

CROW TRIBAL LEGISLATIVE BRANCH OF GOVERNMENT

Legal Office 
Jay Harris, Staff Attorney

144 Makawasha Avenue
Crow Agency, Montana 59022
Phone: (406) 638-2023/2025
Fax: (406) 638-2030
Website: www.CrowLegislativeBranch.org (currently under construction)



Crow Country

The People's Branch of Government

Legal Notice Re: LR 11-08

On June 29th, 2011 the Crow Legislature held a special session and adopted a resolution which called for a meeting of the Crow Tribal General Council in July of 2011. This was Legislative Resolution 11-08 (hereinafter "LR 11-08"). However, it was soon determined by the Legislature that certain language contained in LR 11-08 was not consistent with the 2001 tribal constitution. As a result, the legislative passage of LR 11-08 was rescinded by a majority vote of the Legislature during a special session held on July 5th, 2011.

Pursuant to Article V, Section 3 of the 2001 Crow Tribal Constitution, each of the meetings of the Crow Legislature shall be conducted in accordance with the most current version of the Robert's Rules of Order and any rules of conduct duly adopted by the Legislature. *Robert's Rules of Order* (10th Edition) provides that a *motion to rescind* or a *motion to amend something previously adopted* is available under limited circumstances for a deliberative body to re-address a question previously acted upon. See § 6 ("Description of Classes and Individual Motions") and § 35 ("Rescind; Amend Something Previously Adopted"), *Robert's Rules*. These motions are available to re-address an item which had been previously finally voted upon. See § 6, pg. 75, *Robert's Rules*. According to § 35 of *Robert's Rules*:

By means of the motions to *Rescind* and to *Amend Something Previously Adopted* – which are two forms of one incidental main motion governed by identical rules – the assembly can change an action previously taken or ordered. *Rescind* – also known as *Repeal* or *Annul* – is the motion by which a previous action or order can be canceled or countermanded. The effect of *Rescind* is to strike out an entire main motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. ***

§ 35, pg. 293-94, *Robert's Rules* (10th ed.) (emphasis added to term "resolution").

During the July 5th, 2011 special session the Crow Legislature voted 14-0 to rescind LR 11-08 and refer the resolution to the Branch Ethics Committee, acting upon on a duly-submitted and considered motion in accordance with *Robert's Rules of Order* and the *Rules of Order of the Crow Tribal Legislature*.

Accordingly, LR 11-08 has no force or effect.