

CONSTITUTION AND BYLAWS
OF THE
LOVELOCK PAIUTE TRIBE

PREAMBLE

We, the members of the Lovelock Paiute Tribe, in order to establish a representative organization under the Indian Reorganization Act; to better manage the lands and other resources of the Lovelock Paiute Tribe; and to promote the social and economic advancement of the members of the Lovelock Paiute Tribe, do hereby adopt this constitution and bylaws as the foundation of government.

ARTICLE I - TERRITORIAL JURISDICTION

This constitution shall apply to all lands within the exterior boundaries of the Lovelock Indian Colony and to such other lands as are now or may in the future be under the jurisdiction of the Lovelock Paiute Tribe. This constitution shall apply to and be for the benefit and protection of all persons who are now or who may in the future become members of the Lovelock Paiute Tribe. The Lovelock Indian Colony consists of that twenty (20) acres described as the S 1/2 SW 1/4 SE 1/4, Section 27, Township 27 North, Range 31 East, Mount Diablo Meridian, Pershing County, Nevada.

ARTICLE II - MEMBERSHIP

Section 1. The membership of the Lovelock Paiute Tribe shall consist of the persons qualified under the following; provided, that they possess at least 1/4 degree Paiute Indian blood, and that they file an application for membership with the Lovelock Tribal Council:

(a) All persons whose names appear on the January 1, 1940, Nevada Indian Agency Census Roll for the Lovelock Indian Colony; provided, that the Lovelock Tribal Council shall have the power to correct the census roll subject to the approval of the Commissioner of Indian Affairs.

(b) All persons who are maintaining a residence on the Lovelock Colony at the time of the adoption of this constitution.

(3-14-68)

(c) Descendants of persons in categories (a) and (b) above.

(d) The initial as well as the continued membership of any person shall be contingent on the following conditions:

(1) They are not enrolled with any other Indian group.

(2) They do not hold an assignment on any other Indian lands.

(3) They have never been allotted on any other Indian reservation.

Sec. 2. The Lovelock Tribal Council shall have the power to enact ordinances governing the procedures to be followed when a member becomes ineligible for membership, when a person wishes to be adopted by the tribe; and when an eligible member requests to be officially enrolled.

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Lovelock Paiute Tribe shall consist of a council known as the Lovelock Tribal Council, hereinafter referred to as the tribal council.

Sec. 2. The tribal council shall be composed of five members, at least three of whom must physically reside within the colony.

Sec. 3. All members of the Lovelock Paiute Tribe, 21 years of age or over, shall be eligible to serve as council members.

Sec. 4. The council members shall choose a chairman and a vice chairman from among the resident council members, and from the entire tribal membership, a secretary-treasurer.

ARTICLE IV - NOMINATIONS AND ELECTIONS

Section 1. The nomination and election of all tribal council members shall be conducted in accordance with rules and regulations set forth in an ordinance enacted by the tribal council. The first election of council members shall be held within 60 days from the date of approval of this constitution. In the first election, the three elected members receiving the highest number of votes shall serve a two year term and the remaining two members shall serve for a period of one year.

Sec. 2. All members of the Lovelock Paiute Tribe, 18 years of age or over, shall be eligible to vote. Voting in the election of tribal council members shall be by secret ballot.

Sec. 3. All elected council members shall serve a two year term, or until their successors are seated, except as provided in Section 1 of this article.

Sec. 4. The annual election of council members shall be held during the month of June on a day designated by the tribal council.

Sec. 5. At least 30 days prior to the date of all tribal council elections, the tribal council shall cause a Notice of Election to be posted. All persons seeking office shall file a written Notice of Candidacy with the secretary of the tribal council at least 15 days prior to the election. The secretary shall post the list of candidates at least ten days prior to the election.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

Section 1. If any member of the tribal council dies, resigns, is removed from office by the tribal council, or is recalled, the tribal council shall declare that office vacant. Within 30 days after a tribal council seat is vacated, the tribal council shall appoint a successor to fill the unexpired term.

Sec. 2. Any tribal council member or officer of the Lovelock Paiute Tribe may be expelled from office by the affirmative vote of four-fifths of the council members if, in their opinion, he is guilty of gross misconduct or gross neglect of duty; provided, that the accused is given full opportunity to reply to any and all charges at a designated tribal council meeting, and provided further, that the accused shall have been given a written statement of the charges against him at least five days before the meeting set for his hearing. The decision of the tribal council shall be final.

ARTICLE VI - POWERS AND DUTIES OF THE TRIBAL COUNCIL

Section 1. Legislative Powers. The legislative power shall be vested in the tribal council; this power shall be exercised in accordance with the constitution and the laws of the United States. The tribal council shall have the following rights and powers:

(a) To negotiate with Federal, State and local governments and with other Indian tribes, and to negotiate contracts and agreements with these and other associations, corporations or individuals.

(b) To advise the Secretary of the Interior with regard to all appropriation estimates or proposed projects for the benefit of the Lovelock Paiute Tribe prior to submission of such estimates or proposals to the Bureau of the Budget and to Congress.

