

Rules of the Osage Nation Congress



As of April 14, 2011

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1 **RULES OF PROCEDURE**

2
3 **STATEMENT OF AUTHORIZATION**

4
5 Pursuant and under the authority of Article VI, Section 11 of the
6 Osage Nation Constitution, the Osage Nation Congress adopts the
7 following Rules to govern its operations and procedures in conducting the
8 business of the Congress. The provisions of these rules shall be deemed
9 the only requirements binding upon the Congress under Article VI, Section
10 11, of the Osage Constitution, notwithstanding any other requirements
11 expressed in statute.
12

13
14 **RULE ONE**
15 **ELECTION OF OFFICERS**
16

17 **1.1 Officers to be Elected**

- 18
19 1. The Congress shall nominate from the floor and elect by secret
20 ballot, one office at a time, the following officers:
21

22 **Speaker**
23 **Second Speaker**
24 **Four Members of Congressional Affairs Committee**
25 **Chairperson of Congressional Rules and Ethics Committee**
26 **Two Members of Congressional Rules and Ethics Committee**
27

- 28 2. An affirmative vote of at least seven (7) members of Congress
29 will be required to establish the members in each committee for
30 the coming year.
31
32 3. Such elections shall occur at the conclusion of each Hun-kah
33 Session.
34
35 4. The election results of the 11th Special Session of the 1st
36 Congress shall be effective the last date of that special session.
37 Beginning in 2009, and each year thereafter, the effective date
38 of the elections will be the last date of the Hun-kah Session.
39
40 5. Before the ballot is taken, each person so nominated may make
41 a public statement to the Congress indicating what the

1 Congress may expect from her or him in the area of the
2 responsibility of such office. The election of each office shall be
3 by majority vote.
4

- 5 6. The elected officers shall hold office for a period of one year.
6
- 7 7. Upon the resignation or death of the Speaker or Member of the
8 Congressional Affairs Committee during a session, a Speaker
9 shall be immediately nominated from the floor and elected by
10 secret ballot for the balance of the term. Should the position
11 become vacant during the interim, the position shall remain
12 vacant until the next regular or special session of the Congress
13 is convened, at which time a new Speaker or Member of the
14 Congressional Affairs Committee will be elected for the
15 remainder of the term.
16
- 17 8. Any Chairperson vacancy created will be filled for the
18 remainder of the term by the Vice Chairperson of that
19 respective Committee previously elected by the members of
20 that Committee in accordance with the Rules applicable to
21 committees.
22
23

24 **RULE TWO** 25 **DUTIES AND RIGHTS OF THE SPEAKER**

26 **2.1 Conducts Business on Behalf of Congress**

- 27 1. The Speaker shall have the authority to conduct business on
28 behalf of the Congress as set forth by law and these Rules of
29 Procedures.
30
31
- 32 2. The Speaker shall represent the Congress and conduct
33 business at intertribal and intra-governmental functions as
34 deemed necessary and shall inform the Congressional Affairs
35 Committee of such representation.
36
37
- 38 3. The Speaker shall serve as the public relations lead between
39 the Executive and Legislative Branches.
40
- 41 4. The Speaker establishes deadlines for the legislative process.

- 1 5. The Speaker shall set priorities of the Legislative Services
2 Division for drafting of all proposed legislation.
3
- 4 6. The Speaker works with the Congressional Staff to ensure
5 efficient flow of legislation.
6
- 7 7. At the discretion of the Speaker, or in his/her absence, the
8 Second Speaker shall assume the authorities and duties of the
9 Speaker as set forth by law and these Rules of Procedure.

10 **2.2 Preside**

- 11 1. The Speaker shall preside over Congress sessions.
12
- 13 2. The Speaker shall take the Chair each day at the hour to which
14 the Congress has adjourned, call the Congress to order and,
15 except in the absence of a quorum, proceed under the Order of
16 Business set forth in these Rules.
17
- 18 3. The Speaker may postpone the reconvening of the Congress
19 for up to forty-eight hours when sound judgment dictates for
20 such reasons as inclement weather or other emergency, or
21 when a quorum cannot be assembled within one half hour after
22 the time set to have convened.
23

24 **2.3 Speaker to Report Priorities of Session and Action Taken by** 25 **Congress**

- 26 1. In accordance with Article VI, Section 20, of the Osage Nation
27 Constitution, the Speaker at the beginning of each session of
28 Congress shall report orally and in writing the legislative
29 priorities of the Session, including the order in which the bills
30 and resolutions on file will be considered.
31
- 32 2. General appropriations bills will be given precedence over all
33 other bills.
34
- 35 3. The order chosen by the Speaker will be final unless
36 challenged in accordance with the procedure established for
37 points of order. An affirmative vote of two-thirds of the
38

1 Congress shall be required to change the order of bills and
2 resolutions presented for consideration.

- 3
4 4. The Speaker shall prepare a daily legislative agenda and shall
5 make every effort to disseminate the agenda to the Members of
6 Congress not less than one day prior to which the agenda was
7 prepared.

8
9 **2.4 Maintain Order and Decorum in Regard to Congress Members**
10 **Conduct**

- 11
12 1. The Speaker shall ensure that Members conduct themselves in
13 such a manner so as to bring honor and dignity to the position
14 for which the Osage citizens have elected them. A Member
15 must not disrupt the decorum of the Congress sessions.
16
17 2. While in the chamber, the Speaker shall preserve order and
18 decorum, shall prevent personal reflections or the impugning of
19 the motive of any Member, and shall limit Members in debate to
20 the question under discussion.
21
22 3. The Speaker may decide a Member is out of order who:
23
24 a. Directly addresses another Congress Member instead of the
25 Speaker;
26
27 b. Fails to limit their remarks to the merits of the motion;
28
29 c. Engages in disruptive activity;
30
31 d. Speaks before being recognized by the Speaker;
32
33 e. Slanders another;
34
35 f. Speaks in a loud and abusive manner;
36
37 g. Conducts themselves in a less than respectful manner;
38
39 h. Excuses themselves from any meeting without notifying the
40 Speaker.

- 1 4. The Speaker may choose to remove a Member of Congress
2 from a meeting for disorderly conduct.
3
- 4 5. When two (2) or more Members seek recognition at the same
5 time, the Speaker shall name the one entitled to the floor.
6
- 7 6. On all questions relative to the transgression of these Rules,
8 the Speaker shall call the Members to order.
9

10 **2.5 Ruling on Points of Order**

- 11
- 12 1. The Speaker will decide or rule on “points of order.”
13
- 14 2. The Speaker may speak to a point of order in preference to the
15 members, and shall decide the questions of order, subject to
16 challenge by a Member of the Congress.
17
- 18 3. In the event of challenge on a point of order, the
19 parliamentarian may be consulted and each member may be
20 allowed to speak no more than one minute on the point of order
21 and no more than once. Following discussion, the Speaker
22 shall restate the ruling and inquire “Shall the Speaker be
23 Overruled?” at which time a vote will be taken.
24
- 25 4. An affirmative vote of the majority of Congress Members
26 present shall be required to overrule the Speaker on a point of
27 order.
28
- 29 5. When a point of order is called, no Member shall approach the
30 Speaker or the Clerk of the Congress until after the Speaker
31 has ruled.
32

33 **2.6 Assign Proposed Legislation**

- 34
- 35 1. The Speaker shall review and assign proposed legislation to
36 the proper committee of jurisdiction or to General Order.
37

38 **2.7 Return Proposed Legislation**

- 39
- 40 1. The Speaker shall return proposed legislation not received in
41 proper form and procedure to any Member initiating such

1 legislation. The Speaker shall state the reasons for the return
2 and may make such recommendations as he/she deems
3 appropriate.
4

5 **2.8 Signature Authority**

6
7 1. The Speaker, or Second Speaker, shall sign all bills or
8 resolutions passed by the Congress. Such certifications shall
9 be made while the Congress is in session and shall be made a
10 matter of record in the Congressional Journal.
11

12 2. The Speaker shall upon passage of all resolutions, not bills,
13 initially determine and state whether same relate to the
14 business of the Congress or adjournment and upon such
15 determination shall provide for the inclusion of such language in
16 the document, which shall exempt it from the requirements of
17 Article VI, Section 14.
18

19 This determination is subject to challenge by the Congress in
20 accordance procedure established in Rule 2.5.
21

22 3. The Speaker shall have the authority to sign all acts,
23 resolutions, laws, writs, warrants and subpoenas of or issued
24 by order of the Congress, contracts binding upon the Congress
25 or other papers issued by the Congress.
26

27 **2.9 Review and Authorize Correspondence**

28
29 1. The Speaker shall review all incoming correspondence
30 addressed to the Congress.
31

32 2. The Speaker shall review and authorize all outgoing
33 correspondence representing the entire Congress.
34

35 3. The Speaker shall distribute such correspondence as
36 necessary.
37

38 **Note: The Speaker shall have no authority to review any correspondence**
39 **directed to individual Congress Members. Correspondence disseminated**
40 **by individual Congress Members shall not indicate that such**
41 **correspondence represents the full Congress.**
42

1 **2.10 May Authorize Counsel in Lawsuits Affecting the Congress**

- 2
- 3 1. Upon approval of the Congressional Affairs Committee, the
- 4 Speaker may authorize counsel previously approved to be
- 5 employed by the Nation to initiate, defend, intervene in, or
- 6 otherwise participate in any lawsuit on behalf of the Congress,
- 7 a committee of the Congress, a Member or former Member of
- 8 the Congress in his or her legal capacity as a Member or an
- 9 officer, employee or agent of the Congress in their official
- 10 capacity when the Speaker determines that such lawsuit is of
- 11 significant interest to the Congress and that the interest of the
- 12 Congress would not otherwise be adequately represented.
- 13 Expenses incurred for legal services in such proceedings,
- 14 previously approved by the Congress through an appropriations
- 15 process, may be paid upon approval of the Speaker.
- 16

17 **2.11 Sign Approved Journal**

- 18
- 19 1. At the end of the Session, the Speaker shall approve and sign
- 20 the Session journal.
- 21

22 **2.12 Voting Rights**

- 23
- 24 1. During session, the Speaker shall have the same right as other
- 25 members to vote. On the Standing Congressional Committees
- 26 that the Speaker sits on as a committee Member, the Speaker
- 27 will have the same voting rights as the committee members.
- 28
- 29

30 **DUTIES AND RIGHTS OF THE SECOND SPEAKER**

31

32 **2.13 Conducts Business on Behalf of Congress**

- 33
- 34 1. At the discretion of the Speaker, or in his/her absence, the
- 35 Second Speaker shall assume the authorities and duties of the
- 36 Speaker as set forth by law and these Rules of Procedure.
- 37
- 38 2. The Second Speaker shall serve as the Chairperson of the
- 39 Congressional Affairs Committee.
- 40

- 1 **3.** The Second Speaker shall have primary focus on internal
2 congressional operations.
- 3
- 4 **4.** The Second Speaker will be available to assign, direct, monitor,
5 and guide the day to day operations of the congressional staff
6 and office.
- 7
- 8 **5.** The Second Speaker shall maintain and assure all components
9 of the congressional support staff complete their tasks in a
10 timely and concise manner.
- 11
- 12 **6.** The Second Speaker shall be the initial contact for hiring legal
13 representation or referring issues to current legal representation
14 of the Congress.
- 15
- 16 **7.** The Second Speaker shall have authority, with the approval of
17 the Congressional Affairs Committee, to sign for all
18 expenditures. Expenditures shall include but not be limited to:
19 travel authorizations; office expenditures such as purchase
20 requisitions, authorization for payment and reimbursement
21 vouchers.
- 22
- 23 **8.** At the discretion of the Speaker, may be detailed to represent
24 the Speaker to any outside official request or may be detailed to
25 any fact finding, discovery, or exploration on behalf of the
26 Osage Nation Congress.
- 27

28 **2.14 Chief Administrative Officer of the Congressional Office**

- 29
- 30 1. The Second Speaker shall serve as the Chief Administrative
31 Officer of the Congressional Office.
- 32
- 33 2. Duties include the following:
- 34
- 35 a. Supervise and direct the Congressional Staff in adherence to
36 policies and procedures approved by the Congressional
37 Affairs Committee.
- 38
- 39 b. Ensures each Member of Congress is provided fair and
40 equitable access to staff services.

