



Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

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Legislative Branch

Prvor:

Arrow Creek

Carlson Goes Ahead
Lawrence De Crane
Bryce Hugs

Big Horn:

Valley of the Give Away

Vincent Crooked Arm
Marlin D. Not Afraid
Patrick Alden, Jr.
Secretary of the House

Dunmore:Black Lodge

Conrad J. Stewart
V.Jeannie PrettyPaint
H. Noel Two Leggins

Reno:

Center Lodge

Oliver Half, Jr.
Shawn Backbone, Sr.
Kenneth G. Shane

Lodge Grass:

Valley of the Chief

Manuel Covers Up, Sr
Speaker of the House
R. Knute Old Crow, Sr
Woodrow Plainfeather

Wyola:

Mighty Few

Dana Wilson
Gordon Real Bird, Jr.
McKinley Tye Backbone

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Finance Officer/Admin. Assist

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Editor

Kenny Pretty On Top
Maintenance/Custodian/
Sergeant at Arms

NOTICE OF VETO OVERRIDE

This is an Official Notice as authorized by Law, CLB06-08 and "An Act to Establish a Time Limit for Executive Veto, A Veto Override Process and Referendum Process."

The Crow Legislature in Regular Session on July 12, 2010 took the Following VETO OVERRIDE Action relative to CLB10-02 A BILL FOR AN ACT ENTITLED: "AN ACT RESCINDING JOINT ACTION RESOLUTION 04-05 AND REQUIRING A TRIBAL RESOLUTION FOR ANY FUTURE SELF-DETERMINATION CONTRACTS UNDER PUBLIC LAW 93-638 OR OTHER FEDERAL LAW AND ANY FUNDING FROM ANY OUTSIDE SOURCES.

BILL IS ATTACHED IN REFERENCE AND INCORPORATED BY REFERENCE HERETO.

Done and Dated this, 12th day of July, 2010


Senator Manuel Covers Up, Sr.
Speaker of the House

Senator Pat Alden, Jr.
Secretary of the House

CERTIFICATE OF SERVICE

Mr. William Watt, Attorney for the Executive Branch Legal Council was served from Legislative Branch Staff member, Jackie M. Blacksmith for the following:

1. NOTICE OF VETO OVERRIDE ACTION REGARDING CLB10-02
AN ACT RESCINDING JOINT ACTION RESOLUTION 04-05 AND REQUIRING A TRIBAL RESOLUTION FOR ANY FUTURE SELF-DETERMINATION CONTRACTS UNDER PUBLIC LAW 93-638 OR OTHER FEDERAL LAW AND ANY FUNDING FROM ANY OUTSIDE SOURCES.

I,  received as stated above from Jackie M. Blacksmith
(Signature of recipient)

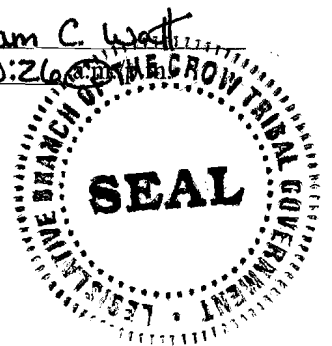
Done and Dated this 12th day of Aug., 2010

~TO BE COMPLETED BY LEGISLATIVE BRANCH STAFF MEMBER S ONLY~

I, the undersign Legislative Branch Staff member hand delivered the above to, William C. Watt
or designee for the Executive Branch at approx. 10:26am

Done and Dated this 17th day of Aug., 2010.

Jackie M. Blacksmith
Administrative Officer
Crow Legislative Branch



AN ACT RESCINDING JAR04-05 AND REQUIRING A TRIBAL RESOLUTION FOR ANY SELF-DETERMINATION CONTRACTS UNDER P.L. 93-638 OR OTHER FEDERAL LAW AND FOR ANY FUNDING FROM ANY OUTSIDE SOURCES.

