

Chapter 1. Legislative Procedures

Codification Note: This repeals and replaces WOS 2005-10 and WOS 2013-011 Amendment

6.101 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 2005-10 and WOS 2013-011, or as amended.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section I)

6.102 DEFINITIONS

- A. “Business Day” means generally Monday through Friday, except for holidays, or when the office is closed for Emergency Closing.
- B. “Emergency Closing” means when the office is closed for events related to severe weather, fires, or power failures, or other safety or welfare conditions.
- C. “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.
- D. “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
- E. “Proposed Statute” means a new Statute or an amendment to an existing Statute.
- F. “Sponsor” or “Sponsoring” means the Tribal Council member who is proposing the draft Statute for consideration of Tribal Council.
- G. “Tribal Citizen” means an enrolled member of the Little Traverse Bay Bands of Odawa Indians.
- H. “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.

I. “Tribal Council Agenda” means agenda that is approved by Tribal Council motion at a Tribal Council meeting where a quorum is present.

J. “Tribal Website” means the LTBB governmental website, <http://www.ltbbodawa-nasn.gov>.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section II)

6.103 TERMINOLOGY

A. Statutes that are enacted by Little Traverse Bay Bands of Odawa Indians shall be titled “Waganakising Odawak Statute”.

B. Each enacted Statute will receive a unique number. The unique number shall be 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, separated by a hyphen. For example, the first Statute passed in 1996 will be Waganakising Odawak Statute 1996-001.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section III)

6.104 PROPOSED STATUTES and SPONSORS

A. A Tribal Council member, at a Regularly Scheduled Tribal Council meeting, may request a proposed Statute to be placed of the agenda for posting on the LTBB website. Such proposed Statutes may be in the form of an amendment to an existing Statute or a new Statute. All proposed Statutes shall include the name of the sponsoring Tribal Council member(s).

B. A Tribal Citizen may propose a Statute or an amendment to an existing Statute. Tribal Council will have sixty (60) days to consider whether or not to post the proposed Statute to the LTBB website.

C. After sixty (60) days, any Tribal Council member may choose to sponsor the proposed Statute. The sponsoring Tribal Council member(s) and Tribal Citizen(s) names shall be included with the posting on the LTBB website.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section IV)

6.105 POSTING OF PROPOSED STATUTES for PUBLIC COMMENT

A. All proposed Statutes shall be posted to the LTBB website for a minimum of twenty-five (25) days for public comment. Written comments will be submitted to Tribal Council for consideration prior to passage of a proposed Statute. Verbal comments will be heard at any Regularly Scheduled Tribal Council meeting, during a Public Comment period.

B. If at any time there is substantial changes to the proposed Statute, Tribal Council may repost the proposed Statute to the Tribal website. For Statutes that are reposted, Tribal Council may take action sooner than a minimal of twenty-five (25) days of posting.

C. Proposed Statutes shall automatically be removed from posting on the LTBB website, if any of the following occur:

1. Not approved by Tribal Council after three-hundred and sixty-five (365) days of posting on the website.
2. Not approved by Tribal Council after being placed on a Tribal Council agenda and the motion for passages either fails or the motion fails for lack of support.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section V)

6.106 EMERGENCY STATUTES

In the event that immediate legislative action is absolutely necessary to preserve or promote the rights or resources of the Tribe or its Citizens, a Statute may be passed at the same meeting that it is introduced, or at a special meeting called for that purpose. However, such emergency Statutes 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.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section VI)

6.107 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.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section VII)

6.108 SUBMISSION TO EXECUTIVE

A. Upon passage and certification of a Statute 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 to the Executive.

B. If the Executive approves the Statute, then the Executive shall indicate such by either a dated signature or a dated stamp mark on the certified original document. If the Executive vetoes the Statute, then Executive shall indicate such by either a dated signature or a dated stamp mark on the certified original document.

C. The Executive shall submit the certified original document with either the dated approval or dated veto to the Legislative Office by the next business day that the Tribal Offices are open.

D. If the Executive vetoes a proposed Statute, the Statute shall not become enacted law unless the Tribal Council, by an affirmative vote of seven (7) members of the Tribal Council, votes to override the veto.

E. The vote of Tribal Council to override a veto shall occur within ninety (90) days of receipt of the veto from the Executive. If Tribal Council fails to act on the veto override within this set time period, the veto shall stand.

F. The vote by Tribal Council to override the veto shall only occur if there are seven (7) Tribal Councilors present at the time of the vote.

G. Tribal Council shall only vote one time to override the veto. If the vote for the veto override fails, then the veto stands.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section VIII)

6.109 INITIATIVE AND REFERENDUM

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

(Source: WOS 2018-007, May 17, 2018, by veto override, Section IX)

6.110 COMPILATION

A. All enacted Statutes of the Little Traverse Bay Bands of Odawa Indians shall be listed in chronological order on the LTBB website and shall also be available in chronological order at the Legislative office.

B. One original signed copy of the enacted Statute shall be kept in the Legislative office and one original signed copy shall be kept in the Executive office.

C. A codified version of the current laws will also be available on the Tribal website.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section X)

6.111 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.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section XI)

6.112 EFFECTIVE DATE

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

(Source: WOS 2018-007, May 17, 2018, by veto override, Section XII)

6.113 OTHER RELATED STATUTES

See WOS 2015-019 Administrative Procedures Act, and WOS 2010-009 Public Documents Statute, or as may be amended.

(Source: WOS 2018-007, May 17, 2018, by veto override, Section XIII)