



## **RULES OF ORDER FOR THE CROW TRIBAL LEGISLATURE**

*The People's Branch of Government*

### **Rule 1: Purposes.**

The purpose 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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

### **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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

### **Rule 3: Legislative Sessions.**

- A. Regular sessions shall be held beginning on Monday of the second week of January, April, July, and October. Regular sessions shall last no longer than two weeks and the Legislature must adjourn by the end of business on Friday of the second week of the session.
- 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.
- C. All legislative sessions shall be held at the Crow Tribal Legislative Chambers in Crow Agency, Montana.

Source: LR 02-13, passed April 9th, 2002; Part C was added through LR 04-06, passed May 17th, 2004.

#### **Rule 4: Speaker of the House.**

- 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.
- E. Upon the unavailability or absence of the Speaker, the members may select a Speaker pro tem. The Speaker pro tem shall not be authorized to engage in other administrative duties of the Speaker, not related to the conduct of legislative sessions, including, but not limited to, personnel matters or the approval of invoices for Legislative Branch contractors. In the Speaker's absence, such administrative duties shall be performed by the Secretary of the Legislature. A Speaker pro tem shall be compensated at the rate approved for the Speaker, during that portion of the Legislative session at which he or she serves as Speaker pro tem. Accordingly, during his or her absence, the Speaker shall receive compensation at the rate approved for regular Legislative members.

Source: LR 02-13, passed April 9th, 2002; Part E was added through LR 04-06, passed May 17th, 2004.

Note: the previous version of this Rule was titled "Speaker of the Crow Tribal 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 prepare the agenda for the session and ensure that all agenda items have met the requirements set forth at Rule 10, Adoption of Agenda.
- D. The Secretary and/or his designee shall prepare and maintain the Rules of Order legislative journal.

Source: LR 02-13, passed April 9th, 2002; Part C was amended and Part D added through LR 04-06, passed May 17th, 2004.

## **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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **Rule 7: Crow Tribal Legislative 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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **Rule 8: Establishment of Quorum.**

- A. 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. However, the Legislature may not vote on any matter until a quorum of thirteen members is present.
- B. A two-thirds vote of the Crow Legislature is hereby defined as follows:

NUMBER OF MEMBERS PRESENT IN SESSION	TWO THIRDS VOTE, NO. REQUIRED TO CONSTITUTE LEGAL ACTION
13	9
14	10
15	10
16	11
17	12
18	12

Source: LR 02-13, passed April 9th, 2002; Part A was amended through LR 04-06, passed May 17th, 2004; Part B was added through LR 07-06, passed October 17th, 2007.

## **Rule 9: Order of Agenda Business.**

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. Review and Approve the Journal (once per week).
5. Receive Reports (if any):
  - a) Report from the Speaker and Secretary of the Crow Tribal Legislature; Report from Committees.
  - b) Report from the Executive Branch.
  - c) Report from the Judicial Branch.
6. Old business (if any):
  - a) Items Referred to Committee.
  - b) Tabled Items.

- c) Vetoed Items.
- d) Items from Previous Agenda that were not introduced.

7. New Business:

- a) Legislative Resolutions.
- b) Joint Action Resolutions and Bills presented by Chairman.
- c) Joint Action Resolutions and Bills presented by Legislature.

8. Close of Session; Announcements; Adjournment.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

**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.
- 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 Legislature, 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 submitted in writing by the sponsor to the Secretary of the Crow Tribal Legislature at least fifteen (15) days before the first day of any Legislative session for inclusion on the agenda and in order to be distributed by the Secretary of the Legislature along with proposed legislation. All proposed Legislative Resolutions shall be assigned to the appropriate legislative committee(s) as determined by the Secretary of the Legislature. However, upon a two-thirds vote of the entire body which approves a duly-submitted motion, the Legislature reserves the right to make amendments to the agenda of any Legislative session in order to bring a new Legislative Resolution to the agenda prior to the adjournment of the session.
- E. Introduction of Proposed Legislation.
  - 1. Initial drafts of all Joint Action Resolutions and Bills, along with all relevant attachments requiring approval, including but not limited to proposed codes, acts, contracts, amendments, budgets, etc., shall be submitted to the Crow Tribal Legislature, for review by the Legislative Attorney, at least thirty (30) days prior to each regular Legislative session.
  - 2. All proposed legislation must be provided/presented to the Legislative Secretary and Administrator in a hard copy paper form and a computer disk containing the file of the proposed legislation in Microsoft Word format. Noncompliant proposed legislation shall be rejected.

