

**TITLE 21 - CODE ENACTMENT PROCESS**  
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**CHAPTER I**  
**GENERAL**

1. Authority.

Article IV, Section G of the Constitution authorizes the governing body to make laws, including codes, ordinances, resolutions, and statutes.

2. Purpose.

- a. This Act is enacted to establish procedures and rules to govern actions of the Governing Body and to establish uniformity in the proceedings of Legislative business, thereby increasing the efficiency of the Governing Body.
- b. This Act is designed to enable the Governing Body to respond quickly to items and enable the Governing Body when the need arises to quickly pass Legislation or address a matter brought before the Governing Body.

3. Scope.

- a. This Act is intended to supplement rather than supersede any and all other actions previously or subsequently taken by the Governing Body with respect to its organization and procedure. Provided, however that in the case of conflict between the provisions of this Act and any other Law and Policy of the Governing Body, this Act will control unless specifically amended by the Governing Body.
- b. The Governing Body will promulgate, as necessary, separate standard operating procedures for staff operations within the Legislative Office.

4. Definitions. Throughout this Legislation the following words have the following definitions and will be capitalized:

- a. "Amendment" means a change to a Code, Act, Statute, Ordinance, or Policy. Amendment will have the full force and effect of a duly enacted law.
- b. "Constitution" means the Constitution of the Hoh Tribe.
- c. "Duly Called Meeting" means the official convening of a Quorum of Business Committee Members for the purpose of conducting public business.
- d. "Executive Session" means the portion of a Legislative Meeting where all persons will be excluded from the meeting chamber, except the Chairperson if he or she is presiding over the meeting, members of the Governing Body, its officers, and any person whose presence will be required by the Governing Body. If a matter personally impacts the Chairperson, a member of the Governing Body, or one of its officers, that individual may voluntarily leave the meeting; or the Governing Body may vote to have those affected individuals not participate in that portion of

the Executive Session. The Governing Body may only go into and out of Executive Session upon a duly recorded vote.

- e. "Internal Review Phase" means the first of three required steps within the Normal Legislation Process for Legislation to potentially become a law. The Internal Review Phase begins when a Business Committee Member provides a Resolution or motion requesting legislative action.
- f. "Business Committee Member" means any duly elected and sworn individual elected to represent the Hoh People pursuant to the Constitution of the Hoh Tribe.
- g. "Governing Body" means members of the Governing Body officially convened to exercise Constitutional powers pursuant to the Constitution of the Hoh Tribe.
- h. "Legislation" means a proposal made by a Business Committee Member to create new Laws or Amendments to already existing Laws presented to the Governing Body.
- i. "Legislative Sponsor" unless noted in the motion or Resolution, means the Business Committee Member who introduces a Resolution or motion to the Governing Body for purposes of enacting Legislation.
- j. "Normal Legislation Process" means the typical process whereby Legislation becomes a new Law or an Amendment to an existing Law. At a minimum the process to enact Legislation as the Law of the Tribe will include the Internal Review Phase, the Public Review Phase, and Passage Phase. Legislation may be enacted as the Law of the Tribe on a temporary basis until it goes through the Normal Legislation Process by the Quick Passage Policy.
- k. "Chairperson" means the Chairperson or Chairperson pro tempore of the Hoh Tribe.
- l. "Proposal for Legislation" means a letter or other document submitted to a Business Committee Member that outlines the need for a particular law. The need may be provided verbally to a Business Committee Member(s).
- m. "Public" means the enrolled members of the Hoh Tribe.
- n. "Public Hearing" means a meeting held by the Governing Body to solicit comments from the Public on Legislation or other action or concern.
- o. "Public Review Phase" means the second of three possible phases within the Normal Legislation Process for a Proposal for Legislation to potentially become a Law.
- p. "Quick Passage" means the process to temporarily amend or enact a law of the Tribe whereby the Governing Body determines that the steps required under the Normal Legislation Process would unduly harm a person, multiple persons, or the Tribe and the Governing Body determines that immediate action is needed to

modify the Tribe's law until may go through the Normal Legislation Process.

