

## **TITLE 01 - GENERAL PROVISIONS**

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## Chapter 01. Authority, Citations and References

- Sec. 01.01.001**      **Authorization of Statutes Codification System**
- Sec. 01.01.002**      **Title of Code**
- Sec. 01.01.003**      **Citations and Reference to the Code**
- Sec. 01.01.004**      **Citations and Reference Apply to Changes**
- Sec. 01.01.005**      **Newly Enacted or Amended Statues; Administrative Non-Substantive Changes**

### **Sec. 01.01.001**      **Authorization of Statutes Codification System**

BE IT ENACTED pursuant to the inherent powers and authority granted the Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida hereafter), by the Constitution of the Tlingit & Haida, consistent with the exercise of the inherent sovereign powers and jurisdiction as set forth in the Tlingit & Haida Constitution, and as established from retained aboriginal rights and aboriginal title, and as acknowledged in Treaties and Congressional Acts, and for the purpose of establishing a system of statutes and statute codification, this Codification Statute is established and enacted.

### **Sec. 01.01.002**      **Title of Code**

The system of statute codification shall be known as the Tlingit & Haida Statute Code, which may be abbreviated as “CSC”.

### **Sec. 01.01.003**      **Citations and Reference to the Code**

Codified statutes may be cited or referenced by giving the title number followed by a period, the chapter number followed by a period, and the section numbers. Each statute contained within the Statute Code Section 01.01.010 through 01.01.999 may be cited as CSC Stat. No. 01.01 followed by the appropriate section number, such as “01.01.030000” for the section “Citations and References to the Code.”

### **Sec. 01.01.004**      **Citations and Reference Apply to Changes**

Whenever a reference shall include all amendments, corrections, additions or repealing statutes enacted and effective at the time referenced by the citation when it is followed by the date and year of enactment of the citation.

### **Sec. 01.01.005**      **Newly Enacted or Amended Statues; Administrative Non-Substantive Changes**

Statues are enacted or amended pursuant to the Constitution Article VII, Section 1(o) and Standing Rules of Order Article XIV. Within sixty (60) days of enactment or amendment, the Office of the President shall be responsible for presenting a package of non-substantive statute changes to the Executive Council for approval on an as needed basis. The Executive Council shall have the authority to approve the changes as submitted after a brief review to assure that they do not facially change the substantive meaning of enacted statutes, but are for clarification or correction only.

## Chapter 02. General Provisions

|                |  |
|----------------|--|
| Sec. 01.02.001 | Definitions  |
| Sec. 01.02.002 | Construction   |
| Sec. 01.02.003 | Effective Time and Date Provisions   |
| Sec. 01.02.004 | Savings Clause Provisions; Effect of Repeals or Amendments;<br>Severability; Non-Retroactivity |

### Sec. 01.02.001 Definitions

The following words and phrases whenever used in the statutes of Tlingit & Haida have the following meanings unless it is apparent from the context that different meaning is intended or unless a different meaning is specifically defined in the statute or in these definitions:

- A. **“Action”** includes any matter or proceeding in a court, whether tribal, civil or criminal;
- B. **“Base Roll”** means the roll prepared by the Secretary of the Interior pursuant to Section 8 of the Act of June 19, 1935 (49 Stat. 388), as amended by the Act of August 19, 1965 (79 Stat. 543) (also see Definitions No. 13 and 18 in cross reference to related definitions.);
- C. **“Central Council of the Tlingit and Haida Indian Tribes of Alaska”** means the Tlingit and Haida Tribes lawfully authorized and empowered by self-identified inherent sovereignty and jurisdiction, the Tlingit & Haida Constitution, and by lawful authorization, preemption grant, empowerment, reservation, or limitation derived from the legal exercise of Treaty or Congressional Acts or Resolutions or lawful Presidential or Executive Order or Agreements;
- D. **“Central Council or Tlingit & Haida or Tlingit & Haida Central Council or Tlingit & Haida Indians or Tlingit & Haida Indians of Alaska”** means the Central Council of the Tlingit and Haida Indian Tribes of Alaska;
- E. **“Community Council”** includes a community listed on the list set forth in these statutes as sharing in the Tlingit & Haida jurisdiction;
- F. **“Daytime”** means the period between sunrise and sunset;
- G. **“Include”** means a part of a whole possible total;
- H. **“month”** means a calendar month unless otherwise expressed;
- I. **“Nighttime”** means the period between sunset and sunrise;
- J. **“Oath”** includes affirmation or declaration;
- K. **“Peace Officer”** means any person duly sworn to tribal or state peace keeping forces, members of the police force of any incorporation city or borough, United States marshals and their deputies, and other officers whose duty it is to enforce and preserve the public peace;