3. Any and all modifications of proposed legislation must be presented in both hard copy and on a disk containing a file in Microsoft Word format of the modification for Legislative historical purposes. All changes, including amendments must be identified and/or tracked in red or blue ink on both the hard copy and the disk file. The Committee Secretary and/or the presenter have the duty to comply with this Rule. Failure to comply may void the going forward through the Legislature of the proposed legislation.
- F. No Joint Action Resolution or Bill shall be included on the agenda unless it, along with all relevant attachments, including but not limited to proposed codes, acts, contracts, amendments, budgets, etc., 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 2001 Crow Constitution. This prohibition shall not apply to special sessions.
  - G. If a Joint Action Resolution or Bill submitted to the Secretary of the Crow Tribal Legislature does not include relevant attachments, it shall be deemed in non-compliance with the fifteen (15) day requirement and shall not be included on the agenda.
  - H. On the next business day following submission of all Joint Action Resolutions and Bills to the Secretary, the Secretary, the Speaker and the Chairperson of each Legislative Committee shall meet to initially review the legislative proposals and forward each proposal to the appropriate Legislative Subcommittee. The Chairperson shall then call a Committee meeting at least one week prior to the beginning of the upcoming Legislative session to review the proposal and prepare written or oral recommendations for consideration by the full Legislature. No proposed Joint Action Resolution or Bill may be considered by the full Legislature until such time as the appropriate Committee has reviewed the proposal and made recommendations.

Source: LR 02-13, passed April 9th, 2002; Part F was amended and Parts G and H were added through LR 04-06, passed May 17th, 2004; Part E was amended through LR 06-02, passed July 20th, 2006. Part D was amended by LR 10-20, passed August 10th, 2010.

Note: references to "word" in the previous version of this Rule have been changed to "Microsoft Word."

### **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 journal.
- B. All proposals shall be read into the record twice:
  1. The first reading shall be of the proposal 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 vote without further debate.

Source: LR 02-13, passed April 9th, 2002; Part C was removed through LR 04-06, passed May 17th, 2004.

### **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.
- 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.

Source: LR 02-13, passed April 9th, 2002; Part A was amended and Part C was removed through LR 04-06, passed May 17th, 2004.

### **Rule 13: Presentation by Sponsor(s).**

- A. Following the main motion and second, the sponsor(s) shall provide appropriate presentation, including an explanation of the proposal, prior to debate.
- B. A sponsor may designate a substitute individual 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 spokespersons 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 by the Speaker from the agenda of the present session and shall be automatically placed on the agenda of the next succeeding special or regular session as old business. Such action shall not constitute a tabling of the proposal, pursuant to Rule 18, Tabling Motion.

Source: LR 02-13, passed April 9th, 2002; Part E was amended through LR 04-06, passed May 17th, 2004.

## **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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **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, Reading of Proposals.
- H. Only the full Legislature may make amendments to proposed legislation.

Source: LR 02-13, passed April 9th, 2002; Part G was amended and Part H added through LR 04-06, passed May 17th, 2004.

### **Rule 17: 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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **Rule 18: 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, or under what circumstances, 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, Order of Agenda Business, 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, by motion to amend the agenda, in order to be debated by the Legislature.
- 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. Identical or similar proposals may be reintroduced at later Legislative sessions pursuant to Rule 9, Order of Agenda Business, as new business.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the tabling motion rule effectively replaces former House Rule 20, originally enacted by LR 02-13). .

## **Rule 19: 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.
- E. Such deferral shall not constitute a tabling of the proposal, pursuant to Rule 18, Tabling Motion, unless an additional, specific tabling motion is made.
- F. If an item has been referred to committee and it is not reconsidered by the full Legislature at the same session, the item will automatically appear on the agenda for the next scheduled legislative session as old business.
- G. Upon referral to Committee pursuant to this Rule, the Committee may not amend the proposal. However, the Committee may make recommendations for amendments to be made by the full Legislature.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the reference to committee rule effectively replaces former House Rule 21, originally enacted by LR 02-13).

## **Rule 20: Deferral for Public Hearing.**

Any proposed Legislative Resolution, Joint Action Resolution, or Bill may be deferred for public hearing before final vote by the Legislature, if the proposal is deemed to be of critical public importance. Such deferral shall provide an opportunity for the Crow Tribal membership to offer testimony and opinions regarding the proposal.

