

**ROSEBUD SIOUX TRIBAL
ORDINANCE NO. 87-06**

INITIATIVE ORDINANCE

BE IT ORDAINED BY THE GOVERNING BODY OF THE ROSEBUD SIOUX TRIBE THAT ROSEBUD SIOUX TRIBAL ORDINANCE IS HEREBY ENACTED AS FOLLOWS:

- SECTION 1. TITLE**
SECTION 2. AUTHORITY AND PURPOSE
SECTION 3. DEFINITION OF TERMS
SECTION 4. INITIATIVE PETITIONS(S)
SECTION 5. TRIBAL CONSTITUTION CONVENTION
SECTION 6. TRIBAL CONSTITUTION TASK FORCE
SECTION 7. HEARING ON PROPOSED CONSTITUTIONAL AMENDMENTS
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SECTION 1. TITLE

This shall be known as the Tribal Initiative Ordinance.

SECTION 2. AUTHORITY AND PURPOSE

This Ordinance is adopted pursuant to Article IV, Section 1(t) and Article IX, Section 2 of the Constitution and By-Laws of the Rosebud Sioux Tribe. Subsection (t) of Article IV, Section 1, grants to the governing body of the Rosebud Sioux Tribe the authority of regulating the procedure of the Council itself and of other tribal agencies and tribal officials. Section 2 of Article IX, grants to the governing body of the Rosebud Sioux Tribe the authority to appoint tribal members to a Tribal Constitutional Task Force.

The purpose of this Ordinance is to establish procedure governing the implementation of Article IX, Section 2 of the Constitution and By-Laws of the Rosebud Sioux Tribe as it pertains to proposing and approving of constitutional amendments.

SECTION 3 DEFINITION OF TERMS

1. "PETITION "or "INITIATIVE PETITION" means a petition, received and duly certified by the Tribal Secretary, as prescribed by Rosebud Sioux Tribal Resolution 86-61.
2. "TRIBAL ELECTION" means the last tribal general election for the Rosebud Sioux Tribal President pursuant to Article III, Section 10 of the Constitution of the Rosebud Sioux Tribe.

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3. “TRIBAL SECRETARY” means the Constitutional Office of the Secretary of the Rosebud Sioux Tribe.
4. “TRIBAL CONSTITUTIONAL CONVENTION” means an assembly for the purpose of holding a hearing on proposed amendment to the Constitution and By-Laws of the Rosebud Sioux Tribe.
5. “TRIBAL CONSTITUTIONAL TASK FORCE” or “TASK FORCE” means a seven member task force appointed by the governing body of the Rosebud Sioux Tribe.
6. “SECRETARY OF INTERIOR” means the cabinet level post of the United States or the Secretary of Interior’s delegated representative.
7. “PROPOSED(S)” means any enrolled tribal member or members submitting an initiative petition or proposed constitutional amendments to the tribal constitutional task force pursuant to Article IX, Section 2 and this Ordinance.
8. “PROPOSED AMENDMENT(S)” or “PROPOSED CONSTITUTIONAL AMENDMENT(S)” means a document or document(s) written for the expressed purpose of conveying information on those parts of the Constitution and By-Laws of the Rosebud Sioux Tribe which are to be modified, added or deleted.

SECTION 4. INITIATIVE PETITION(S)

All amendments proposed by an initiative petition, or an initiative petition calling for a tribal constitutional convention shall be signed by at least thirty (30) percent of the voters in the last tribal election and shall not be inconsistent with resolution 86-61.

SECTION 5. TRIBAL CONSTITUTIONAL CONVENTION

Upon a petition referred by the Tribal Secretary, the Rosebud Sioux Tribal Council shall call and set a date for a tribal constitution convention to commence within thirty days and appoint a tribal constitutional task force.

SECTION 6. TRIBAL CONSTITUTIONAL TASK FORCE

1. APPOINTMENT: The governing body of the Rosebud Sioux Tribe shall appoint seven tribal members, outside the Rosebud Sioux Tribal Council, to the tribal constitutional task force.

By secret ballot, each member shall be selected by a majority vote of the full council.