Bill or Resolution: CLB10-02 **Introduced by:** Big Horn District **Date of Vote:** 7/12/2010
Number

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
H. Two Leggins	_____	_____	_____X_____
V. Pretty Paint	_____X_____	_____	_____
C. J. Stewart	_____X_____	_____	_____
K. Shane	_____X_____	_____	_____
S. Backbone	_____X_____	_____	_____
O. Half, Jr.	_____X_____	_____	_____
W. Plainfeather	_____X_____	_____	_____
R. Old Crow, Sr.	_____X_____	_____	_____
M. Not Afraid	_____X_____	_____	_____
V. Crooked Arm	_____X_____	_____	_____
L. DeCrane	_____	_____	_____
C. Goes Ahead	_____	_____	_____
B. Hugs	_____X_____	_____	_____
G. Real Bird, Jr.	_____X_____	_____	_____
M. Backbone	_____X_____	_____	_____
D. Wilson	_____X_____	_____	_____
P. Alden, Jr. <i>Secretary of the House</i>	_____X_____	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	_____X_____	_____	_____
Totals:	_____15_____	_____0_____	_____1_____

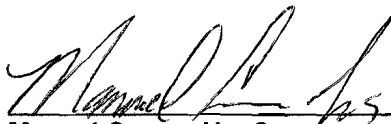
Result of Vote:

Passed


Not Passed

Tabled

Veto-Override



Manuel Covers Up, Sr. Date
Speaker of the House



Patrick Alden, Jr. Date
Secretary of the House

April 2010 Regular Session of the Crow Tribal Legislature

CLB No. 10-02

Co-introduced by:

Senator Pat Alden, Senator Vincent Crooked Arm, and Senator Marlin Not Afraid
Bighorn District

A Bill Titled:

An Act Rescinding Joint Action Resolution 04-05 and Requiring a Tribal Resolution for Any Future Self-Determination Contracts under Public Law 93-638 or Other Federal Law and For Any Funding From Any Outside Sources

Statement of Legislative Findings:

WHEREAS, the Crow Tribal Legislature (“Legislature”) passed Joint Action Resolution 04-05 on July 14, 2004, which Tribal Chairman Carl Venne signed into law on July 19, 2004;

WHEREAS, Joint Action Resolution 04-05 authorized the Crow Tribal Executive Branch to enter into self-determination contracts with the federal government pursuant to Public Law 93-638 without pre-approval from the Legislature;

WHEREAS, Joint Action Resolution 04-05 also authorized the Executive Branch to receive third-party grants without pre-approval from the Legislature;

WHEREAS, Joint Action Resolution 04-05 contained a self-executing invalidation clause which is prompted by the Executive Branch agency’s breach of a material requirement of a contract or agreement under Public Law 93-638;

WHEREAS, Joint Action Resolution 04-05 contained a requirement that the Executive Branch provide quarterly reports to the Legislature regarding the current and pending status of all grant and contract applications and awards;

WHEREAS, the Legislature has been repeatedly made aware of circumstances which would invoke the self-executing invalidation clause contained in Joint Action Resolution 04-05;

WHEREAS, the Executive Branch has not provided quarterly reports to the Legislature as required by Joint Action Resolution 04-05;

WHEREAS, the Legislature in Regular Session passed a Legislative Resolution on October 13, 2009, which had the intended effect of rescinding Joint Action Resolution 04-05 based on the Executive Branch's failure to comply with the aforementioned requirements under the law;

WHEREAS, the Indian Self Determination and Education Assistance Act of 1975, contained in the Congressional Record as Public Law 93-638, as amended, is a federal law which authorizes the Crow Tribe to receive grants from and enter into self-governance contracts with select agencies of the federal government if requested by the Crow Tribe by tribal resolution;

WHEREAS, the constitutional powers and duties of the Legislature include the promulgation and adoption of laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the 2001 Crow Constitution and federal laws for the governance of the Crow Tribe of Indians.

WHEREAS, Section 4(b) of Article IV of the 2001 Constitution requires the Executive Branch to prepare complete financial reports for the Crow Legislative Branch on a quarterly basis and biannual reports for the Crow Tribal General Council and Section 4(a) of Article IV empowers the Executive Branch to implement all laws, resolutions, codes and policies duly adopted by the Legislative Branch.

**NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL
LEGISLATURE:**

That Joint Action Resolution 04-05 is hereby repealed and made void, effective immediately upon passage of this bill into law;

That there is hereby established a Crow Tribal law governing the procedure under which the Crow Tribe may request contracts and grants under Public Law 93-638, as amended, or other federal law;

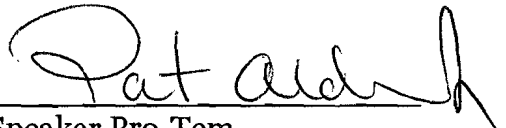
That there is hereby established a Crow Tribal law governing the procedure under which the Crow Tribe may receive funding from any outside source, including federal, state, local, other tribal, and private entities;

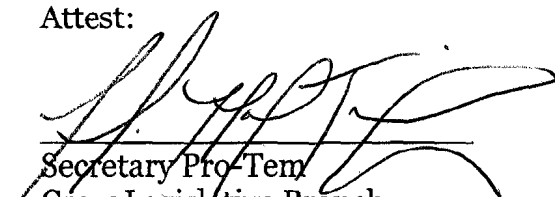
That the aforementioned laws are attached to this bill and may be referred to as the "Crow Tribal Self-Determination Contract and Outside Source Funding Authorization and Reporting Act";

That, finally, the Crow Tribal Self-Determination Contract and Outside Source Funding Authorization and Reporting Act shall have full force and effect upon passage of this bill into law.

CERTIFICATION

I hereby certify that this bill entitled **An Act Rescinding Joint Action Resolution 04-05 and Requiring a Tribal Resolution for Any Future Self-Determination Contracts under Public Law 93-638 or Other Federal Law and For Any Funding From Any Outside Sources** was duly enacted by a quorum of the Crow Tribal Legislature in Regular Session by a vote of 17 in favor and 0 opposed with 0 abstentions.


Speaker Pro-Tem
Crow Legislative Branch


Attest:

Secretary Pro-Tem
Crow Legislative Branch



EXECUTIVE ACTION

I hereby:
 approve
 veto

This bill entitled **An Act Rescinding Joint Action Resolution 04-05 and Requiring a Tribal Resolution for Any Future Self-Determination Contracts under Public Law 93-638 or Other Federal Law and For Any Funding From Any Outside Sources** pursuant to the authority vested in the Chairman of the Executive Branch of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 1st day of ~~April~~, 2010.
June


Cedric Black Eagle, Chairman
Crow Tribal Executive Branch

Attachment:

Crow Tribal Self-Determination Contract and Outside Source Funding Authorization and Reporting Act

Section 1. Statement of Policy and Intent.

It is the expressed policy of the Crow Tribal government to provide for the fullest practical measures of financial accountability to the Crow Tribal General Council, the Crow Tribal government and, where appropriate, to any outside entities providing funding to the Crow Tribe for any tribal purposes.

It is the intent of the Crow Tribe to provide that the financial management functions of all Crow Tribal organizations, including the Crow Tribal government, be significantly enhanced to improve the efficiency and effectiveness of the services provided or sought to be provided by the various Crow Tribal organizations.

It is the intent of the Crow Tribe that instances of fraud, waste, abuse, and mismanagement of funding within the control of Crow Tribal organizations be identified, penalized, and prevented in the future.

It is the intent of the Crow Tribe to enact meaningful and fundamental reform in the financial management requirements and practices of Crow Tribal organizations as the current tribal law and practice do not provide complete, consistent, reliable, and timely information to the Crow Tribal General Council or Crow Tribal government.

Finally, it is the expressed policy of the Crow Tribal government to maximize tribal self-determination and self-sufficiency to the fullest extent of the law.

Section 2. Definitions.

As used in this Act, the following definitions apply:

“Chief financial officer” means the lead financial officer of a Crow Tribal organization, who shall be an employee of the organization and who shall be designated by the Crow Tribal Comptroller, after consultation with the Crow Tribal Chairman.