- A. During debate on the proposal, any member of the Legislature may motion to defer the proposal for public hearing. The referral motion must be seconded and is subject to debate. A majority vote by members of the Legislature casting a vote shall cause the motion to carry.
- B. The referral motion shall specify whether the public hearing is to be conducted by the full Legislature (with the quorum requirements met), or by the Committee having oversight of matters within the proposal, shall set a timeframe for the public hearing to take place and shall specify when the Legislature shall take up the matter.
- C. Public hearings may also be requested during the Legislative interim, in advance of the proposal being presented to the Legislature. Such request may be made by the sponsor or by any member of the Legislature and shall be presented in writing to the full Legislature. Such request shall specify whether the public hearing is to be conducted by the full Legislature (with the quorum requirements met), or by the Committee having oversight of matters within the proposal and shall set a timeframe for the public hearing to take place. If the request is approved, by petition signed by a majority of the full membership of the Legislature, a public hearing shall be set.

- D. The Speaker, or Committee Chairperson, shall schedule a public hearing with at least ten (10) 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 proposal, the location where interested members of the public may pick-up copies of the proposal, and a statement that written testimony may be offered and must be submitted to the Legislative office by a stated time and date.
- E. On the scheduled day of the public hearing, the Legislature, or Committee, shall make available additional copies of the proposal for review by the public.
- F. Each witness shall be restricted to fifteen (15) minutes of narrative of testimony and such testimony shall be under oath. At the end of the testimony, members of the Legislature or Committee shall be given an opportunity to ask questions of the witness.
- G. Upon the conclusion of the public hearing, the testimony presented shall be reviewed and the Legislature, or Sub-committee, shall take such testimony into consideration to develop a final proposal for vote by the Legislature.
- H. Such deferral shall not constitute a tabling of the proposal, pursuant to Rule 18, Tabling Motion, unless an additional, specific tabling motion is made.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the public hearing rule effectively replaces former House Rule 17, originally enacted by LR 02-13).

### **Rule 21: 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the conflict of interest rule was originally House Rule 22, as enacted by LR 02-13).

## **Rule 22: 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 21, Conflict of Interest. Any motion shall be passed if it received a majority vote, unless a higher standard is constitutionally required or otherwise required by Crow tribal law or Legislative Branch policy.
- 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the vote rule was originally House Rule 23, as enacted by LR 02-13).

Note: the addition of the phrase "otherwise required by Crow tribal law or Legislative Branch policy" in Part 2(A) was made to accommodate such things as the 2/3 vote required to remove a tribal court judge under 2005 CLOC 3-3-306(2) and the 2/3 vote needed to amend the agenda to include a Legislative Resolution in accordance with Rule 10 (D).

## **Rule 23: 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the recall of vote rule was originally House Rule 24, as enacted by LR 02-13).

## **Rule 24: 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:
  - 1. Upon certification, all Joint Action Resolutions and Bills shall be submitted to the Chairman for executive action. The Chairman shall approve or veto the legislation within a timeline in accordance with Crow tribal law.
  - 2. 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.
  - 3. If the Chairman vetoes a Joint Action Resolution or Bill, the Legislature may override the veto at the same session or at the next duly called Legislative session. Such override must be by motion, duly seconded, and two-thirds (2/3) vote 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 be reintroduced at later Legislative sessions pursuant to Rule 9, Order of Agenda Business, as new business.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the effect on final vote of main motion rule modified Part B of what was originally House Rule 25, as enacted by LR 02-13).

Note: Part B (3) was modified to read "vote of the Legislature." The previous version of this Rule read "vote of the full membership of the Legislature."

## **Rule 25: 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the executive session rule was originally House Rule 26, as enacted by LR 02-13).

## **Rule 26: 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.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **Rule 27: 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. The Speaker's resolution of the question of privilege shall be final, unless a subsequent point of order is raised.

Source: LR 02-13, passed April 9th, 2002; reaffirmed by LR 04-06, passed May 17th, 2004.

## **Rule 28: 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the point of order, appeal of decision rule was originally House Rule 29, as enacted by LR 02-13).

### **Rule 29: 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.

Source: LR 04-06, passed May 17th, 2004 (note: this current version of the amendments rule was originally House Rule 30, as enacted by LR 02-13).