- q. "Quorum" means the number of members of Governing Body required to be present to transact business legally.
- r. "Regular Weekly Meeting" means any meeting of the Governing Body, which is held on a regular schedule.
- s. "Resolution" means a formal expression of opinion of the Governing Body on matters of temporary interest.
- t. "Responsible Legislative Attorney" means the Legislative Attorney or Counsel assigned to research, edit, and shepherd Legislation through the Legislative Process.
- u. "Restate" means to amend a Code, Act, Statute, Ordinance, or Policy by completely rewriting and replacing it.
- v. "Review Periods" means the periods of time during the Normal Legislative Process that Legislation is available for review and comment:
  - (1) Public Review. That period of time, typically thirty (30) days, that Legislation is available for review and comment by the Tribal membership and any other interested Hoh Tribe governmental entities. After a vote of the Business Committee the Legislation will be placed on the Hoh Tribe Website and notification sent to all adult Hoh Tribal members. Any member of the Public may request to have a copy of the Legislation sent to them via regular mail. The Public Review is one possible part of the Public Review Phase within the Normal Legislation Process.
  - (2) Final Review. Unless waived by the Business Committee, that period of time, a minimum of seven (7) business days, that Final Draft Legislation is available for Business Committee review and comment prior to final approval.
- w. "Recording Secretary" means any Legislative staff member designated to record meeting minutes of the Governing Body.
- x. "Special Meeting" means any meeting of the Governing Body which is not a regular meeting, including but not limited to any meeting which must be called because of an emergency.
- y. "Standing Legislative Committee" or "Committee" means any Committee created by the Governing Body to assist it in exercising its powers, including Legislative oversight.
- z. "Trial Court" means the Hoh Tribe Trial Court.
- aa. "Tribal Secretary" means a Business Committee Member selected by the

Governing Body to serve in this capacity throughout his or her term in office and with the duties outlined in Section Seven (7) of this Act.

- bb. "Vice Chairperson" means the Vice Chairperson or Vice Chairperson pro tempore of the Hoh Tribe.

## **CHAPTER II LEGISLATION PROCESS**

1. General. For the purpose of this chapter, passage of Legislation makes a permanent change to the General Law (excluding Constitutional Law) of the Tribe by creating, amending, repealing, or renumbering a section of the Hoh Tribe Code (HTC).
2. Hoh Tribe Code. The Hoh Tribe Code (HCC) will consist of Acts, Ordinances, Statutes, policies, processes, procedures, and manuals adopted by the Governing Body having the force and effect of the Tribe's Law. The HCC will be organized into titles with subordinate sections as follows:
  - a. Title 1 - Establishment Acts.
  - b. Title 2 - Government Code.
  - c. Title 3 - Health and Safety Code.
  - d. Title 4 - Children, Family, and Elder Welfare Code.
  - e. Title 5 - Business and Finance Code.
  - f. Title 6 - Personnel, Employment and Labor Code.
  - g. Title 7 - Cultural and Natural Resources Code.
  - h. Title 8 - Housing, Real Estate, and Property Code.
  - i. Title 9 - Criminal Code.
  - j. Title 10 - Rules, Manuals, and Procedures.
3. Quick Passage Procedures. The Governing Body may vote to immediately and temporarily pass Legislation.
  - a. The Governing Body may only exercise this option under the following circumstances:
    - i. The Governing Body passes a motion to consider Quick Temporary Passage of the Legislation by a 2/3's vote of the entire Business Committee. The motion, if passed, will be immediately effective.
    - ii. For the Legislation to be considered for Quick Passage the Governing Body must conclude:
      - (a) The Legislation must take effect immediately to address a situation that:
        1. Adversely affects the health, safety, welfare, or economic well-being of the Tribe;

2. Adversely affects a person or multiple people for which Legislative relief is deemed appropriate and necessary by the Governing Body;
3. Is internal to the operation of the Government; or
4. Impacts negotiations with a sovereign entity; and
5. Adherence to the Normal Legislation Process would result in delay that would adversely impact the Tribe, a Member of the Tribe or Members of the Tribe.
  - i. Conclusions of the Governing Body with respect to the criteria provided under the above will be final.

(b) For the Legislation to immediately become the law of the Tribe it will require an affirmative vote of more than two-thirds (2/3) of the entire Business Committee. The passage of the Legislation will be immediately effective pending the normal legislation process.

