



WAGANAKISING ODAWAK
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
LEGISLATIVE BRANCH
7500 ODAWA CIRCLE
HARBOR SPRINGS, MI 49740

EFFECTIVE DATE

According to LTBB Constitution – Article VII, (D) 1. They (Statutes) shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission.

The Executive failed to expressly veto the following Statute: Sex Offense # 2009-009 within 30 days from submission to the Executive Branch thus deemed enacted on April 13, 2009 per LTBB Constitution.

Date: 04/15/09

Michael Smith

Michael Smith

Administrative Assistant
Legislative Branch/Tribal Council
Little Traverse Bay Bands of Odawa Indians
7500 Odawa Circle
Harbor Springs, MI 49740

2009-009 Sex Offense Statute, enacted without Executive Signature April 13, 2009

WAGANAKISING ODAWAK STATUTE # 2009-009
SEX OFFENSE

SECTION I. SHORT TITLE

This Statute may be cited as the “Sex Offense Statute.”

SECTION II. PURPOSE

The purposes of this Statute is for the Little Traverse Bay Bands of Odawa Indians to prohibit certain conduct, as a matter of public policy, within its territory and establishes this law as criminal conduct for sexual offenses.

SECTION III. DEFINITIONS

- A. “Breast” means any portion of the female breast below the top of the areola;

- B. “Broadcast” means to electronically transmit a visual image with the intent that it be viewed by a person or persons;

- C. “Capture” with respect to an image, means to videotape, photograph, film, record by any means, or broadcast;

- D. “Coercion” means:
 - 1. threats of serious harm to or physical restraint against any person;

 - 2. any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

 - 3. the abuse or threatened abuse of law or the legal process.

- E. “Commercial sex” means any sex act, on account of which anything of value is given to or received by any person;
- F. “Consent” means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact;
- G. “Forcible compulsion” means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;
- H. “Foreign Government” means the United States, a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States;
- I. “Married” means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage;
- J. “Mental incapacity” is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse or sexual contact whether that condition is produced by illness, defect, the influence of a substance or from some other cause;
- K. “Physically helpless” means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;
- L. “Recklessly” means with respect to a result or to a circumstance described by a statute defining an offense that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware of such risk solely by reason of voluntary intoxication also acts recklessly with respect to such risk;

M. “Sex” means acts of masturbation, sexual intercourse, or physical contact with a person's genitals, or the condition of human male or female genitals when in a state of sexual stimulation or arousal;

N. “Sexual act” means:

1. contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
2. contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
4. the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

O. “Sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

P. “Serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

Q. “Significant Relationship” means a situation in which the perpetrator is:

1. A person who undertakes the responsibility, professionally or voluntarily, to provide education, health, welfare, or organized recreational activities principally for minors; or
 2. A person who in the course of his or her employment supervises minors.
- R. “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a);
- S. “Tribal Court” means the Little Traverse Bay Bands of Odawa Indians Tribal Court;
- T. “Tribe” means the Little Traverse Bay Bands of Odawa Indians;
- U. “Tribal Community Standards” means the standards of conduct as defined by the Tribal Council;
- V. “Under circumstances in which that individual has a reasonable expectation of privacy” means:
1. circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of a private area of the individual was being captured; or
 2. circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

SECTION IV. JURISDICTION

The Tribe’s jurisdiction shall extend to Citizens or members of Federally Recognized Tribes where the offense occurred on Tribal lands.

2009-009 Sex Offense Statute, enacted without Executive Signature April 13, 2009

SECTION V. JUVENILE TRANSFER TO THE ADULT DIVISION OF TRIBAL COURT

A. If the juvenile is at least sixteen (16) years of age at the time of the offense, the Prosecutor shall have the option of filing the action as a juvenile offender proceeding or as an adult criminal matter. If the juvenile is between the ages of fourteen (14) and sixteen (16) and is alleged to have committed an offense, the Prosecutor may file a petition requesting the Court to transfer the juvenile to the Adult Division of the Court.

B. No juvenile under the age of fourteen (14) years of age shall be charged as an adult for violations under this Statute.

SECTION VI. VICTIM'S PAST BEHAVIOR

A. In order to convict a person of any offense defined in this Statute it shall not be necessary that the testimony of the alleged victim be corroborated.

B. Evidence of the victim's past sexual behavior including but not limited to: the victim's marital history, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to tribal community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as follows:

1. The perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.
2. The Tribal Court shall hold a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.
3. Nothing in this section shall be construed to prohibit cross-examination of the victim on the issue of past sexual behavior when the Prosecution presents

evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing concerning such evidence.