- c. Shall complete and provide an evaluation of the Congressional Staff to the Congress once a year.
- d. Approve spending authorizations of up to \$1,000 (one thousand dollars).
- e. Monitoring spending, procurements, approving and signing all necessary documents for expenditures necessary for the enlightenment of the Congressional Offices, personnel, and the Osage Nation Congress.
- f. Shall assist in the development, design, recommendation, implementation, maintenance, evolution, of the Osage Nation Congress policies and procedures, which effect all personnel and operation issues.
- g. Shall be the administrator and person of contact for internal matters, grievances, compliments or complaints of congressional staff.
- h. Shall meet with the Speaker on a regular basis in order to communicate and coordinate Legislative operations and internal congressional operations.

RULE THREE
CONGRESSIONAL STAFF

RESERVED

RULE FOUR
CONGRESS MEMBERS

4.1 Member Defined

- 1. “Member”, as used in these Rules of Procedure, means a member of the Osage Nation Congress.

1 **4.2 Assistant Principal Chief as Ex-Officio Member**
2

- 3 1. Pursuant to Article VII, Section 6, of the Osage Nation
4 Constitution, the Assistant Principal Chief shall by virtue of the
5 office be an ex-officio member of the Osage Nation Congress
6 and shall have a right, when in committee of the whole, to join
7 in the debate, and whenever the Congress shall be equally
8 divided, shall cast the deciding vote.
9

10 **4.3 Overall Duties and Responsibilities**
11

- 12 1. Every member shall diligently attend each session day of the
13 Congress and committee to which they are assigned. A
14 Member must submit a reason for being absent, in writing, to
15 the Clerk of the Congress to be filed. A list of absences shall
16 be published on the Congressional website.
17
18 2. Every member of Congress present during scheduled meetings
19 shall vote on each question put, unless they have a direct
20 personal or pecuniary interest in such question.
21
22 3. No Member rising to debate, to give notice, to make a motion,
23 or to present a paper of any kind shall proceed until the
24 Member has addressed the Speaker and has been recognized
25 by the Speaker as entitled to the floor.
26
27 4. While a member is speaking, no other Member shall enter into
28 any private conversation. The Presiding Officer may enforce the
29 provisions stated in the Congressional Policy Manual.
30
31 5. Every Member is eligible to introduce and/or sponsor any
32 legislative action.
33
34 6. When Congress is in session all members shall, while in the
35 Chamber, be appropriately dressed and shall conduct
36 themselves in a manner becoming a Member of the Osage
37 Nation Congress.
38
39
40
41

1 **4.4 Chamber “Floor” Privileges limited to Members**

- 2
- 3 1. No persons shall be entitled to privileges of the “floor” area
- 4 when the Congress is in session, except Members of the
- 5 Congress, the Principal Chief, and Assistant Principal Chief,
- 6 employees of the Congress designated by the Speaker, except
- 7 upon formal invitation by a majority of the Congress.
- 8

9 **4.5 Correspondence**

- 10
- 11 1. Correspondence disseminated by individual Members shall not
- 12 indicate that such represents the full Congress. Requests for
- 13 information from Administration shall be submitted through the
- 14 respective Standing Committee Chairperson. A Member,
- 15 submitted through the respective Committee Chairperson, may
- 16 request an opinion from a Congress staff person regarding
- 17 previously enacted legislation or pending legislation, only by
- 18 utilizing the proper form.
- 19

20 **4.6 Adherence to Code of Ethics**

- 21
- 22 1. All Members of Congress shall adhere to the Code of Ethics set
- 23 forth in Article X of the Osage Constitution.
- 24

25 **4.7 Disclosure of Personal or Private Interest**

- 26
- 27 1. Pursuant to the Article VI, Section 16, of the Osage Nation
- 28 Constitution, a Member who has a personal or private interest
- 29 in any measure or bill, proposed or pending before the
- 30 legislature, shall disclose the fact and shall not vote thereon.
- 31

32 **4.8 Compensation**

- 33
- 34 1. Pursuant to Article VI, Section 7, of the Osage Nation
- 35 Constitution, the annual salary and expense allowance of
- 36 members of the Osage Nation Congress shall be fixed at the
- 37 first session of the legislature held after the Osage Nation
- 38 Constitution takes effect.
- 39
- 40
- 41

1 **4.9 Reimbursement**

- 2
- 3 1. Each member shall be reimbursed for travel through
- 4 submission to the Congressional Affairs Committee in
- 5 accordance with appropriation for the fiscal year.
- 6
- 7 2. Expense for travel and per diem for attendance at training
- 8 sessions, seminars, orientations, symposiums, or other official
- 9 tribal functions shall be reimbursed in adherence to the travel
- 10 policies established by the Osage Nation. The rate shall be
- 11 consistent with the established rate of the Osage Nation.
- 12

13

14 **RULE FIVE**

15 **SESSIONS**

16

17 **5.1 Session Titles**

- 18
- 19 1. Sessions shall include the Hun-kah and the Tzi-zho sessions.
- 20

21 **5.2 Quorum**

- 22
- 23 1. Pursuant to Article VI, Section 9, of the Osage Nation
- 24 Constitution, the presence of at least two-thirds (2/3) of the
- 25 whole number of the members of the Congress shall be
- 26 necessary to constitute a meeting of the congressional house
- 27 for the exercise of its powers.
- 28
- 29 2. If, at any time during the daily sessions of the Congress, a
- 30 Member recognized by the Speaker raises a question as to the
- 31 presence of a quorum, the Speaker shall determine the
- 32 presence or absence of a quorum and shall announce the
- 33 result.
- 34

35 **5.3 Motions**

- 36
- 37 1. All business shall be brought before the Congress by motion by
- 38 a Member. Before a Member can make a motion it is
- 39 necessary that they “obtain the floor.”
- 40

- 1 2. Each motion should receive a second and the Member making
2 the second shall be identified by the Speaker. When a motion
3 fails to receive a second, the Speaker shall declare “The motion
4 dies due to a lack of a second.”
5
- 6 3. After obtaining the floor, a Member cannot be interrupted by
7 calls for the question or by any other motion.
8
- 9 4. Questions concerning motions will be referred to Current
10 Edition of Robert’s Rules of Order Newly Revised.
11

12 **5.4 Precedence of Motions**

- 13
- 14 1. When a question shall be under consideration, no motion shall
15 be received except as hereinafter specified, which motion shall
16 have precedence in the order stated, and shall be amendable
17 or not amendable, debatable or not debatable, as set forth
18 below:
19

20 To adjourn to a time certain (amendable - debatable)

21

22 To adjourn (not amendable - not debatable)

23

24 To recess (amendable - not debatable)

25

26 Call of the Congress (not amendable - not debatable)

27

28 To table (not amendable - not debatable)

29

30 To order the Previous Question put (not amendable - not
31 debatable)

32

33 To advance from General Order (not amendable - not
34 debatable)

35

36 To postpone to a time certain (amendable - debatable)

37

38 To adopt a committee report (not amendable - debatable)

39

40 To commit with instructions (amendable - debatable)

41

1 To commit without instructions (not amendable - not
2 debatable)

3 To amend (amendable - debatable)

4
5 To postpone indefinitely (not amendable - debatable)

6 7 **5.5 Incidental Motions**

- 8
9 1. The following motions are incidental in nature and may be
10 made at any time as an incident to the consideration of the
11 subject before the Congress. Such motions shall be
12 amendable or not amendable, debatable or not debatable, as
13 set forth below:

14
15 Appeals (not amendable - not debatable)

16
17 Method of consideration (amendable - not debatable)

18
19 Points of order (not amendable - not debatable)

20
21 Question of priority (not amendable - not debatable)

22
23 Question of Quorum (not amendable - not debatable)

24
25 Reading of papers (not amendable - debatable)

26
27 Suspension of the Rules (not amendable - not debatable)

28
29 Withdrawal of Motion (not amendable - not debatable)

30 31 **5.6 Motions in Writing**

- 32
33 1. Every motion shall be in writing if the Speaker desires it and it
34 shall be read by the Clerk before debate or vote. Oral motions
35 shall be put by the Speaker before debate or vote.

36 37 **5.7 Withdrawal of Motions**

- 38
39 1. Prior to a vote being taken any motion may be withdrawn by the
40 Member making same.

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5.8 General Debate

1. The Speaker shall restrict debate to the motion on the floor. The Speaker may impose a 3 minute time limit on debate for each Member or limit debate as necessary.

5.9 Voting Procedures

1. All votes taken upon motions to adopt legislation shall be conducted by roll call vote.
2. The Speaker should put questions requiring a roll call vote in this form: "Those voting for the motion should vote 'Yes' those opposed to the motion should vote 'No'. The vote is now in progress."
3. The names of Members voting shall be entered in the resolution or bill and in the journal.

5.10 Call for the Question

1. Members reserve the right to call for roll call vote.
2. After the question has been put, but before the vote commences, any Member may call for a statement of the question.
3. The Speaker shall then instruct the Clerk to record the vote. When the vote is completely recorded, the Clerk shall advise the Speaker of the result. The Speaker shall announce the result to the Congress. No vote may be changed after it has been recorded.
4. No Member may vote on behalf of another member.
5. All recorded votes shall be printed in the Congress Journal.
6. While a vote is in progress, no Member shall be recognized and no other business shall be transacted.

1 7. No explanation of any vote shall be permitted while a vote is in
2 progress or after a vote has been cast.