### **Rule 30: Petition Protection and Procedure.**

- A. **Procedure for Issuing Petitions.** A Legislator who desires to file a petition for proposed legislation shall obtain the proper petition from the Legislative Branch Administrative Officer or designee. The Administrative Officer shall number each issued petition and shall maintain a permanent record of all petitions issued and returned. Upon issuance of a petition the Administrative Officer shall create a secure permanent file which shall contain all documents related thereto as well as an activity sheet which shall be initialed by the acting Administrative Officer as to each and every activity. The proposed legislation shall be attached to each petition. The petition with the proposed legislation shall contain an original Legislative Branch stamp. The Administrative Officer shall issue a certificate of delivery which shall be attached to a copy of the original petition. The copy with the certificate of delivery shall be placed in a permanent legislative session file. The Legislator requesting the petition shall return each issued petition to the Administrative Officer. The Legislator shall complete a sworn notarized affidavit subject to the contempt powers of the Crow Legislature that the signatures on the returned petition are authentic, true, correct and accurate as to the constitutional requirements of "bearing signatures, addresses and enrollment numbers of at least ten percent (10%) of the District's eligible voters, as recorded in the voter registration roles of each District." The Legislator's sworn notarized affidavit shall be filed in the permanent file. Upon receipt of the returned petition, the



Administrative Officer shall time stamp the original and shall deliver a certificate of receipt to the Legislator. A copy of the receipt shall be placed in the legislative permanent file with the original signed petition and Legislator's affidavit.

- B. **Content of Petition.** The petition form shall contain signatures, addresses and enrollment numbers of the District eligible voters as required by 2001 Constitution Article V, Section 6 quoted above. The Petition shall contain both a signature and a printed form of the signature. The printed signature, address and enrollment number for each signatory shall be legible. The petition shall contain a notice that the proposed Legislation is subject to revision and amendment in the legislative committee having jurisdiction as well as subject to amendment in the regular legislative session. The petition shall also contain the following statement:

“It is the policy of the Crow Tribal Legislature that this petition and its contents (including signatures) are confidential and no person shall have the right to examine the signatures, except members of the Crow General Council in the course of signing, authorized officers of the Legislature, and the Tribal Secretary or Vice-Secretary as specifically provided for in established Legislative Branch policy. Under no circumstances will this petition or any portion thereof be shared or otherwise disseminated to any unauthorized person. Violation of this policy shall be subject to any penalties as provided for in Crow tribal law, including contempt of the Crow Tribal Legislature.”

The approved petition form is attached, incorporated by reference, and made a part hereto as if stated herein.

- C. **Administrative Certification.** The Administrative Office and Administrative Officer Assistant each separately shall review, analyze, and verify each of the signatures for compliance of the requirements contained in this Rule and Article V, Section 6 of the 2001 Constitution. The Administrative Officer and the Administrative Assistant shall execute an affidavit subject the contempt powers of the Crow Legislature that the petition contains the signatures of the district eligible voters and that the requisite 10% district voter requirement is met or not met.
- D. **Recording and Storage.** When administrative review and certification is completed and finalized, the original petition(s) and affidavit(s) shall be placed in a permanent, secure, fire-proof file which shall not be opened except by written order of both the Speaker and Secretary of the Crow Legislature. If the petition(s) meet the legal requirement of this rule and the 2001 Constitution, the Administrative Officer shall provide a certified copy of the petition along with the Affidavit to the Secretary of the Legislature for review and further action in the appropriate regular or special legislative session. The Administrative Officer shall complete and file a

certificate of delivery to the Secretary of the Legislature which shall be part of the permanent closed file for the legislative session.

