

**WAGANAKISING ODAWAK STATUTE NO. 2002-01  
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.

**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 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. Introduction by Tribal Council.**

1. Any member of the Tribal Council at any regular Council meeting may move to put 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 they are typed or computer generated proposed statute in a Tribal Council approved format to the Tribal Council Executive assistant. The Executive Assistant shall 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.

**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 Tribal governmental office buildings, and other readily available methods of publication, such as a tribal newsletter or website. The Tribal Council will consider passage of the posted statute no sooner than thirty days from its posting. Written comments must be received by the Tribal Council Executive Assistant within this thirty day period. 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 a legislative mark-up session. 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. The enacted statute shall be provided to members through the tribal newsletter or other tribal publication.

**D. 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 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 a unanimous vote of all sitting Tribal Council members.

**E. Referendum.** The procedure for carrying out the right of referendum by membership petition under Article IX of the Constitution and Bylaws is set out in the Election Statute, Waganakising Odawak Statute 2001-03, as may be amended. The Council shall submit any enacted or proposed statute to the Election Board for a referendum upon affirmative vote of the entire Tribal Council. After a referendum election, if the Election Board certifies passage, then Council shall record the statute as law, unless held unconstitutional by the Tribal Court, and assign it a number under Section VII.

## **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 roll call 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, whether enacted by Council or through the referendum process, 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 shall direct the development of a 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, 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.

#### **Certification**

As Tribal Chairman and Tribal Secretary, the undersigned 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 February 17, 2002 at which a quorum was present, by a vote of six (6) in favor, zero (0) opposed, zero (0) abstentions, and one (1) absent as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u>  x  </u>	_____	_____	_____
Gerald Chingwa	<u>  x  </u>	_____	_____	_____
Fred Harrington	<u>  x  </u>	_____	_____	_____
Beatrice Law	<u>  x  </u>	_____	_____	_____
Rita Shananaquet	<u>  x  </u>	_____	_____	_____
Janet Shomin	<u>  x  </u>	_____	_____	_____
Alice Yellowbank	_____	_____	_____	<u>  x  </u>

Date: February 17, 2002

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Gerald Chingwa, Tribal Chairman *o*

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Fred Harrington, Tribal Secretary *u*