“Crow Tribal Chairman” means the Chairman of the Executive Branch.

“Crow Tribal Comptroller” means the bonded Comptroller established under Article IV, Section 5 of the 2001 Constitution and Bylaws of the Crow Tribe.

“Crow Tribal organization” shall have the following meanings:

- (1) the Executive Branch of the Crow Tribal Government or any lawful agency, board, committee, commission, or subdivision therein; or
- (2) the Judicial Branch of the Crow Tribal Government; or
- (3) the Legislative Branch of the Crow Tribal Government; or
- (4) any organization comprised predominantly by Crow Tribal Members and which is controlled, sanctioned, or chartered by Crow Tribal law, including but not limited to the six established districts on the Crow Reservation, the Apsaalooke Casino Enterprise, Incorporated, and not including churches or other religious institutions; or
- (5) any corporation or commercial enterprise owned in majority by the Crow Tribe.

“Crow Tribal Secretary” means the Secretary of the Executive Branch.

“Crow Tribal statutory law” means Crow law which was enacted through passage of a bill and which is codified or intended to become codified.

“Crow Tribal Vice-Chairman” means the Vice-Chairman of the Executive Branch.

“Crow Tribal Vice-Secretary” means the Vice-Secretary of the Executive Branch.

“Financial quarter” means one of the four (4) three month periods traditionally used in financial reporting.

“Funds” or “funding” means money, valuable property, or security interests.

“Grants and awards” mean monetary awards and monetary donations or other funds from any outside source without any requirements for repayment of the principal, but not including payment for leases of tribal land or assets.

“Lead management official” means the official in direct charge of the operation of a Crow Tribal organization. Lead management official is a generic term used in this Act and refers to officers with established professional titles. All such lead management officials which are cabinet heads or which otherwise require Legislative confirmation must be lawfully confirmed before they may exercise any authority under this Act.

“Legislature” means the Crow Tribal Legislative Branch.

“Member of the Crow Tribal General Council” means an enrolled member of the Crow Tribe of Indians, in accordance with the 2001 Constitution and Bylaws of the Crow Tribe and the Crow Tribal Enrollment Ordinance.

“Outside source” means any federal, state, tribal, or private entity.

“Public Law 93-638” means the Indian Self Determination and Education Assistance Act of 1975, as amended, and all federal administrative regulations promulgated under its authority.

“Self-determination contract” means any contract or cooperative agreement between the federal government and a Crow Tribal organization entered into pursuant to Public Law 93-638 or other federal law and which the purpose of the contract or agreement is for the Crow Tribe to exercise increased governmental authority.

“Tribal corporation” means a corporation with valid articles of incorporation chartered under Crow Tribal law and which is owned in majority by the Crow Tribe.

“Tribal Resolution” means a Joint Action Resolution enacted under Title 1, Chapter 2 of the 2005 Crow Law and Order Code or a Legislative Resolution passed pursuant to established Legislative Branch policy.

Section 3. **Self-Determination Contracts.**

(a) When authorized.

(1) A Crow Tribal organization may enter into a tribal self-determination contract authorized under Public Law 93-638 or other applicable federal law only where:

(A) there is a Crow Tribal statute or Tribal Resolution specifically authorizing the Crow Tribal organization to enter into the self-determination contract; and

(B) the Crow Tribal organization must be otherwise eligible to enter into a self-determination contract under Public Law 93-638 or other applicable federal law.

(b) Reporting requirements.

(1) Every Crow Tribal organization which is a recipient of or a party to any tribal self-determination contract shall publish an executive summary of such contract which shall, in plain and clear language, explain the following:

(A) the nature, purpose, and goals of the contract; and

(B) the federal law supporting the contract; and

(C) the duration and principal terms of the contract; and

(D) the Crow Tribal Resolution supporting the contract.

(2) Any member of the Crow Tribal General Council shall, upon written request, be provided with a copy of the above-described executive summary by the appropriate Crow Tribal organization.

(3) Any member of the Crow Tribal General Council shall, upon written request, be provided with a copy of the self-determination contract by the appropriate Crow Tribal organization.

