

APRIL 2002 CROW TRIBAL LEGISLATURE

LEGISLATIVE RESOLUTION NO. LR02-13

INTRODUCED BY: Jonathan D. Stone-Wyola District Representative

LEGISLATIVE RESOLUTION OF THE CROWTRIBAL LEGISLATURE APPROVING AND ADOPTING THE RULES OF ORDER FOR THE CROW TRIBAL LEGISLATURE

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, approved by the Secretary of Interior on July 14, 2001; and

WHEREAS, the Crow Tribal Legislature is further authorized to adopt rules of Order to govern the conduct of Legislative sessions, pursuant to Article V, Section 3 of the Crow Constitution; and

WHEREAS, the Crow Tribal Legislature has developed Rules of Order, attached and incorporated herein as Exhibit A, to provide for orderly and efficient Legislative sessions; and

WHEREAS, the Crow Tribal Legislature finds it to be in the best interest of the Crow Tribe to approve and adopt the attached Rules of Order for the Crow Tribal Legislature.

BE IT RESOLVED BY THE CROW TRIBAL LEGISLATURE:

THAT, the Crow Tribal Legislature hereby approves and adopts the Rules of Order for the Crow Tribal Legislature, attached hereto as Exhibit A.

FINALLY, the Crow Tribal Legislature directs that the attached Rules of Order shall be effective upon approval by majority vote of the Crow Tribal Legislature.

J.D. Stone

LR 01

~~APR 09 2002~~

Bill or resolution number

Introduced by

Date of Vote APR 09 2002

Representative	Yes	No	Abstain	No Vote
Bull Tail	—	—	—	—
Costa	✓	—	—	—
Crooked Arm	✓	—	—	—
Little Light	✓	—	—	—
Plain Feather	—	—	—	—
Stewart	✓	—	—	—
Not Afraid	✓	—	—	—
Goes Ahead	✓	—	—	—
Hogan	✓	—	—	—
Old Elk	—	—	—	—
Passes	✓	—	—	—
Pease	✓	—	—	—
Medicine Horse	—	—	—	—
Russell	✓	—	—	—
Real Bird	✓	—	—	—
Black Hawk	✓	—	—	—
Stone	✓	—	—	—
Cloud	✓	—	—	—
Results (If tie vote)	—	—	—	—
Vice Chair Goes Ahead	—	—	—	—
Results	14	0	0	0

Result of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: Ben Cloud Date: 4-9-02

**Rules of Order
For the Crow Tribal Legislature**

Rule 1. Purposes

The purposes of these Rules of Order shall be to provide for orderly and expeditious Crow Tribal Legislative sessions, based on the principle of majority rule while providing for and protecting the right of any member to express his or her view on matters before the Legislature.

Rule 2. Conduct of Legislative Representatives

The failure of any member of the Crow Tribal Legislature to comply with these Rules of Order shall be deemed disorderly behavior upon a determination of such by the Speaker. A member who is found to have committed an act of disorderly behavior may be prevented from speaking or voting on matters pending before the Crow Tribal Legislature.

Rule 3. Legislative Sessions

- A. Regular sessions shall be held quarterly in compliance with the requirements of the Crow Constitution.
- B. Special sessions may be called in order to address agenda items deemed to be of critical importance and requiring expeditious consideration.
 - 1. The Speaker is authorized to call a special session, upon two working days written notice to the Legislature. Such written notice shall identify ~~the date and time for the Special session, the number of days for the~~ session, and the reason for the session.
 - 2. If the Speaker does not call a special session, the Legislature may petition for a special session. Such petition must be signed by two-thirds of the full membership of the Legislature. Upon submission of the petition to the Speaker, the Speaker must accordingly call a special session.
 - 3. Notice must be provided to the public regarding all duly called special sessions. Such notice shall set the time, date and reason for the special session and shall be publicized in a local newspaper and posted at the Tribal Administration building.

Rule 4. Speaker of the Crow Tribal Legislature

- A. The Speaker shall make reasonable efforts to begin the Legislative sessions at the hour and days set for Legislative sessions.

