

August 10th, 2010 Special Session of the Crow Tribal Legislature

Legislative Resolution No. LR10-20

Introduced by Senator Conrad J. Stewart, Black Lodge District

A Legislative Resolution Titled:

A Resolution of the Crow Tribal Legislature to Establish Branch Policy and Procedure for Legislative Resolutions

Legislative Findings:

WHEREAS, the Crow Tribal Legislature (“Legislature”) has the power and duty under Article V, Section 2(a) 2001 Crow Constitution to promulgate and adopt resolutions and guidelines in accordance with the Constitution and federal laws for the governance of the Crow Tribe of Indians;

WHEREAS, on April 16th, 2002 the Legislature voted 12-0 to adopt LR 02-14, which sought to establish a template for drafting legislation and legislative resolutions;

WHEREAS, Article V, Section 3 of the 2001 Constitution requires a legislative quorum to be 12 members plus the Speaker for a total of 13 legislators and, therefore, the Legislature hereby finds and declares that LR 02-14 was not lawfully passed by a quorum of legislators;

WHEREAS, LR 02-14 sought to define legislative resolutions as being “[T]hose items that merely express an opinion of the Legislature, or request/recommend another entity to take a certain action (the request or recommendation has no binding effect, but rather expresses the Legislature’s support for something.) Legislative Resolutions shall also be used for internal legislative actions and shall only be binding upon the Legislative Branch”;

WHEREAS, LR 02-14 is incorrect as a matter of law and does not accurately describe the importance or legal effect of legislative resolutions;

WHEREAS, the Legislature seeks to make clear that Legislative Resolutions are important exercises of Branch authority under the 2001 Constitution and federal law.

Now, therefore, be it hereby resolved by the Crow Tribal Legislature in Special Session:

Section 1. Branch Policy Regarding Legislative Resolutions.

The policy of the Legislature shall be that legislative resolutions are an expression of the voice of the elected Senators of the Crow Legislature, and which is based on the inherent sovereign tribal authority of the Crow Tribal General Council, as delegated to the Legislature under the 2001 Constitution and which shall be categorized as follows:

1. Final Approval or Authorization Resolutions. Resolutions for final approval of an Executive Branch proposal or for the authorization of tribal action in accordance with the 2001 Crow Constitution and other applicable Crow tribal law or federal law.

2. Legislative Branch Policy-Making Resolutions. Resolutions for Legislative Branch rule-making and for the establishment of internal Legislative Branch policies.

3. Ethics Rule-Making Resolutions. Resolutions for enacting or revising a Crow Tribal code of ethics pertaining to the Executive and Legislative Branches in accordance with Article VIII, Section 1 and Section 2, of the 2001 Crow Constitution.

4. Confirmation Resolutions. Resolutions providing for the confirmation of tribal officers or judges, in accordance with established tribal law and legislative procedure.

5. Recommendation Resolutions. Resolutions for making recommendations, statements of support, or endorsements in any public election, the hiring of any public official, or the establishment of governmental policy by law or otherwise, including federal and state legislation, which may affect the Crow Tribe and its members.

6. Recognition and Acknowledgment Resolutions. Resolutions officially recognizing or supporting programs, actions, or deeds of significance to the positive spirit of the Apsaalooke Nation and its social community.

7. Exclusion Resolutions. Resolutions for the exclusion of non-members from the Crow Reservation in accordance with Article V, Section 2 (a) of the 2001 Constitution.

8. Disciplinary Resolutions. Resolutions providing for legislative reprimand, contempt of the Legislature, or other disciplinary action.

Section 2. Procedure for Introduction and Passage.

(a) Who may introduce.

Only a duly-elected Senator of the Legislature or a legislative committee may introduce legislative resolutions. Members of the Crow Tribal General Council are encouraged to make recommendations to their district Senators.

(b) Fifteen day notice requirement; exception.

All legislative resolutions shall be submitted in writing by the sponsor at least fifteen (15) days before the first day of any session in order to be distributed by the Secretary of the Legislature along with proposed legislation. 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 in accordance with Rule 10 (D) of the Rules of Order for the Legislature, as enacted by LR02-13.

(c) Committee assignment.

All proposed legislative resolutions shall be assigned to the appropriate legislative committee or committees as determined by the Secretary.

(d) Consideration and passage.

Upon adoption into the agenda of a session of the Legislature, all Legislative Branch rules of procedure governing legislation shall be deemed to apply to all legislative resolutions.

Section 3. Public Notice of Legislative Resolutions.

(a) Delivery of certified copies.

A certified copy of all legislative resolutions passed by the Legislature shall be forwarded within seven (7) days to any entity deemed appropriate by the Secretary.

(b) Public notice.

Legislative resolutions shall be considered public tribal documents and should be immediately posted for view by the public in a reasonable fashion by the Legislative Branch staff.

(c) Reproduction upon request by a member of the General Council.

Upon receiving a reasonable written request from a member of the Crow Tribal General Council for a copy of any Legislative Resolution, a staff member of the Legislative Branch should produce a complete copy in a timely fashion.

(d) Permanent record-keeping.

All duly-enacted legislative resolutions shall be maintained in a permanent record by Legislative Branch staff in chronological order by date of passage. A categorical listing of all passed legislative resolutions should be maintained by Legislative Branch staff in accordance with the policy established by this resolution.

Section 4. Codification Instructions.

The Secretary is hereby instructed to codify this Resolution in the 2010 Crow Law and Order Code as Legislative Branch policy for the exercise of Branch authority under the 2001 Crow Constitution.

Section 5. Effective date.

This Resolution shall take effect immediately upon passage by the Legislature.

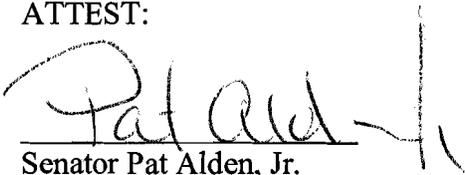
CERTIFICATION

I hereby certify that this Legislative Resolution entitled **A Resolution of the Crow Tribal Legislature to Establish Branch Policy and Procedure for Legislative Resolutions** was duly enacted by the Crow Tribal Legislature with a vote of 17 in favor 0 opposed, and 0 abstaining and that a quorum was present on this 10th day of August, 2010.



Senator Manuel Covers Up, Sr.
Speaker of the House
Crow Tribal Legislature

ATTEST:



Senator Pat Alden, Jr.
Secretary
Crow Tribal Legislature

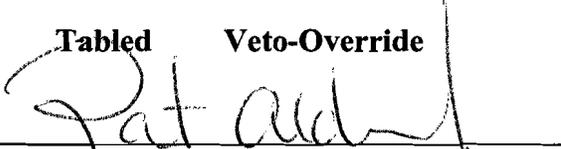


A Resolution of the Crow Tribal Legislature to Establish Branch Policy and Procedure for Legislative Resolutions

**Bill or Resolution: LR10-20 Introduced by: Senators Conrad J. Stewart Date of Vote: 8/10/2010
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> X </u>	<u> </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> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </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> </u>	<u> </u>	<u> </u>
D. Wilson	<u> X </u>	<u> </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> 17 </u>	<u> 0 </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