- E. **Certified Review by Secretary of Legislature.** When the Secretary of the Legislature has completed his/her review of the petition(s), the Secretary of the Legislature shall certify by sworn affidavit that the signatories on the petition meet the requirements of this rule and of the 2001 Constitution. The finalized affidavit(s) shall contain a sworn statement subject to the contempt powers of the Crow Legislature for violation and shall be notarized. The Secretary of the Legislature shall deliver the certified copy of the petition(s) and the affidavit(s) to the Administrative Officer. At the time of delivery of the petition(s) and affidavit(s) to the Administrative Officer, the Secretary of the Legislature shall complete a certificate of delivery of the original affidavit(s) and the certified petition(s). The Secretary of the Legislature shall maintain a file of the certificate of delivery.
- F. **Access to Petition and Record.** The Administrative Officer shall file the certified copy of the petition(s) and a certified copy of the certificate of delivery from the Secretary of the Legislature in the secure, fireproof Legislative Branch file. This complete finalized permanent file shall not be opened except by direct written order of both the Speaker and Secretary of the Legislature. Any such order signed by the Speaker and the Secretary of the Legislature to open the file shall also be filed. Additionally, the Administrative Officer shall open the closed finalized file in the presence of a witness. Both the Administrative Officer and the witness must file a sworn notarized affidavit stating the time and date and the reason for opening the file as directed by the order from the Speaker and the Secretary of the Legislature.
- G. **Review by Executive Branch Secretary.** At any time within thirty (30) calendar days after final legislative passage of any bill which has been introduced by a legislator through a petition of General Council members, the Executive Branch Secretary (or, the Vice-Secretary upon delegation from the Executive Branch Secretary) upon written request to the Speaker and Secretary of the Legislature may examine the petition to verify that each of the signatures on the petition are valid and representative of registered voters. Provided that, any such examination by the Executive Branch Secretary must strictly adhere to the following conditions:
1. The examination must take place in the Legislative Branch Office during regular business hours; and
  2. The examination must be conducted exclusively by the Executive Branch Secretary (or Vice-Secretary upon delegation); and

3. No recording devices of any type will be allowed in the possession of the Executive Branch Secretary (or Vice-Secretary) during the time the Executive Branch Secretary (or Vice-Secretary) is examining the petition; and
4. No electronic communication devices of any type will be allowed in the possession of the Executive Branch Secretary (or Vice-Secretary) during the time the Executive Branch Secretary (or Vice-Secretary) is examining the petition; and
5. The examination shall, at all times, be recorded by a video recording device to ensure that no violations of these conditions have occurred; and
6. The Executive Branch Secretary (or Vice-Secretary) shall sign a statement agreeing to these conditions before having access to any petition for signatures.

H. **Incorporation of Branch Policy, Effective Date.** In accordance with Rule 29, Amendments, this LR shall officially become part of the Legislative Rules of Order as an amendment and shall be classified and attached as Rule 30. This Rule 30 shall become effective immediately upon passage by a majority of the members of the Crow Legislature in official session and upon signature by the Speaker and Secretary.

Source: LR 11-02, passed January 21st, 2011.

### **Rule 31: Legislative Confirmation Procedure.**

Requests for confirmation of appointments by the Chairman of the Executive Branch shall be conveyed to the Crow Legislature in writing, designating the name of the appointee, the position for which the appointment is made, and the statutory qualifications which are required.

A request for confirmation of an appointment may be sent to the Legislature by the Chairman at any time. If the Legislature is sitting in regular session, consideration of the appointment will be promptly scheduled in the normal course of legislative business. The Legislature may consider confirmation during a special session, whether called specifically for that purpose or called to consider other matters.

The Legislative consideration of a request for confirmation shall be for the purpose of determining whether the appointee is qualified. If a majority of the legislators present and comprising a quorum concur that the appointee meets the standards set forth, a Resolution of confirmation shall be signed by the Speaker and certified by the Secretary of the Legislature.

The following rules, listed herein as Rule One through Ten (1-10), shall govern the confirmation process of all nominations made by the Executive Branch Chairman or Chief Judge of the Crow Tribal Court in which the Legislature has the authority to confirm.