- B. The Speaker shall conduct the Legislature's order of business in accordance with Rule 9, Order of Agenda Business.
- C. The Speaker shall preserve the order and decorum; decide and rule on all points of order; shall participate in debate and vote on any matter before the Legislature.
- D. The Speaker shall sign and certify all legislative proposals approved by the Legislature and all documents directed by the Legislature.

Rule 5. Secretary of the Legislature

- A. The Secretary shall provide notices of session times, dates and location to all other members of the Legislature by written memorandum, which shall include a listing of all proposed agenda items.
- B. The Secretary shall prepare all proposed legislation for distribution to all members of the Legislature at least five (5) days prior to a regular session and at least (1) day prior to a special session.
- C. The Secretary shall maintain and organize all approved actions in a Legislative Record, which is considered a public record.

Rule 6. Sergeant at Arms

- A. A sergeant at arms shall be employed to keep order during Legislative sessions. The sergeant at arms shall be authorized to remove disruptive persons from the Legislative Chambers.
- B. The sergeant at arms shall serve as parliamentarian and shall work with the Speaker to ensure compliance with the Rules of Order.

Rule 7. Crow Tribal Legislature Journal

A journal of all official Crow Tribal Legislative proceedings shall be recorded. The journal shall contain the minutes of the Crow Tribal Legislature's Session. The minutes for each day of session shall include a brief synopsis of the day's activities, including but not limited to the time the session is called to order, roll call, agenda item being considered, name of the Representative making the motion and the second, brief explanation of any discussion on the motion, directives given, and vote. The minutes for each day of session shall be compiled daily and presented to the Legislature the following working day for review and approval by the Legislature. Any Legislative Representative desiring to make a correction(s) shall do so by motion, duly seconded and approval by majority vote of the votes cast.

The Journal shall contain the authenticated minutes for the Crow Tribal Legislature. The Journal, along with any audio recordings of the proceedings and documents distributed, shall be maintained by the Secretary of the Crow Tribal Legislature or his or her designee and is considered a public record.

Rule 8. Establishment of Quorum

Thirteen (13) members of the Legislature, twelve (12) members plus the Speaker (or Speaker Pro Tem in the Speaker's absence), shall constitute a quorum upon the establishment of which the Legislature may call the Legislative Session to order. Once a quorum is established, the Legislature may continue to conduct business as long as a majority of the full membership of the Legislature is present, unless a member of the Legislature challenges the loss of a quorum. Upon a challenge, the Legislature shall be deemed in recess until such time as a quorum is re-established.

Rule 9. Order of Agenda Business

- A. The Order of Agenda Business for the Crow Tribal Legislature shall be as follows:
1. Call Session to Order; Roll Call; Invocation.
 2. Recognize Guests and Visiting officials.
 3. Review and Adopt the Agenda.
 4. Receive Reports:
 - a) Report from the Speaker and Secretary of the Crow Tribal Legislature; Report from Sub-Committees.
 - b) Report from the Executive Branch.
 - c) Report from the Judicial Branch
 5. Old business.
 - a) Tabled Items.
 - b) Vetoed Items.
 6. New Business.
 - a) Legislative Resolutions.
 - b) Joint Action Resolutions presented by Chairman.
 - c) Joint Action Resolutions presented by Legislature.
 - d) Bills presented by Chairman.
 - e) Bills presented by Legislature.
 7. Close of Session; Announcements; Adjournment.

Rule 10. Adoption of Agenda

- A. The Legislature shall initially consider adoption of an agenda. Any member of the Legislature may propose a motion to adopt the agenda, duly seconded without stipulation.

- B. A majority vote by members of the Legislature casting a vote shall cause the motion to adopt the agenda to carry.
 - C. Once an agenda is adopted by the Council, it may be amended by any member of the Legislature by motion, duly seconded, and majority vote of all votes cast.
 - D. All proposed Legislative Resolutions shall be provided to the Secretary of the Crow Tribal Legislature at least one (1) day prior to each Legislative session for inclusion on the agenda. However, Legislative Resolutions may be added to the agenda by amendment at any time prior to the adjournment of the session if so directed by the Legislature.
 - E. No Joint Action Resolution or Bill shall be included on the agenda unless it has been provided to the Secretary of the Crow Tribal Legislature at least fifteen (15) days prior to each regular Legislative session, in compliance with the requirements of the Crow Constitution. This prohibition shall not apply to special sessions. This rule may not be suspended pursuant to Rule 27.
 - F. Upon submission of all Joint Action Resolutions and Bills to the Secretary, the Secretary shall forward the legislative proposals to the Chairmen of the Legislative Sub-Committees. At their discretion, the Chairmen may call a special meeting of their respective Sub-Committee, prior to the beginning of the Legislative Session, in order to pre-review those proposals within the oversight of the Sub-Committee. The Sub-Committee shall then review the proposal and prepare written recommendations for consideration by the full Legislature.
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Rule 11. Reading of Proposals