#### 4. Normal Legislation Process.

- a. Except for as provided above, Legislation will go through the Normal Legislation Process.
- b. The Normal Legislation Process will consist of three (3) phases:
  - i. Internal Review Phase.
  - ii. Public Review Phase.
  - iii. Passage Phase.
- c. Internal Review Phase.
  - i. The Normal Legislation Process will begin through a Resolution or motion by a Business Committee Member:
    1. Unless the Resolution or motion provides for no Legislative Sponsor, the Business Committee Member who introduces the Resolution or makes the motion will be known as the Legislative Sponsor of the Legislation.
    2. The Resolution or motion may provide that other Business Committee Members are co- sponsor(s) of the Legislation.
    3. The Resolution or motion will provide the:
      - a. Purpose of the proposed Legislation;
      - b. Designation of the Responsible Legislative Attorney/Counsel, outside counsel, or other Official to draft the Legislation;
      - c. Designation of the Officials or Departments, if

any, who will work and consult with the Responsible Legislative Attorney/Counsel, outside counsel, or other Official to draft or consult on the Legislation.

4. The Responsible Legislative Attorney/Counsel, outside counsel, or other Official selected to draft the Legislation will then:
  - a. Research the applicable law;
  - b. Consult with the Legislative Sponsor and, if any, co-sponsors on the purpose of the Legislation;
  - c. Create a working draft of the Legislation;
  - d. Consult and advise the Legislative Sponsor(s), any co-sponsors, and the rest of the Governing Body as to whether or not the Legislation conflicts with either the Hoh Tribe Constitution; other Laws of the Tribe; and, if applicable, other State and Federal Laws;
  - e. Advise the Legislative Sponsor(s), any co-sponsors, and the rest of the Governing Body as to whether or not the Legislation could potentially waive the sovereign immunity of the Tribe;
5. The Business Committee will then:
  - a. Consider the Legislation at its next scheduled Meeting;
  - b. Hold, if necessary, a hearing on the Legislation. If the Business Committee determines a hearing is required, it will provide sufficient advance notice to the Tribal Membership;
  - c. Take one or more of the five (5) actions:
    1. Return the Legislation to the Legislative Attorney/Counsel, outside counsel, or other Official selected to draft the Legislation for additional information, coordination, and possible rewriting of the Legislation. If the Legislation is referred for additional information, coordination, and possible rewriting, it will be placed on the agenda of the Business Committee at its next meeting;
    2. Determine to not go forward with the Legislation;
    3. Table the Legislation for more input from personnel or from the public;

4. Vote to move the Legislation to the Public Review Phase.
  - a. The Public Review period will typically be thirty (30) days but may be lengthened as the Business Committee deems necessary. The Public Review period begins after the Legislation is placed on the Tribe's website.
  - b. The Business Committee Members will review the Legislation at a regularly scheduled Business Committee Meeting during the Public review period. Comments received by Business Committee Members will be provided to the Responsible Legislative Attorney/Counsel, Legislative Paralegal, outside counsel, or other Official selected to draft the Legislation.
  - c. The Business Committee shall hold a Public Hearing within the thirty (30) day review period. Unless the Chairperson waives one of these steps, among the steps that will be taken in preparation for the Public Hearing include:
    - (i) A Notice of the Public Hearing will be placed on the Tribe's website and notice mailed to each adult Hoh Tribal member;
    - (ii) The Standing Legislative Committee may require additional efforts to notify the Public.
    - (iii) The Legislative Paralegal or other Legislative Staff will prepare a packet of material which will at a minimum include, a redline version of the latest version of the Legislation (if a modification), clean version of the latest version of the Legislation that already incorporates all proposed changes to the Legislation, copy of the Hoh Constitution, and if determined appropriate by Legislative Counsel, any legal analysis.
  - d. Procedures for Public Hearing.
    - (i) The Chairperson may chair the Public