(4) The lead management official of any Crow Tribal organization which has entered into a self-determination contract shall designate a Crow Tribal officer or other person in their employment as the primary officer responsible for initial responses to requests under this section.

Provided that, the lead management official of the Crow Tribal organization which has entered into a self-determination contract may charge a reasonable fee for any requests under this section which incur a cost above \$50.00 to the Crow Tribal organization and shall keep a public record of all requests and charges, a copy of which shall be filed with the Tribal Secretary. Any such charge must be clearly justified in writing and in no event shall the Crow Tribal organization charge a member of the Crow Tribal General Council if the cost incurred is less than \$50.00.

(c) Accountability to Crow tribal government.

(1) Any of the following officials shall, upon written request, be immediately provided with all documentation, including the above-described executive summary, associated with any self-determination contract involving a Crow Tribal organization:

- (A) Crow Tribal Chairman
- (B) Crow Tribal Vice-Chairman
- (C) Crow Tribal Secretary
- (D) Crow Tribal Vice-Secretary
- (E) Crow Tribal Comptroller
- (F) any Crow Tribal Legislator

(2) All such requests made under this subsection shall be enforceable through administrative or legislative subpoena.

Section 4. **Grants and Awards.**

(a) When authorized.

(1) A Crow Tribal organization is authorized to apply for and receive grant funding or donations from any outside source if such receipt is supported by a Tribal Resolution which specifically authorizes the Crow Tribal organization to receive such funds.

Provided that, no Tribal Resolution under this subsection shall be needed for a Crow Tribal organization to apply for and receive any grant funds, awards, or donations with a total value of \$25,000 irrespective of the number of installments.

(b) Reporting requirements.

(1) All Crow Tribal organizations receiving funding from any outside source shall publish quarterly financial reports on outside source funding on or about the first day of January, April, July, and October of each year detailing the financial operations of the organization and shall include the following information:

(A) the total amount of grant and award funding received in the most recent financial quarter, in the calendar year to date, and cumulative to date beginning on January 1, 2010, and including a specific description of the source of each grant and award receiving in all periods so described; and

(B) total amount of grant and award funding anticipated in the next financial quarter, including a specific description of the anticipated sources; and

(C) total amount of expenditures of grant and award funding received, both cumulative since January 1, 2010, through the current calendar year, and in the most recent financial quarter, with an itemization of how much funding, if any, is or was committed to indirect costs and the Crow Tribal general fund; and

(D) a general statement of policy setting priorities and goals for the Crow Tribal organization operations affected by the grant money received and anticipated.

(E) identification of the Crow Tribal organization and its principal office location and contact information and the names and titles of the organization's lead management official and chief financial officer.

(F) any such further financial information as required by the Crow Tribal Comptroller through his or her directive and which shall be in accordance with Governmental Accounting Standards Board Statement #34 and #55 where applicable, and all Generally Accepted Accounting Practices as recognized by the Federal Accounting Standards Advisory Board. The

Comptroller shall issue an initial directive no later than 30 calendar days after passage of this Act and may issue further directives which shall be sequentially numbered and which shall take effect immediately upon the Comptroller's signature. Any such directives shall be immediately produced to the Crow Tribal Secretary and Chairman of the Revenue Committee of the Legislature.

Provided that, all such quarterly reports described in this section shall be notarized and signed by the chief financial officer of the Crow Tribal organization receiving outside source funds or awards attesting to the accuracy and completeness of the report.

(2) A complete and legible copy of any quarterly financial report shall be made available to any member of the Crow Tribal General Council upon written request. Any such request shall include the following:

(A) A reasonably clear description of the report(s) requested; and

(B) A notarized signature of the requestor which attests to the fact that the requestor is a member of the Crow Tribal General Council.

(3) All Crow Tribal organizations are required to permanently maintain a full and complete record of all quarterly financial reports, a copy of which shall be filed with the Crow Tribal Secretary and the Crow Tribal Comptroller.