(c) To employ legal counsel, the choice of counsel and the fixing of fees to be subject to approval of the Secretary of the Interior so long as such approval is required by Federal law.

(d) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in land, or other assets of the Lovelock Paiute Tribe, and to acquire, manage, lease, use, contract, assign, encumber, or dispose of any or all tribal assets, including tribal lands, in accordance with applicable laws and regulations.

(e) To create and regulate subordinate organizations for economic and public purposes and to delegate to such organization or to officials or employees of the Lovelock Paiute Tribe any of the foregoing powers, reserving the right to review and rescind any action taken by virtue of such delegated power.

(f) To prepare an annual budget and appropriate any available funds of the tribe; provided, that any appropriation of funds in trust status shall be subject to the approval of the Secretary of the Interior.

(g) To manage all economic affairs and business enterprises of the Lovelock Paiute Tribe including the borrowing of funds from any source.

(h) To enact ordinances, which shall be subject to approval by the Secretary of the Interior, dealing with such law and order matters as have not been assumed by the State pursuant to Public Law 280, 83rd Congress, domestic relations and welfare; providing for the manner of making, holding and revoking assignments of tribal land; providing for the levying of taxes and fees; and governing the exclusion of nonmembers from tribal lands. To enact ordinances to protect the health and welfare of the members of the tribe, and for other purposes considered in the best interest of the tribe.

Sec. 2. Future Powers. The tribal council may exercise such additional powers as may in the future be delegated to the tribal council by the members of the Lovelock Paiute Tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

Sec. 3. Any rights or powers inherent in the Lovelock Paiute Tribe, not inconsistent with the statutes or Constitution of the United States or with the statutes of the State of Nevada, and which are not expressly referred to in this constitution, shall not be abridged by this article but may be exercised by the people of the Lovelock Paiute Tribe through appropriate amendment of this constitution.

Sec. 4. Any tribal council legislation which is subject to Federal approval shall be forwarded to the Superintendent of the Nevada Indian Agency for necessary action. It shall be forwarded within ten days after enactment, and shall become effective upon approval or, if no action is taken, 90 days after being received by the Superintendent.

ARTICLE VII - COLONY LANDS

Section 1. The lands of the Lovelock Paiute Tribe and the lands which may hereafter be acquired by or for the Lovelock Paiute Tribe shall be held in behalf of the Lovelock Paiute Tribe. These lands shall not be allotted to individual Indians, but they may be assigned, leased, exchanged for other lands of equal value, or otherwise used or encumbered as hereinafter provided.

Sec. 2. Colony lands may be assigned to individual Indians by the tribal council in accordance with an ordinance enacted by the tribal council. In granting assignments, preference shall be given first to members of the Lovelock Paiute Tribe who are heads of a household and then to other members of the tribe. Lastly, assignments may be granted to persons of Indian blood who are not members of the tribe. All assignments shall be for the use and occupancy of the assignee. If any assignee shall fail to properly utilize the assignment in accordance with the ordinance governing the assignment of lands, the assignment may be cancelled by the council after the assignee has been given due notice and an opportunity to be heard.

ARTICLE VIII - REFERENDUM, INITIATIVE AND RECALL

Section 1. Referendum. The tribal council shall, upon receipt of a petition signed by not less than 25 percent of the eligible voters of the Lovelock Tribe, submit any enacted or proposed ordinance or resolution

to a referendum of the eligible voters. The decision of the majority of the voters voting in the referendum shall be binding on the tribal council provided that at least 30 percent of those entitled to vote shall vote in the referendum. The tribal council shall call and hold the referendum within 30 days from the date of receipt of a valid petition and shall prescribe the manner in which the referendum is to be conducted.

Sec. 2. Initiative. The members of the Lovelock Tribe reserve the right to propose ordinances or resolutions. Any proposed initiative measures shall be presented to the tribal council, supported by a petition signed by not less than 25 percent of the eligible voters of the Lovelock Paiute Tribe. Upon receipt of such a petition, the tribal council shall, within 30 days thereafter, call and hold a special election for the purpose of allowing the voters of the Lovelock Paiute Tribe to vote on the initiative measure. The decision of a majority of the voters voting in such election shall be binding on the tribal council, provided that at least 30 percent of those entitled to vote shall vote in the election.

Sec. 3. Recall. Any member of the tribal council may be recalled from office by the eligible voters of the Lovelock Paiute Tribe; provided that no recall may be initiated against a tribal council member until that member has held office for at least 90 days. Upon receipt of a petition signed by not less than 25 percent of the eligible voters, it shall be the duty of the tribal council to call and hold a special election within 30 days thereafter to permit the voters to express their wishes on the recall of the person or persons named in the petition. The decision of the majority of the voters who vote in such election shall be final, provided that at least 30 percent of those entitled to vote shall vote.

