establishes a policy in which the Executive Branch, and its agencies and departments, may take efforts to correct such problems.

“Public street” means any roadway located on the Crow Reservation which serves any residential, governmental, or business area and which has a public right-of-way or easement.

“Regulatory program” means the Loose Livestock Abatement Regulatory Program as established pursuant to Section 3 of this legislation.

“Tribal roadway” means a roadway located on Crow tribal land or otherwise under the jurisdiction of the Crow Tribe and open to tribal travel or tribally-permitted public travel.

(c) Regulatory Program.

(1) The Executive Branch may take all necessary and proper measures, in accordance with this legislation, the 2001 Crow Tribal Constitution, and any other applicable tribal law, to forcibly remove all loose livestock from any public street or tribal roadway on any lands subject to the regulatory jurisdiction of the Crow Tribe. The Executive Branch may authorize the appropriate federal or Crow tribal agencies or departments to carry out such enforcement efforts.

The Executive Branch may enter into written agreements with any person, governmental entity, or business for the purpose of establishing cooperative efforts in order to facilitate the implementation of this legislation and the regulatory program. *Provided that*, no such agreement shall be construed as a limited waiver of the Crow Tribe’s sovereign immunity.

(2) Budget amendments.

In order to make expenditure of funds within the control of the Crow Tribe for the purpose of supporting the regulatory program, the Executive Branch shall comply with all provisions of any applicable Crow tribal law and federal law.

(3) Public notice.

The Executive Branch shall give adequate public notice prior to the regulatory program taking effect. Public notice shall be no less than fourteen (14) calendar days.

(4) Regulatory program a tribal public document.

The regulatory program, in its entirety, including any intergovernmental contracts or memoranda of agreement entered into pursuant to this Bill, shall be available for inspection and copy by any person subject to the regulatory jurisdiction of the Crow Tribe. The Executive Branch may establish a reasonable fee for providing copies to a member of the public.

(d) Loose Livestock Abatement Incentive Program.

(1) Incentive program.

The Executive Branch may take all necessary and proper measures, in accordance with this legislation, the 2001 Crow Tribal Constitution, and any other applicable tribal law, to assist livestock owners in the removal of loose livestock from any public street, tribal roadway, or other lands subject to the regulatory jurisdiction of the Crow Tribe. The Executive Branch may authorize the appropriate Crow tribal agencies or departments to carry out such assistance efforts.

The Executive Branch may enter into written agreements with any person, governmental entity, or business for the purpose of establishing cooperative efforts in order to facilitate the implementation of this legislation and the incentive program. *Provided that*, no such agreement shall be construed as a limited waiver of the Crow Tribe's sovereign immunity.

(2) Budget amendments.

In order to make expenditure of funds within the control of the Crow Tribe for the purpose of supporting the incentive program, the Executive Branch shall comply with all provisions of any applicable Crow tribal law and federal law.

(3) Public notice.

The Executive Branch shall give adequate public notice prior to the incentive program taking effect. Public notice shall be no less than fourteen (14) calendar days.

(4) Incentive program a tribal public document.

The incentive program, in its entirety, including any intergovernmental contracts or memoranda of agreement entered into pursuant to this Bill, shall be available for inspection and copy by any person subject to the regulatory jurisdiction of the Crow Tribe. The Executive Branch may establish a reasonable fee for providing copies to a member of the public.

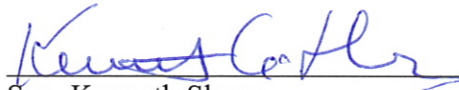
Section 4. GENERAL PROVISIONS.

- a. Construction. If any other resolution or code provision in word, part or sentence, is found to conflict with the intent and meaning herein, then the provisions herein shall prevail.
- b. Severability. If any provision herein is found to be inconsistent with or otherwise void under the 2001 Crow Tribal Constitution, all other provisions herein shall remain in full effect.
- c. Effective Date. This legislation shall become effective upon being duly adopted by the Crow Tribal Legislature and signed into law by the Chairman of the Executive Branch.

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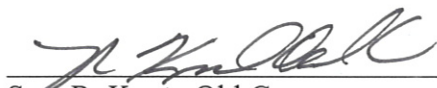
CERTIFICATION

I hereby certify that this Bill: **"AN ACT TO PROVIDE FOR THE PROTECTION OF STRAY ANIMALS AND THE GENERAL PUBLIC ON THE CROW INDIAN RESERVATION"**, was duly passed by the Crow Tribal Legislature with a vote of 14 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 17th day of April 2012.



Sen. Kenneth Shane
Speaker of the House
Crow Tribal Legislative Branch

ATTEST:



Sen. R. Knute Old Crow
Secretary
Crow Tribal Legislative Branch



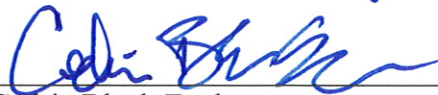
EXECUTIVE ACTION

I hereby

X approve

_____ veto

this Bill: **"AN ACT TO PROVIDE FOR THE PROTECTION OF STRAY ANIMALS AND THE GENERAL PUBLIC ON THE CROW INDIAN RESERVATION"** 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 10th day of May.



Cedric Black Eagle
Chairman
Crow Tribe

**An Act to Provide for the Protection of Stray Animals and the General Public on the
Crow Indian Reservation.**

Bill or Resolution: CLB12-01 **Introduced by:** Chairman C. Black Eagle **Date of Vote:** 4/17/2012
Number

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

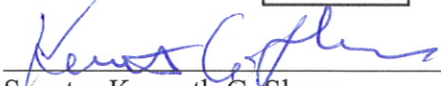
Result of Vote:

Passed

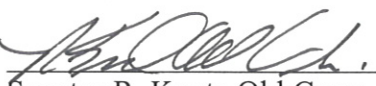
Not Passed

Tabled

Veto-Override


Senator Kenneth G. Shane
Speaker of the House

Date


Senator R. Knute Old Crow, Sr.
Secretary of the House

Date

4/25/12



Crow Country

Legislative Branch

Pryor:

Arrow Creek

Carlson Goes Ahead
Bryce Hugs
Lawrence DeCrane

Big Horn:

Valley of the Give

Away

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

Dunmore:

Black Lodge

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

Reno:

Center Lodge

Shawn E. Backbone
Kenneth G. Shane
Speaker of the House
Arnold Coyote-Runs, Sr.

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr.
R. Knute Old Crow, Sr.
Secretary of the House
Leroy Not Afraid

Wyola:

Mighty Few

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

Staff

Gerald Jay Harris
Staff Attorney

Leslie Plain Feather
Legal Assistant

Jackie Blacksmith,
Administrative Officer

William Old Crow
Finance Officer/Admin. Assist.

Sheri Chandler
Office Assist./Receptionist /Editor

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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Fax: (406) 638-2030

OFFICIAL CERTIFICATE OF DELIVERY

I, R. Knute Old Crow, Sr. Secretary of 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 Legislative Resolution:

INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBE EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

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THE GENERAL PUBLIC ON THE CROW INDIAN RESERVATION”

CLB12-01 to Heather Whiteman Runstien in the

Position of: Joint Lead Counsel for the

Crow Executive Branch.

Done and dated this 25 day of April, 2012 @ 10:46 a.m./p.m.

R. Knute Old Crow, Sr.
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Cc: file

