

APRIL 2013 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR 13-06

INTRODUCED BY DARRIN OLD COYOTE, 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 2013 MONTANA DEPARTMENT OF
COMMERCE ICED PROGRAM AGREEMENT.”**

WHEREAS, the Montana General Appropriations Act authorizes the Montana Indian Country Economic Development Program (the “ICED”) to distribute funds to eligible Tribal governments for business development projects, workforce training projects, entrepreneurial training, feasibility studies and other business development projects, and the State-Tribal Cooperative Agreements Act, MCA §§ 18-11-101, *et seq.*, authorizes the ICED to enter into agreements for distributing funds to Tribes for such purposes; and

WHEREAS, the Montana Department of Commerce has prepared the attached “Indian Country Economic Development Program Agreement # MT-ICED-13-005” (the “ICED Agreement”) for distributing funds to the Crow Tribe, which is attached hereto and incorporated by reference; and

WHEREAS, the \$70,000 in funds distributed pursuant to the 2013 ICED Program will be used by the Crow Tribe for continued operation and improvement of the Apsaalooke Revolving Loan Fund (which provides start-up and expansion loans and technical assistance for businesses owned by Tribal members), including staff training and salaries, grant-writing and outreach activities, and additional principal for the Loan Fund, as provided in the ICED Agreement; and the sum of \$8,500 will be deposited into the State Tribal Economic Development Commission special revenue account for the 2017 State Tribal Economic Development Commission Indian Equity Fund; 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 (and other Tribes participating in the ICED Program) also provide a limited waiver of its sovereign immunity for the sole purpose of enforcement of the ICED Agreement, in the form set forth in Section 25 of the Agreement; 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 25 of the ICED Agreement, receiving the funding provided by the ICED Agreement 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 ICED Agreement;

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

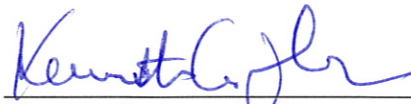
Section 1. That the limited waiver of sovereign immunity in the form set forth in the Montana Department of Commerce Indian Country Economic Development Program Agreement # MT-ICED-13-005, attached hereto and incorporated herein by reference, is hereby approved.

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 ICED Agreement 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 2013 MONTANA DEPARTMENT OF COMMERCE ICED PROGRAM AGREEMENT”** 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 9TH day of April, 2013.



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

ATTEST:



Senator R. Knute Old Crow, Sr.
Secretary of the House
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 2013 MONTANA DEPARTMENT OF COMMERCE ICED PROGRAM AGREEMENT”** 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 7TH day of MAY, 2013.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION "RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE 2013 MONTANA DEPARTMENT OF COMMERCE ICED PROGRAM AGREEMENT."

Bill or Resolution: JAR13-06 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 4/9/2013
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	_____	_____	_____
V. Pretty Paint	_____	_____	_____
C. J. Stewart	_____	_____	_____
L. Other Medicine	<u> X </u>	_____	_____
A.Coyote-Runs, Sr.	<u> X </u>	_____	_____
L. Not Afraid.	<u> X </u>	_____	_____
M. 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.	_____	_____	_____
M. Backbone	<u> X </u>	_____	_____
G. Stewart	<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> 14 </u>	<u> 0 </u>	<u> 0 </u>

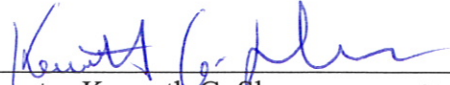
Result of Vote:

Passed

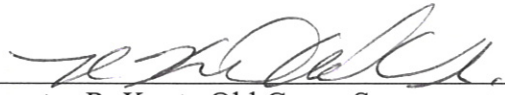
Not Passed

Tabled

Veto-Override



 Senator Kenneth G. Shane Date
 Speaker of the House



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