- A. All proposed Legislative Resolutions, Joint Action Resolutions, and Bills shall be made a part of the Legislature's official record.
- B. Proposed Legislative Resolutions and Joint Action Resolutions shall be read into the record twice:
 - 1. The first reading shall be of the proposed Legislative Resolution or Joint Action Resolution, along with any exhibit(s).
 - 2. After the motion to adopt, debate, and amendment, if any, a second reading shall be concluded. The second reading shall include all amendments adopted by the Legislature during debate and shall be limited only to those provisions or sections which have been amended. Upon completion of the second reading, the Speaker

shall put the matter to final vote without further debate.

- C. Proposed Bills shall be read into the record three times:
 - 1. The first and second readings shall be in conformity to the rules above, except that after the second reading of Bills, the matter shall be put to public hearing and further debate and amendment, if any. Thereafter, a third reading shall be concluded. The third reading shall include all amendments adopted by the Legislature after public hearing and shall be limited only to those provisions or sections which have been amended. Upon completion of the third reading, the Speaker shall put the matter to final vote without further debate.

Rule 12. Main Motion

- A. After the first reading of the proposed Legislative Resolution, Joint Action Resolution, or Bill, along with any exhibit(s), the Speaker shall entertain a motion to adopt the proposal. The motion shall be made by any member of the Crow Tribal Legislature.
- B. A second shall be made without stipulation. If there is no second, the motion shall be void and the proposal shall be automatically stricken from the Legislature's agenda.
- C. A motion and second shall commence the presentation by the sponsor(s).

Rule 13. Presentation by Sponsor(s)

- A. The Sponsor(s) shall provide appropriate presentation, including an explanation of the proposal, prior to debate.
- B. A sponsor may designate a substitute to make the presentation. As well, a sponsor may direct additional spokesmen to provide supporting statements during the presentation.
- C. The time allowed in total for the sponsor's presentation, including any statements by additional spokesmen, is thirty (30) minutes.
- D. To maintain efficiency and avoid repetition, the Speaker may limit the number of spokesmen permitted to speak during a presentation.
- E. If the sponsor or the designated substitute are not present and prepared to provide their presentation when the proposal is called for, that proposal may be eliminated from the agenda of the present session and shall be placed on the agenda of the next succeeding special or regular session.

Rule 14. Debate

- A. Debate shall include questions by members of the Legislature directed towards the sponsor; statements of opinion by members of the Legislature; as well as opportunities for the Legislature to request clarification and further documentation from the sponsor and/or affected offices and programs.
- B. It shall be at the discretion of the Speaker when debate on any issue shall be deemed to cease, unless debate is terminated by motion, duly seconded and approval by majority vote. Whenever debate is so terminated, the Speaker shall put the question then before the Legislature to immediate vote.
- C. A member choosing to debate shall do so only upon addressing and being recognized by the Speaker and shall discuss only the issue presently before the Legislature.
- D. No member of the Legislature shall be interrupted when speaking except for a point of order or question of privilege, and no question shall be asked him except by or through the Speaker.

Rule 15. Response by Sponsor(s) During Debate

- A. All questions on proposals shall be directed through the Speaker to the sponsor(s).
- ~~B. Only upon recognition by the Speaker shall the sponsor(s) address the Legislature.~~

Rule 16. Amendment to Proposal During Debate

- A. During debate, any member of the Legislature (except parties to the main motion) of the Legislature shall be permitted to propose an amendment to the Legislative Resolution, Joint Action Resolution, or Bill by so moving. Such an amendment may only amend a portion of the Legislative Resolution, Joint Action Resolution, or Bill and not its entirety.
- B. Any proposed amendment must be seconded, without stipulation, by a member of the Legislature so recognized by the Speaker. Once seconded, the proposed amendment shall be subject to debate by members of the Legislature.
- C. A proposed amendment shall take precedence over the main motion and the Speaker shall allow debate of the amendment prior to resuming

debate on the main motion.

