

JULY 2015 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION No. JAR 15-13

Introduced by Chairman Darrin Old Coyote
Crow Tribal Executive Branch

Co-Sponsored by

A Joint Action Resolution Titled:

A JOINT ACTION RESOLUTION OF THE CROW TRIBE TO PETITION THE UNITED STATES SECRETARY OF THE INTERIOR FOR APPROVAL OF THE CHARTER OF INCORPORATION FOR THE CROW GAMING AND ENTERTAINMENT CORPORATION.

Legislative Findings:

WHEREAS, Article V, Section 2(a) of the Crow Tribal Constitution vests the Crow Tribal Legislature (hereinafter “Legislature”) with the power and duty to promulgate and adopt laws and resolutions in accordance with the Crow Tribal Constitution and federal law for the governance of the Crow Tribe; and

WHEREAS, Article IV, Section 4(a) of the Crow Tribal Constitution provides that the “general duties” of the Executive Branch Officials shall include the duty to implement all laws, resolutions and policies duly adopted by the Legislature; and

WHEREAS, Article IV, Section 3(c) of the Crow Tribal Constitution authorizes Executive Branch Officials to engage in business activities and undertake economic development activity to promote the well-being of the members of the Crow Tribe; and,

WHEREAS, the Executive Branch and the Legislature are authorized to execute waivers of sovereign immunity for business purposes under Articles IV and V of the Crow Tribal Constitution, respectively; and,

WHEREAS, the Crow Tribe is vested with the inherent authority to engage in class I, class II, and class III gaming on its own lands, subject to the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701 et seq; and

WHEREAS, the Crow Tribe has executed, and the United States Department of the Interior has approved, a class III gaming compact with the State of Montana; and,

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WHEREAS, the Crow Tribe is seeking to develop a destination gaming and entertainment facility on its lands in order to generate revenues for its government, create jobs for its citizens, and promote economic development; and

WHEREAS, the Crow Tribe seeks to ensure that its destination gaming and entertainment facility is operated in a professional manner, independent of the tribal government, so as to maximize its economic potential; and

WHEREAS, the Indian Reorganization Act, at 25 U.S.C. § 477, allows the United States to issue a charter to tribally-owned corporations through which Indian tribes may undertake various business activities under the protection of federal law; and,

WHEREAS, the Crow Tribe intends to petition the United States for the issuance of a charter for an independent corporation under federal law, pursuant to the Indian Reorganization Act at 25 U.S.C. § 477 to own and operate its destination gaming facility; and

WHEREAS, the independent business entity formed under 25 U.S.C. § 477 will be known as the Crow Gaming and Entertainment Corporation, and shall have a separate legal existence from the Crow Tribe; and,

WHEREAS, the Crow Gaming and Entertainment Corporation will be vested with all of the privileges and immunities of the Crow Tribe, including sovereign immunity from suit, and shall also be vested with the authority to exercise the powers necessary to effectuate the purpose stated in this Charter of Incorporation, including the authority to waive its own sovereign immunity from suit; and,

WHEREAS, the Crow Gaming and Entertainment Corporation shall not be authorized to act on behalf of the Crow Tribe, or to exercise any powers not expressly delegated pursuant to this Charter of Incorporation; and,

WHEREAS, the Chairman of the Crow Tribe shall submit this Charter of Incorporation to the United States Secretary of the Interior, or her designee, for approval pursuant to 25 U.S.C. § 477;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE EXECUTIVE BRANCH AND LEGISLATURE IN SPECIAL SESSION:

Section 1. That the Federal Charter of Incorporation for the Crow Gaming and Entertainment Corporation, attached hereto and incorporation by reference, is hereby approved.

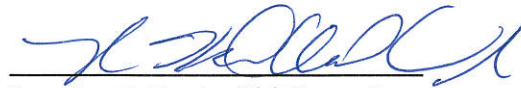
Section 2. That the Chairman of the Executive Branch is hereby authorized to submit this Charter of Incorporation to the United States Secretary of the Interior, or her designee, for approval pursuant to 25 U.S.C. § 477.

Section 3. That this Resolution shall become effective immediately upon approval; provided, however, that the Charter shall become effective when approved by the Secretary of the Interior, or her designee.

