

Crow Country

LEGISLATIVE BRANCH OF THE CROW TRIBAL GOVERNMENT

P.O. Box 309 – 144 MAKAWASHA Avenue
Crow Agency, Montana 59022

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

EMAIL: www.crowlegislature.org

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

Staff

Ronald Ameson, Esq.
Attorney At Law

Leslie Plainfeather
Legal Assistant

Gerald Jay Harris
Legal Clerk

Jackie M. Blacksmith,
Administrative Officer

William Old Crow
Finance Officer/Admin. Assist

Sheri Chandler
Office Assistant/Receptionist/
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 CLB10-04 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND PORTIONS OF THE CROW NATION WORKFORCE PROTECTION ACT"

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 CLB10-04
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND PORTIONS OF THE CROW NATION WORKFORCE PROTECTION ACT"

I,

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

Done and Dated this 17th 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. 10:29 a.m./p.m.

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

Jackie M. Blacksmith
Administrative Officer
Crow Legislative Branch



**A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND PORTIONS OF THE CROW NATION
WORKFORCE PROTECTION ACT"**

Bill or Resolution: CLB10-04 **Introduced by:** Executive Branch **Date of Vote:** 7/12/2010
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> </u>	<u> X </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> </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> </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>
D. Wilson	<u> </u>	<u> X </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> X </u>	<u> </u>	<u> </u>
Totals:	<u> 14 </u>	<u> 2 </u>	<u> 0 </u>

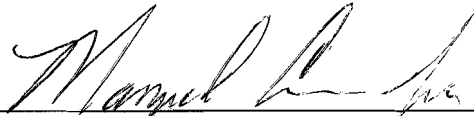
Result of Vote:


Passed

Not Passed

Tabled

Veto-Override


 Manuel Covers Up, Sr. _____
 Speaker of the House Date


 Patrick Alden, Jr. _____
 Secretary of the House Date

APRIL 2010 CROW TRIBAL LEGISLATURE

BILL NO. CLB10-04

**INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

A BILL FOR AN ACT ENTITLED:

**“AN ACT TO AMEND PORTIONS OF THE CROW NATION WORKFORCE
PROTECTION ACT”**

WHEREAS, the Crow Nation has the inherent sovereign right to promote, regulate and enforce employment laws for the benefit of its members and all employees within tribal jurisdiction; and

WHEREAS, increased employment and training opportunities for members of the Crow Nation will improve economic conditions on the Crow Reservation and advance important self-governance interests; and

WHEREAS, the Crow Tribal Legislature unanimously adopted the Crow Nation Workforce Protection Act in January 2009 to protect all employees within tribal jurisdiction and promote workforce development on the reservation; and

WHEREAS, the interests of the Crow Nation will be served by adopting the following amendments to the Crow Nation Workforce Protection Act to encourage economic development and protect employees within tribal jurisdiction;

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

Section 1. That the Amendments attached hereto and incorporated herein by reference, are approved and shall be codified in the Crow Law and Order Code under Title 17, Crow Tribal Self-Government – Employment and Contracting.

Section 2. These Amendments shall become effective immediately upon enactment by the Crow Tribal Legislature and approval by the Chairman of the Executive Branch.

Amendments to the Crow Nation Workforce Protection Act

Section 1. Chapter 4, Part 1 of the Crow Nation Workforce Protection Act is hereby amended by inserting the following after Section 17.4.1.1:

17.4.1.1.1 Secondary preference in employment shall be given to military veterans who have received an honorable or general discharge. After the application of Indian preference, or tribal preference for the Crow Tribal government, covered employers shall give preference to veterans in hiring, promotion, training, and other aspects of employment, provided these individuals have the necessary qualifications. Under no circumstances shall a non-Indian veteran receive preference over an Indian who possesses the necessary qualifications.

Section 2. Chapter 13 of the Crow Nation Workforce Protection Act is hereby amended by inserting the following after Section 17.13.6.1:

Part 7. Retaliation

17.13.7.1 Prohibition of Retaliation

- A. It shall be a violation of this Act for any person, employee, employer, entity or other party subject to this Act to engage in any act of retaliation against any party who is seeking or has sought to enforce any right or protection provided to that party under this Act.
- B. The TERO Director shall take immediate action, including seeking possible injunctive relief to:
 - i. Stop such retaliation as quickly as possible;
 - ii. Seek redress for the party subject to retaliation as is necessary to make such party whole.
- C. A person, employer, entity or other party that is found to have engaged in retaliation, in addition to being subject to the actions provided for in subsection (B) above, may be subject to punitive damages if the TERO Commission or the Tribal Court determines it is necessary to discourage such actions in the future.

