

JULY 2012 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR 12-04

INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE
CROW TRIBAL EXECUTIVE BRANCH ENTITLED:

“RESOLUTION APPROVING THE CROW TRIBE’S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE 2012 MONTANA DEPARTMENT OF COMMERCE TSEP CONTRACT.”

WHEREAS, Montana House Bill 351, passed by the 62nd Legislature and as signed into law by Governor Schweitzer on May 12, 2011 (Chapter 389, laws 2011) provides grant funds to the Crow Tribe for infrastructure project activities approved by the Montana Department of Commerce under the Treasure State Endowment Program; and

WHEREAS, the Montana Department of Commerce has prepared the attached “Treasure State Endowment Program Contract # MT-TSEP-CG-12-607” (the “TSEP Contract”) for distributing funds to the Crow Tribe, which is attached hereto and incorporated by reference; and

WHEREAS, the \$750,000 granted to the Crow Tribe will be used to finance the Phase 4a-1 Drinking Water Improvement Project in Crow Agency, namely expenses associated with the replacement of approximately 8,000 feet of four-inch distribution lines with six-inch distribution lines; and

WHEREAS, the State of Montana has by statute waived its sovereign immunity from suit for contract actions and disputes arising under the Agreement (*see* MCA Title 18, Chapter 1, Part 4), and has requested that the Crow Tribe also provide a limited waiver of its sovereign immunity for the sole purpose of enforcement of the TSEP Contract, in the form set forth in Section 30 of the Contract; and

WHEREAS, the Chairman of the Executive Branch has authority and responsibility pursuant to the “enumerated powers” in Article IV, Section 3 of the Constitution and Bylaws of the Crow Tribe of Indians to represent the Crow Tribe in negotiations with Federal, State and local governments and other agencies, corporations, associations, or individuals in matters of welfare affecting the Crow Tribe, and to “negotiate and approve limited waivers of sovereign immunity when such a waiver is necessary for business purposes in accordance with Article V, Section 2(f) of [the] Constitution;” and

WHEREAS, the Legislative Branch has authority and responsibility pursuant to its “powers and duties” in Article V, Section 2(f) of the Constitution to “grant final approval or disapproval of limited waivers of sovereign immunity by the Executive Branch when waivers are necessary for business purposes;” and

WHEREAS, the Chairman of the Executive Branch has negotiated the terms of the limited waiver of the Crow Tribe’s sovereign immunity as set forth in Section 30 of the Contract, receiving the funding provided by the TSEP Contract is in the best interests of the Crow Tribe, and the limited waiver of sovereign immunity is necessary for the business purpose of entering into the TSEP Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH:

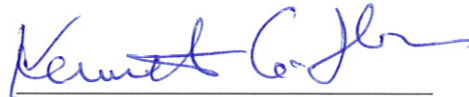
Section 1. That the limited waiver of sovereign immunity in the form set forth in the Montana Department of Commerce Treasure State Endowment Program Contract # MT-TSEP-CG-12-607, attached hereto and incorporated herein by reference, is hereby approved.

Section 2. That all written reports and any related information required to be produced to any State of Montana agency or subdivision pursuant to the TSEP Contract shall be copied and delivered to the Secretary of the Legislature at the same time any such report is produced to the State.

Section 3. That the approval granted herein is effective on the date of approval of this Resolution.

CERTIFICATION

I hereby certify that this Joint Action Resolution entitled **“RESOLUTION APPROVING THE CROW TRIBE’S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE 2012 MONTANA DEPARTMENT OF COMMERCE TSEP CONTRACT”** was duly enacted by the Crow Tribal Legislature with a vote of 14 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 17th day of June, 2012.



Senator Kenneth G. Shane
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator R. Knute Old Crow, Sr.
Secretary
Crow Tribal Legislature



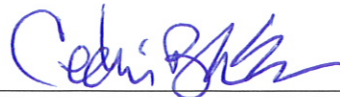
EXECUTIVE ACTION

I hereby

X approve or

_____ veto.

This Joint Action Resolution entitled **“RESOLUTION APPROVING THE CROW TRIBE’S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE 2012 MONTANA DEPARTMENT OF COMMERCE TSEP CONTRACT”** pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 and Article IV, Section 3(k) of the Constitution and Bylaws of the Crow Tribe of Indians, on this 24 day of July, 2012.



Cedric Black Eagle, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH
ENTITLED: "RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE 2012
MONTANA DEPARTMENT OF COMMERCE TSEP CONTRACT."

Bill or Resolution: JAR12-04 Introduced by: Chairman Black Eagle Date of Vote: 7/17/2012
Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
H. Two Leggings	_____	_____	_____
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	_____	_____	_____
G. Real Bird, Jr.	<u>X</u>	_____	_____
M. Backbone	_____	_____	_____
D. Wilson	<u>X</u>	_____	_____
R. K. Old Crow, Sr. <i>Secretary of the House</i>	<u>X</u>	_____	_____
K. Shane <i>Speaker of the House</i>	<u>X</u>	_____	_____
Totals:	<u>14</u>	<u>0</u>	<u>0</u>

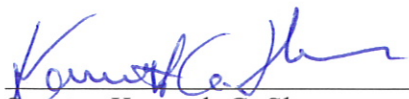
Result of Vote:

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

7/19/12