

Osage Nation Constitution

PREAMBLE:

We the Wah-zha-zhe, known as the Osage People, having formed as Clans in the far distant past, have been a People and as a People have walked this earth and enjoyed the blessings of Wah-kon-tah for more centuries than we truly know.

Having resolved to live in harmony, we now come together so that we may once more unite as a Nation and as a People, calling upon the fundamental values that we hold sacred: Justice, Fairness, Compassion, Respect for and Protection of Child, Elder, All Fellow Beings, and Self.

Paying homage to generations of Osage leaders of the past and present, we give thanks for their wisdom and courage. Acknowledging our ancient tribal order as the foundation of our present government, first reformed in the 1881 Constitution of the Osage Nation, we continue our legacy by again reorganizing our government.

This Constitution, created by Osage People, hereby grants to every Osage citizen a vote that is equal to all others and forms a government that is accountable to the citizens of the Osage Nation.

We, the Osage People, based on centuries of being a People, now strengthen our government in order to preserve and perpetuate a full and abundant Osage way of life that benefits all Osages, living and as yet unborn.

ARTICLE I - TITLE

This tribe shall hereafter be referred to as The Osage Nation, formerly known as the Osage Tribe of Indians of Oklahoma.

ARTICLE II - TERRITORY AND JURISDICTION

Section 1. Territory: The territory of the Osage Nation shall include the Osage Reservation, duly established by the Congress of the United States pursuant to (1) the Treaty between the United States of America and the Great and Little Osage Indians, Sept. 29, 1865, 14 Stat. 687; (2) Article 16 of the Treaty between the United States of America and the Cherokee Nation of Indians, July 19, 1866, 14 Stat. 799; and (3) the Act of June 5, 1872, ch. 310, 17 Stat. 228 (An Act to Confirm to the Great and Little Osage Indians a Reservation in the Indian Territory), and all other lands under federally-restricted status title to which is held by the Nation or the People, or by the United States in trust on behalf of the Nation or the People, and any such additional lands as are hereafter acquired and similarly held by the Nation or the People or by the United States on behalf of the Nation or the People. Territory is defined as, but is not limited to, air, water, surface, sub-surface, natural resources and any interest therein, notwithstanding the issuance of any patent or right of way in fee or otherwise, by the governments of the United States or the Osage Nation, existing and/or in the future.

Section 2. Jurisdiction: The jurisdiction of the Osage Nation shall extend over all persons, subjects, property, and over all activities that occur within the territory of the Osage Nation and over all Osage citizens, subjects, property and activities outside such territory affecting the rights and laws of the Osage Nation.

Nothing in this Article shall be construed to limit or impair the ability of the Osage Nation to exercise its jurisdiction within or without its territory based upon its inherent sovereign authority as a nation of Osage People.

ARTICLE III - MEMBERSHIP

Section 1. Base Membership Roll: The base membership of the Osage Nation shall consist of those persons whose names appear on the final roll of the Osage tribe of Indians pursuant to the Act of June 28, 1906 (34 Stat. 539).

Section 2. Qualifications for Membership: All lineal descendants of those Osages listed on the 1906 Roll are eligible for membership in the Osage Nation, and those enrolled members shall constitute the citizenry subject to the provisions of this Constitution and to the laws enacted and regulations approved pursuant to this Constitution.

Section 3. Dual Enrollment: An enrolled member of the Osage Nation can choose to be dually enrolled as a member of another Indian tribe without forfeiting Osage membership.

Section 4. Membership Laws: The Osage Nation Congress shall have the power and is required to regulate membership and maintain a correct roll of all Osages enrolled as members of the Osage Nation. The Osage Nation Congress shall enact laws, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, loss of membership, and the adoption of members.

ARTICLE IV - DECLARATION OF RIGHTS

Section 1. Popular Sovereignty: All political power is vested in and derived from the Osage People. All government of right originates with the Osage People, is founded upon their will only, and is instituted solely for the good of the whole.

Section 2. Self-Government: The Osage People have the exclusive right of governing themselves as a free, sovereign, and independent nation as done from time immemorial.

Section 3. Inalienable Rights of Osage Citizens: There shall be certain inalienable rights, which shall not be abridged or denied by any branch/department of the Osage Nation government or by any official of the government. Furthermore nothing in this Constitution shall be interpreted in a way that would diminish the rights and privileges of any person within the jurisdiction of the Osage Nation. The Osage Nation government in exercising sovereign powers shall not:

- A. make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition for redress of grievances;
- B. violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
- C. subject any person for the same offense to be twice put in jeopardy;
- D. compel any person in any criminal case to be a witness against himself or herself;
- E. take any private property for a public use that is not fully justified as being in the best interest of all the people nor take without just compensation;
- F. deny to any person in criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his or her favor, and at his or her own expense to have the assistance of counsel for his or her defense;
- G. require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any offense any penalty or punishment greater than imprisonment for a term of one year or a fine of five thousand dollars, or both;
- H. deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;
- I. pass any bill of attainder or ex post facto law;
- J. deny any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section 4. Remedies: No person shall be entitled to an award of monetary damages, as a form of relief, in the Osage Trial Court for any violation of these rights; unless the Osage Nation Congress may by law provide for monetary damages as a form of relief for such violations, when relief would best serve the interests of the Osage Nation or that of justice.

Section 5. Rights of Mineral Royalty Interest Holders: The Osage Nation Government shall not create any law or ordinance pertaining to the mineral royalties from the Osage Mineral Estate that acts in conflict with Federal law and regulations.

ARTICLE V - DISTRIBUTION OF POWERS OF GOVERNMENT

Section 1. Governing Powers: The powers of the government of the Osage Nation shall be vested in three (3) separate branches: the Legislative, the Executive, and the Judicial.