ARTICLE IX - BILL OF RIGHTS

All members of the Lovelock Paiute Tribe shall have equal rights, equal protection and equal opportunity to participate in the economic resources, tribal assets and activities of the Lovelock Paiute Tribe, except as provided in Article VII, Section 2. No members shall be denied any of the constitutional rights or guarantees enjoyed by other citizens of the United States, including but not limited to freedom of religion, speech, and conscience; and the right to orderly association or assembly; the right to petition for action on the redress of grievances; and due process of law.

membership required

ARTICLE X - AMENDMENTS

Section 1. This constitution and bylaws may be amended by a majority of the qualified voters of the Lovelock Paiute Tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election. No amendment shall become effective until it has been approved by the Secretary of the Interior.

Sec. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by at least 25 percent of the eligible voters of the Lovelock Paiute Tribe, or upon receipt of a request for an election signed by a majority of the tribal council members.

BYLAWS

ARTICLE I - DUTIES OF OFFICERS

Section 1. The chairman of the Lovelock Tribal Council, hereinafter referred to as the tribal council, shall preside over all meetings of the tribal council and shall perform all duties assigned to him and exercise any authority delegated to him.

Sec. 2. The vice chairman shall assume the duties and responsibilities of the chairman in his absence.

Sec. 3. As secretary, the Secretary-treasurer shall be responsible for taking minutes at each council meeting and for forwarding a copy of the minutes to the superintendent of the Nevada Indian Agency. In addition, the secretary shall perform all duties assigned to him by the council.

Sec. 4. A treasurer shall receive, receipt for, and safeguard all funds of the Lovelock Paiute Tribe, whether tribal funds or special funds for which the tribal council is trustee or custodian. He shall cause all such funds to be deposited in the manner and in the place as directed by the tribal council and shall keep an accurate record of all funds. He shall report all receipts, expenditures and balances of deposits when requested to do so by the tribal council. The treasurer shall be bonded in an amount as prescribed by the tribal council and approved by the Commissioner of Indian Affairs or his authorized representative.

ARTICLE II - SEATING OF COUNCIL MEMBERS

Section 1. All elected tribal council members shall be installed at the first duly authorized meeting of the tribal council following their election.

Sec. 2. Each tribal council member and each tribal officer elected, or appointed pursuant to the tribal constitution, shall take an oath of office prior to assuming his duties.

OATH: I _____ do solemnly swear that I will support and defend the Constitution of the United States; that I will carry out faithfully and impartially the duties of my office; that I will promote and protect the best interests of my tribe in accordance with the Constitution and Bylaws of the Lovelock Paiute Tribe.

ARTICLE III - MEETINGS

Section 1. Regular meetings of the tribal council shall be held monthly on the second Wednesday.

Sec. 2. Special meetings may be called by a written notice signed by the chairman or a majority of the tribal council members.

ARTICLE IV - QUORUM

Section 1. No business shall be transacted by the tribal council unless a quorum of three (3) tribal council members is present. Should both the chairman and the vice chairman be absent, a temporary chairman shall be appointed from among those tribal council members present.

ARTICLE V - ORDER OF BUSINESS

Section 1. The order of council business shall be as follows:

- (a) Meeting called to order.
- (b) Roll call.
- (c) Reading of minutes of the last meeting.
- (d) Reports.
- (e) Unfinished business.
- (f) New business.
- (g) Adjournment.

ARTICLE VI - SALARIES AND EXPENSES

Section 1. The tribal council may prescribe such salaries and expenses for officers or tribal council members as it deems advisable from such funds as may be available.

ARTICLE VII - ORDINANCES AND RESOLUTIONS

Section 1. All final decisions of the tribal council of general and permanent application to the members of the Lovelock Paiute Tribe shall be embodied in ordinances.

Sec. 2. All final decisions of the council on matters of temporary interest, or relating especially to particular individuals or officials, or requiring action by the Bureau of Indian Affairs, shall be embodied in resolutions.

Sec. 3. All council legislation, meeting minutes and the financial records of the Lovelock Paiute Tribe, shall be open to inspection by any member of the band at such times as is convenient to the treasurer.

Sec. 4. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by the tribal council or by the ruling of the chairman if no objection is heard. On all ordinances, resolutions or motions, a council quorum may act by majority vote.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Acting Assistant Commissioner of Indian Affairs on November 24, 1967, under delegated authority, the attached Constitution and Bylaws of the Lovelock Paiute Tribe, was submitted to the qualified voters of the tribe and was on February 10, 1968, duly adopted by a vote of 43 for, and 20 against, in an election in which at least 30 percent of the 90 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

(sgd.) Jose A. Zuni
Chairman, Election Board

(sgd.) Helen T. Williams
Election Board Member

(sgd.) Donna Jackson
Election Board Member

APPROVAL

I, HARRY R. ANDERSON, Assistant Secretary of
the Interior of the United States of America, by virtue of the
authority granted to me by the Act of June 18, 1934 (48 Stat. 984),
as amended, do hereby approve the attached Constitution and Bylaws
of the Lovelock Paiute Tribe.

Approval recommended:

S/ R. W. TAYLOR

Deputy Commissioner of Indian Affairs

S/ HARRY R. ANDERSON

Assistant Secretary of the Interior

(SEAL)

Washington, D. C.

Date: MAR 14 1968