



Waganakising Odawak
Little Traverse Bay Bands of Odawa Indians
Frank Ettawageshik, Tribal Chairman
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Executive Veto of the Legislative Procedures Statute 2006-025
Passed by Tribal Council on October 22, 2006

I am in support of this legislation and find that in concept it is an improvement in the Tribal Government legislative process over the existing statute. However, due to several irregularities in the drafting of the version that has arrived on my desk, I am vetoing this statute and sending it back to Tribal Council with the hopes that a similar version will be adopted and corrections and/or changes will be made to fix the irregularities.

Some of the most obvious irregularities are: 1) in Section IV, A (2) it appears that the number "3" has been placed in the middle of a sentence thus causing potential confusion; 2) in Section IV, A (3) the numbering is repeated with two section (3)'s; and, 3) in Section VI at the bottom of page 3 a bracketed notation with a question mark has been included.

I do also have concerns with Section XI Restrictions "*Non-legislative employees or staff shall be prohibited from writing legislation or using work time to influence legislative policy.*" While I understand the intent of this section I believe that as written it is too broad and may well be unconstitutional.

I also would like to see a section added that addresses how vetoed legislation will be handled. For instance, it is clear that Tribal Council can override a veto. However, can Tribal Council take up a vetoed piece of legislation and amend it and pass it as amended without reposting it and placing it on the legislative calendar? This could be cleared up by the addition of language that provides guidance on this issue.

In any case, due to the concerns laid out above I am issuing a veto for this legislation as passed by the Tribal Council. I understand that among the Council's choices upon receipt of this veto are to attempt to override the Executive's veto, or to prepare and adopt a revised version of the legislation that addresses the Executive's concerns. If the latter course of action is taken I would welcome a revised version and expect to be fully supportive of it.

Prepared and signed November 2, 2006

Frank Ettawageshik, Tribal Chairman

WAGANAKISING ODAWAK STATUTE 2006-025

LEGISLATIVE PROCEDURES

SECTION I PURPOSE

This Statute establishes uniform terminology and procedures for the consideration, passage, enactment, certification, naming, numbering, authenticating, and compiling of legislation, authorizes the Executive power of veto, and establishes the Odawa Register. This Statute repeals and replaces Waganakising Odawak Statute 2005-10 of August 21, 2005.

SECTION II DEFINITIONS

- A. "Election Cycle" means the two (2) year period between elections as per Constitution Article XII (A).
- B. "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.
- C. "Legislative Calendar" means a list kept by the Tribal Council of all proposed legislation.
- D. "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.
- E. "Proposed Legislation" means legislation prior to being added to the legislative calendar.
- F. "Draft Statute" means statutes that have been added to the legislative calendar and have not yet been enacted.

SECTION III TERMINOLOGY AND NUMBERING; RETROACTIVE NAMING AND NUMBERING

A. 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 enacted in 1996 will be Waganakising Odawak Statute 1996001.

B. 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 III A.

SECTION IV INTRODUCTION AND PASSAGE OF STATUTES

A. Introduction by Tribal Council, Tribal Chairman, or Tribal Citizen

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

2. Proposed legislation may also be prepared and presented by the Tribal Chairman, or any Tribal Citizen, by providing their typed or computer generated proposed legislation 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 proposed legislation. Each Tribal Council member will receive a copy of the proposed legislation. Consideration to place the

3. Proposed legislation on the legislative calendar will occur within thirty days of submission. After consideration, Council may at its discretion, by majority vote, place the proposed legislation on the legislative calendar. If a majority vote is not made within thirty days, the proposal will not be placed on the legislative calendar. 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 upon introduction of the proposed legislation. Sponsors are not necessarily the original author of the proposed legislation.

B. Notice to Tribal Citizens. When proposed legislation is placed on the legislative calendar under Section IV A, Tribal Council shall notify citizens by posting the proposed legislation 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 legislation 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 legislation that has been placed on the

legislative calendar, the Council may vote on the draft statute as presented or hold one or more legislative mark-up sessions. If the draft statute is modified, except for spelling and formatting, it shall be reposted and shall not be acted upon until after the next regularly scheduled Tribal Council meeting. Upon conclusion of discussion, and/or modification period the Legislative Leader shall request a motion and a second to pass the draft statute as marked-up or as originally presented if no changes were made. If such motion is made and seconded, 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 draft statute on the legislative calendar of a sitting Tribal Council that has not been passed during an Election Cycle in which the draft statute was submitted shall be removed from the legislative calendar upon the swearing in of newly elected Council members. Once removed, these draft 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.

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 citizens, a statute may be passed at the same meeting that it is introduced and placed on the legislative calendar, 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 PROOF OF PASSAGE CERTIFICATION

Proof of passage of a Tribal Statute shall be by written certification signed by both the Tribal Council Legislative Leader and the Tribal Council 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; ENACTMENT

Upon passage and certification of draft statutes by the Tribal Council, the Tribal Council Secretary, or designee, shall submit the certified original to the Executive for signature. The draft statute 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: AUTHENTICATION

Upon enactment of statutes, the Tribal Council Secretary shall affix the Tribal Seal to the original statute authenticating this copy to be the original document.

SECTION VIII INITIATIVE AND REFERENDUM

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

SECTION IX 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.” The authenticated document shall be kept in the Tribal Council office. One copy shall be kept in the Tribal Executive office, one copy shall be kept in the Judicial Branch office, and one copy shall be kept at the home or office of the Tribal Council Secretary.

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 X ODAWA REGISTER

A. The Odawa Register is hereby created. The Executive Branch will maintain the Odawa Register and shall create within the Odawa Register web pages whose content is solely dedicated to the Legislative Branch, Executive Branch, Judicial Branch, and the Election Board. The following items shall be properly placed and posted on the Odawa Register:

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, Boards, and Committees, 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 quarterly,
7. regulations,
8. 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. 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 XI RESTRICTIONS

Non-legislative employees or staff shall be prohibited from writing legislation or using work time to influence legislative policy.

SECTION XII SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

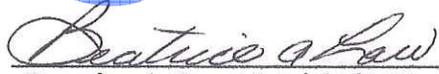
SECTION XIII EFFECTIVE DATE

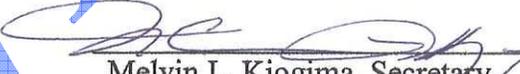
Effective upon the signature of the Executive, or 30 days from submission to the Executive Branch, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on October 22, 2006 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	X			
Fred Harrington, Jr.	X			
Dexter McNamara	X			
Mary Roberts	X			
Rita Shananaquet	X			
Alice Yellowbank	X			
Shirley Oldman				X
Melvin L. Kiogima	X			
Beatrice A. Law	X			

Date: 10/22/06 
 Beatrice A. Law, Legislative Leader

Date: 10/22/06 
 Melvin L. Kiogima, Secretary

Received by the Executive Office on 10-24-06 by Ellin Payton

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council

Date: **VETO**
11-2-2006

 Frank Ettawageshik, Tribal Chairperson