Section 2. Separation of Powers: The Legislative, Executive and Judicial branches of government shall be separate and distinct and no person or collection of persons, charged with official duties under one of those branches, shall exercise any power properly vested in either of the others except as expressly provided in the Osage Nation Constitution.

Section 3. Supremacy Clause: The Osage Nation Constitution shall be the Supreme law for the Osage Nation over all territory and persons within the jurisdiction of the Osage Nation.

ARTICLE VI - LEGISLATURE

Section 1. Legislative Power: The legislative power of the Osage Nation, except for the initiative and referendum powers reserved to the People as provided in this Constitution, is hereby vested in one legislative body to be called the Osage Nation Congress.

Section 2. Composition: The Osage Nation Congress shall be composed of twelve (12) representatives to be initially elected at large, by qualified Osage voters, without regard to their district of residency. Nothing within this provision prohibits the Osage Nation Congress from equitably apportioning districts for the election of representatives hereafter.

Section 3. Term of Office: For the first election under this Constitution, the twelve (12) positions in the Osage Nation Congress shall be arranged in order to establish a system of staggered terms of office whereby six (6) representatives shall be elected to serve a six (6) year term and six (6) representatives shall be elected to serve a four (4) year term. Thereafter, all members of the Osage Nation Congress shall be elected to four (4) year terms with elections of half of the positions to be held every two (2) years or biennially commencing in 2010. All elected and/or appointed officials of the Osage Nation Congress shall serve until their successors are duly elected and installed.

Section 4. Qualifications: Enrolled members of the Osage Nation, who are at least twenty-five (25) years of age on that date of the election, who have never been convicted of a felony, are eligible to serve as members of the Osage Nation Congress.

Section 5. Disqualifications: No member of the Osage Nation Congress shall hold any other tribal office or position of profit under the Osage Nation during the term for which the member is elected or appointed. No member of the Osage Nation Congress shall hold any other tribal office under another Indian nation during his/her term of office. The Osage Nation Congress may prescribe further disqualifications.

Section 6. Vacancies: Any vacancy in the Osage Nation Congress shall be filled for the unexpired term in such manner as may be provided by law, or, if no provision be made by law, by appointment of the Principal Chief for the balance of the term.

Section 7. Compensation: The annual salary and expense allowance of members of the Osage Nation Congress shall be fixed at the first session of the legislature held after the Osage Nation Constitution takes effect. Presiding officers may receive increased compensation for their duties.

Compensation may be increased or decreased by law from time to time thereafter, but no increase or decrease shall be effective until the legislative year following the next general election for members of the Osage Nation Congress.

Section 8. Election of Officers: The Osage Nation Congress shall select from amongst its members a Speaker, who shall be the Presiding Officer, and such other officers as deemed necessary. The Speaker and other duly elected officers may vote on all matters before the Osage Nation Congress.

Section 9. Quorum: The presence of at least two-thirds (2/3) of the whole number of the members of the Congress shall be necessary to constitute a meeting of the congressional house for the exercise of its powers.

Section 10. Sessions: The Osage Nation Congress shall convene twice annually in regular session, so that six (6) months shall not intervene between the last sitting of the Congress and its first sitting in the next session. Regular sessions shall convene on such day and at such time as the Osage Nation Congress shall determine by law.

The first regular congressional session of each year shall be titled the Hun-kah Session and the second regular congressional session of the year shall be titled the Tzi-zho Session. This schedule shall be in honor of the ancient moiety division of Earth and Sky and serves to remind all Osages of the responsibility to bring balance and harmony to the Nation.

At the written request of two-thirds (2/3) of the members, the Speaker shall convene the Osage Nation Congress in special session. The Principal Chief may convene the Osage Nation Congress in special session.

Regular sessions shall be limited to a period of twenty four (24) days, and special sessions shall be limited to a period of ten (10) days. Any session may be extended a total of not more than three (3) days. Such extension shall be granted by the Speaker of the House at the written request of two-thirds (2/3) of the members or may be granted by the Principal Chief.

The Osage Nation Congress shall not adjourn during any session of the legislature for more than three (3) days, Sundays excepted, or to any other place.

The Osage Nation Congress may only meet in the interim, the period of time between two sessions, by Interim Committee(s) to study a particular subject or subjects in order to make recommendations to the next regular session of the legislature.

Section 11. Rules of Procedure: The Osage Nation Congress shall adopt uniform rules of procedure for conducting the business of the Congress. The Osage Nation Congress shall keep

and publish a journal of its proceedings and the yeas and nays, when taken on any question, shall be entered in the journals. A member may be expelled from the floor for disorderly or contemptuous behavior by a vote of two-thirds (2/3) of all members of the Osage Nation Congress present.

Section 12. Enactment of Laws: The Osage Nation Congress shall establish the procedure for enactment of bills into law. No laws shall be made except by statute and no statute shall be enacted except by bill. No bill shall be passed without the concurrence of a majority of the members of the Osage Nation Congress. Each law shall embrace but one subject, which shall be expressed in its title. The enacting clause of each law of the Osage Nation shall be: "Be it enacted by the Congress of the Osage Nation." Every bill that has passed by an affirmative majority vote shall be signed by the presiding officer of the Osage Nation Congress to certify that the procedural requirements for passage have been met and shall be presented forthwith to the Principal Chief for approval.