SECTION VII. DEFENSES TO PROSECUTION

A. In any prosecution in which lack of consent is based solely upon the victim's mental incapacity or upon the victim's being physically helpless, it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed that the victim was not mentally incapacitated and/or physically helpless.

B. In any prosecution in which the offense or degree of the offense depends on the victim's age, it is not a defense that the perpetrator did not know the victim's age, or that the perpetrator believed the victim to be older, as the case may be; provided, that it is a defense which the defendant must prove by a preponderance of the evidence that at the time of the offense the defendant reasonably believed the alleged victim to be the age identified based upon declarations as to age by the alleged victim.

SECTION VIII. LEVELS OF RISK TO THE COMMUNITY

Sex offenders present various "Levels of Risk" to the tribal community. If the court of jurisdiction has assigned a level or tier to the conviction, the person shall follow such classification. If no level or tier has been assigned to the conviction the department shall assign such level or tier based on the following classification:

<u>Risk Assessment</u>	<u>Level of Concern</u>
Tier I	Low risk to reoffend within the community at large
Tier III	High risk to reoffend within the community at

large

SECTION IX. LIMITATION ON FILING OF COMPLAINTS

A. No person shall be prosecuted, tried or punished for any offense unless the prosecution is initiated within the set time periods with the following conditions have been met:

1. discovery that an offense has been committed, and
2. discovery of the identity of the person who allegedly committed the offense.

B. Set time periods:

1. Tier I: One year
2. Tier III: Five years

C. The set time period begins when the victim, if a child, turns eighteen years of age.

D. Time spent outside of the Tribal jurisdiction shall not be counted toward the statute of limitations to begin prosecution.

SECTION X. OFFENSES

A. Rape Tier I:

1. A person is guilty of the offense of Rape Tier I when the person engages in sexual intercourse with another person who is not married to the perpetrator:
 - a. By forcible compulsion; or coercion;

b. Where the victim did not consent to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

c. Where there is threat of substantial unlawful harm to property rights of the victim.

2. Penalty. For the offense of Rape Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service.

B. Rape Tier III:

1. A person is guilty of the offense of Rape Tier III when such person engages in a sexual act with another person by forcible compulsion where the perpetrator or an accessory:

a. Uses coercion or threatens to use a deadly weapon or what appears to be a deadly weapon; or

b. When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated;

c. Kidnaps the victim;

d. Inflicts serious physical injury; or

e. Unlawfully enters into the building or vehicle where the victim is situated.

2. Penalty. For the offense of Rape Tier III, the Tribal Court shall impose a penalty of one (1) year jail time and \$5,000 fine.

C. Rape of a Child Tier I

1. A person is guilty of the offense of Rape of a Child Tier II when the person engages in a sexual act with another who:
 - a. is at least twelve (12) years old but less than fourteen (14) years old and the perpetrator is at least thirty-six (36) months older than the victim;
 - b. is at least fourteen (14) years old but less than sixteen (16) years old and not married to the perpetrator and the perpetrator is at least forty-eight (48) months older than the victim.
2. Penalty. For the offense of Rape of a Child Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine less than \$5,000 fine, of which one-half of such fine may be reduced by the performance of community service.

D. Rape of a Child Tier III

1. A person is guilty of the offense of Rape of a Child Tier III when the person engages in a sexual act with a person who is less than twelve (12) years old and the perpetrator is at least twenty-four (24) months older than the victim.
2. Penalty. For the offense of Rape of a Child Tier III, the Tribal Court shall impose a minimum penalty of one (1) year jail time and \$5,000 fine.

E. Child Molestation Tier I

1. A person is guilty of the offense of Child Molestation Tier I when the person has, or knowingly causes:
 - a. another person under the age of eighteen (18) to have, sexual contact with another who is at least twelve (12) years old but less than fourteen (14) years old and the perpetrator is at least thirty-six (36) months older than the victim.

b. causes another person under the age of eighteen (18) to have, sexual contact with another who is at least fourteen (14) years old but less than sixteen (16) years old and not married to the perpetrator and the perpetrator is at least forty-eight (48) months older than the victim.

2. Penalty. For the offense of Child Molestation Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service.

F. Child Molestation Tier III

1. A person is guilty of the offense of Child Molestation Tier III when the person has, or knowingly causes another person under the age of eighteen (18) to have sexual contact with another who is less than twelve years old (12) and the perpetrator is at least thirty-six (36) months older than the victim.

