

WAGANAKISING ODAWAK STATUTE NO. 1995019
LEGISLATIVE PROCEDURES

SECTION I: PURPOSE

By enactment of this statute, the Tribal Council of the Little Traverse Bay Bands of Odawa Indians establishes uniform terminology and procedures for the enactment, certification, naming, numbering and filing of legislation.

SECTION II. DEFINITIONS

- A. "Tribal Council" or "Council" means the governing body of the Little Traverse Bay Bands of Odawa Indians.
- B. "Legislative Agenda" means a list kept by the Tribal Council of all proposed legislation that the Council passes a motion to consider under Section IV A. of this statute.

SECTION III: TERMINOLOGY

A. **Terminology and Numbering.** Legislative enactments of the Little Traverse Bay Bands of Odawa Indian 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 Bylaws 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. Passage by the Tribal Council. Any member of the Tribal Council at any regular Council meeting may move to put a proposed statute on the Tribe's legislative agenda. If such motion is supported and passes, the proposed statute will be considered by the Tribal Council no earlier than the next regular Council meeting, except as otherwise provided for in Section IV B. When the Council considers the proposed legislation, the Council may vote on the legislation as presented or hold a legislative mark-up session during the regular meeting or at a meeting specifically called to mark-up legislation that is pending before the Council. Upon conclusion of discussion and/or mark-up, the Chairman shall request a motion and support to enact the statute as marked-up or as originally presented if no changes were made. If such motion is made and supported, the Chairman shall call for a vote. An affirmative vote of a majority of a quorum of the Council is required to enact a statute except as provided for in section IV B. of this statute.

B. Emergency Legislative Action. In the event that immediate legislative action is needed to preserve or promote the rights or resources of the Tribe or its members, a statute may be enacted 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 enactment shall require an affirmative vote of a majority of the full Tribal Council whether or not the full Council is in attendance for the vote.

C. Referendum. The procedure for carrying out the right of referendum stated in Article IX of the Constitution and Bylaws is as follows: A petition filed under Article IX of the Constitution and Bylaws shall at a minimum contain: 1. The entire text of the proposed statute, 2. The signature, printed name, address, and Tribal enrollment number of each petitioner, and 3. The name of the Tribal member who is submitting the petition ("submitter"). Upon receipt of a petition, the Tribal Council shall review the petition with the assistance of the Tribal enrollment clerk to ensure that the petition contains at least fifty (50) valid signatures of duly enrolled members. The Tribal Council shall have seven (7) days from the date of submission to conduct its

review. The petition shall be deemed valid if the Council fails to complete its review within that time. If the Council finds that the petition contains less than fifty (50) valid signatures of duly enrolled members, it shall inform the submitter in writing that the petition is not valid.

Petitioners may file a complaint in Tribal Court requesting review of the Council's decision. The Council and petitioners shall have the right to present evidence regarding the petition in any such Tribal Court proceeding. The decision of the Tribal Court may be appealed to the Tribal Appellate court under the statutes, rules, and procedures of the Tribe and the Tribal Judiciary. The final decision of the Tribal Court shall be binding on the Council and petitioners. If the petition is found to be valid by the Tribal Court, then the petition may be immediately re-submitted to the Tribal Council.

Within fifteen (15) days from the date the petition was submitted or re-submitted, the Tribal Council shall appoint an Election Board consisting of three (3) Tribal members who are over eighteen (18) years of age. Within thirty (30) days from the date the petition was submitted or re-submitted the Election Board shall cause to be mailed out, with the assistance of the Tribal administrative offices, a referendum ballot to each member of the Tribe who is eligible to vote. The ballot shall include the entire text of the proposed statute. Ballots must be returned within sixty (60) days of the date of submission or re-submission. Ballots will be counted, results posted, and challenges made, if any, in accordance with the Tribal Election Ordinance. A vote of a majority of eligible voters voting in the referendum shall be conclusive and binding upon the Tribal Council. Provided, that at least thirty percent (30%) of the eligible voters in the Tribe must cast ballots for a referendum to pass.

SECTION V: CERTIFICATION

A. Certification. Proof of enactment of a Tribal Statute shall be by written certification signed by both the Tribal Chairman and the Tribal Secretary. The certification shall state at a minimum the date of enactment, that a quorum of the Council was present, or that a referendum election was properly conducted, and a record of the vote.

B. Number of Copies. The Tribal Chairman and Secretary shall at a minimum execute certifications on four (4) duplicate copies of the statutes.

SECTION VI: COMPILATION

A. All 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 three identical copies of "Waganakising Odawak Constitution and Statutes." One shall be kept in the Tribal office. One shall be kept at the home of the Tribal Secretary. One shall be kept at the office of the Tribal attorney. As soon as possible after certification under Section V, one of the original certified copies shall be placed at the end of each of the official copies of "Waganakising Odawak Constitution and Statutes." The fourth original certified copy shall be placed in the Tribal files.

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

SECTION VII: 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, 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.

Certification

As Chairman and Secretary the undersigned certify that this Legislative Procedures Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a meeting held on October 22, 1995, at which a quorum was present, by a vote of 6 in favor, 0 opposed, and 0 abstentions.

Date: 10-22-1995

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary