

© OFFICIAL VERSION ©

REVISED  
CONSTITUTION AND BYLAWS  
of the  
KALISPEL INDIAN COMMUNITY  
of  
KALISPEL RESERVATION

JULY 27, 1967

REVISED CONSTITUTION AND BYLAWS OF THE KALISPEL INDIAN COMMUNITY  
OF  
THE KALISPEL RESERVATION

PREAMBLE

le, the Kalispel Band of Indians of the Kalispel Reservation, in order to form a more unified, workable tribal organization, do hereby amend and revise our tribal constitution and bylaws so that it reads as follows:

ARTICLE I

Territory and Jurisdiction

The territory covered by the Kalispel Indian Community shall be comprised of all the geographic area within the confines of the Kalispel Reservation established by Executive Order dated March 23, 1914, and any other lands thereafter added thereto.

The jurisdiction of the Kalispel Indian Community extending to all of said territory and over its members shall be the jurisdiction common to Indian tribes and not in conflict with legally accepted jurisdiction of the United States Government or of the State of Washington in the same geographical area or over the same people.

ARTICLE II

Membership

Section 1. The membership of the Kalispel Indian Community shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Kalispel Indians as of April 1, 1934. Such roll may be corrected subject to the approval of the Secretary of the Interior.

(b) All children born to any member of the Kalispel Indian Community prior to the effective date of this revised constitution, and all children of one-fourth or more degree of Indian blood, born subsequent to the effective date of this constitution to any member of the Kalispel Indian Community who is one-fourth or more degree Kalispel Indian blood.

Sec. 2. The business committee shall have the power to enact ordinances subject to this revised constitution and bylaws and to the approval of the Secretary of the Interior or his authorized representative, governing future membership, adoptions and loss of membership in the Kalispel Indian Community.

ARTICLE III

Governing Body

Section 1. The governing body of the Kalispel Indian Community shall be a business committee.

Sec. 2. The business committee, consisting of seven (7) members, shall consist of a chairman, vice chairman, secretary-treasurer, and four (4) other members and shall be subject to the following rules of eligibility.

(a) Each must be an enrolled member of the Kalispel Indian Community and be at least 21 years of age, except that a non-Kalispel of at least one-fourth Indian blood who is married to a Kalispel and/or has children on the Kalispel roll and who at the time of his election is, and has for at least ten (10) years immediately prior thereto, physically resided on the Kalispel Reservation shall be eligible to serve on the committee but not as an officer.

(b) The three officers and all the other members of the business committee must reside and have physically resided for the previous year within fifteen (15) miles of the reservation except that two members at large, not officers, may reside and have resided as far as one hundred twenty (120) miles from the reservation.

ARTICLE IV

Nominations and Elections

Section 1. The candidates for membership on the business committee, except for the initial election pursuant to this article, shall be nominated and voted on by secret ballot at a meeting of the Kalispel Community Council on the second Wednesday of June of each year, or on any subsequent date to which the meeting is recessed or postponed. However, such postponement shall not exceed thirty (30) days.

(a) The Kalispel Community Council shall consist of all the voting members of the Kalispel Indian Community.

(b) The word "tribe" whenever used herein is synonymous with the "Kalispel Indian Community."

Sec. 2. The first election of the business committee shall be called by the existing business committee within sixty (60) days following the approval of this constitution and bylaws by the Secretary of the Interior.

Sec. 3. All positions on the business' committee shall be filled at the first election and at each subsequent annual election. The term of office shall be for one year and until those duly elected assume office, except as modified pursuant to Section 7(b) of this article. Each of the officers shall be elected separately with community council members voting first for chairman, then for vice chairman, then for secretary-treasurer and, finally, in a group for the remaining members until such time as the community council may duly delegate the selection of officers to the business committee pursuant to Section 7(e) of this article.

Sec. 4. Should more than one candidate living more than fifteen (15) miles from the reservation be among four receiving the highest number of votes, only the two top vote-getters of such candidates will be entitled to be declared elected and any other such candidates will be ignored in listing the top four vote-getters.

Sec. 5. All elections shall be held in accordance with rules laid down by the business committee, except that only the community council may take binding action concerning the matters listed in Section 7 of this article.

Sec. 6. Any qualified member of the tribe who is enrolled or is entitled to enrollment and who is twenty-one (21) years of age or over shall be entitled to vote. He must be present to vote. No proxies or absences ballots shall be allowed.

Sec. 7. Notwithstanding the provisions of Section 2, Article III and Section 3 of this article, the community council, meeting in a special meeting called for that purpose, may change the makeup of the business committee, terms of office, election procedures and the method of selecting officers as follows:

(a) It may reduce the number of business committee members to five (5).

(b) It may provide for staggered three-year terms of the members of the business committee.

(c) It may provide that the officers be elected by the members of the business committee rather than by the community council.

(d) If it adopts change c, it may also provide that all the candidates in any election be voted on at the same time on a single ballot with the polls open for voting for at least an eight (8) hour period.

(e) It may delete the provisions allowing a non-Kalispel to serve on the committee, and if it reduces the size of the business committee to five (5) may delete or limit to one person the provision allowing members living more than fifteen (15) miles from the reservation to serve on the committee.

Sec. 8. Except for 7(d) which can be adopted only if 7(c) is also adopted, the community council may adopt any one or more of the changes listed in Section 7 and the changes it does adopt need not be adopted at the same time but may be adopted over a period of time without limitation. Provided, however, that once any listed change is adopted it may not be changed again without going through the process for amending this constitution.

Sec. 9. No person is eligible to be a candidate for a position on the business committee who within one year prior to the election has been convicted of a felony or of a misdemeanor involving dishonesty.

#### ARTICLE V

##### Vacancies and Removal from Office

Section 1. Vacancies may occur on the business committee by reason of any of the following:

- By death or resignation of the member.
- By a member being convicted of a felony or of a misdemeanor involving dishonesty.
- By a member having been expelled or suspended from the committee by a majority vote of the community council at a

meeting called for that purpose or by a vote of at least five (5) of the seven (7) members of the business committee — three (3) of the five (5) members, should Article IV, Section 7(a) be adopted — by reason of neglect of duty, gross misconduct, repeated, unexcused absences or because of the member becoming mentally or physically incapable of performing his duties.

Before any member is suspended or expelled for any reason listed in subsections (b) or (c) above, he shall be furnished a written statement of the reasons at least five (5) days before the meeting of the community council or business committee (at which he shall have an opportunity to appear and be heard) when the proposed action of suspension or expulsion is to be considered.

Sec. 2. Any vacancy shall be filled by the business committee and the appointees shall hold office until the next annual election.

#### ARTICLE VI

##### Powers and Duties of the Business Committee

Section 1. The business committee shall have the following powers subject to any limitations legally imposed by the statutes or Constitution of the United States and of the State of Washington.

(a) As the Governing body of the Kalispel Indian Community, which is a recognized Indian tribe, the business committee is hereby empowered to exercise all the powers and authority, express, implied or inherent, vested by existing law in the community as an Indian tribe.

(b) In addition to the above powers the business committee shall have the following specific powers which are required to be stated by the Indian Reorganization Act (25 U.S.C. 476):

1. To employ legal counsel, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior as long as such approval is required by Federal law;
2. To prevent the sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the general membership of the tribe.

3. To negotiate with the Federal, State and local governments on behalf of the tribe.
4. To advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Kalispel Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

- (c) To have and exercise such other powers and authority as are reasonably necessary to fulfill its obligations, responsibilities, objects and purposes as the governing body of the tribe.

- Sec. 2. Reserved Powers. Any rights and powers heretofore vested in the Kalispel Indian Community but not expressly referred to in this revised constitution shall not be abridged by this article, but may be exercised by the members of the community through the adoption of appropriate amendments to this revised constitution and bylaws.

- Sec. 3. Community Council Review. The community council may, within a period of thirty-five (35) days, reconsider or review any action already taken by the business committee. Any modification or reversal of the previous action taken by the business committee shall be the action of the tribe and binding on the business committee.

- (a) Upon the giving of notice as prescribed in Article II, Section 2, of the bylaws, which notice shall give the reason for the meeting, a community council meeting will be held to consider or reconsider any action taken or likely to be taken by the business committee.
- (b) Any action taken by the business committee shall be at all times presumably final and will become legally final when action is not taken in the community council in conformity with subsection (a) above to reconsider the business committee action.

#### ARTICLE VII

##### Amendments

This revised constitution and bylaws may be amended by a majority vote of the qualified voters of the Kalispel Indian Community voting at an

election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote cast ballots. No amendment shall be effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested to do so by a majority vote of either the community council or the business committee or upon the receipt of a petition for an election signed by twenty-five (25) of the eligible voters of the tribe. No amendment shall become effective until it shall have been approved by the Secretary of the Interior.

#### BILL OF THE KALISPEL INDIAN COMMUNITY

#### ARTICLE I

##### Officers and their Duties

Sec. 1. If the community council delegates to the business committee the choosing of its officers, such action shall be taken by the business committee every year at its first meeting following the annual election.

Sec. 2. Chairman. The chairman shall preside over all meetings of the community council and the business committee. He shall perform all the customary and traditional duties as chairman and shall have the same vote as other members of the tribe, and of the business committee.

Sec. 3. Vice Chairman. The vice chairman shall perform all duties of the chairman in the absence of the chairman.

Sec. 4. Secretary-Treasurer. As secretary he shall be responsible for tribal correspondence and reports and shall keep a complete record of minutes of all business conducted at the business committee and community council meetings. The business committee may designate an assistant secretary to assist the secretary or to perform the secretary's duties in the secretary's absence.

As treasurer he shall exercise those duties customarily performed by a treasurer and shall, if he is intended to have actual money in his possession or control, provide at tribal expense such bond as the business committee may require.

#### ARTICLE II Meetings and Procedure

Section 1. Regular meetings. Regular meetings of the business committee shall be quarterly in the months of January, April, July and October on a day to be designated by the chairman. Following the initial election under this revised constitution and bylaws, the regular annual election meeting of the community council shall be held on the second Wednesday of June, unless rescheduled pursuant to Article IV, Section 1, of this revised constitution.

Sec. 2. Special meetings. Special meetings of the community council or of the business committee may be called by mailing a written notice thereof to the members at least five (5) days in advance of the meeting. Said notice shall list the principal reason or reasons for the meeting and may be signed by the chairman, by three (3) members of the business committee or by ten (10) tribal members. Said written, mailed notice shall not be required when the next meeting date is announced during a community council or business committee meeting.

Sec. 3. Quorum. A quorum for the community council shall be twenty-two (22) members and of the business committee shall be five (5) members; provided, however, that if Article IV, Section 7(a) of this revised constitution is adopted, a quorum of the business committee shall be three (3) members.

Sec. 4. Compensation. The business committee may provide such compensation as it deems advisable for its officers and members and for the officers and members of other committees.

#### ARTICLE III Ratification

This revised constitution and bylaws, when adopted by a majority vote of the voters of the Kalispel Indian Community, voting at a special election called by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval and shall be in force from the date of such approval.

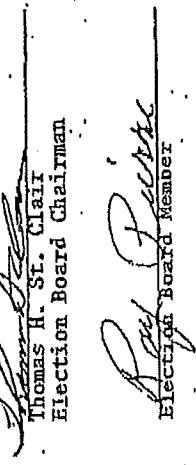
CERTIFICATE OF RESULTS OF ELECTION

Commissioner of Indian Affairs

In pursuant to an election authorized by the Secretary of the Interior on June 21, 1967, the attached Constitution and By-Laws, or Amendment, of the Kalispel Indian Community of the Kalispel Reservation was submitted to the qualified voters of the Tribe and was on July 12, 1967, duly adopted. In an election of 25 for and 1 against, in an election of 65 members entitled to vote cast their ballot 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).

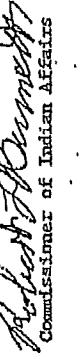
APPROVAL

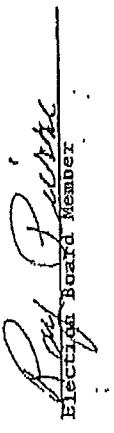
I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted to me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Revised Constitution and By-Laws of the Kalispel Indian Community of the Kalispel Reservation.

  
Thomas H. St. Clair

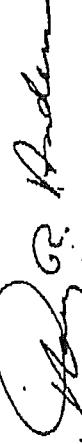
Election Board Chairman

Approval recommended:

  
Robert J. Bennett Jr.  
Commissioner of Indian Affairs

  
Paul Peck  
Election Board Member

  
William L. Johnson  
Election Board Member

  
O.C. Anderson  
Assistant Secretary of the Interior  
(SEAL)

one ballot unmarked

Washington, D. C.  
Date: JUL 27 1967

JUL 28 1968

AMENDMENT  
REVISED CONSTITUTION AND BYLAWS  
of the  
KALISPEL INDIAN COMMUNITY  
of the  
KALISPEL RESERVATION

AMENDMENT I

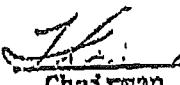
Section 6 of Article IV of the constitution, Nominations and Elections,  
shall be amended in its entirety to read as follows:

Section 6. Any qualified member of the tribe who is  
enrolled or entitled to be enrolled and who is 18 years  
of age or over shall be entitled to vote. He must be  
present to vote. No proxies or absentee ballots shall  
be allowed.

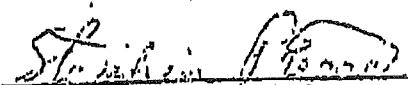
CERTIFICATE OF RESULTS OF ELECTION

Assistant

Pursuant to an election authorized by the Acting / Commissioner  
of Indian Affairs on February 17, 1969, under delegated authority,  
the attached Amendment to the Revised Constitution and Bylaws of the  
Kalispel Indian Community of the Kalispel Reservation, was submitted  
to the qualified voters of the community and was on June 18  
adopted  
1969, duly rejected by a vote of 18 for, and 4 against,  
in an election in which at least 30 percent of the 67  
(number)  
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).

  
Chairman, Election Board

  
Election Board Member

  
Election Board Member

APPROVAL

I, Harrison Loesch, 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 Amendment I to the Revised Constitution and ByLaws of the Kalispel Indian Community of the Kalispel Reservation.

Approval Recommended:

Commissioner of Indian Affairs.

HARRISON LOESCH  
Assistant Secretary of the Interior  
(SEAL)

Washington, D. C.

Date: July 28, 1969

AMENDMENT  
REVISED CONSTITUTION & BYLAWS  
of the  
KALISPEL INDIAN COMMUNITY  
of the  
KALISPEL RESERVATION

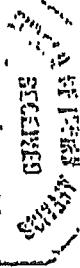
AMENDMENT II

Article VIII to be added to the Revised Constitution as follows:

ARTICLE VIII

Bill of Rights

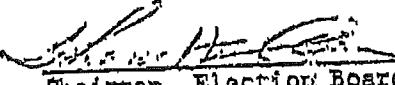
All members of the Kalispel Indian Community shall be accorded equal protection of the law under this Constitution and Bylaws or under any tribal code or ordinance governing the Community or the Kalispel Reservation. No member shall be denied any of the rights or guarantees enjoyed by citizens under the Constitution of the United States, including, but not limited to, freedom of religion and conscience, freedom of speech, the right to orderly association or assembly, the right to petition for action or the redress of grievances and due process of law.

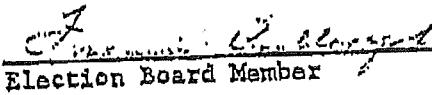


CERTIFICATE OF RESULTS OF ELECTION

Assistant

Pursuant to an election authorized by the Acting / Commissioner  
of Indian Affairs on February 17, 1969, under delegated authority,  
the attached Amendment to the Revised Constitution and Bylaws of the  
Kalispel Indian Community of the Kalispel Reservation, was submitted  
to the qualified voters of the community and was on June 18,  
1969, duly adopted by a vote of 19 for, and 3 against,  
in an election in which at least 30 percent of the 67  
(number)  
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).

  
Chairman, Election Board

  
Election Board Member

  
Election Board Member

APPROVAL

I, Harrison Loesch, 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 Amendment II to the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation.

Approval Recommended:

Commissioner of Indian Affairs

HARRISON LOESCH  
Assistant Secretary of the Interior  
(SEAL)

Washington, D. C.