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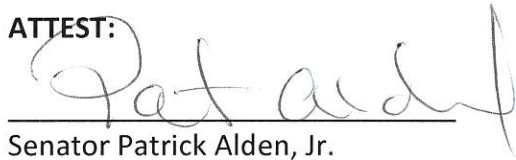
CERTIFICATION

I hereby certify that this Joint Action Resolution entitled "A JOINT TO PETITION THE UNITED STATES SECRETARY OF THE INTERIOR FOR APPROVAL OF THE CHARTER OF INCORPORATION FOR THE CROW GAMING AND ENTERTAINMENT CORPORATION TO ESTABLISH THE CROW TRIBAL GAMING AUTHORITY" 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 15th day of **July, 2015**.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



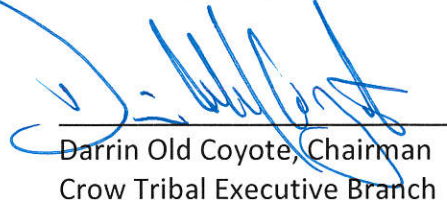
Senator Patrick Alden, Jr.
Secretary
Crow Tribal Legislature



EXECUTIVE ACTION

I hereby
X approve or
_____ veto

This Joint Action Resolution entitled "A JOINT ACTION RESOLUTION OF THE CROW TRIBE TO PETITION THE UNITED STATES SECRETARY OF THE INTERIOR FOR APPROVAL OF THE CHARTER OF INCORPORATION FOR THE CROW GAMING AND ENTERTAINMENT CORPORATION" 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 3rd day of December, 2015.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

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A JOINT ACTION RESOLUTION OF THE CROW TRIBE TO PETITION THE UNITED STATES SECRETARY OF THE INTERIOR FOR APPROVAL OF THE CHARTER OF INCORPORATION FOR THE CROW GAMING AND ENTERTAINMENT CORPORATION

JAR15-13 A JOINT ACTION RESOLUTION OF THE CROW TRIBE TO PETITION THE UNITED STATES SECRETARY OF THE INTERIOR FOR APPROVAL OF THE CHARTER OF INCORPORATION FOR THE CROW GAMING AND ENTERTAINMENT CORPORATION.

Bill or Resolution: JAR15-13 **Introduced by:** Chairman Darrin Old Coyote **Date of Vote:** 7/15/2015
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> </u>	<u> </u>	<u> </u>
C. Stewart	<u> </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
V. Nomee	<u> X </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Jr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
G. Stewart	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
R. K. Old Crow, Sr. <i>Speaker of the House</i>	<u> X </u>	<u> </u>	<u> </u>
Totals:	<u> 14 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

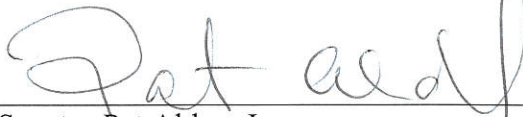
Not Passed

Tabled

Veto-Override


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

7/15/15
 Date


 Senator Pat Alden, Jr.
 Secretary of the House

12-2-15
 Date

CROW TRIBAL LEGISLATIVE BRANCH OF GOVERNMENT

Patrick Alden, Jr.
Secretary
144 Makawasha Ave.
Crow Agency, Montana 59022
CTLB.org



The People's Branch of Government

December 2, 2015

Darrin Old Coyote
Chairman
Crow Tribe Executive Branch
Crow Agency, MT 59022

RE: "A Joint Action Resolution of the Crow Tribe to Petition the United States Secretary of the Interior for Approval of the Charter of Incorporation for the Crow Gaming and Entertainment Corporation"

At the July 2015 Regular session, the Legislature passed a joint action resolution entitled, "A Joint Action Resolution of the Crow Tribe to Petition the United States Secretary of the Interior for Approval of the Charter of Incorporation for the Crow Gaming and Entertainment Corporation" on July 21, 2015.

As an oversight on the part of the Legislative Branch, this legislation was not transmitted to the your office within five (5) days as required by CLB 06-08, "An Act to Establish a Time Limit for Executive Veto, a Veto Override Process, and a Referendum Process." In review of the veto process, we have determined that the five (5) day delivery process can be waived upon your concurrence with certification of receipt of delivery.

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CERTIFICATION OF WAIVER OF TRANSMITTAL PERIOD

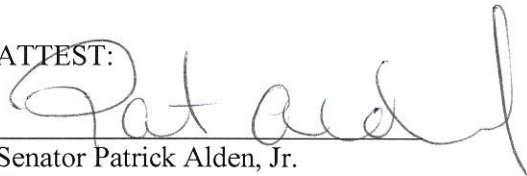
I hereby certify that the attached Joint Action Resolution, titled **A Joint Action Resolution of the Crow Tribe to Petition the United States Secretary of the Interior for Approval of the Charter of Incorporation for the Crow Gaming and Entertainment Corporation** is a true and correct version, duly approved by the Crow Tribal Legislature on the 21st day of July, 2015. It is also certified that the five (5) day transmittal period is hereby waived.

Dated this 2nd day of December, 2015



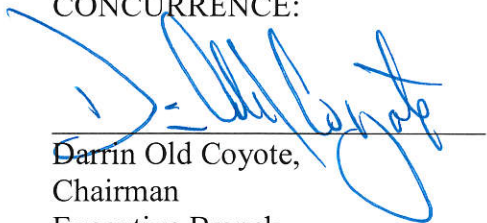
Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Patrick Alden, Jr.
Secretary
Crow Tribal Legislature

CONCURRENCE:



Darrin Old Coyote,
Chairman
Executive Branch
Crow Tribe