- D. A majority vote by members of the Legislature casting a vote shall cause the motion to amend to carry. Thereafter, debate of the main motion shall continue as amended.
- E. There shall be only one motion to amend allowed at any given time. Each motion to amend shall be debated and voted upon before another motion to amend is entertained.
- F. Amendments may be entertained only if they are deemed germane, meaning they are significantly related to the underlying legislative proposal. Any member of the Legislature, or the sponsor, may question whether or not an amendment is germane. Upon such a question, the Speaker may make a determination on whether or not the amendment is germane. If the amendment is not germane, the member proposing the amendment will be allowed to revise the amendment to make it germane.
- G. After all amendments have been made, a second reading shall occur, pursuant to Rule 11.

Rule 17. Public Hearing on Bills

- A. After conclusion of the second reading of a Bill, the Speaker shall defer the Bill in order to hold a public hearing to provide an opportunity for the Crow Tribal membership to offer testimony and opinions regarding the proposal. (Once the Bill has been deferred, the Legislature may proceed to the next item on the agenda.)

- B. The Speaker shall schedule a public hearing with at least two working days advance notice provided to the public. Notice shall be provided by publication in a local newspaper and postings at the Tribal Administration offices. The notices shall set the time, date and location of the public hearing, provide a brief summary of the proposed Bill, the name of sponsor of the Bill, the location where interested members of the public may pick-up copies of the proposed Bill, and a statement that written testimony may be offered and must be submitted to the Legislature by a stated time and date.
- C. On the scheduled day of the public hearing, the Legislature shall make available additional copies of the proposed Bill for review by the public.
- D. A timeframe for each public hearing shall be set by the Speaker, but in no event shall the hearing exceed two (2) hours. All proponents and opponents of the Bill shall be given equal allocations of time to provide testimony.

- E. Each witness shall be restricted to ten (10) minutes of narrative of testimony. At the end of the testimony, members of the Legislature shall be given an opportunity to ask questions of the witness.
- F. If a Joint Action Resolution is deemed to be of critical public importance, the Legislature may determine that a public hearing should be held on the particular Joint Action Resolution. Such determination must be made by motion, duly seconded, and approval by majority vote. In such case, Rule 11(C) shall apply.

Rule 18. Debate and Amendments to Proposal After Public Hearing

- A. After the conclusion of the public hearing, the Legislature may debate the proposal again. Rule 14 shall apply to post-public hearing debate.
- B. During post-public hearing debate, any member of the Legislature may propose an amendment to the proposal, but such amendments shall be limited to issues raised during the public hearing. Rule 16 shall apply to post-public hearing amendments.
- C. After all amendments have been made, a third reading shall occur, pursuant to Rule 11.

Rule 19. Withdrawal of Motion

- A. A member of the Legislature may withdraw or modify a motion made by that member if the Speaker grants permission and there is no objection from any other member present.
- B. If there is an objection to withdrawal or modification, the member seeking to withdraw or modify must obtain the Speaker's approval to withdraw or modify the motion by separate motion made for that purpose.
- C. The motion to withdraw or modify shall take precedence over the motion it seeks to withdraw or modify, is not subject to debate, and cannot be amended. It must be seconded without stipulation.
- D. A majority vote by the members casting a vote shall cause the motion to carry.
- E. A sponsor of a proposed Legislative Resolution, Joint Action Resolution or Bill may withdraw the proposal at any time prior to final vote by the Legislature, only if the Speaker grants permission and there is no objection from any other member present. If there is an objection to withdrawal, the sponsor must obtain the Speaker's approval to put the

issue before the Legislature for motion, second and vote in accordance with the provisions set forth above.

