

PROPOSED ADMENDMENTS TO THE
CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION
CONSTITUTION AND BYLAWS

The present Constitution and Bylaws of the Confederated Tribes does not grant the Tribe or its Business Council the right to pass and enforce ordinances, other than those governing hunting and fishing and to grant business licenses with the Reservation.

It will be important in the near future to pass ordinances dealing with land use building codes and water use and to place in motion means to enforce these particular ordinances. In order to accomplish this precedent to law, the Constitution and Bylaws of the Confederated Tribes will have to be amended.

The most urgent need to appear to date is the need for a building code which will allow for the construction of housing with the flood plan as it is designated by HUD. The Tribe will have to apply for flood insurance and in order to be eligible must have a building code and a building permit system set into effect.

In order to accomplish this, I would suggest the following admendments to the Constitution.

Article II, see 2; needs to have the following phase added at the end: "and as stipulated in the Indian Claims Commission settlement".

Article V, Section 1; needs to have the following subparagraphs revised:

- c) Rewrite: "to approve or veto any sale, disposition, lease or encumbrance of Tribal lands, interest in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior or his authorized representative; Provided that no tribal lands shall ever be encumbered, sold or leased for a period exceeding that time authorized by law".
- h) Rewrite: "To promulgate and enforce ordinances subject to approval by the Secretary of the Interior which would provide for the assessments of taxes and/or license fees upon members and non-members residing within, or doing business within the Reservation or obtaining special rights or priviledges."

and needs to have the following subparagraphs added:

- 1. To manage all economic affairs and enterprises of the Tribes in accordance with the terms of a charter that may be issued to the said Tribes by the Secretary of the Interior.

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2. To exclude from the Territory of the Confederated Tribes of the Chehalis Reservation, persons not legally entitled to reside therein under ordinances which shall be subject to review by the Secretary of the Interior.
3. To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tribes and others residing within the Reservation, and providing for the maintenance of law and order and the administration of justice by establishing a Reservation Court and defining its duties and powers.
4. To safeguard and promote the peace, safety, morals, and general welfare of the members of the Confederated Tribes of the Chehalis Reservation by regulating the conduct of trade and the use and disposition of property within the reservation, provided that any ordinances directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior.
5. To charter subordinate organizations for economic purposes and to regulate the activities of all cooperative associations of members of the Tribe by ordinances, provided that any such ordinances shall be subject to review by the Secretary of the Interior.
6. To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Confederated Tribes of the Chehalis Reservation, subject to review by the Secretary of the Interior.
7. To regulate the domestic relations of members of the Tribes.
8. To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.
9. To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the Reservation.
10. To delegate to subordinate boards or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

** Section 2. Manner of Review. Any resolution or ordinance, which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation no later than ten (10) days from its enactment. Within ten (10) days from receipt thereof, the Superintendent shall approve or disapprove the same.

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If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him rescind the said ordinance or resolution for any cause by notifying the Business Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance duly submitted to him, he shall, within ten (10) days after its receipt by him, advise the Business Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its receipt by him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Sec. 3. Future powers. The Business Council of the Confederated Tribes of the Chehalis Reservation may exercise such further powers as may be in the future be delegated to it by the Secretary of the Interior, or by any other duly authorized official or agency of government.

Sec. 4. Reserved powers. Any rights and powers heretofore vested in the Confederated Tribes of the Chehalis Reservation but not expressly referred to in this Constitution, shall not be abridged by this article, but may be exercised by the people of the Confederated Tribes of the Chehalis Reservation through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE X. --LAND

Section 1. Allotted lands. Allotted lands, including heirship lands, within the Chehalis Reservation, shall continue to be held as heretofore by their present owners. It is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Washington or of the Federal Government, or by the Tribe itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution except that the Confederated Tribes of the Chehalis Reservation shall be notified of any petition to sell individual land and shall thereafter notify members of the immediate family who shall have a first right to purchase the land at the appraised price unless the individual owner should be willing to sell to a family member for a lesser amount than that appraised. The second option of sale shall be held by the Confederated Tribes of the Chehalis Reservation which

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would retain the same rights as those herebefore stated. The third option would be held by individual members of the Confederated Tribes with the same herebefore stated options and rights. The owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Confederated Tribes of the Chehalis Reservation, either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

** Sec. 2. Tribal lands. The unallotted lands of the Chehalis Reservation and all lands which may hereafter be acquired by the Tribe or by the United States in trust for the Tribes shall be held as tribal lands, and no part of such land shall be mortgaged or sold unless authorized by law. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the tribes or leased, or otherwise used by the Tribes as hereinafter provided.

Sec. 3. Leasing of tribal lands. Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as may be permitted by law.

In the leasing of tribal lands, preference shall be given, first, to Indian cooperative associations of members of the tribe, and second, to individual Indians who are members of the Tribe.

Sec. 4. Grant of standard assignments. In any assignment of tribal lands which now are owned by the Tribes or which hereafter may be acquired for the Tribe by the United States or purchased by the Tribe out of tribal funds, preference shall be given, first, to heads of families which have no allotted lands or interests in allotted lands.

No allotted member of the Confederated Tribes of the Chehalis Reservation, who may hereafter have the restrictions upon his land removed, and whose land may thereafter be alienated, shall be entitled to receive an assignment of land as a landless Indian.

The Business council, if it sees fit, may charge a fee of not to exceed \$5 on approval of an assignment under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians, and shall be known as "standard assignments."

Sec. 5. Tenure of standard assignments. If any member of the Tribes who holds a standard assignment of land shall, for a period of 2 years, fail to use the land so assigned, or shall use such land for any unlawful purposes, his assignment may be canceled by the Business Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

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Sec. 13. Method of making assignments. Applications for assignments shall be filed with the secretary of the Business Council, and shall be in writing, setting forth the name of the person or persons applying for the land, and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than 20 days before action is taken by the Business Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the Business Council, and may if he so desires, appear before the tribal council to present evidence. The secretary of the Business Council shall furnish the superintendent or other officers in charge of the agency, a complete record of all action taken by the Business Council on applications for reassignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the Tribe.

The Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.