

JANUARY 2014 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. 14-01

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 MONTANA COAL BOARD GRANT
FOR A PRELIMINARY ARCHITECTURAL REPORT OF THE
CROW TRIBAL ARBOR."**

WHEREAS, the Crow Tribe 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 \$30,000 for a Preliminary Architectural Report of the Crow Tribal Arbor, a copy of which is attached hereto and incorporated by reference ("Coal Board Grant"); and

WHEREAS, the Crow Tribal Arbor has significant deficiencies and a Preliminary Architectural Report is necessary in order to adequately assess existing building conditions and problems, and present and analyze reasonable alternatives and feasibility; and

WHEREAS, pursuant to Montana Code Annotated § 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 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 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 of Government when waivers are necessary for business purposes;" and

WHEREAS, receiving funds provided by the Coal Board Grant is in the best interest 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 Montana Code Annotated § 90-6-209.

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

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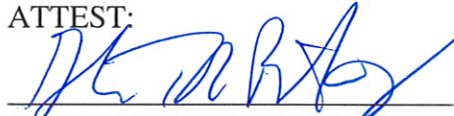
CERTIFICATION

I hereby certify that this Joint Action Resolution for the "**RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE MONTANA COAL BOARD GRANT FOR A PRELIMINARY ARCHITECTURAL REPORT OF THE CROW TRIBAL ARBOR**" was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstaining, and that a quorum was present on this 13th day of January, 2014.



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

ATTEST:



Senator Gordon Real Bird, Jr.
Secretary
Crow Tribal Legislature



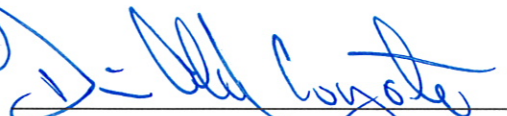
EXECUTIVE ACTION

I hereby

X approve

_____ veto

this Joint Action Resolution for the "**RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY IN THE MONTANA COAL BOARD GRANT FOR A PRELIMINARY ARCHITECTURAL REPORT OF THE CROW TRIBAL ARBOR**" 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 23 day of January, 2014.



Darrin Old Coyote, Chairman
Crow Tribal Executive Branch

JOINT ACTION RESOLUTION APPROVING THE CROW TRIBE'S LIMITED WAIVER OF SOVEREIGN IMMUNITY
IN THE MONTANA COAL BOARD GRANT FOR A PRELIMINARY ARCHITECTURAL
REPORT OF THE CROW TRIBAL ARBOR.

Bill or Resolution: JAR14-01 **Introduced by:** Chairman Darrin Old Covote **Date of Vote:** 1/13/2014
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
A. Coyote-Runs, Sr.	<u> </u>	<u> </u>	<u> </u>
(Vacant)	<u> </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<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> 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>
G. Real Bird, Jr. <i>Secretary of the House</i>	<u> </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> 15 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

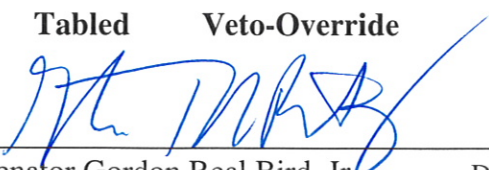
Not Passed

Tabled

Veto-Override



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



Senator Gordon Real Bird, Jr. Date
Secretary of the House