Section 3. Section 17.5.1.1 in Chapter 5, Part 1 of the Crow Nation Workforce Protection Act is hereby amended as follows:

- A. The Director shall issue an employer's permit to all covered employers who are in good standing, effective for one year from the date of issue, upon payment of an annual fee. The annual fee is \$300 for employers with less than five (5) employees; \$600 for employers with less than ten (10) employees; and \$1,000 for employers with ten (10) or

more employees. An employer that is not in good standing with any other federally-recognized Indian tribe, a contractor's association or other professional association to which it has belonged, with any labor union with which it has had a collective bargaining agreement, or is found to be in active or current violation of federal or tribal law, may be refused an employer's permit. Federal, state, and tribal governmental employers are not required to obtain an employer's permit.

Section 4. Section 17.5.3.1 in Chapter 5, Part 3 of the Crow Nation Workforce Protection Act is hereby amended as follows:

17.5.3.1 The permits and fees imposed in Parts 1 and 2 of this Chapter shall not apply to education, health, religious, governmental, or non-profit entities or employers. However, a reduced contracting fee of 1.5% shall apply to contractors hired by such employers.

Section 5. Chapter 7 of the Crow Nation Workforce Protection Act is hereby amended by inserting the following after Section 17.7.2.8:

17.7.2.9 The provisions of this Chapter shall not apply to a Tribal Project Labor Agreement ("TPLA") that is entered into by mutual agreement of the Tribe and a labor union for the purpose of providing valuable union-sponsored training or apprenticeship opportunities; provided, that the Tribal Project Labor Agreement explicitly acknowledges the sovereign authority of the Tribe, and is consistent with the policy and purpose of the Act to increase employment opportunities and skills training available for tribal members.

Section 6. Chapter 8, Part 1 of the Crow Nation Workforce Protection Act is hereby amended by inserting the following after Section 17.8.1.5:

17.8.1.6 Political Appointments

Individuals may be selected by tribal officials to serve as political appointments on a non-competitive basis. Political appointments differ from employees in that they serve at the pleasure of the appointing tribal official and may be removed upon notice without violating the provisions of this Chapter. Political appointments shall be limited to cabinet members and committee members of Executive Branch advisory committees, pursuant to Article IV, Section 5 of the 2001 Crow Constitution.

Section 7. Section 17.1.1.4 (E.) in Chapter 1, Part 1 of the Crow Nation Workforce Protection Act is hereby amended as follows:

- E. "Covered Entity" means any entity awarded a contract or subcontract to provide supplies, services, labor and materials, in which a significant part of the work to be performed will be performed on the Crow Reservation or a significant part of the supplies and materials to be furnished will be furnished to a site on the Crow Reservation. For purposes of this chapter, significant means more than an incidental or minimal portion of any project, but can be less than a majority of the work or materials or supplies on any one project. An LLC formed under the Crow LLC Act is deemed a covered entity if it meets the requirements of this definition.

Section 8. Chapter 4 of the Crow Nation Workforce Protection Act is hereby amended by inserting the following after Section 17.4.2.5:

Part 3. Oil and Gas Development

17.4.3.1 Permanent and Key Employees

Prior to commencing work on lands over which the Tribe has jurisdiction, a prospective employer engaged in oil and/or gas development and all of its sub-contractors shall identify key employees and permanent employees. Such employees may be employed on the project whether or not they are Indians. A permanent employee is one who is and has been on the employer's or sub-contractor's annual payroll or is the owner of the firm (as opposed to one who is hired on a project-by-project basis). A key employee is one who is in a top supervisory position or who performs a critical function such that an employer would risk likely financial damage or loss if that task were assigned to a person unknown to the employer. Key employees include superintendents and persons with specialized technical or other skills that are critical to the firm's operation. The fact that an employee has worked for the employer on previous projects shall not, in and of itself, qualify that employee as a key or permanent employee, absent the presence of the other factors set out above. Any employer or sub-contractor that fills vacant employment positions in its organization immediately prior to undertaking work pursuant to a contract to take place on lands over which the Tribe has jurisdiction shall set forth evidence acceptable to the TERO Director that its actions were not intended to circumvent these requirements. Upon the approval of each key or permanent employee requested by the employer, the TERO Director shall issue a permit to that worker pursuant to Section 17.5.1.2.