Rule 20. Tabling Motion

- A. Any member of the Legislature may motion to table a proposed Legislative Resolution, Joint Action Resolution or Bill that is before the Legislature. A tabling motion shall take precedence over all other motions except the motion to adjourn. A tabling motion shall include specific directive(s) on when the proposal will be reconsidered.
 - B. A tabling motion must be seconded. A majority vote by members of the Legislature casting a vote shall cause this motion to carry.
 - C. A tabling motion is not subject to debate.
 - D. A proposed Legislative Resolution, Joint Action Resolution or Bill which has been tabled twice shall be eliminated from the agenda of the Legislature. Identical or similar proposals may be reintroduced at later Legislative sessions pursuant to Rule 9 as new business.
 - E. A Legislative Resolution, Joint Action Resolution or Bill may be taken up from the table by motion, duly seconded, and majority vote of the votes cast. A motion to take a resolution from the table is not debatable.
 - F. Any Legislative Resolution, Joint Action Resolution or Bill taken up from the table need not be added to the agenda in order to be debated by the Legislature.
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- G. Any Legislative Resolution, Joint Action Resolution or Bill not taken up from the table in the manner or at the time directed by the Legislature shall be deemed to have expired and shall be eliminated from the agenda of the Legislature.

Rule 21. Reference to Committee

Any proposed Legislative Resolution, Joint Action Resolution, Bill or report may be referred to any committee of the Legislature having oversight of matters within the proposal or report for deliberation by the committee before final vote by the Legislature.

- A. Any member of the Legislature may motion to refer a proposal before the Legislature to a committee or committees of the Legislature after a main motion has been established. The referral motion shall identify the committee or committees to which the reference is made.

- B. The referral motion must be seconded and is not debatable.
- C. The referral motion shall specify the action to be taken by the committee or committees and shall, if required, set a time for the Legislature to take up the matter after completion of deliberation by the committee or committees.
- D. A majority vote by members of the Legislature casting a vote shall cause the motion to carry.

Rule 22. Conflict of Interest

- A. Members of the Legislature who have a conflict of interest, including personal, family or business interests, in matters being considered by the Legislature shall not participate in any proceedings concerning the matter, including debate, and may not vote on the matter.
- B. If a member does not recuse him/herself from participation in the proceedings and it is believed that the member has a conflict of interest, the Legislature may require recusal by the member, by motion, duly seconded, and approval by majority vote.
- C. Upon a member's recusal from consideration of proposals due to conflict of interest, the member shall not be counted for purposes of establishing a quorum.

Rule 23. Vote

- ~~A. Every member of the Legislature shall vote for or against or abstain on each motion before the Legislature, except by recusal pursuant to Rule 22. Any motion shall be passed if it received a majority vote, unless a higher standard is constitutionally required.~~
- B. Before a vote is taken on each motion, the Speaker shall announce that a vote is about to be taken. The members shall then be given an opportunity to cast their votes by roll call vote. Before the final result of the vote is called by the Secretary, any member of the Legislature may change his or her vote.
- C. Voting by proxy or by any method by or on behalf of any member who is not physically present at the Legislative Session shall not be valid or permitted.

Rule 24. Recall of Vote

- A. Any member voting with the prevailing side on any motion may move to

recall the previous vote so that the matter may be reconsidered by the Legislature. Any member may second the motion.

- B. The recall motion shall be passed by a majority vote of members of the Legislature.
- C. A recall motion must be made during the Legislative session in which the original motion was considered. The recall motion shall not be valid to reconsider a matter from any prior session of the Legislature.
- D. A recall motion shall not apply to any motion to adjourn, to table or take from the table, to suspend the rules, or an amendment motion when a vote on the main motion has already been taken, unless the vote on the main motion is first successfully recalled pursuant to this Rule.
- E. No vote on a motion may be reconsidered more than once pursuant to a recall of vote, unless the motion was amended after reconsideration.
- F. If passed, the recall motion places the motion subject to reconsideration in the same position it occupied before being originally voted upon.