- L. **“person”** includes a corporation, company, partnership, firm, association, organization, business trust, or society, as well as a natural person;
- M. **“persons of Tlingit or Haida blood”** means a person of Tlingit or Haida blood residing in the United States or Canada who was a legal resident of the Territory of Alaska on June 19, 1935, or prior thereto, or who is a descendant of a person of Tlingit or Haida blood who was a legal resident of the Territory of Alaska on June 19, 1935, or prior thereto; (Also see Definitions No. 18 and 02 in cross referenced of related definitions.)
- N. **“personal property”** includes real and personal property;
- O. **“property”** includes real and personal property;
- P. **“real property”** is coextensive with land, tenements, and hereditament;
- Q. **“signature”** or **“subscription”** includes the mark of a person who cannot write, with the name of that person written near the mark by a witness who writes the witness’s own name near the name of the person who cannot write; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two(2) witnesses to sign their own names to the sworn statement;
- R. **“Supplemental Roll”** means the roll maintained by Tlingit & Haida of persons of Tlingit or Haida blood, (other than persons appearing on the Base Roll), residing in the United States or Canada who were legal residents of the Territory of Alaska on June 19, 1935, or prior thereto, or who are descendants of such persons and who duly applied for membership in the Tribes and showed to the satisfaction of Tlingit & Haida that they are eligible; (Also see Definitions No. 13 and 0-2 in cross-reference of related definitions.)
- S. **“writing”** includes printing.

Other words may be particularly defined at the start of a statute where they have a unique meaning.

**Sec. 01.02.002 Construction**

- A. **Words and Phrases:** Words and phrases shall be construed according to the rules of grammar and according to their common and approved usage. Technical words and phrases and those which have acquired a peculiar and appropriate meaning, whether by Tlingit & Haida definition or otherwise, shall be construed according to the peculiar and appropriate meaning.
- B. **Tense, Number Gender:**
  - 1. Words in the present tense include the past and future tenses, and words in the future tense include the present tense.
  - 2. Words in the singular number include the plural, and words in the plural number include the singular.
  - 3. Words of any gender may, when the sense so indicates, refer to any other gender.
- C. Time and Time Calculation

1. The work “week” means seven (7) consecutive days.
  2. In computing a period of days, the first day is excluded and the last day is included.
  3. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
  4. If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.
- D. Quorum:** A quorum of a public body is a majority of the number of members fixed by statute.
- E. Repeal of Repeals:** The repeal of a repealing statute does not revive the statute originally repealed or impair the effect of any saving clause therein.

**Sec. 01.02.003 Effective Time and Date Provisions**

- A.** In this section:
1. “**statute**” means a bill which has been enacted and became law;
  2. “**becomes effective**” means the point in time when the statute becomes applicable;
  3. “**effective date**” is the date at which a law is scheduled to become effective and does not necessarily mean the date of enactment, (i.e., date of becoming law), although the two (2) will coincide when a proposed statute which has an immediate-effective-date-provision is allowed to become law without the President’s signature;
  4. “**becomes law**” means when enacted. Enactment occurs when a proposed statute is agreed upon by the Tlingit & Haida and signed by the President.
- B.** When statutes become law: All statutes which have been passed by Tlingit & Haida become law upon the signature of Tlingit & Haida’s President.
- C.** When no effective date given or an immediate effective date is given: The actual effective date of an statute having no effective-date provision, or an immediate effective date provision, is determined by starting with the day after it is signed by the President at 12:01 a.m. Pacific Standard Time.
- D.** Specific date provision: A statute which specifies a definite effective date becomes effective at 12:01 a.m., Pacific Standard Time on the date specified.

**Sec. 01.02.004 Savings Clause Provisions; Effect of Repeals or Amendments; Severability; Non-Retroactivity**

- A. Non-Retroactivity Clause:** A statute is presumed to be prospective in its operation unless expressly made retroactive.
- B. Savings Clause:**
  - 1.** The reenactment, revision, amendment, or repeal of a statute does not, except as provided in the subsection (b):
    - a.** Affect the prior operation of the statute or any prior action taken thereunder;
    - b.** Affect any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred thereunder;
    - c.** Affect any violation thereof or penalty, forfeiture, or punishment incurred in respect thereto, prior to the amendment or repeal; or
    - d.** Affect any investigation, proceeding, remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, or imposed, as if the statute had not been repealed or amended.
  - 2.** If the penalty, forfeiture, or punishment for any offense is reduced by reenactment, revision, or amendment of statute, the penalty, forfeiture, or punishment, (if not already imposed), shall be imposed according to the statute as amended.
- C. Severability Clause:** If any provision of a statute, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the statute which can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