Section 13. Presentation of Bills to Principal Chief; Veto: Every bill passed in conformity to the rules of the Osage Nation Congress shall be presented to the Principal Chief. If approved, the Principal Chief shall sign it and notify the Congress of that fact. If a bill is vetoed by the Principal Chief, it shall be returned with objections to the Osage Nation Congress. The objections shall be entered in the journal. If, after reconsideration, at least three-fourths (3/4) or nine (9) members of Congress vote to pass the bill, it shall become law. Any bill not returned by the Principal Chief within five (5) days, Sundays and holidays excepted, after it is presented becomes a law as if signed by the Principal Chief. Any bill passed during the last three (3) days of a session may be presented to the Principal Chief during the three (3) days following the day of final adjournment, and the Principal Chief may sign or not sign. If not signed, the bill does not become law.

If a bill presented to the Principal Chief contains several items of appropriation of money, he may veto one or more of the items while approving the bill. At the time the bill is signed, the Principal Chief shall append to it a statement of the items vetoed, and the vetoed items shall not take effect. If the legislature is in session, he shall transmit to Congress a copy of the statement, and the items vetoed shall be separately reconsidered. If on reconsideration, any item is approved by three fourths (3/4) of the members elected to Congress, it is a part of the law notwithstanding the objections.

Laws passed by the legislature become effective sixty (60) days after enactment. The Osage Nation Congress may, by concurrence of two-thirds (2/3) of the membership, provide for another effective date.

Section 14. Presentation of Orders, Resolutions, and Votes to Principal Chief: Each order, resolution or vote, except such as relate to the business or adjournment of the legislature, shall be presented to the Principal Chief and is subject to a veto with an override provision.

Section 15. Necessary Laws: The Osage Nation Congress shall pass all laws necessary to carry into effect the provisions of the Osage Nation Constitution.

Section 16. Disclosure of Private Interest: A member of the Osage Nation Congress who has a personal or private interest in any measure or bill, proposed or pending before the legislature, shall disclose the fact and shall not vote thereon.

Section 17. Power of Removal: The Osage Congress shall have the power to remove elected and appointed officials of the Osage Nation, and said removal must be conducted in accordance with Article XII of the Osage Nation Constitution

Section 18. Public Proceedings: All proceedings of the Osage Nation Congress shall be open and public, except in cases that require confidentiality. In such cases, an Executive Session may be convened when duly voted upon in an open meeting.

Section 19. Executive Sessions: The Osage Nation Congress shall establish procedures to convene an Executive Session of its own members.

Section 20. Legislative Accountability: To assist the Osage People in holding their Legislature accountable, at the convening of each regular session of the Osage Nation Congress, the Speaker shall report the legislative priorities of Congress for said session and, at the close of each regular session, report the action taken by Congress.

Section 21. Legislative Committees, Commissions, etc.: The Osage Nation Congress may establish and appoint any subordinate commission, committee or other body. Members of the Osage Nation Congress may be appointed to serve on any such body, excepting any and all Tribal Enterprise Boards.

Section 22. Merit Based Employment System: The Osage Nation Congress shall establish a system under which the merit principle will govern the employment of persons by the Osage Nation excluding executive staff and other appointed positions serving at the will of the Office of the Principal Chief as described in Article VII, Section 14. The Congress shall include, within the merit principal system, a grievance procedure which must be exhausted before seeking review in the Trial Court. The Congress shall establish laws that define and limit nepotism in tribal government and Tribal Enterprise Board employment.

Section 23. Annual Budget: The Osage Nation Congress shall enact, by law, an annual expenditure of funds which shall include an appropriation of operating funds for each branch of the government for each fiscal year. The annual budget shall not exceed projected revenues.

Section 24. Legislative Referendum: The Osage Nation Congress and/or its delegate(s) may voluntarily refer proposed measures to the Osage People for final approval or rejection. The veto power of the Principal Chief shall not extend to measures voted on by the Osage People.

ARTICLE VII - EXECUTIVE

Section 1. Supreme Executive Power: The supreme executive power of the Osage Nation is hereby vested in a Principal Chief, who shall be titled “Principal Chief of the Osage Nation”, and whose Osage title shall be “Ki-he-kah Dto-dah-ha.” These titles shall be reserved exclusively to

this office. The Principal Chief shall dutifully support the Constitution and laws of the Osage Nation and shall see that the laws are faithfully executed, administered and enforced.

Section 2. Term of Office: The Principal Chief shall be elected by qualified Osage voters at a general election to a term of four (4) years and shall serve until a successor has been elected and installed. The Principal Chief shall be elected by a majority of votes.

Section 3. Qualifications: Enrolled members of the Osage Nation, who are at least thirty-five (35) years of age on that date of the election, who have never been convicted of a felony, are eligible to become a candidate for the office of Principal Chief of the Osage Nation.

Section 4. Disqualifications: The Principal Chief shall not hold any other office or position of profit under the Osage Nation nor hold any office, be it elected or appointed, under any other tribal government or state, county or federal government.

Section 5. Composition: The executive branch shall consist of the elected offices of Principal Chief and Assistant Principal Chief, and all other administrative offices, departments, agencies, and instrumentalities of the Osage Nation including, but not limited to, public trusts, boards, village committees, authorities, and commissions.

Section 6. Office of Assistant Principal Chief: There shall be an Assistant Principal Chief, whose Osage title shall be “Ki-he-kah O-wah-ta”, who shall have the same qualifications as the Principal Chief and serve for the same term and in the same manner. These titles shall be reserved exclusively to this office. The Assistant Principal Chief shall perform such duties as may be prescribed by Osage law and as may be delegated by the Principal Chief. The Assistant Principal Chief, shall, by virtue of his office, be an ex officio member of the Osage Nation Congress and shall have a right, when in committee of the whole, to join in debate; and, whenever the legislature shall be equally divided, the Assistant Principal Chief shall cast the deciding vote.