- Rule 1.** All nominations submitted to the Legislature shall be governed principally by the Crow tribal law establishing the board, commission, committee, position, or office. Where such Crow tribal law is silent or ambiguous on questions of confirmation procedure, and where Crow tribal statutory law otherwise does not apply, the Rules incorporated herein shall have full force and effect.
- Rule 2.** When Crow tribal law provides that a nominee represent an established district of the Crow Reservation, the nomination shall only be presented to the appropriate Legislative Committee when a two-thirds majority in concurrence is received in writing from the legislative district delegation which the nominee is intended to represent.
- Rule 3.** In the event no concurrence from a legislative district delegation is received under Rule 2, the legislative district delegation shall submit a recommendation to the Executive Branch Chairman or the Chief Judge of the Crow Tribal Court, as appropriate, with two (2) alternative nominees within seven (7) working days of the determination that no concurrence exists. If the Chairman does not respond to the two alternative nominees within seven (7) working days, the alternative nominees shall be considered denied.
- Rule 4.** Upon receiving a letter of nomination from the Executive Branch Chairman or Chief Judge of the Crow Tribal Court, the Chairperson of the appropriate Legislative Committee, as determined by the Secretary of the Legislature, shall schedule a confirmation hearing at the nearest possible date in order to interview and question the nominee and to receive any documentation requested from the nominee that is relevant to the decision of the Committee.
- Rule 5.** All confirmation hearings pursuant to Rule 4 shall be on the record and shall require the nominee to testify under oath, which shall be administered by the Committee Chairperson. Any misstatements or misrepresentations made by a nominee while under oath is perjury, and may subject the nominee to contempt of the Legislature and referral to the Legislative Branch Ethics Committee for further action.
- Rule 6.** All confirmation hearings pursuant to Rule 4 shall be conducted by the Chairperson or Chairperson pro tem of the appropriate Legislative Committee and shall be subject to Robert's Rules of Order and any applicable Legislative Rule.
- Rule 7.** Upon the conclusion of the confirmation hearing, the Legislative Committee shall excuse the nominee and conduct a deliberation in executive session. Upon the conclusion of the deliberation, the executive session shall end and a secret ballot vote will be scheduled to determine the Committee's action.
- Rule 8.** The Legislative Committee shall only make a determination of whether or not to recommend the confirmation to the full Legislature when at least five (5) members of the Committee are present and voting. A majority of voting members shall determine the Committee's action. A Legislative Committee

may not recommend non-confirmation to the full Legislature. Any such action by a Legislative Committee under this Rule shall be communicated in writing to the Executive Branch Chairman or the Chief Judge of the Crow Tribal Court and the full Legislature.

**Rule 9.** Upon receiving a recommendation to confirm a nominee by the appropriate Legislative Committee, the full Legislature shall receive, at the nearest available session, the nomination for vote by the full body. All members of the Legislature shall be entitled to vote by secret ballot. The Secretary of the Legislature shall take official record of the decision by the full Legislature and communicate in writing the result to the nominee and the Executive Branch Chairman or the Chief Judge of the Crow Tribal Court.

**Rule 10.** Upon receiving on the record a majority vote of a quorum of the Legislature, the nominee shall be considered confirmed as an appointment and shall have his or her oath of office administered in accordance with established Crow tribal law or custom. Upon entering an oath of office, the appointee shall have the authority to exercise the duties contained in his or her office as a Crow tribal official.

Source: LR 10-09, passed April 20th, 2010; (note: LR 05-01 established the original Legislative Branch policy and is included in this new Rule 31).

### **Rule 32: Sworn Testimony Required for All Persons Providing Comment or Opinion on Proposed Legislation and Legislative Resolutions.**

- A. All Persons, excluding elected Executive Branch Officers and Tribal Court Judges, shall be required to swear-in with a testimonial oath prior to providing any comment or opinion to the full Legislature or a legislative committee concerning any pending legislation or legislative resolutions. It shall be within the discretion of the Speaker of the House or Committee Chairman, as applicable, to require a testimonial oath, for any person seeking to provide comment or opinion on matters not directly associated with any proposed legislation or legislative resolutions.
- B. The oath shall be administered by the Sergeant at Arms, or such other person as may be designated by the Speaker of the House or Committee Chairman, as applicable.
- C. The testimonial oath shall be as follows: "I [insert name} do solemnly swear that the testimony I am about to provide is the truth, the whole truth, and nothing but the truth before this Honorable [Committee/Legislature], so help me God."
- D. Any person found by the Legislature or a legislative committee to knowingly provide false information while under oath pursuant to this Rule shall be deemed in contempt of the Legislature and may be excluded from any further session or meeting of the legislature and/or publicly reprimanded. Upon a majority vote of the full Legislature, any person found in contempt of the Legislature under this Rule shall be referred to the Tribal Prosecutor under allegations of false swearing or perjury, CLOC 2005, 8B-7-202.

Source: LR 15-02, passed January 22, 2015.

**CERTIFICATION**

We, the undersigned Legislative Branch Officers, do hereby take recognition of the completeness and accuracy of this updated version of the Rules of Order of the Crow Tribal Legislature, as reviewed and updated by the Legal Office of the Legislature, this \_\_\_ day of January 2015.

Signed \_\_\_\_\_  
Senator R. Knute Old Crow (Lodge Grass District)  
Speaker of the House

Signed \_\_\_\_\_  
Senator Pat Alden, Jr. (Big Horn District)  
Secretary of the Legislature