## Chapter 03. Statute Format & Procedure Provisions

|                |                            |
|----------------|----------------------------|
| Sec. 01.03.001 | Statute Policy             |
| Sec. 01.03.002 | Introduction and Enactment |
| Sec. 01.03.003 | Format                     |
| Sec. 01.03.004 | Management Systems         |

### Sec. 01.03.001 Statute Policy

Each proposed statute shall be introduced in the form required by the Tlingit & Haida as spelled out in this statute. The subject matter of each statute shall be expressed in its title. Each title shall be confined to one subject unless it is a statute establishing a budget or one codifying, revising or rearranging existing statutes. Statutes establishing budgets shall be confined to such subject.

### Sec. 01.03.002 Introduction and Enactment

All statutes, except emergency statutes, to be eligible for introduction and enactment, shall be in the following form, and contain, and conform to the following requirements:

- A. **Heading:** The proposed statute shall be headed with a short descriptive one-purpose title.
- B. **Source Information:** The proposed statute shall contain a source information section at the top and to the right on the first page which gives the name of the person or entity introducing the statute, the date of introduction, and the drafter of the statute. This legislative source history is to be deleted from the final published, enacted statute, but maintained as a legislative history reference in the serial record
  1. Any additional or supplemental source information shall be placed below this, such as the committee references and dates of hearings to establish a complete source reference.
- C. **Numbering:** The statute shall be given a serial number which is to start with the last two (2) digits of the current year, followed by a hyphen and a serial number which starts at 01 for the first statute of a given year, and commences to the last introduced statute. Upon enactment, this number is to be followed by the letter "E" in the serial numbered cop. The serial number is distinct form title numbering.
  1. This serial number shall be assigned and typed or written in under the heading by the Tlingit & Haida secretary assigned as the delegate's secretary.
  2. Each explanatory section of the statute shall be given a Section number which is to be seven (7) digit number consisting of two (2) digits for the Title category number\*, (starting at "01" and progressing in numerical sequence as necessary); a period shall separate the Title numbers from the next two (2) digits which shall designate the Chapter numbers, (also starting at "01" and progressing in numerical sequence as necessary);

another period shall separate the Chapter number from the Section number which is to be three (3) digit number commencing at .010. The middle digits are to be in sequential progression, (e.g., 010,020, 030, etc.), to facilitate expansion within a sequence, (e.g., use of 015 for a closely related topic area.)

**\*Note:** A Title category number is to be assigned from the Tlingit & Haida Code Index which designates broad topic or category areas from which appropriate Title category numerical assignments may be selected.

**Sec. 01.03.003            Format**

Every effort shall be made to write, introduce, adopt, and document statutes in the format prescribed below.

- A.     Title:** Each statute shall be given a descriptive title of a specific topic, subject, or issue. Titles will be in all bold letters and numbers from 01 to 25. Title lettering sizes shall be at least 4 pitch sizes larger than the main text.
- B.     Chapters:** Statutes may be broken up into chapters for clarity of text, structure, and/or intent. Chapter titles will be in all bold letters and numbers from 01 to 999. Chapter title lettering sizes shall be at least 2 pitch sizes larger than the main text.
- C.     Sections:** Sections of statutes shall be codified in a uniform manner so that they may be clearly identified for broader usage.
  - 1.**     Section titles shall be in all bold letters and numbers with the word “Section” abbreviated to “Sec.”
  - 2.**     Section titles shall be comprised of the abbreviated “Sec.”, a six or seven digit number with a period separating the first and second sets of two digits.

**Examples:    Sec. 01.01.01**  
**Sec. 11.15.999**

- 3.**     The first two numerical digits refer to the “TITLE”, the second two numerical digits refer to the “Chapter”, and the final two or three numerical digits refer to the “Section”.
- 4.**     All sections of each chapter shall be listed at the beginning of the chapter in the sequence that they will appear in the main text, i.e.