(4) All Crow Tribal organizations receiving funding from outside sources shall designate a Crow Tribal officer or other person in their employment as the primary officer responsible for initial responses to requests under this section.

Provided that, the lead management official of the Crow Tribal organization receiving the outside source funds may charge a reasonable fee for any requests under this section which incur a cost above \$50.00 to the Crow Tribal organization and shall keep a public record of all requests and charges, a copy of which shall be filed with the Tribal Secretary. Any such charge must be clearly justified in writing and in no event shall the Crow Tribal organization charge a member of the Crow Tribal General Council if the cost incurred is less than \$50.00.

(c) Accountability to Crow Tribal government.

(1) Any of the following officials shall, upon written request, be immediately provided with all documentation associated, including the above-described quarterly reports, with any grant awards of any type from any outside entity involving a Crow Tribal organization:

- (A) Crow Tribal Chairman
- (B) Crow Tribal Vice-Chairman
- (C) Crow Tribal Secretary
- (D) Crow Tribal Vice-Secretary
- (E) Crow Tribal Comptroller
- (F) any Crow Tribal Legislator

(d) Accountability to outside sources of funding.

An outside source which has provided funding to a Crow Tribal organization shall receive the quarterly reports described in this section upon written request.

Section 5. Private Right of Action to Enforce.

Notwithstanding any other Crow Tribal law, any member of the Crow Tribal General Council has automatic standing to file a civil suit in Crow Tribal Court to compel the lead management official of a Crow Tribal organization to adhere to the requirements of this Act.

Section 6. Criminal and Civil Penalties.

(a) Criminal penalties.

(1) Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any recipient of a contract, subcontract, grant, or subgrant pursuant to Public Law 93-638 or any grant or award from any outside source, knowingly embezzles, willfully misapplies, steals, or obtains by fraud any of the money, funds assets, or property which are the subject of such a grant, subgrant, contract, or subcontract, shall be punished as follows:

(A) if the amount so embezzled, misapplied, stolen, or obtained by fraud exceeds \$100, the convicted shall be guilty of a Crow Tribal felony and shall be fined not more than \$1,000 per count or imprisoned for not more than one year per count, or both,

(B) if the amount so embezzled, misapplied, stolen, or obtained by fraud does not exceed \$100 per count, the convicted shall be guilty of a Crow Tribal misdemeanor and shall be fined not more than \$250 per count or imprisoned not more than 30 days per count, or both.

(2) Whoever is found guilty of violating the criminal provision of this Act shall be ordered to pay restitution to the Crow Tribal organization directly harmed by the criminal activity.

(b) Civil penalties.

(1) Any officer, director, agent, or employee of any Crow Tribal organization found by the Crow Tribal Court to be in violation of any requirements of this Act are considered to have acted outside their scope of authority and may be fined up to \$5,000 per violation and shall be ordered to pay restitution to the Crow Tribal organization directly harmed by the violation.

Section 7. Severability.

If any section, subsection, part, subpart, or other portion of this Act is declared unconstitutional by the Crow Tribal Judicial Branch, the remaining portion of the Act shall remain valid law unless the invalidated portion materially affects the just operation of this Act.

Section 8. Codification Instructions.

This Act shall be codified in Title 1 of the 2010 Crow Law and Order Code and all subsequent codes as authorized by Crow Tribal law. Beginning with the 2010 Crow Law and Order Code, Title 1 shall be renamed "Government Administration."

A Bill Entitled: An Act Rescinding Joint Action Resolution 04-05 and Requiring a Tribal Resolution for Any Future Self-Determination Contracts under Public Law 93-638 or other Federal Law and For Any Funding From Any Outside Sources.

Bill or Resolution: CLB10-02 **Introduced by:** Big Horn District **Date of Vote:** April 20, 2010
Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<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>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> </u>	<u> </u>	<u> </u>
Totals:	<u> 17 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override

Pat Alden, Jr.
Pat Alden, Jr.
Speaker Pro-Tem
 Date 4-20-10

H. Noel Two Leggins
H. Noel Two Leggins
Secretary Pro-Tem
 Date 4-20-10