WAGANAKISING ODAWAK STATUTE NO. 2005-010

LEGISLATIVE PROCEDURES

SECTION I: PURPOSE

This Statute establishes uniform terminology and procedures for the consideration, enactment, certification, naming, numbering and filing of legislation, and authorizes the Executive power of veto. This Statute repeals and replaces Waganakising Odawak Statute 2002-01 of February 17, 2002.

SECTION II: DEFINITIONS

A. "Tribal Council" or "Council" means the elected body of the Little Traverse Bay Bands of Odawa Indians to carry out legislative powers under Article VII of the Constitution.

B. "Legislative Agenda" means a list kept by the Tribal Council of all proposed legislation.

C. "Election Cycle" means the two (2) year period between elections as per Constitution Article XII (A).

D. "Executive" means the Executive Branch of government under Article VIII of the Constitution the power of which is vested in the Tribal Chairperson and the Vice-Chairperson.

SECTION III: TERMINOLOGY

A. Terminology and Numbering. Legislative enactments of the Little Traverse Bay Bands of Odawa Indians shall be titled "Waganakising Odawak Statute" followed by a unique number. Statutes shall be identified by a seven (7) digit number. The first four (4) digits will be the year of the enactment. The last three (3) digits will specify the chronological order in which statutes are enacted in a given year. For example, the first statute passed in 1996 will be Waganakising Odawak Statute 1996001.

B. Retroactive Naming and Numbering. All legislative enactments of the Tribal Council of the Little Traverse Bay Bands of Odawa Indians since adoption of the Tribal Constitution and By-laws on March 11, 1989 are hereby named and numbered according to the system set out in Section II A.

SECTION IV: INTRODUCTION AND PASSAGE OF STATUTES

A. Introduction by Tribal Council.

1. Any member of the Tribal Council at any regular Council meeting may move to place a proposed statute, which may involve a revision of an existing statute or a new draft, on the Tribe's legislative agenda. Prior to formally placing the draft statute on the legislative agenda, Tribal Council may develop such draft at regular or special Council meetings and work sessions.

2. A proposed statute may also be prepared and presented by any Tribal member by providing their typed or computer generated proposed statute in a Tribal Council approved format to the Tribal Council. The Tribal Council shall designate one of its members or a staff person to enter the name of the submitter, date of submission, and a unique number, at the top of the member's proposal. Each Tribal Council member will receive a copy of the draft. Consideration to place the proposal on the legislative agenda will occur within sixty days of submission. After consideration, Council may at its discretion adopt a motion placing the proposal on the legislative agenda. If such motion is not adopted within sixty days, the proposal will not be placed on the legislative agenda. Tribal Council shall maintain a list of submissions indicating the date considered, and action taken.

3. The sponsor and co-sponsor(s), if any, shall be identified on the record upon introduction of legislation.

B. Notice to Tribal Members. When a proposed statute is placed on the legislative agenda under subsection A above, Tribal Council shall notify members by posting the proposed statute in the Odawa Register, in Tribal governmental office buildings, and other readily available methods of publication, such as a tribal newsletter. The Tribal Council will consider passage of the proposed statute no sooner than the next regularly scheduled meeting at least twenty five (25) days from its introduction. Written comments may be submitted to the Tribal Council at any time prior to passage. Verbal comments will be heard during any public comment period prior to passage of the legislation.

C. Passage. When the Council considers a proposed statute that has been placed on the legislative agenda, the Council may vote on the legislation as presented or hold one or more legislative mark-up sessions. Upon conclusion of discussion and/or mark-up session(s), the Legislative Leader shall request a motion and support to pass the statute as marked-up or as originally presented if no changes were made. If such motion is made and supported, the Legislative Leader shall call for a vote. An affirmative vote of a majority of a quorum of the Council is required to pass a statute except the unanimous vote of emergency legislation as provided for in section IV(E) of this statute.

D. End of Election Cycles. Any proposed statute on the legislative agenda of a sitting Tribal

Council that has not been passed during an Election Cycle in which the proposed statute was submitted shall be removed from the agenda upon the swearing in of newly elected Council members. Once removed, these proposed statutes will be considered dead, meaning they may not be considered for passage unless resubmitted to Tribal Council according to the legislative process set out in this Statute. Provided, the first Tribal Council sworn in under the Constitution approved by the membership on February 1, 2005 will have a sixty day period to pass previously introduced legislation.