3
4 8. No Member, Congress employee or other person shall visit or
5 remain by the Clerk while a vote is in progress.
6

7 **5.11 Committee as a Whole**

8
9 1. The “Committee as a Whole” is made up of every Member of
10 Congress and the Assistant Principal Chief. The procedure for
11 acting as a “Committee as a Whole” shall be as follows:
12

13 2. In order for the Congress to meet as a “Committee of the
14 Whole”, a motion shall be made and seconded, with a majority
15 of members present voting in the affirmative.
16

17 3. The motion shall state the purpose of convening a Committee
18 of the Whole.
19

20 4. The Speaker may appoint a Member to preside.
21

22 5. Any action taken in the Committee of the Whole shall not be
23 final, but shall be considered a recommendation.
24

25 **5.12 Special Sessions**

26
27 1. Pursuant to Article VI, Section 10, of the Osage Nation
28 Constitution, the Speaker shall convene the Congress in
29 special session at the written request of two-thirds (2/3) of the
30 Members. The Principal Chief may convene the Congress in
31 special session. Special sessions shall be limited to a period
32 of ten (10) days. Any session may be extended a total of not
33 more than three (3) days.
34

35 2. A Congressional Proclamation for a special session must be
36 signed and filed with the Clerk of Congress, and distributed to
37 the Members at least five (5) business days before the first
38 day of the special session.
39

40 3. Once the Proclamation of the Congress or the Principal Chief
41 is filed with the Clerk of Congress, it may only be amended up

1 to forty-eight (48) hours before the first day of the special
2 session. No amendment to the Proclamation shall be allowed
3 once inside the forty-eight (48) hours before the first day of the
4 special session or after the special session has commenced.
5 Amendments to the Proclamation by Congress require a
6 written request of two-thirds (2/3) of the Members.
7

- 8 4. Only legislation listed on the Proclamation, or if the legislation
9 is not specified by Act or Resolution number, then legislation
10 containing only the subject matter listed on the Proclamation
11 may be introduced or considered during the special session.
12

13 **5.13 Open Sessions and Meetings**

- 14
- 15 1. All meetings of Congress, Congressional Committees,
16 subcommittees, or task forces at which official actions are to
17 be taken or discussed, or hearings held, are declared to be
18 public meetings.
19
- 20 2. Congress, committees, sub-committees, or task forces shall
21 not hold meetings at any facility or location that may restrict
22 public access to such a facility.
23

24 **5.14 Executive Session**

- 25
- 26 1. An “Executive Session” is a portion of a meeting or session in
27 which only Members and invited persons are in attendance.
28
- 29 2. Before a motion to enter into Executive Session can be made,
30 the reason for the Executive session must be posted on the
31 meeting agenda and must be authorized by the Speaker, or
32 the Speaker’s delegate, in writing.
33
- 34 3. If subjects permitted in Section 4 of this section are to be
35 discussed at a meeting in Executive Session, the meeting
36 must first be convened as a public meeting.
37
- 38 4. A motion must be made to enter into Executive Session and
39 must acquire a second.
40

- 1 5. The motion to convene in Executive Session must clearly and
2 with specificity describe the subject of the proposed Executive
3 Session without defeating the purpose of addressing the
4 subject in private.
5
6 6. The motion must pass by a majority vote of the members
7 present - Congress Members if in session or committee
8 members if in a committee meeting.
9
10 7. Reference to the motion and the stated purpose for the
11 Executive Session shall be included in the minutes.
12
13 8. An Executive Session may be held for discussion of a matter:
14
15 a. that tends to prejudice the reputation and character of a
16 person;
17
18 b. that is, by law, required to be confidential;
19
20 c. involving consideration of government records that by law
21 are not subject to public disclosure;
22
23 d. that is confidential as a privileged communication between
24 an attorney and client; the Congress may, in Executive
25 Session, decide on and give instructions to an attorney
26 representing the Congress or the Osage Nation on issues
27 arising out of or related to the representation.
28
29 9. Only the reason stated by the Chair before entering Executive
30 Session shall be discussed while in Executive Session.
31
32 10. At the conclusion of the Executive Session, the Chair shall
33 announce the resuming of the meeting.
34
35 11. The only motion and vote that can occur while in Executive
36 Session, is a motion to end the Executive Session.
37
38 12. Other than the one motion stated above in sub-section seven
39 (7), no contract, motion or other action adopted, passed or
40 agreed to in Executive Session shall become effective unless
41 the Congress, subcommittee or other committee thereof,

1 following the executive session, reconvenes in open meeting
2 and takes a vote on such contract, motion or other action
3 which shall have its substance reasonably identified in the
4 open meeting.
5

- 6 13. In “Executive Session” neither minutes nor official votes are to
7 be taken. Communications made while in “Executive Session”
8 are not to be discussed outside the closed assembly.
9

10 **5.15 Adjournment**

- 11
12 1. A Congress Session is officially adjourned with or without a
13 motion to adjourn, after all of the business on the agenda has
14 been considered. The Speaker maintains a quorum and if a
15 quorum no longer exists, the Speaker may call for a motion to
16 adjourn.
17
18

19 **RULE SIX** 20 **LEGISLATION**

21 **6.1 Definition of the Term “Bill”**

- 22
23
24 1. The term “bill,” as used in these Rules, shall mean proposed
25 legislation which in order to become law must pass through
26 the Congress according to the procedures established by the
27 Osage Constitution, including consideration by the Principal
28 Chief. The term shall include proposed laws of a general
29 nature and proposed special laws. The procedures of these
30 Rules applicable to the introduction and passage of bills shall
31 also apply to the introduction and passage of resolutions.
32

33 **6.2 Definition of the Term “Resolution”**

- 34
35 1. The term “resolution” as used in these rules shall mean a
36 formal expression of an opinion, intention, or decision by the
37 Osage Nation Congress.
38
39 2. A resolution affecting the legislature and its’ internal
40 procedure, does not require presentation to the Principal
41 Chief.

- 1 3. Pursuant to Article VI, Section 14, of the Osage Nation
2 Constitution, each order, resolution or vote, except such as
3 relate to the business or adjournment of the legislature, shall
4 be presented to the Principal Chief and is subject to a veto
5 with an override provision.
6

7 **6.3 Proposed Legislation**
8

- 9 1. The Speaker shall set priorities of the Legislative Services
10 Division for drafting of all proposed legislation.
11
12 2. The Legislative Writer shall have the authority to make limited
13 changes on proposed legislation prior to the bill or resolution
14 receiving a number. These changes would only involve
15 clerical errors, mathematical errors, grammatical, spelling and
16 punctuation corrections on bills and resolutions.
17
18 3. Members shall submit proposed legislation to the Legislative
19 Writer to be placed in the proper form. The Legislative Writer
20 shall certify on the front page of the bill that the legislation has
21 been received by the Legislative Services Division and is in
22 proper form.
23
24 4. The Sponsor of any proposed legislation shall submit the
25 legislation to the Clerk of the Congress to be filed. The Clerk
26 shall assign the legislation a number and confirm the date and
27 time the legislation is received in writing to the Sponsor. The
28 Sponsor must also submit an electronic copy of the legislation
29 to the Clerk within twenty-four (24) hours of confirmation of
30 receipt.
31
32 5. In order for legislation to appear on First Reading, the
33 legislation must be filed prior to 3:00 p.m. on the previous
34 legislative day.
35
36 6. All filed bills or resolutions shall have a Sponsor listed and
37 shall have a title stating the subject matter contained therein
38 and shall include the bill or resolution number assigned to it by
39 the Clerk of the Congress. If there are any Co-Sponsors, they
40 may also be listed on the bill or resolution.
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7. One (1) Member shall be designated as the Sponsor and shall be listed on the bill or resolution by name only. All others will be listed as Co-Sponsors.
8. Co-Sponsors of bills and resolutions added after introduction shall be listed in the order received and shall include the date added.
9. The Sponsor has sole authority to amend and/or change the proposed legislation prior to the numbered bill or resolution being assigned to the appropriate Standing Committee.
10. The Speaker shall assign the numbered bill or resolution to the Standing Committee with jurisdiction over the matter.
11. The Committee Chairman shall place the numbered bill or resolution on the committee agenda for consideration.
12. The Sponsor or a Co-Sponsor of legislation must attend the appropriate Committee meeting that discussion taken on the Sponsor's legislation will occur. The Sponsor of legislation must be notified by the Committee Chair to attend appropriate committees.
13. If the Sponsor or Co-Sponsor does not attend the appropriate committee meeting, the bill or resolution may not be considered (tabled).
14. All bills forwarded to the entire Congress from a Standing Committee should be accompanied by a Committee report. Such reports should reference any hearings and provide the legislative intent of such legislation.
15. Any Co-Sponsor who is not the Sponsor of the bill may withdraw their sponsorship at any time by notifying the Clerk of the Congress in writing. Subsequent version of the bill shall record any withdrawal(s) and the effective date of the withdrawal under the list of remaining Co-Sponsors.

1 **6.4 Statute Designation**

- 2
- 3 1. Each statute or law enacted by the Congress shall be
- 4 designated within the Fiscal Year followed by a hyphen (-)
- 5 then followed by the sequence in which the bill was enacted.

6

7 *Example:* An act introduced in 2006 would be numbered

8 ONCA 06-01.

- 9
- 10 2. Bills and resolutions introduced in the Second Regular
- 11 Session of the Congress shall be numbered consecutively
- 12 with the last bill and resolution, respectively, introduced in the
- 13 First Regular Session of the same Congress.

14

15 **6.5 “Reading” Defined**

- 16
- 17 1. “Reading” means the stage of consideration of a bill or
- 18 resolution after reading or publishing of a portion of the title
- 19 sufficient for identification, as determined by the
- 20 Congressional Staff and reported through the Speaker.

21

22 **6.6 Reading of Bills and Resolutions**

- 23
- 24 1. Each bill and each resolution shall receive two (2) readings.
- 25 The publication of a bill or resolution by its title and bill number
- 26 in the Congress Journal shall satisfy the requirements of First
- 27 Reading.

28

29 **6.7 Advancing a Resolution**

- 30
- 31 1. A resolution may be advanced to Second Reading by 2/3
- 32 majority of the elected members of Congress.

33

34 **6.8 First Reading**

- 35
- 36 1. After the First Reading of a bill or resolution, the bill or
- 37 resolution shall be referred by the Speaker to an appropriate
- 38 committee or directly to the Calendar under the heading "Bills
- 39 on General Order", or "Resolutions on General Order," as the
- 40 case may be.

- 1 2. No bill or resolution on First Reading shall be subject to
2 amendment or debate.
- 3
- 4 3. A motion can be made by a Member to appeal the decision
5 made by the Speaker concerning the particular committee
6 chosen to receive the bill or resolution. A 2/3 vote of the
7 Members of Congress is required to approve the appeal.
- 8

9 **6.9 General Order**

- 10
- 11 1. The first day a bill or resolution is on General Order, the bill or
12 resolution shall be read by title, or read and considered by
13 sections, unless otherwise ordered by the Speaker.
- 14
- 15 2. The Member, or Member designee, presenting a bill or
16 resolution shall be allowed a reasonable length of time in
17 which to explain same.
- 18
- 19 3. A bill referred directly to the Calendar or reported favorably by
20 the committee of reference shall be placed on General Order
21 on the agenda for the next legislative day.
- 22
- 23 4. A list of bills or resolutions on General Order shall be posted
24 on the calendar as soon as possible.
- 25

26 **6.10 General Order Amendments**

- 27
- 28 1. All bills and resolutions on General Order shall be subject to
29 amendment as provided in this rule.
- 30
- 31 2. The body of a bill or resolution shall not be defaced or
32 interlined. All proposed amendments, noting the page and
33 line, shall be submitted on a separate piece of paper.
- 34
- 35 3. The first day after the bill is placed on General Order,
36 amendments can be made on the floor and must receive a
37 second. If no second is received, then the motion is not
38 considered.
- 39
- 40 4. No debate or discussion of amendments will occur on the first
41 day after the bill is placed on General Order.

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5. The second legislative day after the bill is placed on General Order, the Speaker will present the amendments, one by one, in the order they were presented. After an amendment is read and presented, the Speaker will open the floor for debate and then a vote will be in order.
6. If a motion and a second are received for an amendment to an amendment (secondary), then the secondary amendment will be debated and voted upon.
7. If the secondary amendment is approved, then the primary amendment now including the secondary amendment, will be debated and voted upon.
8. If the secondary amendment is not passed, then the primary amendment will now be debated and voted upon.
9. Only one amendment (secondary) to the amendment (primary) is in order per subject.

6.11 Amendment of General Appropriations Bill

1. Whenever an amendment is offered to a General Appropriations Bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall decrease a line item or items within the same bill in an amount or amounts equivalent to or greater than the increase required by the amendment.

