

APRIL 2012 REGULAR SESSION OF THE CROW TRIBAL LEGISLATURE

JAR No. 12-01

Introduced by Chairman Cedric Black Eagle
Crow Tribal Executive Branch

A Joint Action Resolution of the Crow Tribe Titled:

**A Joint Action Resolution to Establish a Crow Tribal Junk Vehicle
Abatement Program**

Legislative Findings:

WHEREAS, pursuant to Article V, Section 2(a) of the 2001 Crow Tribal Constitution the Crow Tribal Legislature (hereinafter "Legislature") is vested with the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Crow Constitution and federal laws; and

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

WHEREAS, the Crow Tribal Government finds that junk vehicles pose a health and safety hazard and should be considered a public nuisance; and

WHEREAS, the Executive Branch Chairman and the Legislature now seek to establish a junk vehicle abatement program to be administered by the Executive Branch pursuant to this resolution and in a manner that is consistent with the 2001 Constitution.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CROW TRIBE:

Section 1. Policy and Intent.

It shall be the policy of the Crow Tribe to consider any junk vehicles located on the Crow Indian Reservation to be a public nuisance, particularly any junk vehicles 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 unsightly or unsanitary conditions. The intent of this tribal resolution is to establish a lawful means by which the problem of junk vehicles can be addressed effectively and efficiently in a manner that respects private property rights.

Section 2. Definitions.

"Incentive program" means the Junk Vehicle Abatement Incentive Program as established pursuant to Section 4 of this resolution.

“Junk vehicle” means a motor vehicle in a state of disrepair that is discarded or appears discarded and is rendered inoperative or incapable of being driven without major repair work.

“Junk vehicle abatement program” means a program established by the Executive Branch pursuant to this resolution which identifies problematic areas associated with junk vehicles 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 Junk Vehicle Abatement Regulatory Program as established pursuant to Section 3 of this resolution.

“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.

Section 3. Junk Vehicle Abatement Regulatory Program.

(a) Regulatory program.

The Executive Branch may take all necessary and proper measures, in accordance with this resolution, the 2001 Crow Tribal Constitution, and any other applicable tribal law, to forcibly remove all junk vehicles 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 Crow tribal agencies or departments to carry out such enforcement efforts.

The Executive Branch may enter into written agreements with any person, governmental entity, including but not limited to the Crow Tribal Housing Authority, or business for the purpose of establishing cooperative efforts in order to facilitate the implementation of this resolution and the regulatory program. *Provided that*, no such agreement shall be construed as a limited waiver of the Crow Tribe’s sovereign immunity.

(b) 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.

(c) 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.

(d) Regulatory program a tribal public document.

The regulatory program, in its entirety, 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. Junk Vehicle Abatement Incentive Program.

(a) Incentive program.

The Executive Branch may take all necessary and proper measures, in accordance with this resolution, the 2001 Crow Tribal Constitution, and any other applicable tribal law, to assist property owners in the removal of all junk vehicles 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, including but not limited to the Crow Tribal Housing Authority, or business for the purpose of establishing cooperative efforts in order to facilitate the implementation of this resolution and the incentive program. *Provided that*, no such agreement shall be construed as a limited waiver of the Crow Tribe's sovereign immunity.

(b) 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.

(c) 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.

(d) Incentive program a tribal public document.

The incentive program, in its entirety, 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 5. Effective Date.

This resolution shall become effective upon being duly adopted by the Crow Tribal Legislature and signed into law by the Chairman of the Executive Branch.

A Joint Action Resolution to Establish a Crow Tribal Junk Vehicle Abatement Program

Bill or Resolution: JAR12-01 **Introduced by:** Executive Chairman Black Eagle **Date of Vote:** 4/12/2012
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.	<u> X </u>	_____	_____
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	<u> X </u>	_____	_____
D. Wilson	<u> X </u>	_____	_____
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> 17 </u>	<u> 0 </u>	<u> 0 </u>

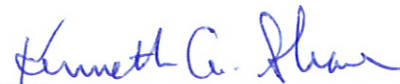
Result of Vote:

Passed

Not Passed

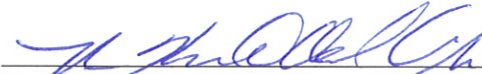
Tabled

Veto-Override



Senator Kenneth G. Shane
 Speaker of the House

Date

 4/13/12

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

Date

CERTIFICATION

I hereby certify that this bill titled **A Joint Action Resolution to Establish a Crow Tribal Junk Vehicle Abatement Program** with a vote of

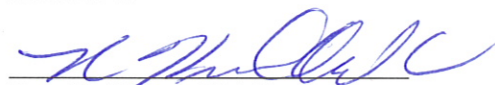
17 in favor
0 opposed, and
0 abstained

and that a quorum was present on this 12th day of April, 2012.



Sen. Kenneth Shane
Speaker of the House
Crow Tribal Legislature

ATTEST:



Sen. R. Knute Old Crow
Secretary
Crow Tribal Legislature

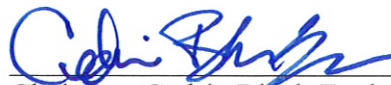


EXECUTIVE ACTION

I hereby:

X approve
veto

this bill titled **A Joint Action Resolution to Establish a Crow Tribal Junk Vehicle Abatement Program** 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, 2012.



Chairman Cedric Black Eagle
Crow Tribal Executive Branch



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 Leggins

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

P.O. Box 309 – 126 MAKAWASHA Avenue

Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238

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 CHAIRMAN CEDRIC BLACK EAGLE
CROW TRIBAL EXECUTIVE BRANCH

A Joint Action Resolution Titled:

**A JOINT ACTION RESOLUTION TO ESTABLISH A CROW TRIBAL JUNK
VEHICLE ABATEMENT PROGRAM.**

JAR12-01 to Heather Whiteman Rans Him 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.

A handwritten signature in blue ink, appearing to read "R. Knute Old Crow, Sr.".

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

Cc: file