Date: July 28, 1969

RECEIVED

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U.S. INDIAN AGENCY

AMENDMENT  
REVISED CONSTITUTION AND BYLAWS  
of the  
KALISPEL INDIAN COMMUNITY  
of the  
KALISPEL RESERVATION

AMENDMENT III

Article II of the constitution, Membership, shall be amended in its entirety to read as follows:

Section 1. The membership of the Kalispel Indian Community shall consist of:

a. All persons of Indian blood whose names appear on the official census roll of the Kalispel Indians as of April 1, 1934. Such roll may be corrected and the corrections shall be subject to the approval of the Secretary of the Interior.

b. All Indian blood degrees shown on the Basic Membership Roll of the Kalispel Tribe, dated April 1, 1934, are to be considered Kalispel blood for purposes of this Article. This subsection shall be made retroactive to April 1, 1934, for determining eligibility for enrollment but shall not be retroactive for purposes of determining entitlement to payments made to Tribal members by virtue of enrollment.

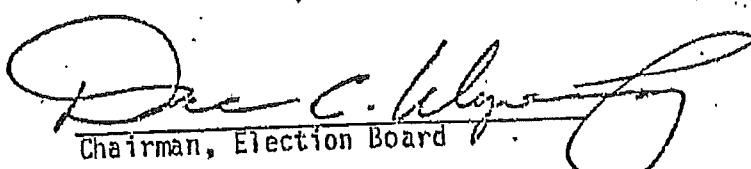
c. All children born to any member of the Kalispel Indian Community prior to July 27, 1967 and all children of one-fourth or more degree of Indian blood, born on or after July 27, 1967 to any member of the Kalispel Indian Community who is one-fourth or more degree Kalispel Indian blood.

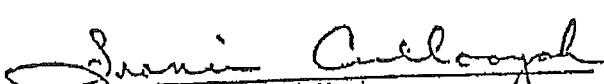
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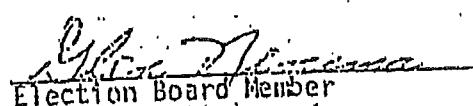
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CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Portland Area Office, Bureau of Indian Affairs, on MARCH 5, 1976, under delegated authority, the attached Amendment to the Revised Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation, was submitted to the qualified voters of the community and was on MAY 22, 1976, duly adopted <sup>rejected</sup> by a vote of 17 for, and 5 against, in an election in which at least 30 percent of the 37 <sup>(number)</sup> 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. 37B).

  
Chairman, Election Board

  
Election Board Member

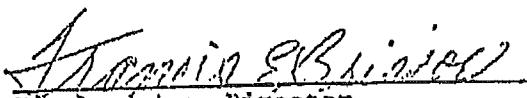
  
Election Board Member

Mar 27 1976  
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BUREAU OF INDIAN AFFAIRS  
PORTLAND AREA  
REGISTRATION

369510  
REGISTRATION

APPROVAL

I, Francis E. Briscoe, Portland Area Director, Bureau of Indian Affairs, Portland, Oregon, by virtue of the authority granted to the Secretary of the Interior of the United States, by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to the Commissioner of Indian Affairs by 230 DM 1.1 and redelegated to me by 10 BIAM, do hereby approve the foregoing Amendment III to the Revised Constitution and Bylaws of the Kalispel Indian Community.

  
\_\_\_\_\_  
Francis E. Briscoe  
Portland Area Director  
Bureau of Indian Affairs  
Portland, Oregon

Date June 3, 1976



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Northwest Regional Office  
911 N.E. 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169



APR 01 2011

Honorable Glen Nenema  
Chairman  
Kalispel Tribe of Indians  
Post Office Box 39  
Usk, Washington 99180

Dear Chairman Nenema:

This is in response to your letter of March 21, 2011, requesting this office to clarify Amendment III to the Constitution and Bylaws of the Kalispel Indian Community of the Kalispel Reservation. Kalispel Resolution No. 14 was enacted on July 30, 1975, by the Kalispel Business Committee to use the blood degrees as shown on the Basic Membership Roll of April 1, 1934, as all Kalispel Indian blood. It was the intent of the resolution to amend only Section 1 of Article II – Membership. Therefore the Amendment III should not have used the word “entirety” in amending Article II as it was only intended to amend Section 1. Section 2 of Article II shall remain the same and in effect as written. We hope this clarification will be of some assistance to the Tribe and its membership. If you have any questions, please contact Betty Scissons, Tribal Government Specialist, at (503) 231-6723.

Sincerely,



Northwest Regional Director

APR 06 2011