Section 7. Acting Principal Chief: The Assistant Principal Chief shall serve in the temporary absence of the Principal Chief and when serving will have all the privileges, duties and powers of that office.

Section 8. Vacancies; Absences: In the event of a vacancy to the office of Principal Chief for any reason, the Assistant Principal Chief shall succeed to the office for the remaining portion of the four (4) year term to which the Principal Chief was elected.

In the event of a vacancy to the office of Assistant Principal Chief for any reason, the Principal Chief shall appoint a successor to serve for the balance of the term, by and with the advice and consent of the Osage Nation Congress.

Whenever for a period of six (6) months, the Principal Chief has been continuously absent from office or unable to discharge the duties of the office by reason of mental or physical disability, the office shall be deemed vacant. The procedures for determining absence and disability shall be prescribed by Osage law.

Section 9. Further Succession: Provision shall be made by Osage law for succession to the office of Principal Chief and for an acting Principal Chief in the event that the Assistant Principal Chief is unable to succeed to the office or act as Principal Chief. In the event that the Assistant Principal Chief is unable to succeed to the office or act as Principal Chief the Speaker of the Congress shall act as Principal Chief.

Section 10. Compensation: The annual salary and expense allowance for the offices of Principal Chief and Assistant Principal Chief shall be prescribed by Osage law and shall not be increased or diminished during that term of office.

Section 11. Veto: The Principal Chief may veto bills by the Osage Nation Congress. The Principal Chief may, by veto, strike or reduce items in appropriation bills. The Principal Chief shall return any vetoed bills, with a statement of the objection(s), to the Osage Nation Congress.

Section 12. Communicate with Legislature; Convene Legislature: The Principal Chief shall communicate to the Osage Nation Congress, by message at the opening of each regular session and at such other times as may be deemed necessary, the condition of the Nation, and shall in like manner recommend such measures as may be deemed desirable. The Principal Chief may convene the legislature by proclamation, and shall state when assembled, the purpose for which they shall have been convened in a special session whenever the Osage People's interest shall require.

Section 13: Establish Department of the Treasury: There shall be established, by Osage law, a Department of the Treasury in the Executive Branch and the Principal Chief shall appoint a Treasurer to act as the Chief Financial Officer and administer fiscal policy and ensure financial accountability of the Osage Nation, by and with the advice and consent of the Osage Nation Congress. The powers and duties of the Treasurer of the Osage Nation shall be prescribed by the Osage Nation Congress and will include the mandate that an annual financial statement for the Osage Nation government be audited by a Certified Public Accountant approved by the Congress or by committee of the Congress and presented to the Congress in a timely manner. The Treasurer shall accept, receipt for, keep and safeguard all tribal funds as directed by the Congress and shall maintain and provide an accurate record of such tribal funds.

Section 14. Tribal Enterprise Boards: There shall be established, by Osage law, a Tribal Enterprise Board(s) in the Executive Branch, and the Principal Chief shall appoint qualified professionals to oversee operations of Osage Nation business enterprises, by and with the advice and consent of the Osage Nation Congress. The Osage Nation Congress shall reserve the right to review any action taken by the Board, and may approve the Annual Plan of Operation for the coming year. No Osage Nation elected official may be appointed to such Board.

Section 15. Appointments: The Principal Chief may appoint executive staff, in accordance with the budget approved by the Congress. The Principal Chief shall also appoint, subject to advice and consent by the Osage Nation Congress, the members of each board, commission or other instrumentality in the executive branch whose election or appointment is not provided by this constitution or by law. All appointees shall serve at the pleasure of the Principal Chief and shall be exempt employees, not subject to the Merit System established at Article VI, Section 22.

Should the legislature be in regular session, the Principal Chief shall submit for confirmation the name of an appointee within forty-eight (48) hours after the appointment is made. Failure of the Osage Nation Congress to confirm the appointment, prior to the end of the session, shall constitute rejection.

If the legislature is not in regular session, the Principal Chief may make interim appointments, which shall expire at the end of the next regular session, unless submitted to and confirmed by the Osage Nation Congress during that session.

A person not confirmed by the Osage Nation Congress shall not be appointed to the same office during any recess of the legislature.

Section 16. Removal Power: The Principal Chief may remove from office a person appointed by the Principal Chief's office, except a person appointed for a term fixed by this Constitution or by Osage law. Removal shall be conducted in accordance with Article XII of the Osage Nation Constitution. If the legislature is not in session when the Principal Chief desires to remove an officer, the Principal Chief shall call a special session for consideration of the proposed removal. The session may not exceed two days in duration.

Section 17. Offices and Records of Executive Officers: The Principal Chief, Treasurer and other Executive Officers shall keep the public records, books and papers at the seat of government in a manner relating to their respective offices as prescribed by Osage law.

Section 18. Seal of the Osage Nation: There shall be a seal of the Osage Nation which shall be officially used by the Principal Chief and shall be called the Great Seal of the Osage Nation.

ARTICLE VIII - JUDICIARY

Section 1. Judicial Powers: The Judicial powers of the Osage Nation are hereby vested in one Supreme Court, in a lower Trial Court and in such inferior Courts as the Osage Nation Congress may ordain and establish for the development, maintenance and administration of the Tribal Justice System. The judicial branch shall be responsible for interpreting the laws of the Osage Nation and its powers will include, but not necessarily be limited to, the trial and adjudication of certain civil and criminal matters, the redress of grievances, the resolution of disputes and judicial review of certain holdings and decisions of administrative agencies and of the Trial Court.