E. Emergency Legislative Action. In the event that immediate legislative action is absolutely necessary to preserve or promote the rights or resources of the Tribe or its members, a statute may be passed at the same meeting that it is introduced and placed on the legislative agenda, or at a special meeting called for that purpose. However, such emergency passage shall require a unanimous vote of all Tribal Council members present at such meeting where no more than one sitting Tribal Council member is absent.

SECTION V: CERTIFICATION

Proof of passage of a Tribal Statute shall be by written certification signed by both the Tribal Legislative Leader and the Tribal Secretary. The certification shall state at a minimum the date of passage, that a quorum of the Council was present, and a roll call record of the vote.

SECTION VI. SUBMISSION TO EXECUTIVE

Upon passage and certification of statutes by the Tribal Council, the Tribal Council Secretary or designee shall send the certified original to the Executive for signature. Statutes shall be enacted into law upon approval by signature of the Executive, or if not expressly vetoed by the Executive within thirty (30) days of submission. If expressly vetoed by written signature of the Executive within thirty (30) days of submission, such vetoed statute shall not become enacted law unless the Tribal Council, by an affirmative vote of seven (7) members of the Tribal Council in the same Election Cycle, votes to override a veto by the Executive.

SECTION VII: INITIATIVE AND REFERENDUM

The process for initiative and referendum is set out in Article XIV of the Constitution.

SECTION VIII: COMPILATION

A. All enacted statutes of the Little Traverse Bay Bands of Odawa Indians shall be compiled in chronological order in a book entitled "Waganakising Odawak Constitution and Statutes" which shall consist of as many volumes as necessary.

B. The Tribe shall maintain at least four identical copies of "Waganakising Odawak Constitution and Statutes." One shall be kept in the Tribal Council office containing the original

signed documents. One copy shall be kept in the Tribal Executive office; one copy shall be kept at the home or office of the Tribal Secretary, and one copy shall be kept at the office of the Tribal attorney.

C. Statutes that are amended or repealed by subsequent legislation shall not be removed from "Waganakising Odawak Constitution and Statutes." The Tribal Council shall direct the development of a separate Tribal Code to keep tribal laws organized and current.

SECTION VII: ODAWA REGISTER

A. The Odawa Register is hereby created. The Odawa Register is a publication of official election, legislative, executive and judicial notices including but not limited to:

1. pending legislation and legislative history,
2. draft Tribal Council meeting minutes and approved minutes,
3. posting notices for appointed positions in Tribal government
4. approved intergovernmental agreements and accords,
5. approved minutes from Tribal Commissions and Boards, except for minutes of closed sessions as authorized by the LTBB Constitution or statutes,
6. the compiled LTBB laws in a Tribal Code, which shall be updated at least yearly, and
7. other notices or documents deemed to be appropriate by any of the branches of tribal government.

B. The Odawa Register shall be located on the LTBB official website if such a site exists, and if it does not exist, it shall be located on a website dedicated to the Odawa Register.

C. Printed copies of items in the Odawa Register shall be available at the Tribal Administration offices an shall be provided to Tribal members upon their submitting a written request for specific documents to the Tribal Chairman's office.

D. The Tribal Council may authorize the publication of the full or abbreviated minutes of its meetings in a Tribal publication such as a newsletter.

SECTION IX: SAVINGS CLAUSE.

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

SECTION X: EFFECTIVE DATE

This Statute shall take effect upon the swearing in of the first Tribal Council under the Constitution approved by the membership on February 1, 2005.

Certification

As Tribal Chairman and Tribal Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 21, 2005 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	x			
Beatrice Law	x			
Alice Yellowbank	x			
Dexter McNamara	x			
Fred Harrington, Jr.	x			
Rita Shananaquet	x			
Regina Gasco Bentley	x			

Date: August 21, 2005

Frank Ettawageshik, Tribal Chairman

Dexter McNamara, Tribal Secretary