6.12 Germaneness of Amendments

1. The Congress shall not consider any proposed amendment that is not germane to the subject of the original bill or resolution. It shall be the duty of the Speaker to enforce this rule, regardless of whether or not a point of order is raised by a Member.
2. An amendment of an amendment must be germane to both the main amendment and the measure which it purports to amend.

- 1
2 3. The Congress shall not consider any bill or resolution if the bill
3 or resolution has been amended by the insertion of matter not
4 germane to the purpose of the original bill or resolution. It
5 shall be the duty of the Speaker to enforce this, regardless of
6 whether or not a point of order is raised by a Member.
7

8 **6.13 Reconsideration**

9

- 10 1. A motion to reconsider any vote on the adoption or rejection of
11 an amendment, or the adoption or rejection of a section of any
12 bill or resolution, may be made by any Member prior to the
13 advancement of such bill or resolution from General Order,
14 which motion shall be subject to debate.
15

16 **6.14 Motion to Commit**

17

- 18 1. A motion may be made during the reading or consideration of
19 any bill or resolution on General Order to commit the bill to a
20 standing or special committee. A majority vote of the congress
21 needed for approval. All properly submitted General Order
22 amendments offered for a bill or resolution prior to the Motion
23 to Commit shall accompany the bill or resolution to Committee
24 and be subject to Committee consideration and action.
25

26 **6.15 Motion to Advance from General Order**

27

- 28 1. A motion to advance a bill or resolution from General Order
29 shall be in order on the second legislative day following the
30 day the bill is placed on General Order if no amendments are
31 proposed.
32

33 **6.16 Engrossment**

34

- 35 1. All bills or resolutions must be engrossed prior to Second
36 Reading.
37
38 2. A Congress bill or resolution, when advanced from General
39 Order together with the amendments thereto, shall be
40 delivered, by the Clerk of the Congress, to the Legislative
41 Writer for Engrossment.

- 1
- 2 3. The Legislative Writer shall have the authority to make limited
- 3 changes on proposed legislation. These changes would only
- 4 involve clerical corrections, mathematical corrections,
- 5 grammatical, spelling and punctuation corrections on bills and
- 6 resolutions.
- 7
- 8 4. An engrossment is a proofreading and verification in order to
- 9 be certain that the bill before the body is identical with the
- 10 original bill as introduced with all amendments that have been
- 11 adopted correctly inserted.
- 12
- 13 5. The engrossed bill or resolution shall be reviewed by the
- 14 Congressional Rules and Ethics Committee. Before review,
- 15 the bill or resolution shall be reprinted in a manner that omits
- 16 the means by which amendments were indicated. Exceptions
- 17 shall be made for the bills and resolutions amending
- 18 legislation where such indications are necessary.
- 19
- 20 6. When reported by the Rules and Ethics Committee as
- 21 correctly engrossed, the copy is substituted during Second
- 22 Reading.
- 23
- 24 7. The measure shall then immediately be placed on the
- 25 Calendar under the heading "Bills on Second Reading" or
- 26 Resolutions on Second Reading" as the case may be.
- 27
- 28 8. Congress may upon motion consider a bill or resolution that
- 29 has been engrossed following recess in the same session on
- 30 Second Reading.
- 31

32 **6.17 Bills on Second Reading - Consideration and Debate**

33

- 34 1. On Second Reading of a bill or resolution, before the vote is
- 35 ordered, such question shall be subject to debate. Debate
- 36 shall be limited to sixty-three (63) minutes. No Member may
- 37 speak for more than five (5) minutes except the Sponsor who
- 38 is allowed a total of eight (8) minutes to be divided between
- 39 the opening and closing of debate.
- 40

- 1 2. Once debate has completed, the question shall be put, by the
2 Speaker, in the following manner: "The Question is, shall the
3 Bill or Resolution Pass?" Such question shall be decided by
4 recorded vote after the announcement of the question by the
5 Speaker.
6

7 **6.18 Amendments on Second Reading**

- 8
9 1. No bill or resolution on Second Reading shall be subject to
10 amendment.
11

12 **6.19 Consideration of Emergency Section**

- 13
14 1. When any bill or resolution is being considered on Second
15 Reading, and such a bill or resolution contains an emergency
16 section, the emergency section shall constitute a separate
17 question, and shall be subject to debate.
18

19 **6.20 Carry-over Bills and Resolutions**

- 20
21 1. Any bill or resolution pending in the Congress at the
22 adjournment of any Regular Session of a Congress, or any
23 interim special session thereafter shall carry over to the next
24 Regular Session with the same status as if there had been no
25 adjournment, and any bill or resolution may carry over to a
26 special session if it is placed on the Proclamation for the
27 special session.
28
29 2. Bills or resolutions pending at the time of sine die adjournment
30 shall not carry over.
31

32 **6.21 Fiscal and Actuarial Analysis of Amendments**

- 33
34 1. All bills or resolutions, or the amendments to them, whose
35 adoption will have a fiscal impact, including the affecting of
36 revenues, expenditures or fiscal liability, shall not be
37 scheduled for floor consideration unless accompanied by a
38 written fiscal analysis.
39
40 2. Fiscal analysis shall state in dollars the estimated increase or
41 decrease in revenues or expenditures and the present and

1 future fiscal implications of passage of the bill, resolution or
2 amendments to them.

3
4 3. The fiscal analysis shall not express comment or opinion
5 relative to the merits of the legislation proposed, but should
6 point out technical or mechanical defects.

7
8 4. If any bill or resolution of the type delineated in paragraph
9 number 1 of this subsection is scheduled for floor
10 consideration without a fiscal or actuarial analysis having been
11 prepared, it shall be the right of any Member to raise a point of
12 order on the floor and the Speaker may order return of the bill
13 to the appropriate committee. The accuracy of a fiscal or
14 actuarial analysis shall not be a basis for a point of order
15 under these Rules.

16 **6.22 Vetoed Legislation/Veto Message**

17
18
19 1. Pursuant to Article VII, Section 11, of the Osage Nation
20 Constitution, the Principal Chief may veto bills by the Osage
21 Nation Congress. The Principal Chief may, by veto, strike or
22 reduce items in appropriation bills. The Principal Chief shall
23 return any vetoed bills, with a statement of the objection(s), to
24 the Congress.

25
26 2. A veto message of the Principal Chief shall be delivered to the
27 Congress office by the Executive Branch. The Congress
28 Clerk or designee shall specify the time and date the “Veto
29 Message” was received. Objections shall be entered into the
30 journal.

31
32 3. Copies of the veto message shall be made available upon
33 receipt to all Members.

34
35 4. When a bill or resolution is returned to the Congress because
36 of a veto by the Principal Chief, a motion to vote to override
37 the veto shall be in order at any time.

38
39 5. Any Member, other than the Speaker, may make a motion that
40 the veto be overridden and the legislation adopted as law.

1 Such motion shall be in order only at the meeting where the
2 veto message was read aloud.

- 3
- 4 6. A motion to vote to override a veto by the Principal Chief is
5 debatable. No member shall speak more than once, nor for
6 more than 5 minutes.
- 7
- 8 7. If at least three-fourths (3/4) or nine (9) members of Congress
9 vote to pass the bill, it shall become law.
- 10
- 11 8. If a motion to override and adopt the vetoed legislation is not
12 made, the vetoed legislation may not be reconsidered.

13 **6.23 Reconsideration**

- 14
- 15
- 16 1. The final vote on Second Reading on any bill or resolution, or
17 on the Emergency Section thereof, or the final vote on
18 adoption of a simple or concurrent resolution, may be
19 reconsidered only if a Member presents a motion to
20 reconsider the final vote, and the Speaker shall afford any
21 Member such opportunity prior to proceeding to consideration
22 of any other business.
- 23
- 24 2. The motion to reconsider a final vote shall be presented and
25 considered on the same day that such final vote was taken.
26 The motion must have a second.
- 27
- 28 3. For adoption, a motion to reconsider the final vote on a bill,
29 resolution, or Emergency Section must receive a vote of 2/3
30 Members of the Congress.

31 **RULE SEVEN**

32 **CONGRESSIONAL COMMITTEES**

33 **7.1 Select Committees**

- 34
- 35
- 36 1. The Select Committees are:
- 37
- 38 1. Congressional Affairs Committee
- 39 2. Congressional Rules and Ethics Committee
- 40
- 41

1
2 **7.2 Congressional Affairs Committee**
3

4 1. Duties include the following:
5

- 6 a. Review and arbitrate Member disputes and staff disputes.
7
8 b. Review and approve or disapprove hiring decisions and
9 terminations.
10
11 c. Review and make recommendations regarding annual staff
12 evaluations.
13
14 d. Set salaries, bonuses and leave for employees of
15 Congress.
16
17 e. Review and approve policies and procedures of the
18 Congressional Staff.
19
20 f. Responsible for preparation of the annual Legislative
21 budget.
22
23 g. Responsible for the management of Congressional service
24 contracts and non-litigation attorney contracts.
25
26 h. Approve or disapprove expenditures over \$1,000 (one
27 thousand dollars).
28
29 i. Responsible for the evaluation of need, specific
30 assignments, and review of invoices for services prior to
31 payment. The Committee shall not delegate these
32 responsibilities; however, they may authorize a member of
33 Congress to direct the activities of a contractor as specified
34 by the Congressional Affairs Committee in writing.
35
36 j. Shall be responsible for disciplining Members for tardiness
37 and nonattendance at Sessions of Congress, and/or lack of
38 committee attendance or participation, and may discipline
39 Members in accordance with the Congressional Policy
40 Manual.
41

1 k. A vote shall not be taken on any item raised not posted on
2 the meeting notice.

3
4 l. The Congressional Affairs Committee shall undertake such
5 additional duties as may hereafter be prescribed by these
6 rules or referred to the Committee by a vote of the majority
7 of the Members of Congress.

8 9 **7.3 Congressional Rules and Ethics Committee**

10
11 1. Duties include the following:

12
13 a. Will be responsible for initiating, researching, and
14 proposing amendments and new additions to the Rules of
15 the Osage Nation Congress.

16
17 b. Will be responsible for creating and amending the Osage
18 Nation Congressional Policy Manual.

19
20 c. Will be responsible for ensuring legislative compliance with
21 Article X of the Osage Nation Constitution and any ethics
22 rules of the Osage Nation Congress and laws of the Nation.

23 24 **7.4 Standing Committees**

25
26 1. Each committee of the Congress is authorized to hold such
27 meetings and to sit and act at such times and places during
28 sessions, recesses and adjourned periods as it deems
29 advisable.

30
31 2. A Committee's subject matter jurisdiction extends to all
32 matters reasonable comprehended in the name of the
33 committee. A committee's particular jurisdiction extends to any
34 bill, resolution, confirmation or other measure referred to it by
35 the Congress, including review of the budgets of the agencies,
36 boards and commissions reasonably encompassed in its
37 subject matter jurisdiction.

38
39 3. No committee may exercise any power in a manner excessive
40 or contrary to the Rules of the Congress.