Section 2. Appellate Jurisdiction: The appellate jurisdiction of the Supreme Court may extend to all cases of law and equity. The Supreme Court, by appropriate order, may hear appeals, compel inferior Courts or their officials to act in accordance with the law, and exercise such other jurisdiction as may be conferred by statute. The Supreme Court shall promulgate rules and procedures relating to original and appellate jurisdiction. Decisions of the Supreme Court shall be published and indexed and shall be final.

Section 3. Composition of Supreme Court; Qualifications: The Supreme Court shall consist of one Chief Justice and two Associate Justices. Any member of the Osage Nation, who is at least

forty (40) years of age and duly licensed to practice law for no less than ten (10) years, is eligible for the office of Chief Justice. Anyone duly licensed to practice law for no less than five (5) years, is eligible for the office of Associate Justice. The Justices shall serve until their successors are duly appointed and installed.

Section 4. Disqualification: Judicial officers shall not hold any other office or position of profit under the Osage Nation.

Section 5. Jurisdiction of Trial Court: The Trial Court shall have original jurisdiction, not otherwise reserved to the Supreme Court, over all cases and controversies arising under the Constitution, laws, and customs and traditions of the Osage Nation. Any such case or controversy arising within the jurisdiction of the Osage Nation shall be filed in Trial Court before it is filed in any other court, unless otherwise provided in this Constitution. This grant of jurisdiction by the Osage People shall not be construed to be a waiver of the Osage Nation's sovereign immunity.

Section 6. Composition of Trial Court; Qualifications: The Trial Court shall consist of one Chief Judge and, as deemed necessary and appropriate, additional Associate Judges. Any member of the Osage Nation, duly licensed to practice law for no less than five (5) years, is eligible for the office of Chief Judge.

Section 7. Appointment of Chief Justice, Associate Justices and Chief Judge: The Principal Chief shall appoint the Chief Justice and Associate Justices of the Osage Nation Supreme Court, as well as the Chief Judge of the Trial Court, by and with the advice and consent of the Osage Nation Congress. After serving one term of four (4) years, each will stand for retention by a vote of the qualified Osage electors and at the expiration of each four (4) year term thereafter.

Section 8. Appointment of Associate Judges: Once appointed and installed, the Chief Justice and Chief Trial Court Judge may jointly appoint such subordinate judges as are necessary and proper to carry into effect matters in which the Judicial Department is empowered to act now or in the future.

Section 9. Conflict of Interest: Any Justice or Judge of the Osage Nation who appears to have a direct personal or financial interest in any matter before the judiciary shall recuse himself/herself. Any party who believes that a Judge or Justice may have a personal or financial interest in the issues before the court, may challenge the participation of that Judge or Justice.

Section 10. Compensation: Supreme Court Justices and Trial Court Judges shall be reasonably compensated. No increase or decrease in compensation shall take effect until after the next General election or appointment to that office.

Section 11. Administration: The Chief Justice of the Osage Nation Supreme Court shall be responsible for the budget and the administration of all courts.

ARTICLE IX - OATH OF OFFICE

All elected and appointed officers of the Osage Nation, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation:

"I, ____ (name) _____, do proudly swear (or affirm) to carry out the responsibilities of the office of ____ (name of office) _____ to the best of my ability, freely acknowledging that the powers of this office flow from the Osage People and Wah Kon Tah. I further swear (or affirm) always to place the interest of all Osages above any special or personal interests, and to respect the right of future generations to share the rich historic and natural heritage of our Osage People. In doing so, I will always uphold and defend the Constitution of the Osage Nation, so help me God."

The foregoing oath shall be administered by a member of the Osage Nation Judiciary.

ARTICLE X - CODE OF ETHICS

Section 1. Purpose: Recognizing the desire of the Osage people to establish a government that is fair and equitable to all people; elected or appointed tribal officials and employees of the Osage Nation, putting aside their personal or private interest, shall strive for the common good of the Osage People and shall administrate fair and equal treatment of all persons, claims, and transactions petitioning before the Osage Nation Government.

Section 2. Compliance with Law and Regulations: In the performance of their duties, all officials and employees of the Osage Nation shall comply with all laws and regulations of the Osage Nation not in conflict with this Constitution.

Section 3. The Conduct of Tribal Officials and Employees: All tribal officials and employees of the Osage Nation shall avoid even the appearance of impropriety in the performance of their duties. Officials and employees shall refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives, or intents of other officials or Osage citizens.

Tribal officials and employees shall not hinder or obstruct the proper administration of the Osage Nation government in the administration of their duties.

Section 4. Conflicts of Interest: In order to assure independence and impartiality, tribal officials and employees are prohibited from using public positions to influence or otherwise effect government decisions for personal gain. Tribal officials and employees shall fully and in a timely manner disclose any conflicts, real or apparent, that might be seen to influence their judgment in the performance of their duties. Tribal officials and employees shall abstain from participation in deliberations or decision-making where any conflicts are deemed to exist.

Section 5. Gifts and Public Favor: Tribal officials and employees shall not accept any special advantage of services or opportunities for personal gain, by virtue of public office, that is not available to the Osage People. Tribal officials and employees shall not accept any gift, favor, or promise of future benefit for themselves or their relatives in exchange for preferential treatment.

Section 6. Use of Tribal Resources: Tribal officials and employees shall refrain from the use of tribal resources when not acting in an official capacity.

Section 7. Advocacy: All official delegates of the Osage Nation shall accurately represent the official policies and positions of the Osage Nation government to the best of their abilities. When called upon to provide their own individual opinions or positions, all such delegates shall state explicitly that such information is not representative of the position of any administrative body within the Osage Nation government and shall not allow such an inference to occur.