Rule 25. Effect of Final Vote on Main Motion

- A. Certification of All Approved Proposals:
 - 1. All Legislative Resolutions, Joint Action Resolutions and Bills that are approved by the Legislature shall be finalized to include any amendments. Upon finalization, the Speaker shall sign and certify the approved proposals.
 - 2. All certified Legislative Resolutions shall be effective on the date of certification, unless a later effective date is provided for in the Legislative Resolution.
- B. Executive Action of Joint Action Resolutions and Bills:
 - a. Upon certification, all Joint Action Resolutions and Bills shall be submitted to the Chairman for executive action. The Chairman shall have ten (10) working days to approve or veto the legislation. This time line shall begin on the first working day following transmittal of the legislation to the Chairman's office. If the Chairman does not act within the specified time, the legislation shall be deemed automatically approved. Such automatic approval shall be certified by the Secretary of the Legislature.
 - b. All Joint Action Resolutions and Bills approved by executive action

shall be effective on the date of executive approval, unless a later effective date is provided for in the legislation. All Joint Action Resolutions and Bills automatically approved by inaction of the Chairman shall be effective on the date of certification by the Secretary of the Legislature, unless a later effective date is provided for in the legislation.

- c. If the Chairman vetoes a Joint Action Resolution or Bill, the Legislature may override the veto by motion, duly seconded, and two-thirds (2/3) vote of the full membership of the Legislature. The effective date of the legislation shall be the date of certification of the override vote by the Speaker.
- C. If a proposal does not receive a majority vote of the votes cast, it shall be deemed defeated and shall be eliminated from the agenda of the Legislature. Identical or similar proposals may reintroduced at later Legislative sessions pursuant to Rule 9 as new business.

Rule 26. Executive Session

Upon a motion by any member of the Legislature, duly seconded, and majority vote of the votes cast, the Legislature may resolve itself into an executive session to discuss any business item on the adopted agenda which may require confidentiality and/or are of a sensitive nature. A motion to enter executive session shall take precedence over any other pending motion. No official action may be taken by the Legislature while in executive session.

Rule 27. Suspension of Rules

- A. In order to prevent time wastage and more efficiently conduct the business of the Legislature, any member may move to temporarily suspend a rule or rules of the Legislature by which it conducts its business. The motion must specify the rule(s) to be suspended and how long such rule(s) shall be suspended. The motion may apply to a particular matter before the Legislature or to all business conducted by the Legislature during any session for such period of time, or for items of business, specified in the motion.
- B. The motion to suspend the rules shall carry upon majority vote of those casting a vote.

Rule 28. Questions of Privilege

- A. Questions of privilege are those questions which relate to the rights and privileges of the Crow Tribal Legislature or of its members when the Legislature is in session. The question of privilege shall not be seconded

and debated.

- B. Any member of the Legislature may raise a question of privilege to receive additional documents from the sponsor(s), raise the safety of the Legislature, raise the dignity and integrity of the proceedings, or raise an issue of the personal dignity of a Legislative member. Questions of privilege shall not be used to engage in additional debate.
- C. The member raising the question of privilege may interrupt the Speaker. The Speaker shall immediately address the question of privilege raised by the member before proceeding with the session.

Rule 29. Point of Order; Appeal of Decision

If a motion, procedure or remark appears to be in violation of the established rules of order of the Legislature, any member may raise a point of order.

- A. The point of order shall be raised immediately after the error is made. The member raising the point of order may interrupt the Speaker and a vote in progress to raise the issue.
- B. The point of order shall not be seconded and is not subject to debate.
- C. The Speaker shall immediately decide and rule upon the point of order before any action on the question is made by the Legislature.
- D. Once the Speaker has made his or her decision on the point of order, any member may appeal the decision. The appeal must be seconded. The appeal shall not be amended. If the appeal is made and seconded, the Speaker shall restate his decision and submit the matter to the judgment of the Legislature. The decision shall then be subject to debate by the Legislature, during which the Speaker may state his reasons for the decision. Upon conclusion of debate, a vote shall be taken, and the decision of the Speaker shall be reversed if the majority of all votes cast are in favor of the appeal.

Rule 30. Amendments

- A. The Rules of Order of the Crow Tribal Legislature shall become effective immediately upon adoption by the Legislature.
- B. The Rules of Order of the Crow Tribal Legislature may be amended by Legislative Resolution, approved by majority vote of the Legislative members casting a vote.