17.4.3.2 Compliance Plan

- A. The entity obtaining authorization from the Tribe to engage in oil and/or gas development activities on the reservation shall be responsible for compliance with the applicable provisions of this Act by all of its contractors and subcontractors.

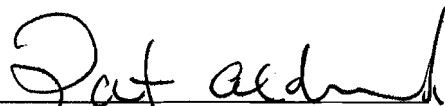
- B. No fewer than 60 days after a covered entity's lease or other authorization to engage in oil and/or gas development has been approved (or within 60 days after enactment of this provision for entities already engaged in oil and/or gas development at the time this provision is enacted), the entity shall meet with the TERO Director to develop a Compliance Plan for the development activity authorized by the lease or other authorizing agreement that is specifically tailored to the unique nature of that oil and/or gas development project, while still maximizing the utilization of Indian workers and Indian-certified firms. In particular, the TERO Director shall provide the entity with the flexibility to select employees and sub-contractors with the specialized professional and technical skills it will need during certain portions of the development project. In return for such flexibility, for those positions or sub-contracts that do not require specialized professional or technical skills, the entity shall agree to employ Indians and Indian-certified firms preferentially for all positions or sub-contracts for which qualified Indians or Indian-certified firms are available and shall also agree to work with the TERO to provide for the training of Indians in those areas in which there presently is not a pool of qualified Indians. The TERO Director shall also take into account the uncertainty in the timing of various developmental activities in the oil and gas development area, since such uncertainty will affect the entity's ability to provide firm times when it will have a need for certain employees or sub-contractors.

17.4.3.3 TERO Fees

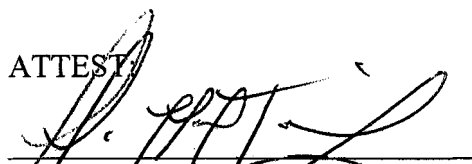
The alternative fee arrangement under Section 17.5.2.1(B.) may apply to entities engaged in oil and/or gas development activities on lands over which the Tribe has jurisdiction depending on the nature of the project.

CERTIFICATION

I hereby certify that this Bill: "AN ACT TO AMEND PORTIONS OF THE CROW NATION WORKFORCE PROTECTION ACT," was duly passed by the Crow Tribal Legislature with a vote of 13 in favor, 1 opposed, and 1 abstained and that a quorum was present on this 29 day of April, 2010.



Speaker Pro-Tem
Crow Tribal Legislature

ATTEST


Secretary Pro-Tem
Crow Tribal Legislature



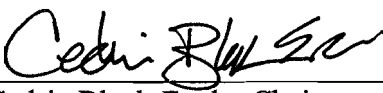
EXECUTIVE ACTION

I hereby
X approve

_____ veto

this bill for an act entitled: "AN ACT TO AMEND PORTIONS OF THE CROW NATION WORKFORCE PROTECTION ACT" 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 1st day of ~~April~~, 2010.

June



Cedric Black Eagle, Chairman
Crow Tribal Executive Branch

A Bill For An Act Entitled: "An Act To Amend Portions of the Crow Nation WorkForce Protection Act"

Bill or Resolution: CLB10-04 **Introduced by:** Executive Branch **Date of Vote:** 4/29/2010
Number

<u>Representative:</u>	Yes	No	Abstained
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	_____X_____	_____	_____
C. Goes Ahead	_____X_____	_____	_____
B. Hugs	_____X_____	_____	_____
G. Real Bird, Jr.	_____	_____	_____
M. Backbone	_____X_____	_____	_____
D. Wilson	_____	_____	_____
P. Alden, Jr. <i>Secretary of the House</i>	_____X_____	_____	_____
M. Covers Up, Sr. <i>Speaker of the House</i>	_____	_____	_____
Totals:	_____13_____	_____1_____	_____1_____

Result of Vote:

Passed

Not Passed

Tabled

Veto-Override

Pat Alden, Jr. 4-29-10
 Pat Alden, Jr. Date
 Speaker Pro-Tem

H. Noel Two Leggins 4-29-10
 H. Noel Two Leggins Date
 Secretary Pro-Tem