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- 4. There shall be six (6) Congressional Standing Committees. They serve as the oversight authority for addressing needs, policy development and appropriations of the Osage Nation.
- 5. The committees shall be comprised in total of no less than four members and no more than six members.
- 6. Congress shall meet and caucus on the subject of committee membership. When the Speaker determines that a general consensus may have been reached on committee membership, the Speaker shall submit a complete list of committee assignments for approval by the Congress. An affirmative vote of at least seven members of Congress will be required to establish the members in each committee for the coming year.
- 7. Such elections shall occur at times as follows:
 - 1. During the 11th Special Session of the 1st Congress;
 - 2. Prior to the conclusion of the 2009 Hun-kah Session; and
 - 3. At the conclusion of each Hun-kah Session thereafter.
- 8. The election results of the 11th Special Session of the 1st Congress shall be effective the last date of that special session. Beginning in 2009, and each year thereafter, the effective date of the elections will be the last date of the Hun-kah Session.
- 9. The following is a list of the committees and their basic jurisdictions.
 - 1. Commerce and Economic Development
 - a. Commerce, Tourism & Economic Development
 - b. Enterprise Boards
 - c. Gaming
 - d. Home Health
 - e. Foundation Board
 - f. Tourism

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- 2. Cultural
 - a. American Legion Post 198
 - b. Cultural Center
 - c. Drumkeepers
 - d. Historical Preservation Office
 - e. Museum
 - f. Native American Church Fund
 - g. Osage Cultural Preservation, Arts Heritage & Language
 - h. Osage Language
 - i. Villages/Cultural & Traditional Practices
 - 3. Education
 - a. Education and Early Childhood Learning
 - b. Headstart
 - c. Public School Programs
 - d. Scholarships
 - 4. Governmental Operations
 - a. 3 Branches – Executive, Legislative & Judiciary
 - b. Accounting/Treasury Department
 - c. Attorney General
 - d. Communications
 - e. Government Support Services, Agencies, Commissions
 - f. Human Resources
 - g. Inter-governmental Relations
 - h. Law Enforcement
 - i. Natural Resources
 - j. Office of Fiscal Performance and Review
 - k. Properties
 - l. Tax Commission
 - m. Villages/Government to Government Relationships
 - 5. Health and Social Services
 - a. Boys & Girls Club
 - b. Burial Assistance

- 1 c. Children Services
- 2 d. Daycare
- 3 e. Elder Services Programs
- 4 f. Employee Club
- 5 g. Family Services
- 6 h. Fitness Centers
- 7 i. Food Distribution
- 8 j. Health Board
- 9 k. Health, Fitness and Wellness Child, Family and
- 10 Senior Assistance
- 11 l. Indian Health Services
- 12 m. Substance Abuse
- 13 n. Women, Infants & Children (WIC)

14 6. Appropriations

- 17 a. budget compilation for general appropriations bills
- 18 b. mathematical accuracy of budgets
- 19 c. determination of compliance with any Congressional
- 20 law or resolution that imposes limits on spending or,
- 21 in the absence of, sets spending caps on
- 22 jurisdictional committees, when necessary
- 23 d. research and study of financial records and reports
- 24 from the Treasury, Human Resources, Gaming, the
- 25 Osage Tax Commission, the OFPR, other
- 26 departments and tribal enterprises as necessary to
- 27 properly evaluate legislation containing
- 28 appropriations.
- 29 e. appropriations guidelines
- 30 f. revenue projections

31 **7.5 Sub-Committees**

- 34 1. The Speaker, or the Chair, may establish Sub-Committees as
- 35 needed and determined. A motion, second and majority
- 36 approval of the Congress, if in session, or committee, if in
- 37 committee meeting, is needed.
- 38
- 39 2. Members NOT on the Standing committee and other persons
- 40 must first be notified by the Speaker and must approve to be
- 41 considered as a member of a sub-committee.

- 1
2 3. Sub-committees may be made up of Members of the
3 Committee, other Members or other persons deemed
4 necessary by the Chair or Speaker.
5

6 **7.6 Appropriations Committee**

7

- 8 1. The Appropriations Committee shall be comprised of five (5)
9 members, each member being an elected representative from
10 within the membership of each Standing Committee.
11
- 12 2. Upon referral from the Speaker, the Appropriations Committee
13 shall refer legislation containing appropriations to the
14 committee of jurisdiction. The chair of the Committee of
15 Jurisdiction may defer to accept in writing and state reasons.
16
- 17 3. Legislation referred to a committee of jurisdiction, after review,
18 shall be reported to the Appropriations Committee by the
19 committee representative. The filed report may contain
20 recommendations and intent from the committee of
21 jurisdiction.
22
- 23 4. Upon receipt and review, the Appropriations Committee shall:
24
- 25 a. Return the legislation to the committee of jurisdiction
26 with recommendations for amendment; or
 - 27
 - 28 b. Report the legislation to the Congress with
29 recommendations. The Appropriations Committee shall
30 include jurisdictional committee report(s) when reporting
31 to Congress and shall not modify the jurisdictional
32 committee report(s).
33
- 34 5. The Appropriations Committee may amend bills and reduce
35 line items under the following circumstances:
36
- 37 a. The cumulative amount of Osage Nation budgets
38 exceeds limits imposed by Osage law, resolution, or the
39 Osage Constitution. In this event, the Appropriations
40 Committee shall report the legislation as amended and
41 may include recommendations.

1
2 **7.7 Standing Committee Oversight Responsibilities**
3

- 4 1. Committees are authorized:
5
6 a. To maintain a continuous review of the work of the
7 government agencies and offices concerned with their
8 subject areas and the performance of the functions of
9 government within each subject area
10
11 b. To invite public officials, public employees and private
12 individuals to appear before the committees to submit
13 information.
14
15 2. In order to carry out the duties of the committee, the Chair of
16 each committee with approval of the Speaker may issue
17 subpoenas duces tecum and other necessary process to
18 compel the attendance of witnesses either before the
19 committee or at deposition and the production of any books,
20 letters or other documentary evidence required by such
21 committee.
22
23 3. The Chair, Vice-Chair, or a member designated by the Chair or
24 Vice-Chair may administer all oaths and affirmations to
25 witnesses who appear before such committees to testify in any
26 matter requiring evidence.
27
28 4. To request reports from departments and agencies performing
29 functions reasonably related to the committees' jurisdictions
30
31 a. Each committee has the reasonable right and authority to
32 inspect and investigate the books, records, papers,
33 documents, data, operation and physical plant of any
34 department of this Nation.
35
36 5. To complete the interim projects assigned by the Speaker or
37 the Congressional Affairs Committee
38
39
40
41

1
2 **7.8 Committee Staff**
3

- 4 1. The Congressional Affairs Committee shall make staff
5 assignments to the Standing Committees.
6 2. The Chair of each committee shall be the only person directing
7 Congress Staff to perform secretarial duties necessary to fulfill
8 the needs of the Committee. Any request for information of
9 other issues shall be directed through the respective committee
10 chair.

11
12 **7.9 Notice of Meetings**
13

- 14 1. During Session, all committees shall provide at least forty-eight
15 (48) hours notice of a meeting. At a minimum, notice of the
16 meeting shall be posted both outside the Congress chamber
17 and on the Congress website. In case of emergency, with the
18 approval of the Speaker, a meeting may be held with notice
19 appropriate to the circumstances. The Speaker shall announce
20 and describe the emergency.
21
22 2. A notice shall state the date, time and place of a meeting and
23 shall include a listing and sufficient title for identification of any
24 and all bills or resolutions to be considered by the committee or
25 subcommittee holding the meeting. The bill author and the
26 members of the committee or subcommittee shall be provided
27 separate notice.
28
29 3. If a committee or subcommittee is scheduled for a regular
30 meeting, but does not plan to meet, a cancellation notice shall
31 be posted.
32
33 4. The Rules and Ethics Committee may meet during Session
34 without notice at the direction of the Speaker or the call of the
35 Chairperson for the purpose of engrossing bills and resolutions.
36
37 5. The Appropriations Committee may meet during Session
38 without notice at the direction of the Speaker or the call of the

1 Chairperson for the purpose of referring legislation to other
2 Committees of Jurisdiction.

3
4 **7.10 Timing of Committee Meetings**

- 5
6 1. Committees shall meet at the call of the Chair within the dates,
7 times and locations designated by the Speaker.
8
9 2. No committee shall sit during a floor session of the Congress
10 without special leave from the Speaker.

11
12 **7.11 Authority of the Chair**

- 13
14 1. Except as otherwise provided in these Rules, the Chair has all
15 authority necessary to ensure an efficient operation of the
16 committee, including, but not limited to, presiding over the
17 committee, preparing the agenda for the committee, recognition
18 of members or presenters, deciding all questions of order in
19 committee and determining the order in which matters are
20 considered in committee.
21
22 2. The Chair shall require all persons attending a committee
23 meeting to silence all telephones and other audible electronic
24 equipment.
25
26 3. In case of a Chair's absence, the Vice-Chair shall assume all
27 duties of the Chair until the Chair's return or replacement.
28
29 4. Visitors, guests and fellow Members may speak only if
30 recognized by the Chair.

31
32 **7.12 Open Meetings**

- 33
34 1. Committee meetings shall remain "open" to the public except
35 when entering into "Executive Session." Procedures and
36 requirements for committees entering into Executive Session
37 are listed under 5.14 of these rules.
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7.13 Committee Meetings Procedure

1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Committees in all cases to which they are applicable and in which they are not inconsistent with these Rules.
2. Every member of the Committee in attendance shall be eligible to vote on any measure or matter before the Committee and on any amendment or motion pertaining thereto.
3. A committee may only take up bills or resolutions for consideration if a quorum of the committee is present. A quorum is a majority of the members of the committee. In order to establish a quorum, committee members shall be required to attend stated meetings in person. Quorums will not be allowed to be established through the use of tele-conferencing.
4. If neither the chairperson nor vice-chairperson of a Committee is present, the secretary shall call the meeting to order, and the committee shall immediately elect a chairperson pro tem to preside during that meeting. Such office is terminated at the end of the meeting or by the entrance of the chairperson or vice-chairperson.
5. The Chair shall arrange for the taking of recorded minutes, including the recording of which members were in attendance, tardy, or absent.
6. No person shall address the committee unless first recognized by the Chair for that purpose.
7. If and when a bill or resolution is taken up for consideration, the Congress author shall be recognized for explanation of the bill or resolution if he or she so desires.

- 1 8. The Congress author shall be given the opportunity to answer
2 questions put by members of the committee or other persons
3 recognized by the Chair.
4
- 5 9. The Chair shall provide opportunity for presentation of
6 amendments to the bill or resolution by the Congress author,
7 any member of the committee, or any other Member of the
8 Congress. Any amendment must be seconded to receive
9 further consideration.
10
- 11 10. Amendments shall be considered in the order they appear in
12 the bill or resolution, or in the order they are presented to the
13 committee. The Chair shall resolve any conflict resulting from
14 claimed priority of presentation.
15
- 16 11. The author of an amendment shall explain the amendment and
17 be afforded the opportunity to answer questions about the
18 amendment put by members of the committee, the author of the
19 bill or resolution, Members of the Congress or other persons
20 recognized by the Chair.
21
- 22 12. The Chair may recognize any person for comment on the
23 proposed legislation or amendments thereto. The Chair may
24 limit the amount of time for any such comment.
25
- 26 13. Except for legislation containing appropriations, all legislation
27 originating in the Congress which is recommended by a
28 committee to the full Congress shall contain a complete Title
29 and an Enacting or Resolving Clause.
30

31 **7.14 Amendments**

32

- 33 1. Committees may only consider amendments presented in final
34 written form, to the assigned committee staff member, prior to
35 adoption. This may be waived at the discretion of the committee
36 Chair.
37
- 38 2. Any Member of the Congress may offer an amendment to any
39 bill or resolution being considered by any committee or

1 subcommittee and shall be recognized to introduce the
2 amendment. If not a member of the committee or
3 subcommittee, a Member who offers an amendment must
4 comply with the amendment filing deadline of this Rule and be
5 present at the meeting at which the amendment is considered.
6 If the Member is not present, the amendment may only be
7 considered if taken up and offered by a member of the
8 committee.