Section 8. Independence of Boards and Commissions: Tribal officials and employees shall refrain from using tribal positions to improperly influence the deliberations, administrations, or decisions of established board or commission proceedings.

Section 9. Political Subdivisions: The Osage Nation Code of Ethics shall be applicable to all political subdivisions of the Osage Nation including members of the boards, commissions and other bodies.

Section 10. Provisions for Violations: The Osage Nation Congress shall enact provisions for violations of the above stated code.

ARTICLE XI - CITIZEN INITIATIVE, REFERENDUM AND RECALL

Section 1. Citizen Initiative and Referendum: The Osage People may propose and enact laws by the initiative or reject acts of the Osage Nation Congress by the referendum.

Section 2. Application of Initiative, Referendum or Recall: An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than (100) one hundred qualified Osage voters as sponsors and shall be filed with the person authorized by Osage law to receive the same. The application shall be certified, if found in proper form. Denial of certification shall be subject to judicial review.

Section 3. Petition for Initiative or Referendum: After certification of the application, a petition containing a summary of the subject matter shall be prepared by the person authorized by Osage law to do so for circulation by the sponsors. If signed by qualified Osage voters who are equal in number to at least (15) fifteen percent of the electorate, it may be filed.

Section 4. Initiative Election: An initiative petition may be filed at any time. The person authorized by Osage law to do so shall prepare a ballot title and proposition summarizing the proposed law, and shall place them on the ballot for the first election held after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

Section 5. Referendum Election: A referendum petition may be filed only within ninety (90) days after adjournment of the legislative session at which the act was passed. The person

authorized by Osage law to do so shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first election held after adjournment of that session.

Section 6. Enactment and Rejection: If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The person authorized by Osage law to do so shall certify the election returns. An initiated law becomes effective ninety (90) days after certification, is not subject to veto by the Principal Chief, and may not be repealed by the Osage Nation Congress within two (2) years of its effective date. It may be amended at any time. An act rejected by referendum is void thirty (30) days after certification. Additional procedures for the initiative and referendum may be prescribed by Osage law.

Section 7. Restrictions: The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, or to laws necessary for the immediate preservation of the public peace, health, or safety of the Osage People. No article, section, or provision of the Osage Nation Constitution shall be amended except as provided in Article XX of this Constitution.

Section 8. Recall: All elected and/or appointed officials of the Osage Nation are subject to recall by the qualified Osage voters. The grounds for recall of a judicial officer shall be established by the Osage Nation Supreme Court. The grounds for recall of an officer other than a judge are serious malfeasance or nonfeasance, during the term of office, in the performance of the duties of the office or a conviction, during the term of office, of a felony or conviction of a misdemeanor involving moral turpitude. After certification of the Application, as set forth in Section 2 of this Article, a petition for recall shall be prepared by the person authorized by Osage law to do so and the petition shall set forth the specific conduct that may warrant recall. A recall petition may not be issued for circulation by the sponsors until the Osage Nation Supreme Court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A recall petition must be signed by qualified Osage voters who are equal in number to at least fifteen (15) percent of the electorate. Upon a determination by the person authorized by Osage law to so determine that a petition has been signed by at least the minimum number of eligible voters, a recall election must be conducted in the manner provided by Osage law. The incumbent shall continue to perform the duties of the office until the recall election results are officially declared and, unless the incumbent declines or no longer qualifies, the incumbent shall without filing be deemed to have filed for the recall election. A recall election may not occur less than six (6) months before the end of the officer's term. An officer who is removed from office by a recall election or who resigns from office after a petition for recall issues may not be appointed to fill the vacancy that is created. Additional procedures and grounds for recall may be prescribed by the Osage Nation Congress.

ARTICLE XII - REMOVAL

Section 1. Grounds for Removal: All elected and appointed officers of the Osage Nations shall be subject to removal from office for cause, including but not limited to willful neglect of duty, malfeasance in office, habitual abuse of alcohol or drugs, inability to meet qualifications to

serve, conviction of a felony or conviction of a misdemeanor involving moral turpitude while in office.

Section 2. Rules and Procedures: Removal of Osage Nation Officers shall originate in the Osage Nation Congress, except as otherwise provided in the Osage Nation Constitution. The motion for removal shall list fully the basis for the proceeding and must be approved by a two-thirds (2/3) vote of the members. Trial on removal shall then be conducted by the Osage Nation Congress with the accused afforded due process and an opportunity to be heard. An Osage Nation Supreme Court Justice, designated by the Supreme Court, shall preside at the trial. Concurrence of five-sixths (5/6) of the members of the Osage Nation Congress is required for a judgment of removal. The judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in the Osage Nation, but shall not prevent proceedings in the courts on the same or related charges.

The Osage Nation Congress may prescribe additional rules and procedures that are necessary to implement the provisions of this Article.

ARTICLE XIII - SUFFRAGE AND ELECTIONS

Section 1. Qualified Voters: All enrolled members of the Osage Nation who shall have attained the age of eighteen 18 years and are registered to vote as provided by Osage law shall be qualified to vote under the authority of this Constitution.

Section 2. Election Code: The Osage Nation Congress shall enact an election code governing all necessary election procedures.

Section 3. Election Board: The Osage Nation Congress shall enact a law creating an Election Board that shall be charged with conducting both General and Special Elections.

Section 4. General Elections: General Elections shall be held on the first Monday in June commencing in 2006 and next in 2010 and every even numbered year thereafter.

Section 5. Special Elections: Special Elections may be held as provided by Osage law. Special Elections shall provide ample notice to Osage voters as provided by Osage law.

Section 6. Contested Elections: Contested elections shall be determined by a Trial Court of the Osage Nation in such manner as shall be prescribed by Osage law.