2. Penalty. For the offense of Child Molestation Tier III, the Tribal Court shall impose a penalty of one (1) year and \$5,000 fine.

G. Sexual Misconduct with a Child Tier I

1. A person is guilty of the offense of Sexual Misconduct with a Child Tier I when the person has, or knowingly causes another person under the age of eighteen (18) to have, sexual contact with another person who is at least sixteen (16) years old but less than eighteen (18) years old and not married to the perpetrator, if the perpetrator is at least sixty (60) months older than the victim, is in a significant relationship to the victim, and abuses that relationship in order to engage in or cause another person under the age of eighteen (18) to engage in sexual contact with the victim.

2. Penalty. For the offense of Sexual Misconduct with a Child Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service.

H. Sexual Misconduct with a Child Tier III

1. A person is guilty of the offense of Sexual Misconduct with a Child Tier III when the person has, or knowingly causes another person under the age of eighteen (18) to have, sexual intercourse with another person who is at least sixteen (16) years old but less than eighteen (18) years old and not married to the perpetrator, if the perpetrator is at least sixty (60) months older than the victim, is in a significant relationship to the victim, and abuses that relationship in order to engage in or cause another person under the age of eighteen (18) to engage in sexual intercourse with the victim.

2. Penalty. For the offense of Sexual Misconduct with a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a fine of \$5,000.

I. Indecent Exposure Tier I

1. A person is guilty of the offense of Indecent Exposure Tier I if he or she knowingly or recklessly exposes his or her genitals or anus or she exposes her breast or breasts and another person is present or is reckless about whether such other person may be present and would be offended or alarmed by the act. Unless it is under circumstances in which that individual has a reasonable expectation of privacy.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. Penalty. For the offense of Indecent Exposure Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service

J. Indecent Exposure to a Child Tier III

1. A person is guilty of the offense of Indecent Exposure Tier III if he or she knowingly and purposefully exposes his or her genitals or anus or she exposes her breast or breasts and another person under the age of fifteen (15) Unless it is under circumstances in which that individual has a reasonable expectation of privacy.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. Penalty. For the offense of Indecent Exposure to a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

K. Public Sexual Indecency Tier I

1. A person commits the offense of Public Sexual Indecency Tier I by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

a. An act of sexual contact.

b. An act of oral sexual contact.

c. An act of sexual intercourse.

d. An act involving contact between the person's mouth, vulva or genitals and the anus or genitals of an animal.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. Penalty. For the offense of Sexual Indecency Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service

L. Public Sexual Indecency to a Child Tier III

1. A person commits the offense of Public Sexual Indecency by intentionally or knowingly engaging in any of the following acts, if another person is present is under the age of fifteen (15), and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:

- a. An act of sexual contact.
 - b. An act of oral sexual contact.
 - c. An act of sexual intercourse.
 - d. An act involving contact between the person's mouth, vulva or genitals and the anus or genitals of an animal.
2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.
 3. Penalty. For the offense of Sexual Indecency to a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a fine of \$5,000.

M. Prostitution Tier I

1. A person is guilty of the offense of Prostitution Tier I when the person offers or agrees to engage in commercial sex, sexual intercourse or sexual contact with another person for money or other consideration, or procures another person to offer or agree to engage in sexual intercourse or sexual contact with another person for money or other consideration.
2. Penalty. For the offense of Prostitution Tier I, the Tribal Court shall impose a penalty of less than one (1) year and a fine of less than \$5,000 of which one-half of such fine may be reduced by the performance of community service

N. Child Prostitution Tier III

1. A person is guilty of the offense of Child Prostitution Tier III when the person shall offer or agree to engage in commercial sex, sexual intercourse or sexual contact with another person who is less than eighteen (18) years of age for money or other consideration, or the person who acts as an intermediary for a person who is less than eighteen (18) years of age to engage in commercial sex, sexual intercourse or sexual contact.

2. Penalty. For the offense of Child Prostitution Tier III, the Tribal Court shall impose a penalty of one (1) year and a fine of \$5,000.

O. Sexual Exposure of a Child Tier III

1. A person is guilty of the offense of Sexual Exposure of a Child Tier III when a person knowingly:

a. exposes his or her genitals to a child less than fifteen (15) years of age under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm to the child;

b. Knowingly exposes his or her genitals to a child less than fifteen years of age for the purpose of arousing or gratifying the sexual desire of any person, including the child; or

c. Knowingly coerces or induces a child less than fifteen (15) years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including the child.

2. The provisions of this section shall apply regardless of whether the person violates the section in person or via the Internet or other electronic means.

3. Penalty. For the offense of Sexual Exposure of a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

P. Sexual Abuse of a Child Tier III

1. A person is guilty of the offense of Sexual Abuse of a Child Tier III when a person:

a. knowingly employs, uses, or permits the employment or use of a child in an exhibition of sexual conduct, actual or simulated;

- b. knowingly capture by photographs, films, videotapes, develops or duplicates the photographs, films, or videotapes, or records a child engaging in sexual conduct, actual or simulated;
- c. knowingly, by any means of communication, including electronic communication, persuades, entices, counsels, or procures a child under sixteen (16) years of age or a person the offender believes to be a child under sixteen (16) years of age to engage in sexual conduct, actual or simulated;
- d. knowingly processes, develops, prints, publishes, transports, distributes, broadcasts, sells, exhibits, or advertises any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;
- e. knowingly possesses any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated;
- f. possesses with intent to sell any visual or print medium, including a medium by use of electronic communication in which a child is engaged in sexual conduct, actual or simulated; or
- g. finances any of the activities, knowing that the activity is of the nature described as Sexual Abuse of a Child.

2. Penalty. For the offense of Sexual Abuse of a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

Q. Visual Representation of a Sexual Act involving a Child Tier III

1. A person commits the offense of Visual Representation of a Sexual Act involving a Child Tier III when a person attempts, conspires or knowingly possesses, produces, reproduces, distributes, broadcast, receives, or has the intent to distribute or broadcast, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that:

- a. depicts a minor engaging in sexually explicit conduct and is obscene, or
 - b. depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, and such depiction lacks serious literary, artistic, political, or scientific value.
2. Penalty. For the offense of Visual Representation of a Sexual Act involving a Child Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

R. Incest Tier III

1. A person commits the offense of Incest Tier III when a person knowingly marries a person who is biologically related to the following persons:
 - a. Parent and child;
 - b. Grandparent and grandchild;
 - c. Brother and sister, or half-brother and half-sister;
 - d. Uncle and niece, or aunt and nephew; or
 - e. Cousins in the first degree.
2. Penalty. For the offense of Incest Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

SECTION XI. REPEATED OFFENDERS TIER III

- A. This law establishes a mandatory sentence for certain offenders charged with a Tier I crime who have been convicted twice before of a Tier I crime.
- 2009-009 Sex Offense Statute, enacted without Executive Signature April 13, 2009

B. Conviction means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

C. The prior convictions were within a ten (10) year time period immediately prior to the charge pending.

D. The Tribal Court is required to sentence an offender as a Repeated Offenses Tier III offender with the following:

1. Penalty. For the offense of Repeated Offenses Tier III, the Tribal Court shall impose a penalty of one (1) year and a \$5,000 fine.

SECTION XII. MULTIPLE OFFENSES TIER III

A. When the conduct of a defendant establishes the commission of more than one offense, the defendant may be prosecuted for each such offense, unless:

1. One (1) offense consists only of an attempt to commit the other;
2. Inconsistent findings of fact are required to establish commission of the offenses; or
3. The offenses differ only in that one prohibits a designated kind of conduct generally, and the other prohibits a specific instance of such conduct.

B. The Tribal Court may run the term of sentences either consecutive or concurrent.

SECTION XIII. SAVINGS CLAUSE

In the event that any section, subsection or phrase of this Statute is found by a court of competent jurisdiction to violate the Constitution or laws of the Little Traverse Bay Bands of Odawa Indians, such part 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 so long as the overall intent of the Statute remains intact.

2009-009 Sex Offense Statute, enacted without Executive Signature April 13, 2009

SECTION XIV.

EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the Statute, then upon Tribal Council override of the veto.

CERTIFICATION

As the 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 March 8, 2009 at which a quorum was present, by a vote of 4 in favor, 2 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Melvin L. Kiogima	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Dexter McNamara	<u> </u>	<u>X</u>	<u> </u>	<u> </u>
Marvin Mulholland	<u> </u>	<u> </u>	<u> </u>	<u>X</u>
Vacancy	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Alice Yellowbank	<u> </u>	<u>X</u>	<u> </u>	<u> </u>
Gerald V. Chingwa	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Regina Gasco Bentley	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Beatrice A. Law	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Date: March 13, 2009

Beatrice Law, Legislative Leader

Date: March 13, 2009

Regina Gasco Bentley, Secretary

Received by the Executive Office on March 13, 2009 by Lisa Flynn

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: April 13, 2009

Enacted without Executive Signature
Frank Ettawageshik, Tribal Chairperson