- 9
- 10 3. Any Member offering an amendment, including a member of
11 the committee, must submit the proposed amendment in writing
12 to the Chair before the meeting of the committee or
13 subcommittee.
- 14
- 15 4. The Chair may, at his or her discretion, waive or set a later
16 deadline than contained in this rule for amendments.
- 17
- 18 5. Amendments to any bill or resolution under consideration by a
19 committee shall be germane to the subject of the original bill or
20 resolution and as approved by any committee shall be
21 incorporated into the printed bill or resolution the same as if
22 included in the original bill or resolution.

23

24 **7.15 Committee Hearings Procedure**

- 25
- 26 1. Each standing committee is authorized to hold such hearings,
27 to sit and act at such times and places during the sessions,
28 recesses, and interim periods of the Congress, to require by
29 subpoena or otherwise the attendance of such witnesses and
30 the production of such correspondence, books, papers, and
31 documents, and to take testimony. Each such committee may
32 make investigations into any matter within its jurisdiction, and
33 may report and publish the findings of such hearings upon an
34 affirmative vote of the majority of the members of such
35 committee.
- 36
- 37 2. Each Select Committee of Inquiry is authorized to hold such
38 hearings, to sit and act at such times and places during regular
39 sessions and special sessions of the Congress, to require by

1 subpoena or otherwise the attendance of such witnesses and
2 the production of such correspondence, books, papers, and
3 documents, and to take testimony. Each such committee may
4 make investigations into any matter for which the committee
5 was formed, and the committee shall report its findings in
6 accordance with these Rules of Congress.
7

- 8 3. Each committee shall provide at least forty-eight (48) hours
9 notice of a hearing. At a minimum, notice of the hearing shall
10 be posted both outside the Congress chamber and on the
11 Congress website. In case of emergency, with the approval of
12 the Speaker, a hearing may be held with notice appropriate to
13 the circumstances. The Speaker shall announce and describe
14 the emergency.
15
- 16 4. A notice shall state the date, time, place and subject matter of
17 the hearing.
18
- 19 5. If a committee is scheduled for a hearing, but does not plan to
20 hold the hearing, a cancellation notice shall be posted.
21
- 22 6. The Chair of each committee shall have the authority to invite
23 witnesses for a hearing and the Chair shall invite any witness
24 requested by at least two (2) members of such committee.
25
- 26 7. Witnesses and the production of such correspondence, books,
27 papers, and documents may be subpoenaed in accordance
28 with the congressional subpoena law.
29
- 30 8. Each committee may require each witness who is to appear
31 before the committee in any hearing to file with the clerk of the
32 committee, at least one day before the date of the appearance
33 of that witness, a written statement of his or her proposed
34 testimony. If the committee does require a witness to file a
35 written statement of testimony, the witness shall be notified in
36 writing of such requirement. If so requested by the Committee
37 Chair, the committee staff shall prepare a copy of each witness'
38 testimony statement for the use of the members of the
39 committee prior to the committee hearing.

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- 9. A quorum of the members of the Committee is required for the purpose of taking sworn testimony.
- 10. Invitations to witnesses who are not employees of the Osage Nation shall be sent by certified mail, return receipt with delivery restricted to the invitee. The return mail address on the return receipt shall be the mailing address of the Clerk of Congress.
- 11. Invitations to witnesses who are employees of the Osage Nation shall be hand carried with a communication receipt to the office designated for receiving communications on behalf of that employee. The executed communication receipt shall be returned to the Clerk of Congress.
- 12. Invitations to witnesses shall include the information including all correspondence, books, papers, and documents sought by the committee conducting the hearing, and the subject matter of any testimony sought by the committee.
- 13. Invitations to witnesses shall also request the invitee to contact the clerk of the committee to state whether they accept or decline the invitation.
- 14. Witnesses to all hearings may attend personally, or with an attorney. When a witness is represented by an attorney, all notices and communications shall be sent to that attorney unless the witness requests otherwise in writing.
- 15. A witness shall not be compelled to incriminate himself or herself.
- 16. Any documents subpoenaed by a committee for the purpose of a hearing which are marked as confidential or identified as non-public records by law may be made a part of the record of the hearing, subject to the provisions of this section.
 - a. The body of Congress may reclassify as public any document marked as confidential or non-public after

1 providing notice and an opportunity to be heard to interested
2 parties in executive session and upon an affirmative vote of
3 the majority of the Members in a regular or special session.
4

- 5 b. The committee may recommend reclassification of a
6 document or a part(s) of a document as public to Congress
7 that are marked as classified, privileged, or otherwise
8 private.
9
- 10 c. The Congress shall give effect to the attorney-client
11 privilege, the doctor-patient privilege, the marital confidences
12 privilege and the spousal testimonial privilege recognized in
13 United States law, unless the privilege is waived or an
14 exception applies. The Congress shall also give effect to the
15 Executive Privilege recognized by Osage law specifically
16 limited to the Principal Chief and the Assistant Principal
17 Chief.
18
- 19 d. In determining whether a given document shall be
20 reclassified, the Congress shall balance the confidentiality
21 claim against the public interest to access the information
22 and the importance of the information to the matter(s) before
23 the committee or Congress. The Congress may also
24 consider the facts and circumstances relevant to the
25 situation in making its determination.
26

27 17. Only current Members of Congress may sit on committees
28 conducting investigative, oversight or confirmation hearings.
29

30 18. This committee hearing procedure shall apply to legislative
31 hearings, oversight hearings, investigative hearings, select
32 committee of inquiry hearings and confirmation hearings. This
33 hearing procedure shall not apply to public hearings which
34 allow any citizen to speak and offer his or her views on a
35 legislative subject as described in rule 7.15.
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7.16 Public Hearings

1. A public meeting of a legislative committee on a particular subject at which any citizen may speak and offer his or her views on the subject.
2. At least one half of the members of a committee, with the principal author, may force a bill to be considered in public hearing.
3. The notice of the date and time of such hearing shall be publicly announced by the Chair. Such time and date shall not be less than three (3) legislative days from the date such request was received by the Chair, unless such time and date would prohibit consideration of the bill or resolution.

7.17 Voting

1. All votes in committees shall be conducted in open public meetings of that committee.
2. The vote on a recommendation for final passage out of committee to the Congress, concerning a bill or resolution, shall be by a recorded vote and shall require a majority of those voting.
3. Only those members present may vote on any matter.

7.18 Committee Recommendations

1. "Do Pass." When any committee returns a bill or resolution with the recommendation of "Do Pass," the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the proper heading.
2. "Do pass with Amendments." When any committee returns a bill or resolution with a recommendation of "Do Pass with Amendments," the same shall be printed and placed on the

1 Calendar in numerical order by bill or resolution number under
2 the proper heading.

- 3
- 4 3. "No Recommendation." When any committee returns a bill or
5 resolution with "No recommendation", the same shall be printed
6 and placed on the Calendar in numerical order by bill or
7 resolution number under the proper heading.
- 8 4. "Do Not Pass." When any committee returns a bill or resolution
9 with the recommendation of "Do Not Pass," this shall constitute
10 final action.
- 11
- 12 5. If a committee does not return a bill or resolution with the
13 recommendation of either "Do Pass", "Do Pass with
14 Amendments", "No Recommendation" or "Do Not Pass," the bill
15 or resolution remains the property of the committee, unless the
16 bill or resolution is placed directly on the Calendar by the
17 Speaker or is discharged.
- 18
- 19 6. The recommendations for appropriations bills of "Do Pass", "Do
20 Pass with Amendments", "No Recommendation" or "Do Not
21 Pass" shall be reported to the Appropriations Committee, and
22 the bill or resolution being reported shall not be placed on the
23 calendar until the recommendation of the Appropriations
24 Committee is reported to the Congress.

25

26 **7.19 Standing Committee Reports**

- 27
- 28 1. Bills and resolutions recommended by the standing Committee
29 shall be reported by the Chairperson to the Congress.
- 30
- 31 2. Prior to the reading of the Committee Report, Congress
32 Members shall receive a copy of the filed report, or if an
33 appropriation bill being reported to the Appropriations
34 Committee, the Appropriations Committee Members shall
35 receive a copy of the filed report.
- 36
- 37 3. A committee report shall be considered by the Congress only
38 when a majority of the members of the committee have signed

1 the report. The Congress shall consider the report only if it is
2 limited to matters germane to the bill or resolution.

3
4 4. The chairperson of each committee shall, when reporting a bill,
5 submit with such bill a committee statement which shall contain
6 the following information:

7
8 a. the title and number of the bill;

9
10 b. a roll call vote of final committee action taken on the bill;

11
12 c. the date of the public hearing on the bill, if any;

13 d. a list of all individuals testifying for and against the bill and
14 any organization they represent;

15
16 e. a summary of the bill's purpose;

17
18 f. if committee amendments are to be introduced, a copy of
19 the amendments and an explanation thereof.

20 21 **7.20 Discharge from Committee**

22
23 1. Any bill or resolution may be discharged from any standing
24 committee of the Congress upon a written request signed by
25 two-thirds (2/3) of the Members of the Congress.

26
27 2. The written request for discharge of a bill or resolution shall be
28 submitted to the Clerk of the Congress. The Clerk shall
29 determine if the written request contains the necessary
30 signatures as required by this section. If the written request
31 contains the necessary signatures, the Clerk shall forward the
32 written request to the Speaker who shall place the bill or
33 resolution on the appropriate Calendar. The Clerk shall publish
34 the signatures on the Congress website.

1
2 **7.21 Publication of Records**

- 3
4 1. All records required by the provisions of this Rule shall be made
5 available on the Congress website at least for the duration of
6 the Session.
7

8
9 **RULE EIGHT**
10 **GENERAL PROVISIONS**

11
12 **8.1 Call of the Congress**

- 13
14 1. Call of the Congress may be moved at any time by any
15 Member, but must be seconded. If such motion prevails, the
16 business pending shall be suspended, the roll shall be taken,
17 and the names of the absentees ascertained. The Sergeant at
18 Arms shall then be directed by the Speaker to compel the
19 attendance of the absent Members.
20
21 2. In all cases where an absent Member shall be sent for and fails
22 to attend in obedience to the summons, the Sergeant at Arms
23 report shall be entered in the Journal.
24

25 **8.2 Honorary Appointments**

- 26
27 1. No honorary appointments shall be recorded in the Congress
28 Journal.
29

30 **8.3 Lobbying**

- 31
32 1. All lobbying activities directed at the Congress shall be
33 governed by Article X of the Osage Constitution and such
34 applicable rules lawfully promulgated by the Osage Nation
35 Congress.
36
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39

1
2 **8.4 Legislative Records**
3

- 4 1. Records that are required to be created by these Rules that are
5 of vital, permanent or archival value shall be maintained in the
6 Office of the Clerk. Whenever necessary, but no more often
7 than annually or less often than biennially, records required to
8 be maintained shall be archived.
9
10 2. Other records that are no longer needed for any purpose and
11 that do not have sufficient administrative, legal or fiscal
12 significance to warrant their retention shall be disposed of.
13
14 3. A digital recording shall be made of each day's session by the
15 Clerk which shall be compiled and stored on a digital device
16 suitable for archival purposes.
17
18 4. The committee staff assigned to each existing committee shall
19 ensure compliance with this Rule for all records created or
20 received by the committee.
21
22 5. All Congress Staff and the Speaker shall ensure compliance
23 with this Rule for all records created.
24

25 **8.5 Convening Restriction**
26

- 27 1. No legislative day shall begin between the hours of 10:00 p.m.
28 and 8:00 a.m. on any calendar day.
29

30 **8.6 Authority to Release Membership Roll**
31

32 Pursuant to Section 3-305 (D) of ONCA 06-05, as amended, the
33 Office of Fiscal Performance and Review (OFPR) may obtain a
34 copy of the membership roll from the Office of the Clerk of
35 Congress for the sole purpose of using the membership roll
36 as a resource in its auditing functions. Any other use of
37 membership roll for any purpose by the OFPR is prohibited.
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RULE NINE
ADJOURNMENT OR RECESS

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32

9.1 Motion to Adjourn or Recess

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1. When a motion to adjourn or recess is adopted, no Member or Congressional Staff member shall leave said Member's or staff's place until the adjournment or recess shall be declared by the Speaker.
 2. When the Congress adjourns it shall be to 10:00 p.m. of the succeeding legislative day unless another day and/or hour be specifically named, which day and/or hour shall be entered in the Journal.
 3. A motion to adjourn or recess shall always be in order when the floor can be obtained for that purpose, and shall be decided without debate.
 4. When a vote is being taken, a motion to adjourn or recess shall not be in order. When it is apparent to the Speaker that the motion to adjourn or recess is being made for the purpose of delay and such motion has been voted in the negative, within the next preceding ten (10) minutes, the Speaker, in his/her discretion, may rule the motion out of order as being dilatory.
 5. A legislative day shall be adjourned no later than 12:00 midnight of the calendar day that it began.

