

**JULY 2012 CROW TRIBAL LEGISLATURE**  
**JOINT ACTION RESOLUTION NO. JAR 12-05**

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 PENDING MONTANA COAL BOARD GRANT  
FOR TRIBAL WATER TREATMENT PLANT IN CROW AGENCY.”**

**WHEREAS**, the Crow Tribe, on behalf of the Apsaalooke Water and Wastewater Authority, has submitted an application for a grant from the Montana Coal Board pursuant to Montana Code Annotated § 90-6-201, *et seq.*, in the amount of \$46,250 to install a new chlorine injection room at the Tribal Water Treatment Plant in Crow Agency, a copy of which is attached hereto and incorporated by reference (the “Coal Board Grant”); and

**WHEREAS**, a existing chlorine injection room is badly in need of repairs or replacement in order to provide a safe and effectively functioning facility for adding chlorine to the water supply in Crow Agency; and

**WHEREAS**, pursuant to Mont. Code Ann. § 90-6-209(2)(a), the Coal Board may not approve a grant to an Indian Tribe unless the Tribe has agreed:

“(i) to waive its immunity from suit on any issue arising from the transaction of a grant obtained under this part; and

“(ii) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana[.]” and

**WHEREAS**, the Montana Coal Board will be considering the Crow Tribe’s grant request at its quarterly meeting on July 20, 2012, and the Board staff have indicated that it would be helpful for the Tribe to have agreed to include the limited waiver of sovereign immunity and enforcement venue set forth above prior to the quarterly meeting; 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 receiving the funding provided by the Coal Board grant is in the best interests of the Crow Tribe, and the limited waiver of sovereign immunity required by Montana law is necessary for the business purpose of entering into the Coal Board grant agreement;

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

**Section 1.** That the Crow Tribe agrees, as a condition of receiving the Coal Board Grant: (1) to grant a limited waiver of sovereign immunity from suit on any issue arising from the transaction of the above-described Coal Board grant; and (2) to the adjudication of any dispute arising out of the grant transaction in the district court of the first judicial district of the state of Montana.

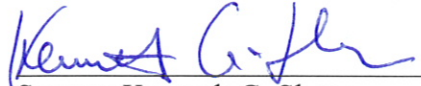
**Section 2.** That the Chairman of the Crow Tribal Executive Branch is hereby authorized to execute an agreement and any associated documents for the Coal Board Grant that contain the conditions set forth in Section 1 above, or substantially similar conditions in compliance with Mont. Code Ann. § 90-6-209.

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

[Remainder of Page Left Blank Intentionally]

**CERTIFICATION**

I hereby certify that this Joint Action Resolution entitled “**RESOLUTION APPROVING THE CROW TRIBE’S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE PENDING MONTANA COAL BOARD GRANT FOR TRIBAL WATER TREATMENT PLANT IN CROW AGENCY**” 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 17<sup>th</sup> day of July, 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 PENDING MONTANA COAL BOARD GRANT FOR TRIBAL WATER TREATMENT PLANT IN CROW AGENCY**” 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 26 day of July, 2012.



Cedric Black Eagle, Chairman  
Crow Tribal Executive Branch

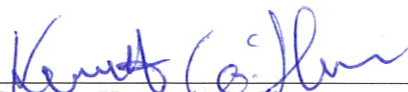
JOINT ACTION RESOLUTION OF THE CROW TRIBAL LEGISLATURE AND THE CROW TRIBAL EXECUTIVE BRANCH ENTITLED:  
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 BOARD GRANT FOR TRIBAL WATER TREATMENT PLANT IN CROW AGENCY."


**Bill or Resolution:** JAR12-05 **Introduced by:** Chairman Black Eagle **Date of Vote:** 7/17/2012  
**Number**

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

Result of Vote:

**Passed**
         
  **Not Passed**
         
  **Tabled**
         
  **Veto-Override**

  
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 Senator Kenneth G. Shane                      Date  
 Speaker of the House

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