Section 7. Secret Ballots: All elections shall be conducted by secret ballot, and a majority of the votes cast shall determine the action or result thereon unless otherwise provided by this Constitution or Osage law.

ARTICLE XIV - VILLAGES

Section 1. Recognized Villages: The recognized villages of the Osage Nation are: (a) the Grayhorse Indian Village, (b) the Pawhuska Indian Village, and (c) the Hominy Indian Village. The Osage Nation Congress recognizes and respects that each village has its own traditions, customs, and history.

Section 2. Reserved Status: The Grayhorse Indian Village, the Pawhuska Indian Village and the Hominy Indian Village shall be reserved exclusively for the use and benefit of the Osage Indians pursuant to the act of June 28, 1906 (34 Stat. 539), as amended by the act of June 24, 1938 (52 Stat. 1034).

Section 3. Governance: The laws enacted by the Osage Nation Congress apply with equal force to all territory located within the jurisdiction of the Nation, including the three villages, and to the extent any action taken by a village is inconsistent with the laws of the Nation, such action shall be deemed void.

ARTICLE XV - NATURAL RESOURCES AND MINERALS MANAGEMENT

Section 1. General Authority: The legislature of the Osage Nation shall provide for the utilization, development and conservation of all natural resources within the territory of the Nation for the maximum benefit of the Osage People.

Section 2. Osage Mineral Estate: The oil, gas, coal, and/or other minerals within the boundaries of the Osage Reservation are hereby reserved to the Osage Nation pursuant to the Act of June 28, 1906, (34 Stat. 539), as amended, and is hereby designated the Osage Mineral Estate.

Section 3. Osage Mineral Royalties: The right to income from mineral royalties shall be respected and protected by the Osage Nation through the Osage Minerals Council formerly known as the Osage Tribal Council and composed of eight (8) members elected by the mineral royalty interest holders.

Section 4. Management of the Osage Mineral Estate: The mineral estate of the Osage Reservation is reserved to the Osage Nation. The government of the Osage Nation shall have the perpetual obligation to ensure the preservation of the Osage Mineral Estate. The government shall further ensure that the rights of members of the Osage Nation to income derived from that mineral estate are protected.

To discharge those obligations, the Osage Nation hereby creates a minerals management agency, designated the Osage Minerals Council, consisting of members of the Osage Nation who are entitled to receive mineral royalty income from the Osage Mineral Estate, as provided by federal law. Only Osage mineral royalty interest holders shall be entitled to vote in electing the Osage Minerals Council.

The Osage Minerals Council is recognized by the Osage Nation government as an independent agency within the Osage Nation established for the sole purpose of continuing its previous duties to administer and develop the Osage Mineral Estate in accordance with the Osage Allotment Act of June 28, 1906, as amended, with no legislative authority for the Osage Nation government.

As an independent agency within the Osage Nation, the Osage Minerals Council may promulgate its own rules and regulations as long as such rules and regulations are not inconsistent with the laws neither of the Osage Nation nor with the rules and regulations established by the United States Congress in the 1906 Allotment Act.

The Osage Minerals Council shall have the power to consider and approve leases and to propose other forms of development of the Osage Mineral Estate. Mineral leases approved and executed by the Council shall be deemed approved by the Osage Nation unless, within five (5) working days, written objection is received from the Office of the Principal Chief that the executed lease or other development activity violates Osage law or regulation. Any dispute that arises through this process may be heard before the Supreme Court of the Osage Nation Judiciary.

All leases or other forms of agreement for development of the Osage Mineral Estate shall comply with applicable federal law and all laws and regulations of the Osage Nation. The Osage Minerals Council shall exercise the administrative authority delegated under this Constitution, the laws of the Osage Nation, and as permitted by federal law.

Section 5. Preservation of Hunting and Fishing: Hunting and fishing and the taking of game and fish are a valued part of our heritage that shall be forever preserved for the Osage People and shall be managed by Osage law and regulation for the public good.

ARTICLE XVI - OSAGE CULTURE AND LANGUAGE

Section 1. Preservation of Linguistic and Cultural Lifeways: The Osage People have the inherent right to preserve and foster their historic linguistic and cultural lifeways.

The Osage Nation shall protect and promote the language, culture and traditional ways of the Osage People.

ARTICLE XVII - OSAGE HEALTH, EDUCATION, AND WELFARE

Section 1. Health Care: The Osage Nation shall provide for the protection and advancement of a health care system for the Osage People by the ongoing development of services for the treatment, management and prevention of illnesses and chronic diseases, and of services that promote mental and physical well-being.

Section 2. Care of the Elders: The Osage Nation shall provide for the security of Osage elders by establishing and promoting programs to contribute to their economic, physical, and social well-being.

Section 3. Care of Our Children: The Osage Nation shall provide for the care and safety of Osage children by establishing and promoting programs that contribute to protecting, nurturing, and developing the minds, bodies and spirits of our children.

Section 4. Education: The education of Osage People is recognized as being essential to building a prosperous and self-determining society. The Osage Nation shall protect and promote education by providing for and supporting a system of high quality early childhood learning programs for its children, advocating on behalf of Osage students for improvements in the public elementary and secondary school systems within the Osage Reservation through intergovernmental agreements, and developing effective tribal education programs that allow Osage students to obtain the skills and resources necessary for a post-secondary education.

ARTICLE XVIII - RESERVED POWERS

The powers enumerated in this Constitution are not exclusive, and the remaining sovereign powers of the Osage Nation are reserved to the Osage People. Adoption of this Constitution does not constitute an agreement on the part of the Osage Nation to limit the exercise by the Osage Nation of any right or power it may otherwise be entitled to exercise.

