

JANUARY 2009 CROW TRIBAL LEGISLATURE

BILL NO. CLB09-02

INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

A BILL FOR AN ACT ENTITLED:

“AN ACT TO AMEND PORTIONS OF TITLE 18, APSAALOOKE LIMITED LIABILITY COMPANY ACT, OF THE CROW LAW AND ORDER CODE TO DEFINE A LOW-PROFIT LIMITED LIABILITY COMPANY; PROVIDE REQUIREMENTS FOR LOW-PROFIT LIMITED LIABILITY COMPANIES; AND PROVIDE FOR ADMINISTRATIVE DISSOLUTION OF LOW-PROFIT LIMITED LIABILITY COMPANIES”

WHEREAS, under Article V, Section 2(c) of the Constitution and Bylaws of the Crow Tribe of Indians (the “Constitution”), the Legislative Branch has the power and duty to adopt legislation chartering instrumentalities of the Crow Tribe for the purposes of economic development, housing, education, or other purposes not inconsistent with the Constitution; and

WHEREAS, in order to promote economic development for the Crow Tribe and its members, to raise the standard of living and education for all Tribal members, and to obtain the highest value possible for the Tribe’s natural resources, it is necessary and desirable to establish a legal framework for organizing socially-beneficial business entities under Tribal law that are eligible to receive investments from non-profit foundations and for-profit investors; and

WHEREAS, the Crow Tribe has already adopted the Apsaalooke Limited Liability Company Act in Title 18, Crow Law and Order Code, to provide a legal framework for organizing individually-owned business entities under Tribal law in order to expand the private business sector on the Reservation;

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

Section 1. Section 18-5-102 of the Crow Law and Order Code is hereby amended by inserting the following as new subsection (9):

(9) “Low-profit limited liability company” means a limited liability company that has set forth in its articles of organization a business purpose that satisfies, and which limited liability company is at all times operated to satisfy, each of the following requirements:



- (A) The entity (i) significantly furthers the accomplishment of one or more charitable or educational purposes within the meaning of section 170(c)(2)(B) of the Internal Revenue Code of 1986, as amended, and (ii) would not have been formed but for the entity's relationship to the accomplishment of charitable or educational purposes;
- (B) No significant purpose of the entity is the production of income or the appreciation of property; provided, however, that the fact that an entity produces significant income or capital appreciation shall not, in the absence of other factors, be conclusive evidence of a significant purpose involving the production of income or the appreciation of property; and
- (C) No purpose of the entity is to accomplish one or more political or legislative purposes within the meaning of section 170(c)(2)(D) of the Internal Revenue Code of 1986, as amended.

Section 2. Title 18, Section 18-5-102 of the Crow Law and Order Code is hereby further amended by renumbering current subsections (9) through (27) as subsections (10) through (28) respectively.

Section 3. Title 18, Section 18-5-108(a) of the Crow Law and Order Code is hereby amended by adding new subsection (1) as follows:

- (1) The name of a low-profit limited liability company must contain the abbreviation "L3C" or "l3c".

Section 4. Title 18, Section 18-5-705(a) of the Crow Law and Order Code is hereby amended as follows:

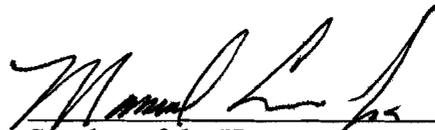
- (a) The Tribal Secretary may dissolve a limited liability company administratively if the company:
- (1) does not pay, within 60 days after the due date, any fee, tax, or penalty due to the Tribal Secretary under this Chapter or any law other than this Chapter, or
 - (2) does not deliver, within 60 days after the due date, its annual report to the Tribal Secretary, or
 - (3) is a low-profit limited liability company that has ceased to meet any of the requirements under Section 18-5-102(9) of this Chapter and has failed for 60 days after ceasing to meet those requirements to file articles of amendment with the Tribal Secretary amending its name to conform with the requirements under Section 18-5-108(a).

Section 5. Upon enactment of this Bill by the Crow Tribal Legislature and approval by the Chairman of the Crow Tribe, the foregoing amendments are hereby adopted, effective immediately.



CERTIFICATION

I hereby certify that this Bill for an Act entitled "AN ACT TO AMEND PORTIONS OF TITLE 18, APSAALOOKE LIMITED LIABILITY COMPANY ACT, OF THE CROW LAW AND ORDER CODE TO DEFINE A LOW-PROFIT LIMITED LIABILITY COMPANY; PROVIDE REQUIREMENTS FOR LOW-PROFIT LIMITED LIABILITY COMPANIES; AND PROVIDE FOR ADMINISTRATIVE DISSOLUTION OF LOW-PROFIT LIMITED LIABILITY COMPANIES" was duly approved by the Crow Tribal Legislature with a vote of 10 in favor, 1 opposed, and 5 abstained, and that a quorum was present on this 12th day of January, 2009.