9.2 Sine Die Adjournment

1. The date and time of sine die adjournment of the Congress shall be fixed by motion or resolution. Once the fixed date and time has arrived, no further business shall be conducted by the Congress and the Speaker shall declare the Congress adjourned sine die.

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RULE TEN
INTERIM STUDIES

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10.1 Interim Studies

1. When the Congress is not in session, the Speaker shall have the authority to direct committees to make interim studies for such purposes as the Speaker may designate.
2. The Speaker shall provide to the Clerk a copy of interim charges made to a standing or select committee.
3. The committees shall meet as often as necessary to transact effectively the business assigned to them and may continue to exercise the oversight and investigatory powers granted by these Rules and the Constitution.
4. All requests for interim study shall be submitted on request forms available to any Member in the office of the Clerk of the Congress.
5. Committee meetings during the interim must be posted with an agenda at least 48 hours prior to the meeting.
6. During a legislative interim, notice in writing of any interim committee meeting shall be given to the committee members at least seven (7) days prior to the meeting. The staff of the Congress shall prepare and send the meeting notices required by this section.

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RULE ELEVEN
RULES

11.1 Suspension or Amendment of Rules

1. Before a vote shall occur on a rule change, it must first be considered by the Congressional Rules and Ethics Committee.

- 1 2. These Rules may be amended by a two-thirds (2/3) vote of
2 those elected to and constituting the Congress.
- 3
- 4 3. Two-thirds (2/3) of the Members elected to and constituting the
5 Congress may suspend the Rules, or a portion thereof, but a
6 motion for that purpose shall be decided without debate.
- 7

8 **11.2 Parliamentary Hierarchy**

9

- 10 1. Any parliamentary questions shall be resolved by the following
11 references in the order listed:
 - 12
 - 13 1. The Osage Nation Constitution
 - 14 2. Statutes of the Osage Nation
 - 15 3. Osage Nation Congress Rules
 - 16 4. Current Edition of Robert's Rules of Order Newly Revised
 - 17 5. Mason's Manual of Legislative Procedure
 - 18
- 19 2. Any parliamentary question not specifically provided for by the
20 above, shall be governed by the ruling of the Speaker. The
21 Speaker shall publish these substantive rulings in a volume of
22 precedents. In making the ruling, the Speaker may rely upon,
23 but is not bound by, these published rulings.
- 24
- 25 3. The Clerk shall serve as parliamentarian for the Congress.
- 26

27 **11.3 Rules Effective**

28

- 29 1. These Rules shall be in full force and effect for the duration of
30 the First Osage Congress, unless amended, as provided
31 herein.
- 32

33 **RULE TWELVE** 34 **REMOVAL**

35 **12.1 Removal**

36

- 37 1. Select Committee of Inquiry
- 38

- 1 a. A Motion for Removal shall be made by a Member of
2 Congress while in session, and shall be preceded by the
3 formation of a Select Committee of Inquiry for the purpose
4 of reviewing allegations against elected or appointed
5 officials that may constitute grounds for removal, and the
6 delivery of a report from that committee.
7
- 8 b. A motion to form a Select Committee of Inquiry shall:
9
- 10 i. Be in writing;
11
- 12 ii. Contain a list of allegations against the subject of
13 the inquiry;
14
- 15 iii. Set forth allegations that, if true, would constitute
16 grounds for removal as defined by subsection (b) of
17 this code, with allegations stated with sufficient
18 clarity and detail that to enable a Select Committee
19 of Inquiry to make a finding, and
20
- 21 iv. Shall state the approximate date(s) of the actions or
22 inactions alleged to be grounds for removal.
23
- 24 c. The Clerk shall determine if the motion to form a Select
25 Committee of Inquiry is in order and meets the
26 requirements of subsection 1(b) above.
27
- 28 i. If the Clerk finds the motion is in order, the Clerk
29 shall notify the Speaker. The Speaker shall then
30 place the matter on the agenda for the next
31 legislative day. Consideration of the matter shall not
32 include debate.
33
- 34 ii. If the Clerk finds the motion out of order, the Clerk
35 shall return the written motion and accompanying
36 documents to the mover with a written explanation
37 of deficiencies on the next legislative day.
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- d. An affirmative majority of members present may vote to form a Select Committee of Inquiry. Should the Congress form a Select Committee of Inquiry, the Speaker shall notify the Judicial branch in writing.
- e. The Select Committee of Inquiry shall be appointed by a Justice of the Supreme Court of the Osage Nation chosen by the Chief Justice. Such appointments shall be made within ten (10) days of the passage of the motion.
- f. The committee shall consist of five members of Congress. Any member making a motion to form a Select Committee of Inquiry shall be ineligible to serve on a Select Committee of Inquiry created as a result of the motion.
- g. Any solicitation of the Chief Justice by a member regarding the appointment process shall be considered misconduct.
- h. All proceedings of the committee shall be held in Executive Session, with the exception of:
 - i. Any vote regarding a recommendation to the Congress or the approval of a committee report, and
 - ii. Any vote regarding the adoption of additional rules for procedure.
- i. Any and all proceedings of the Select Committee of Inquiry shall be considered confidential. Additional rules of procedure, if any and the committee report shall be public.
- j. The Select Committee of Inquiry:
 - i. Shall elect a chairperson, and that chairperson shall have the right to enter debate and to vote;

- 1 ii. Shall conduct a comprehensive investigation limited
2 to the allegations listed in the motion for removal;
3
4 iii. Shall have the power to gather evidence, interview
5 witnesses, take testimony under oath, and
6 subpoena documents as prescribed by Osage law
7 and these Rules of Congress;
8
9 iv. May retain independent counsel when necessary;
10
11 v. Shall meet only when Congress is in session;
12
13 vi. May adopt additional rules for procedure, provided
14 those rules are not in conflict with the rules of the
15 Congress or other applicable law;
16
17 vii. Shall submit its findings and recommendations to
18 the Congress, including whether sufficient grounds
19 exist for the Congress to consider a trial for
20 removal; and
21
22 viii. Shall disband after submitting its findings and
23 recommendations.
24
25 k. If the committee finds sufficient grounds exist for the
26 Congress to consider a trial for removal, it shall provide a
27 written report of findings, conclusions, and documentation
28 to Congress. The report shall specify the evidence in
29 support of the original allegations and/or evidence
30 discovered during the inquiry that qualifies as grounds for
31 removal.
32
33 l. On the next legislative day following a report from a
34 Select Committee of Inquiry that finds sufficient grounds
35 exist for the Congress to consider a trial for removal, or at
36 any time thereafter during that session, a written motion
37 that meets the requirements of subsection (3)(a) to
38 conduct a removal trial shall be in order.
39

1 2. Rights of Persons During Select Committee of Inquiry Hearings

2
3 a. Elected and appointed officials who are the subject of a
4 Select Committee of Inquiry hearing shall have the right to
5 receive written notice of hearings and shall be permitted
6 to attend all hearings, including those held in executive
7 session.

8
9 b. Elected and appointed officials who are the subject of a
10 Select Committee of Inquiry hearing shall have the right to
11 appear by or with counsel.

12
13 3. Motion for Removal of Elected and Appointed Officers

14
15 a. Any Motion for Removal of elected or appointed officers
16 of the Osage Nation may only be made during a regular
17 session of Congress or during any special session called
18 for that purpose. Such a motion shall satisfy all of the
19 following requirements:

20
21 i. It shall be in writing;

22
23 ii. It shall state the name of the member making the
24 motion;

25
26 iii. It shall state the name of the elected or appointed
27 official who is the subject of the removal motion;

28
29 iv. It shall set forth only those allegations found to be
30 supported by evidence as reported by the Select
31 Committee of Inquiry that, if true, would constitute
32 grounds for removal as defined by subsection (b) of
33 this section;

34
35 v. It shall state the approximate date(s) of the actions
36 or inactions alleged to be grounds for removal. No
37 actions or inactions alleged to have occurred more
38 than 36 months prior to the making of the motion
39 shall be considered, with exception made for a

1 crime of moral turpitude, provided the conviction for
2 the crime occurs in a court of competent jurisdiction
3 and within the 36 month limit.
4

5 vi. It shall include documentation from the report of the
6 Select Committee of Inquiry in support of the
7 allegations. False statements made under oath or
8 falsification of submitted documents shall constitute
9 perjury.
10

11 b. The motion shall be based on removal for cause, which
12 shall include one or more of the following charges: willful
13 neglect of duty, malfeasance in office, habitual abuse of
14 alcohol or drugs, inability to meet the qualifications to
15 serve, conviction of a felony or conviction of a
16 misdemeanor involving moral turpitude while in office,
17 undermining the integrity of the office, disregard of
18 constitutional duties and oath of office, arrogation of
19 power, or abuse of the government process.
20

21 c. If the motion is made less than 90 days prior to an
22 election at which the subject of the motion is a candidate
23 for elective office, the motion is out of order and may be
24 re-filed following the election, within the period of time for
25 filing set forth in subsection (a) (v) extended for 120 days.
26

27 d. The motion shall be reviewed by the Clerk of the
28 Congress to ensure all material requirements of
29 subsection (a) of this section are met. The Clerk may
30 consult with the Legislative Counsel to make that
31 determination. The Clerk shall then declare the motion in
32 order, or declare the motion out of order, returning the
33 motion to the mover and citing deficiencies in writing.
34

35 e. On the next legislative day following the motion, the
36 motion shall be placed on the agenda by the Speaker.
37 The motion shall require eight (8) affirmative votes to
38 pass, and shall not be debated, but may be amended.