- Hearing or designate someone else to chair the meeting;
- (ii) The Chairperson or the person designated to chair the meeting will have the authority to waive any rules for speakers or audience members;
  - (iii) The Chairperson or the person designated to chair the meeting will have the authority to remove any member if the member's behavior is consistently unruly or disruptive to the meeting;
  - (iv) At the discretion of the Presiding Officer, her or she may use the following steps as a guidelines:
    - (a) Call to order and open the Public Hearing;
    - (b) Conduct or designate someone else to conduct an opening;
    - (c) Introduce self, hearing body, Business Committee Members present, and staff;
    - (d) Inform the public if there is an official written record or recording of the Public Hearing being made;
    - (e) State the purpose of the Public Hearing;
    - (f) Inform the audience of the material in the packet;
    - (g) Ask for questions from members of the hearing body;
    - (h) Conclude the hearing by making the following statements:
      - (aa) State the steps that are to occur next regarding the Legislation;
      - (bb) Inform members of the audience that additional comments on the Legislation can still be made to the Legislative Paralegal or to Business Committee Member( s);
      - (cc) Thank members of the audience for participating in this important event.

e. Rules for Speakers:

- (i) a speaker shall identify himself or herself and tribal identification number;
- (ii) A speaker will respectfully address the Presiding Officer, Business Committee Members, legislative staff, fellow members, and Public participants at all times;
- (iii) A speaker will not talk about a matter until he or she has been granted permission to speak by the Presiding Officer;
- (iv) A speaker will confine his or her comments to the Legislation that is the subject of the Public Hearing;
- (v) If the Presiding Officer determines that it is necessary, he or she may require that the speaker keep all comments brief and not speak longer than five (5) minutes at any one given time;
- (vi) A speaker will attempt to speak clearly to ensure that his or her comments are properly heard by the audience and that his or her statements are properly recorded;
- (vii) If someone has further comments, he or she will be encouraged to submit them to the Legislative Paralegal or other Legislative staff or discuss the matter with one of his or her Business Committee Members;
- (viii) Unruly behavior, such as booing, hissing, making harassing remarks, using profanity or obscene language is prohibited;

f. Audience member rules:

- (i) All members of the Public, Legislative Staff, and Business Committee Members will be subject to zero tolerance for alcohol and other drugs at the meeting;
- (ii) All members of the audience will show respect to speakers, the Presiding Officer, or any other Official present at the Public Hearing;
- (iii) No member of the public will interrupt another while speaking unless it is to



5. Technical Violations.

- a. Any technical violation of the procedures for Legislation becoming Law will not serve as a basis for invalidating that Law.
- b. If the Business Committee passes a Resolution to enact a Law, it shall be presumed that the Business Committee complied with all necessary steps contained within this Act.

6. Publishing a Law.

- a. Legislation approved and ratified by the Business Committee and enacted as Law will be published by the Business Committee Secretary as a new Law, a Restated Law, an Amendment to an existing Law, a repeal of an existing Law, or as a renumbered section of the Hoh Tribe Code (HTC).
- b. The Business Committee Secretary will distribute the published Law to all government entities and publish a notice of the passage of the law in the Tribe's official web page and a formal notice shall be mailed to all adult Hoh Tribal Members.
- c. A copy of the law with the original adopting Resolution will be maintained by the Business Committee Secretary in the official file of Hoh Tribe Code (HTC).
- d. The Legislative History of a law will be maintained and recorded at the end of each published file.

7. Distribution Policy.

- a. All Codes, Ordinances and official meeting minutes (excluding Executive Session) will be available through the Business Committee Secretary.
- b. All Codes, Ordinances, and official meeting minutes (excluding Executive Session) will be made available free of charge to members of the Tribe through the Business Committee Secretary upon a written or oral request identifying the materials desired.
- c. For any matter discussed in Executive Session the Business Committee has the right to have the matter remain confidential to protect the interest of the Tribe. The Governing Body may pass a Resolution or motion to determine the procedures for when a matter that is discussed in Executive Session may be made public.
- d. Paper copies of all Codes, Ordinances and official meeting minutes (excluding Executive Session) will be made available through the Business Committee Secretary, to any non-member or organization at a cost of \$.10 cents per page and any postage fees, if applicable.

- e. Codes and Ordinances will be placed on the Hoh Tribe website as they are enacted or amended. They may be copied as required.
- f. The Business Committee Secretary is responsible for maintaining the official record of the Tribal Code. These copies will serve as the official Laws of the Tribe.