

**WAGANAKISING ODAWAK STATUTE # 2024-\_\_\_\_**  
**LEGISLATIVE PROCEDURES**

**SECTION I.           PURPOSE**

This Statute establishes the procedures to make laws in accordance with the Little Traverse Bay Bands of Odawa Indians Constitution. This Statute repeals and replaces Waganakising Odawak Statutes 2018-007, 2013-011, and 2005-10 or as amended and any previous Statute, Resolution, Regulation, or Policy language with regard to the same.

**SECTION II.          DEFINITIONS**

- A.**       “Business Day” means Monday through Friday, except for holidays, or when the office is closed due to an emergency.
  
- B.**       “Codification” means the arrangement of statutes into a systematic code.
  
- C.**       “Executive” means the executive branch of government under Article VIII of the Little Traverse Bay Bands of Odawa Indians Constitution.
  
- D.**       “LTBB” or “Tribe” means the Little Traverse Bay Bands of Odawa Indians.
  
- E.**       “Sponsor” means the Tribal Council member who is proposing a statute for consideration of Tribal Council.
  
- F.**       “Statute” means a law enacted by Tribal Council.
  
- G.**       “Tribal Citizen” means an enrolled member of the Little Traverse Bay Bands of Odawa Indians.
  
- H.**       “Tribal Council” means the legislative branch of government under Article VII of the Little Traverse Bay Bands of Odawa Indians Constitution.

### **SECTION III. GENERAL LAWMAKING PROCESS**

- A.** A Tribal Council member sponsoring a proposed statute may, on their own initiative or on behalf of a Tribal Citizen, request it to be placed on a Tribal Council meeting the agenda for consideration of a motion to post to the Tribal website.
- 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.
- D.** Following a successful motion, the proposed statute shall be posted to the LTBB website for a minimum of twenty-five (25) business days for public comment.
- E.** After considering any written or verbal statements submitted by Tribal Citizens during the twenty-five (25) day public comment period, Tribal Council may entertain a motion to pass the proposed statute. If any substantive changes are made to the proposed statute following the public comment period, the revised version must be posted on the Tribal website for at least ten (10) additional business days and additional public comments considered by Tribal Council before a motion to pass the revised version is entertained.
- F.** Passage of a proposed statute shall require a majority vote of the Tribal Councilors present at the meeting in which a vote is taken.
- G.** Statutes shall automatically be removed from posting on the LTBB website, if any of the following occur:
- 1.** Not passed 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 passage either fails or the motion fails for lack of support.

#### **SECTION IV. EMERGENCY LAWMAKING**

In the event that immediate legislative action is 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. An emergency statute shall require a unanimous vote of all Tribal Council members present at such meeting where no more than two sitting Tribal Council members are absent.

#### **SECTION V. CERTIFICATION AND NUMBERING**

**A.** 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.

**B.** All enacted statutes shall be titled “Waganakising Odawak Statute” followed 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, separated by a hyphen. For example, the first statute passed in 2024 will be Waganakising Odawak Statute 2024-001.

#### **SECTION VI. SUBMISSION TO EXECUTIVE**

**A.** Upon passage and written certification of any 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 the 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.

## **SECTION VII. INITIATIVE AND REFERENDUM**

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

## **SECTION VIII. 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.** The Legislative Services Attorney shall oversee the codification and maintenance of the Tribe's current laws on the LTBB website. The Code shall be organized in a user-friendly manner.

## **SECTION IX. 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 X. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval, whichever 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 adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 22, 2024 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	_____	_____	_____	<u>X</u>
Tamara Munson	<u>X</u>	_____	_____	_____
William Ortiz	_____	_____	_____	<u>X</u>
Aaron Otto	<u>X</u>	_____	_____	_____
Melissa Pamp	<u>X</u>	_____	_____	_____
Jordan Shananaquet	<u>X</u>	_____	_____	_____
Leroy Shomin	<u>X</u>	_____	_____	_____
Emily Proctor	<u>X</u>	_____	_____	_____
Marcella Reyes	<u>X</u>	_____	_____	_____

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Marcella Reyes, Legislative Leader

Date: \_\_\_\_\_  
 \_\_\_\_\_  
 Emily Proctor, Tribal Council Secretary

Received by the Executive Office on \_\_\_\_\_ by \_\_\_\_\_

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: \_\_\_\_\_  
 \_\_\_\_\_  
 Regina Gasco, Tribal Chairperson

Received from the Executive on \_\_\_\_\_ by \_\_\_\_\_