ARTICLE XIX - SOVEREIGN IMMUNITY

Section 1. Immunity of Osage Nation from Suit: As a sovereign Indian nation, the Osage Nation and all administrative offices, departments, agencies, and instrumentalities of the Osage Nation shall be immune from suit or process in any forum except to the extent that the Osage Nation Congress expressly waives its sovereign immunity. The Osage Nation's sovereign immunity shall extend to officials and employees of the Osage Nation when acting within the scope of their duties and authority.

ARTICLE XX - AMENDMENT OF CONSTITUTION

Section 1. Amendment by Legislature: Amendments to this Constitution may be proposed by the Osage Nation Congress. Proposed amendments agreed to by five-sixths (5/6) of the members in Congress shall be put before the Osage People for their approval or rejection at the next general election, except when the legislature shall order a special election for that purpose.

If at least sixty-five percent (65 %) of Osage electors voting on a proposed amendment approve the same, it shall become part of the Constitution and shall abrogate or amend existing provisions of the Constitution at the end of thirty (30) days after the date of the election at which it was approved.

Section 2. Amendment by Petition: Amendments may be proposed to this Constitution by petition of the qualified electors of the Osage Nation. Every petition shall include the full text of the proposed amendment, and be signed by qualified electors of the Osage Nation equal in number to at least twenty-five (25%) percent of the electorate. Such petitions shall be filed with the person authorized by law to receive the same at least ninety (90) days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by Osage law. The person

authorized by law to receive such petition shall upon its receipt determine, as provided by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least sixty (60) days prior to the election at which the proposed amendment is to be voted upon.

Any amendment proposed by such petition shall be submitted, not less than ninety (90) days after it was filed, to the Osage electors at the next general election. Such proposed amendment, existing provisions of the Constitution which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by Osage law. Copies of such publication shall be prominently posted in each polling place, at tribal administration offices, and furnished to news media as provided by Osage law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than one hundred (100) words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person who is so authorized by Osage law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as shall create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by sixty-five percent (65%) of the electors voting on the question, it shall become part of the Osage Constitution, and shall abrogate or amend existing provisions of the Constitution at the end of thirty (30) days after the date of the election at which it was approved. If two or more amendments approved by the electors at the same election conflict, that amendment receiving the highest affirmative vote shall prevail.

Section 3. No Veto Power: No proposal for amendment of the Osage Nation Constitution adopted in either manner provided by this article shall be subject to veto by the Principal Chief.

ARTICLE XXI - SEVERABILITY

If any provision of the Osage Nation Constitution shall, in the future, be declared invalid or unconstitutional by the Osage Nation Judiciary, the invalid portions shall be severed and the remaining provisions shall remain in full force and effect.

ARTICLE XXII - SAVINGS CLAUSE

Section 1. Savings Clause: All laws, resolutions, ordinances and acts of the Osage Nation, formerly known as the Osage Tribe of Indians of Oklahoma, taken before the effective date of this Constitution, including elections and terms of office, shall remain in full force and effect to the extent that said action is consistent with the Osage Nation Constitution and until said laws, resolutions, ordinances and acts are altered by the Osage Nation government, as organized under this Constitution, after the effective date of this Constitution.

Section 2. Continuity of Governmental Authority and Jurisdiction: Upon the adoption of this Osage Nation Constitution by a vote of the Osage people, and the election of the members of the Osage Nation Congress and the Executive Officers, all powers, rights, responsibilities, and

obligations of a government of, by, and for the Osage people shall pass from the Osage Tribal Council to the Osage Nation government established by this Constitution.

All officers of the Osage Nation, formerly known as the Osage Tribe of Indians of Oklahoma, on the effective date of this Constitution shall continue to perform the duties of their offices in a manner not repugnant of this Constitution until those officers are superseded by newly elected or appointed officers as organized under this Constitution.

Until the Osage Nation Supreme Court and Trial Court provided for in Article VIII of this Constitution are organized and established, the existing courts of the Osage Nation, formerly known as the Osage Tribe of Indians of Oklahoma, its jurisdiction, and the judicial system shall remain as constituted before the effective date of this Constitution, in a manner consistent with this Article.

ARTICLE XXIII - RATIFICATION OF CONSTITUTION

This Constitution, when ratified by a majority vote of the qualified voters of the Osage Nation voting in an election called for that purpose by the Osage Government Reform Commission, shall be effective from the date of approval by the Osage People. It shall be signed by the Principal Chief, the Assistant Principal Chief, members of the 31st Osage Tribal Council and the Osage Government Reform Commission, and sacredly preserved as the fundamental law of the Osage Nation.

ARTICLE XXIV - CERTIFICATE OF ADOPTION

Section 1. Certification of Election:

**Osage Nation
Constitutional Referendum
Election Results**

March 11, 2006

SHALL THE CONSTITUTION BE APPROVED?	EARLY VOTING	IN PERSON	ABSENTEE	HAND COUNT	TOTAL	%
YES	87	336	997	34	1454	66.64%
NO	73	301	334	20	728	33.36%

ELECTION CERTIFICATION

We, the undersigned election officials of the Osage Nation do hereby certify the above to be a true and accurate abstract of the votes cast in the Referendum Election held on the 11th day of March, 2006.

signed

Chairperson: Carolee Johnson Gary S. Weyl
Member: _____

Section 2. Authorizing Signatures: We, the undersigned, members of the Osage Government Reform Commission, the 31st Osage Tribal Council, the Assistant Principal Chief and the Principal Chief do hereby certify the adoption of this Constitution, duly ratified by a vote of the Osage People on March 11, 2006, and declare this Constitution to be the fundamental law of the Osage Nation.

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