2. TERMS: Terms of the appointees shall begin upon their appointment by Rosebud Sioux Tribal Council and shall expire:

A. Upon the Secretary of Interior’s authorization of a secretarial election on any of the

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Proposed amendment(s) approved by tribal constitutional task force, or

- B. Ninety days after following the Secretary of Interior's acknowledge date of receipt of a resolution or resolutions pursuant to Section 8 and 9 of this Ordinance.
3. **QUORUM:** A simple majority shall be required to transact business. Each member shall have one (1) vote. A simple majority vote shall be required on all matters, except as provided for in Section 8 of this Ordinance.
4. **DUTIES AND POWERS:** The task force shall be responsible for carrying out the purposes of this Ordinance and shall have the following duties and powers.
- A. To conduct a hearing on all proposed constitutional amendments pursuant to Article IX, Section 2 of the Constitution and By-Laws of the Rosebud Sioux Tribe.
 - B. To review all proposed constitutional amendments consistent with Section 7 of this Ordinance.
 - C. To approve of those proposed constitutional amendments which shall be referred to the Secretary of Interior.
 - D. To promulgate rules and regulations as are necessary for the internal operational procedures to the task force.
 - E. To appoint or elect a presiding officer, from within, for the purpose of conducting the hearing. The presiding officer shall:
 - (1) control and take necessary action to insure an equitable and orderly hearing.
 - (2) Limit testimony that would be unduly repetitious.
 - (3) Regulate the course of the hearing.
 - (4) Exclude any person from the hearing for contemptuous misconduct or misbehavior that obstructs the hearing.
5. **IMPARTIALITY:** The task force appointees shall not speak on behalf or against any of the proposed constitutional amendments during the hearing process; provided the membership shall call for clarification on any proposed constitutional amendments submitted by the proposer (s).

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SECTION 7. HEARING ON PROPOSED CONSTITUTIONAL AMENDMENTS

1. The task force shall conduct one (1) hearing on all proposed constitutional amendments provided that notice of the date, time and purpose thereof is announced fifteen calendar days prior to the hearing.
2. The hearing shall:
 - (a) be conducted in the Rosebud Sioux Tribal Council chambers.
 - (b) begin within thirty days from the appointment of the tribal constitutional task force.
 - (c) Be at least five calendar days but not greater than ten calendar days in length.
3. The tribal constitutional task force shall:
 - (a) call the hearing to order.
 - (b) call the presentation of proposed constitutional amendments.
 - (c) Record the name of the tribal member or members sponsoring a proposed amendment or amendments.
 - (d) Take written or oral testimony on proposed amendment(s) as follows: first by the proposer(s) and second by other tribal members.
 - (e) not modify any proposed amendments.
4. The Sergeant-at-Arms of the Rosebud Sioux Tribal Council shall assist the presiding officer of the task force during the proceedings of the hearing pursuant to Section 6(E) (3) and 6 (E) (4) of this Ordinance.
5. The secretary of the Rosebud Sioux Tribal Council shall be responsible for keeping a full report on all proceedings of the Tribal constitutional convention.

SECTION 8. PROPOSED AMENDMENTS APPROVAL OF

1. After review by the task force, each proposed amendments shall:
 - (a) require at least a two-thirds majority approval of its full membership. Each vote shall be affirmative or negative.
 - (b) be descriptive but not argumentative or prejudicial.

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- (c) be transmitted within fourteen calendar days to the Secretary of the Interior.
- (d) be accompanied by an official request in the form of a resolution, by the task force, requesting the Secretary of Interior to authorize the calling of an election to vote on the proposed constitutional amendment(s).

SECTION 9. FORMAL REQUEST TO THE SECRETARY OF THE INTERIOR

The provisions of this Ordinance shall constitute a clear and unambiguous request to the Secretary of Interior from the Rosebud Sioux Tribe for Bureau of Indian Affairs action on proposed amendments approved by the tribal constitutional task force.

SECTION 10. EFFECTIVE DATE OF ORDINANCE 87-06

This Ordinance 87-06 shall take effect immediately upon approval by the Rosebud Sioux Tribal Council, provided any initiative petition prior to this Ordinance shall be recognized.

SECTION 11. WITHDRAWAL, NON-REFERRAL OR REJECTION OF PROPOSED CONSTITUTIONAL AMENDMENTS OR INIATIVE PETITIONS.

1. Proposed constitutional amendments may be withdrawn, in writing, by its proposer(s) prior to the tribal constitutional task force vote on said proposed amendment(s) only.
2. Initiative petitions may be withdrawn, in writing, by its sponsor(s) prior to the Rosebud Sioux Tribal Council meeting calling for a tribal constitutional convention.
3. Any proposed amendment not referred to the Secretary of Interior, by the tribal constitution task force, shall be returned to the proposer(s) within forty-five calendar days.
4. Any proposed constitutional amendment approved by the tribal constitutional task force and rejected or substantially modified by the Secretary of Interior shall be returned to the proposer(s) within forty-five days.
5. Any withdrawal or non-referral pursuant to this Ordinance shall be final and conclusive, provided that this shall not bar future initiatives or proposed constitutional amendment(s) of a like nature.

SECTION 12. AMENDMENTS TO ORDIANCE 87-06

This Ordinance 87-06 shall be amended pursuant to Ordinance 86-08.