

LEGISLATIVE PROCESS - Policy & Procedure

Request for New Legislation (Tribal Ordinance)

Any Torres Martinez tribal member can make a request in writing for a new legislation to be drafted. Such a request must be submitted to either the Tribal Administrator or the Legislative Committee Secretary. If desired, the tribal member may remain anonymous. However, the Tribal Administrator or Legislative Committee Secretary must have knowledge that the person requesting the new legislation is a voting member of the Tribe, verified by the Tribe's Enrollment Committee.

Tribal Administrator's Process

Upon receiving a request from a tribal member for a new tribal ordinance to be considered, the Tribal Administrator will send the request to the Legislative Committee Secretary via e-mail. Through this process, the Legislative Committee will have documentation of the request, that will initiate the Committee's process.

Legislative Committee's Process

The Legislative Committee Secretary will fill out the *Request for New Legislation* form (Legislative Committee Form-NL), and initiate the *Legislative History* form (Legislative Committee Form-LH) where all major actions are recorded.

Any such request(s) will be added to the agenda for the next regularly schedule Legislative Committee meeting. The Committee's secretary will make copies of Form-NL for each of the Legislative Committee members to hand out at the next scheduled meeting.

The following steps will be followed by the Legislative Committee:

- 1) Form-NL with the new request will be read and reviewed.
- 2) The request will be discussed.
- 3) The request will subsequently be assigned to a Legislative Committee member/Legislative Consultant for further review, research, analysis and recommendation.
- 4) The assigned Committee member/Legislative Consultant will keep the whole Committee apprised of the progress. The request will remain a regularly

scheduled meeting agenda item until it is either approved to send to Tribal Council for review; or rejected.

5) As the Legislative Committee is apprised of the progress, the Committee's Chairperson will direct the Committee member/Legislative Consultant to begin drafting the legislation and its required Tribal Resolution. The drafted legislation will be assigned an Ordinance number, by the Committee member/Legislative Consultant, in accordance with the Tribe's approved Ordinance and Procedures Categorization. The assigned Ordinance number will remain with the legislation, serving as the tracking number for its legislative history (i.e. approved, disapproved, redraft requested, put on hold).

6) The drafted legislation of the new Tribal Ordinance will be reviewed and any changes made in accordance with such review of the Committee.

7) The draft of the new Tribal Ordinance will be submitted, along with any other supporting documentation, to Tribal Council for review and recommendation to present to General Council. The Committee's Secretary will be responsible for requesting this final draft as an agenda item for the next scheduled Tribal Council meeting.

Emergency Legislation - Process

In the case of legislation that is emergent in nature, the Tribal Council will "act in its discretion in response to natural disasters or political emergency affecting the Tribe's financial status or the health, safety, or welfare of members of the Tribe. All action taken by the Tribal Council under this Section shall be presented by the Chairman of the Tribal Council to the General Council for ratification within thirty (30) days of such action."
(Torres Martinez Constitution, Article IX, Section 2)

Review by Attorney contracted by the Tribe

The Legislative Committee Chairperson, or Vice-Chairperson may request a review of the new legislation by an attorney that is contracted by the Tribe.

New Tribal Ordinance for Tribal Council's Review - Process

Upon receiving the draft of a new Tribal Ordinance, Tribal Council will review the legislation. Tribal Council will make the recommendation for:

- Approval to present to General Council; or
- Disapproval to move forward; or
- Request for a redraft of the legislation

Tribal Council's Approval to present to General Council - Process

Upon Tribal Council's approval to present new legislation to General Council, the legislation's resolution will receive a certified number by Tribal Administration. It will be the responsibility of the Secretary of the Legislative Committee to request a certified number from Tribal Administration for the resolution.

Tribal Ordinances adopted by General Council are by resolution. A resolution expressing a decision, directive, or position of General Council must accompany the presented legislation in accordance with the Tribal Constitution as set forth in Article XVI - Actions By General Council, Section 2. The procedure for enacting all Tribal Ordinances will follow the Tribal Constitution as set forth in Article XVI - Actions By General Council, Section 3.

Tribal Council's Disapproval to move forward with the Legislation - Process

The duly elected Tribal Council has the discretion to disapprove, upon their review, any drafted legislation.

Tribal Council's Request for a Redraft of the Legislation - Process

The duly elected Tribal Council has the discretion to request a redraft, upon their review, of any drafted legislation. The Tribal Council Secretary is responsible for providing the Legislative Committee Secretary with a marked up draft and/or notations providing guidance for a redraft of the proposed legislation.

Legislative Committee's Process when Tribal Council Requests a Redraft

The following steps will be followed by the Legislative Committee upon receiving a request from Tribal Council for a redraft of the proposed legislation with notations:

- 1) The Legislative Committee Secretary will put the redraft on the agenda for the next regularly scheduled Legislative Committee meeting and make copies for all Committee members.
- 2) The marked up draft and/or notations from Tribal Council will be read and reviewed.
- 3) The redraft will be assigned to a Legislative Committee member / Legislative Consultant
- 4) The assigned Committee member/Legislative Consultant will keep the whole Committee apprised of the progress. The request will remain a regularly scheduled meeting agenda item until it is approved by the Committee to send back to Tribal Council for review.

When General Council Approves a New Tribal Ordinance - Process

The Secretary of the Tribal Council will inform the Secretary of the Legislative Committee of the new legislation's approval.

A true copy of the newly approved Tribal Ordinance and adopting resolution will be filed by the Secretary of the Tribal Council in the official records of the Tribe.

Legislative History - Process

The legislative history of all requests for new legislation will be recorded on the TM Legislative Committee / FORM-LH, and will remain an integral part of the legislation, where a record of all major actions are documented, (including any subsequent amendments). The legislative history form will indicate the date and action that took place. EXAMPLE:

- 02-05-2016 - Read first time.
- 02-05-2016 - Assigned to Legislative Consultant
- 02-25-2016 - Submitted to Tribal Council
- 03-14-2016 - Presented to General Council - Approved



Torres-Martinez Desert Cahuilla Indians
LEGISLATIVE BRANCH

Upholding the tribal constitution with laws to
protect the tribe, people, land and resources.

REQUEST FOR NEW TRIBAL ORDINANCE: TRIBAL MEMBER ENROLLMENT # _____
_____ LEGISLATIVE COMMITTEE SECRETARY INITIAL

Use this space to fill in request. (Use back side if needed.)

EXAMPLE

DATE OF REQUEST:

THIS SECTION FOR USE BY THE TORRES MARTINEZ LEGISLATIVE COMMITTEE

REQUEST ASSIGNED TO:

ANY SPECIAL NOTES:

DATE ASSIGNED:

One copy of this request will be provided to the individual assigned to this request. The Legislative Committee Secretary will be responsible for archiving this request in electronic format.



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RECORD OF LEGISLATIVE HISTORY

Proposed Legislation: xxxx

<u>DATE</u>	<u>ACTION</u>
02-05-2016	Read fist time.
02-05-2016	Assigned to Legislative Consultant
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EXAMPLE