1 Amendments shall require eight (8) affirmative votes to
2 pass, and may be debated.
3

4 4. General Provisions
5

- 6 a. Upon a successful motion to hold a removal trial, the
7 Speaker shall solicit the signatures necessary to hold a
8 Special Session solely for that purpose. Such a session
9 shall not be held less than twenty (20) calendar days after
10 a successful vote to hold the removal trial.
11
- 12 b. The removal trial shall be public.
13
- 14 c. The presiding judge shall be an Osage Nation Supreme
15 Court Justice, designated by the Supreme Court. Any
16 Supreme Court Justice appointing the original Select
17 Committee of Inquiry shall be ineligible to preside at the
18 removal trial.
19
- 20 d. Allegations heard at the trial shall be limited to those
21 allegations found in the motion to hold a removal trial and
22 shall be termed Articles of Removal.
23
- 24 e. Any judgment of removal shall require an affirmative
25 majority of 5/6th of the Members of the Osage Nation
26 Congress. Such a vote shall occur on the next legislative
27 day following the completion of the removal trial.
28
- 29 f. The Osage Nation Congress shall reach a judgment for
30 removal only when the evidence indicates that
31 misconduct resulted in injury to the Nation.
32
- 33 i. The Congress shall consider first whether any of the
34 evidence, standing alone, rises to the level of
35 impeachable conduct. If an individual act warrants
36 removal, members may rely on that evidence
37 without regard to a pattern of conduct.
38

1 ii. If the individual acts standing alone do not rise
2 about the threshold for removal, then the cumulative
3 weight of the evidence and the existence of an
4 overall pattern may be considered. Members shall
5 consider whether a series of repeated acts are
6 mistakes or accidents, or are intentional and
7 therefore more serious.

8
9 5. Removal Trial

10
11 a. Upon a successful motion for removal, the Speaker of
12 Congress shall issue the oath to the Supreme Court
13 Justice designated by the Judicial Branch to preside over
14 the trial for removal. The designated Supreme Court
15 Justice shall preside over the Congress during the
16 consideration of the Articles of Removal and the trial for
17 removal.

18
19 b. The Supreme Court Justice, as the Presiding Officer,
20 shall have the power to make and issue, by himself or
21 herself, or by the Clerk of the Congress, all orders,
22 mandates, writs, and precepts authorized by these rules
23 or by the Congress, and to make and enforce such other
24 regulations and orders in the premises as the Congress
25 may authorize and provide.

26
27 c. The Congress shall have the power to compel the
28 attendance of witnesses, to enforce obedience in its
29 orders, mandates, writs, precepts, and judgments, to
30 preserve order, and to punish in a summary way
31 contempt of, and disobedience to, its authority, orders,
32 mandates, writs, precepts, or judgments, and to make all
33 lawful orders, rules, and regulations which it may deem
34 essential or conducive to the ends of justice.

35
36 d. The Supreme Court Justice, as the Presiding Officer,
37 shall direct all necessary preparations in the
38 Congressional chamber, and as the Presiding Officer on
39 the trial, shall direct all forms of proceedings while the

1 Congress is sitting for the purpose of trying an Official for
2 removal, and all forms during the trial not otherwise
3 specially provided for.
4

5 e. The Supreme Court Justice, as the Presiding Officer, may
6 rule on all questions of evidence including, but not limited
7 to, questions of relevancy, materiality, and redundancy of
8 evidence and incidental questions, which ruling shall
9 stand as the judgment of the Congress, unless a Member
10 of the Congress shall ask that a formal vote be taken on
11 the ruling, in which case it shall be submitted to the
12 Congress for decision without debate; or the Presiding
13 Officer may at his or her discretion, in the first instance,
14 submit any question to a vote of the Members of
15 Congress. Upon all such questions the vote shall be
16 taken in accordance with the Rules of the Osage Nation
17 Congress.
18

19 f. Upon a successful motion for removal, the Clerk of the
20 Congress shall issue a summons to the person subject to
21 removal, reciting the allegations, and notifying him to
22 appear before the Congress upon a day and at a place to
23 be fixed by the Congress, and named in the summons,
24 and file his answer to the allegations for removal, and to
25 stand and abide the orders and judgments of the
26 Congress upon the Articles of Removal.
27

28 g. The summons shall be served by an Osage Nation Police
29 Officer or other person as shall be named in the precept
30 thereof, at least fifteen (15) days prior to the trial date to
31 the person who is subject to removal, or if personal
32 service may not conveniently be executed, then by
33 leaving a copy at the last known address of the person
34 subject to removal, or at his usual place of business in
35 some conspicuous place therein; or if such service shall
36 be, in the judgment of the Congress, impracticable, notice
37 to the person subject to removal shall be given by
38 publication or in other such manner prescribed and shall
39 be deemed just.

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- h. If a summons shall fail of service in the manner stated above, the proceedings shall not thereby abate, but further service may be made in such manner as the Congress shall direct.

- i. If the person subject to removal, after service, shall fail to appear either in person or by attorney, on the day fixed and stated in the summons, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty be entered, judgment may be entered thereon without further proceedings.

- j. If the person subject to removal, after service, shall appear either in person or by attorney, on the day fixed and stated in the summons, but fail to file his answer to the Articles of Removal, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty be entered, judgment may be entered thereon without further proceedings.

- k. Once the date and time for the removal trial has arrived, the Supreme Court Justice, as the Presiding Officer, shall issue the oath to the Members of Congress.

- l. After the oath has been given to the Members, the Clerk of the Congress shall read to the Congress, on the record, the return of service for the summons issued to the person subject to removal.

- m. The person subject to removal shall then be called to appear and answer to the Articles for Removal against him or her. If the person subject to removal appears or any person or agent on his or her behalf, the appearance(s) shall be recorded naming the appearing and the capacity in which he or she appears. If the person subject to removal does not appear, either personally, or by agent or attorney, the failure to appear shall be recorded.

- 1 n. During a trial for removal, the legislative business of the
2 Congress shall be suspended until the completion of the
3 trial.
4
- 5 o. The trial for removal shall be open to the public, though
6 attendance may be limited by the Presiding Officer when
7 the physical constraints of the trial chamber require it.
8
- 9 p. The Clerk of the Congress shall record the proceedings in
10 cases for removal as in the case of legislative
11 proceedings.
12
- 13 q. Counsel for the parties shall be admitted to appear and
14 be heard in a trial for removal.
15
- 16 r. All motions, objections, requests, or applications whether
17 relating to the procedure of the Congress or relating
18 immediately to the trial, including questions regarding
19 admission of evidence or other questions arising during
20 the trial, made by parties or their counsel shall be
21 addressed to the Presiding Officer only, and if the
22 Presiding Officer, or any Member of Congress, shall
23 require it, they shall be committed to writing and read by
24 the Clerk of the Congress.
25
- 26 s. Witnesses shall be examined by one person on behalf of
27 the party producing them, and then cross-examined by
28 one person on the other side.
29
- 30 t. If a Member of Congress is called as a witness, he or she
31 shall be sworn, and give testimony sitting in his or her
32 place. Testimony by a Member of Congress shall in no
33 way preclude the Member from participating in the final
34 vote on the Articles of Removal.
35
- 36 u. All argument on preliminary or interlocutory questions and
37 all motions shall be limited to one hour, unless the
38 Congress orders otherwise by motion and affirmative
39 majority vote.

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- v. The case, on each side, shall be opened by one person limited to fifteen (15) minutes per side. The final argument, on each side, may be made by two persons and is limited to fifteen (15) minutes per side.
- w. The case shall be prosecuted in the name of the Osage Nation by Counsel designated by the Osage Nation Congress. The arguments shall be opened and closed by the party prosecuting the case.
- x. Adjournment of the trial shall not operate as an adjournment of the legislative session.

6. The Vote on Removal

- a. The vote on removal shall occur on the next legislative day following the completion of the removal trial. Any judgment of removal shall require an affirmative majority vote of 5/6 of the Members of the Osage Nation Congress.
- b. The Articles of Removal shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an Article of Removal, voting shall be continued until voting has been completed on all Articles of Removal unless the Congress adjourns for a period not to exceed one day.
- c. On the final question whether the removal is sustained, each Article of Removal shall be addressed individually. If the removal shall not, upon any of the articles presented, be sustained by the votes of 5/6 of the Members of Congress, a judgment of acquittal shall be entered. If the person subject to removal shall be convicted upon any such article by the votes of 5/6 of the Members of Congress, the Congress shall proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing the

1 judgment. A motion to reconsider the vote by which any
2 article of removal is sustained or rejected shall not be in
3 order.
4

5 d. Upon pronouncing judgment, the judgment shall be filed
6 with the Clerk of the Congress, and a certified copy of the
7 judgment shall be deposited with the Secretary of the
8 Nation, if the position of Secretary of the Nation exists.
9

10 e. The form of putting the question on each Article of
11 Removal is that the Presiding Officer shall first state the
12 question: Shall Article number _____ be sustained?
13 Thereafter each Member, as his or her name is called,
14 shall rise in place and answer: guilty or not guilty.
15

16 f. Each Member of Congress shall be limited to fifteen (15)
17 minutes of time in total for debate on the Articles of
18 Removal. Each Article of Removal shall be debated
19 individually.
20

21 7. Form of Oaths, Subpoenas and Summons

22
23 a. Witnesses shall be sworn in the following form: *“Do you*
24 *swear that the evidence you shall give in the case now*
25 *pending between the Osage Nation and _____*
26 *_____, shall be the truth , the whole truth, and nothing*
27 *but the truth: So help you God.”*
28

29 b. The oath to be administered to the Members of Congress
30 and the Supreme Court Justice as the Presiding Officer
31 shall be: *“I solemnly swear that in all things appertaining*
32 *to the trial on the removal of _____ _____, now*
33 *pending, I will do impartial justice according to the*
34 *Constitution and laws of the Osage Nation: So help me*
35 *God.”*
36

37 c. The form of a subpoena to be issued on the application of
38 Counsel for either party or by the party subject to removal
39 shall be:

1
2 "To _____, Greeting:
3

4 You and each of you are hereby commanded to appear before the
5 Osage Nation Congress, on the ____ day of _____, at
6 the Congressional Chamber at 813 Grandview, Pawhuska,
7 Oklahoma, then and there to testify your knowledge in the
8 cause which is before the Congress on the removal of _____

9 _____.
10 Fail Not.

11 Given under my hand, by authority vested in me by the Osage
12 Nation, on this ____ day of _____, in the year of our Lord
13 _____.

14 _____,
15 Presiding Officer of the Congress."
16

17
18 d. The form of summons to be issued and served upon the
19 person subject to removal shall be:

20
21 "The Osage Nation, ss:
22 The Congress of the Osage Nation to _____,
23 Greeting:

24
25 Whereas a Motion for Removal has been sustained against
26 you, the said _____, by the Osage Nation Congress
27 in the words following:

28
29 [Insert the Articles of Removal Here]

30
31 And demand that you should be put to answer the accusations
32 as set forth in said articles, and that such proceedings,
33 examinations, trials, and judgments might be thereupon had as
34 are agreeable to law and justice.

35
36 You, the said _____, are therefore hereby
37 summoned to be and appear before the Osage Nation
38 Congress, at the Congressional Chamber at 813 Grandview,
39 Pawhuska, Oklahoma, on the ____ day of _____, at

1 _____ o'clock _____, then and there to answer to the said
2 articles of removal, and then and there abide by, obey, and
3 perform such orders, directions, and judgments as the Osage
4 Nation Congress shall make in the premises according to the
5 Constitution and laws of the Osage Nation.

6 Hereof fail not.

7 Given under my hand, by authority vested in me by the Osage
8 Nation, on this _____ day of _____, in the year of our Lord
9 _____.

10 _____,
11 Presiding Officer of the Congress.”

- 12
13
14 8. If the Osage Nation Congress shall at any time fail to sit for the
15 consideration of the Articles of Removal on the day and hour
16 fixed therefore, the Congress may, by an order to be adopted
17 without debate, fix a day and hour for resuming such
18 consideration. The Sergeant at Arms shall notify the person
19 subject to removal and any pending witnesses of the date and
20 hour set for resuming consideration of the Articles of Removal.