Speaker of the House
Crow Tribal Legislature

ATTEST:



Secretary, Crow Tribal Legislature



EXECUTIVE ACTION

I hereby

approve,

veto

this Bill for an Act entitled **“AN ACT TO AMEND PORTIONS OF TITLE 18, APSAALOOKE LIMITED LIABILITY COMPANY ACT, OF THE CROW LAW AND ORDER CODE TO DEFINE A LOW-PROFIT LIMITED LIABILITY COMPANY; PROVIDE REQUIREMENTS FOR LOW-PROFIT LIMITED LIABILITY COMPANIES; AND PROVIDE FOR ADMINISTRATIVE DISSOLUTION OF LOW-PROFIT LIMITED LIABILITY COMPANIES”** 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 12 day of JANUARY 2009.



Carl E. Venne, Chairman
Crow Tribal Executive Branch



Bill or Resolution Number CLB09-02 Introduced by Executive Date of Vote 1-12-2009

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.	_____	_____	✓ _____
C. Goes Ahead	_____	_____	✓ _____
O. Costa	_____	_____	✓ _____
V. Crooked Arm	✓ _____	_____	_____
M. Not Afraid	✓ _____	_____	_____
P. Alden, Jr.	✓ _____	_____	_____
B. House	✓ _____	_____	_____
E. Fighter, Sr.	✓ _____	_____	_____
C.J. Stewart	✓ _____	_____	_____
L. Hogan, Jr.	_____	✓ _____	_____
S. Fitzpatrick, Jr.	✓ _____	_____	_____
O. Half, Jr.	✓ _____	_____	_____
R. Old Crow, Sr.	_____	_____	✓ _____
W. Plainfeather	✓ _____	_____	_____
D. Wilson	_____	_____	_____
J.D. Stone, Sr.	✓ _____	_____	_____
B. Shane <i>Secretary of the House</i>	_____	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	_____	_____	✓ _____
Totals:	<u>10</u> _____	<u>1</u> _____	<u>5</u> _____

Result of Vote:

Passed Not Passed Tabled Veto-Override

Manuel Covers Up, Sr.
 Senator Manuel Covers Up, Sr.
 Speaker of the House

Date

Beverly M. Shane
 Senator Beverly M. Shane
 Secretary of the House

Date





Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – MAKAWASHA Avenue
Crow Agency, Montana 59022

Phone: (406) 638-2023/2025/2238 Fax: (406) 638-2030

Legislative Branch

Prvor:
Arrow Creek
Larry Plain Bull, Sr.
Oliver Costa
Carlson Goes Ahead

Big Horn:
Valley of the Give
Away
Vincent Crooked Arm
Marlin D. Not Afraid
Pat Alden, Jr.

Dunmore:
Black Lodge
Bruce R. House
Ertis Fighter, Sr.
Conrad J. Stewart

Reno:
Center Lodge
Lloyd Hogan, Jr.
Sidney Fitzpatrick, Jr.
Ver Half, Jr.

Lodge Grass:
Valley of the Chief
Manuel Covers Up, Sr.
Speaker of the House
Rudolph K. Old Crow
Woodrow Plainfeather

Wyola:
Mighty Few
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Secretary of the House
Jonathan D. Stone
Dana Wilson

Staff

Jackie Blacksmith,
Administrative Officer

William Old Crow
Finance Officer/Admin.
Assist.

Sheri Chandler
Office Assist./Receptionist

Sheila Wilkinson
Legal Assistant

Kenny Pretty On Top
Maintenance/Custodian
Sergeant at Arms

Ronald Arneson, Esq.,
Attorney At Law

OFFICIAL CERTIFICATE OF DELIVERY

I, Beverly M. Shane, Secretary of the Legislative Branch of the Crow Tribal Government hereby this Transitional Action do deliver a True and Correct Official copy Of the Final Approval for the following Bill:

**INTRODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

“A BILL FOR AN ACT ENTITLED:

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No. CLB0-02 to Bill C 1004 in the

Position of: Exec. Atty. for the

Crow Tribal Executive Branch.

Done and dated this 13th day of Jan., 2009 @ 12:50 (p.m.) X

Beverly Shane
Beverly M. Shane
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:

Jackie Blacksmith
Legislative Branch Staff

Cc: file





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No. CLB0-02 to Bill C. 1001 in the

Position of: Exec. Atty. for the

Crow Tribal Executive Branch.

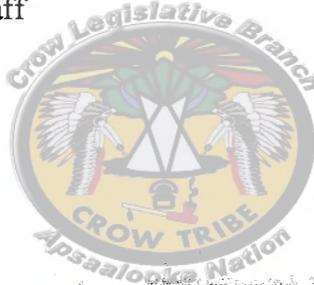
Done and dated this 13th day of Jan., 2009 @ 12:50 PM AM

Beverly M. Shane
Beverly M. Shane
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:

Jackie Blacksmith
Legislative Branch Staff

Cc: file





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(3-LC)

No. CLB09-02 to Carla Linder in the
Position of: Court Clerk for the
Crow Tribal Judicial Branch.

Done and dated this 9 day of March, 2009 @ 1:56 a.m.(p.m.)

Beverly M. Shane
Beverly M. Shane
Secretary of the House
Legislative Branch of the
Crow Tribal Government

Served by:

Jackie Blacksmith
Legislative Branch Staff

Cc: file