**Examples:    Sec. xx.xx.01**  
**Sec. xx.xx.02**  
**Sec. xx.xx.03**  
**etc.**

**(NOTE: The outline feature of this computer program has a glitch making it necessary to have a code with a sixth and seventh numerical digit. Eventually, when the program glitch is corrected, there will only be seven numerical digits with the single digit values preceded with “0”s.)**

**D. Subsections:** Shall be identified and indented as follows:

1. “**A**” (bold) alphabetical order shall be the first (1<sup>st</sup>) subsection, indented to the first tab stop.
2. “**1.**” et.seq. (bold) shall be the second (2<sup>nd</sup>) subsection and shall be indented to the second tab stop;
3. “**a.**” etc., (bold) alphabetical order shall be the third (3<sup>rd</sup>) subsection, indented to the next tab stop;
4. “**(1)**” et.seq. (bold) shall be the next indented subsection;
5. “**a**”, “**b**” etc. (bold) in alphabetical order shall be the next indented subsection followed by a trailing parenthesis.

Thus, an example of the format of indented subsections would be:

**TITLE XX (NAME)**

**Chapter XX (Name)**

**Sec. xx.xx.xxx (Name)**

- A. (Descriptive word or phrase): (text)
  1. (Descriptive word or phrase [optional]): (text)
    - a. (text)
      - (1)** (text)
        - (a)** (text)
          - 1)** (text)
            - a)** (text)

**E. Body of the Statute:**

1. Clauses: Each proposed statute should have a purpose clause, (which may be in premises or whereas clause style), and enacting clause, an action, direction or command clause, and an enforcing clause.
  - a. A premise or whereas clause may be used in either the perfactory purpose clause or in the body of the statute to help set forth the reasons for the statute.
  - b. Purpose clause: Each statute should contain a purpose clause summarily describing the nature of the problem, or subject matter of the statute, as well as the purpose or intent of the statute. This should be located at the start of the body of the statute.
  - c. Enacting clause: Each statute should contain an enacting clause. If it follows a premises or whereas purpose clause, it should start with, “**THEREFORE, BE IT ENACTED THAT ...**”, followed by

the main part of the body of the statute. However, if the purpose clause is a simple, brief statement, then it may be simply state, “BE IT ENACTED THAT ...”.

- d. Action, direction, or command clause(s): Each clause should be numbered as set forth earlier.
  - e. Enforcement or penalty clauses: If there is an applicable enforcement or penalty, it should be expressly stated and address the issues of whose duty it will be to enforce as well as by general procedure.
- F. **Filing:** The filing of statutes shall be done in serial order in a yearly compilation, as well as placed in the Code Statute book. Introductory source or legislative history headings should be deleted from the published version for the Code Statute book. Other deletions at publishing should be margin notes, signatures, or other non-essential statute history. Essential to inclusion in the Code of Statute are Title, Chapter, Section numbers and table of contents, as well as reference to where legislative history may be found by serial number.

#### **Sec. 01.03.004 Management Systems**

The management of all statutes shall be the responsibility of the Office of the President. Copies of statutes may be reproduced for other departments, but all originals shall remain in the Office of the President.

- A. **Computer Use:** The original statutes written in this format in April, 1995, were done in *WordPerfect 6.0a* using the legal 2 template under the “Outline” feature of the program. Legal 2 was tailored to meet the requirement of this statute.
- B. **Location in the System:** Each statute directory, chapter, or other identifiable part of tribal codes shall have a footer located on the last page of such document to show its exact location within the computer system.

**Example:** g:\wpdata\org\_docs\statutes\title01

## Chapter 04. Enactment, Revision or Repeal of Tribal Codes

### Sec. 01.04.001 Enactment, Revision or Repeal of Tribal Codes

### Sec. 01.04.001 Enactment, Revision or Repeal of Tribal Codes

The Executive Council shall have the power to enact, revise or repeal Tribal Codes in accordance with the following requirements:

- A. Any proposed amendment or new Tribal Code shall be published on the Tlingit & Haida website and conveyed to each Delegate, and upon approval posted on the Tlingit & Haida website and available for review in hard copy form at the Tribal offices; and
- B. The Executive Council shall hear public testimony regarding the proposals at an appropriate time during Executive Council meetings; and
- C. The Executive Council meeting at which a Tribal Code proposal will be considered shall include the proposal on the agenda.

**Amended:** April 21, 2017  
April 20, 2018

ADOPTED this 20<sup>th</sup> day of April 2018, by the Tribal Assembly of Central Council of Tlingit and Haida Indian Tribes of Alaska, by a vote of 99 yeas, 0 nays, 0 abstentions and 0 absences.

### CERTIFY

  
\_\_\_\_\_  
President Richard J. Peterson

### ATTEST

  
\_\_\_\_\_  
Tribal Secretary Ralph Wolfe