

Rules of the Osage Nation Congress



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RULES OF PROCEDURE

STATEMENT OF AUTHORIZATION

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

RULE ONE **ELECTION OF OFFICERS**

1.1 Officers to be Elected

1. The Congress shall nominate from the floor and elect by majority vote, one office at a time, the following officers on the last regular day of the Hun-Kah Session, except in election years in which case it shall be done during Special Session by the new Congress:

Speaker

Second Speaker

Four Members of Congressional Affairs Committee

Chairperson of Congressional Rules and Ethics Committee

Two Members of Congressional Rules and Ethics Committee

Chairperson of Congressional Appropriations Committee

Chairperson of the Membership Committee

Two Members of the Membership Committee

Chairperson of the Natural Resources Committee

Five Members of the Natural Resources Committee

2. No member may hold more than two officer positions. The Speaker may not hold the 2nd Speaker position.
3. An affirmative vote of a majority of members present will be required to elect officers and establish the members of each

committee for the coming year. In the event of a tie, the vote shall be taken again.

4. All nominations for an office will be considered at one time with each member allowed one vote. Voting will be done by a show of hands which will be recorded and announced by the Clerk of the Congress.
5. Before the ballot is taken, each person so nominated may make a public statement to the Congress indicating what the Congress may expect from her or him in the area of the responsibility of such office.
6. The officer positions shall hold office until the next officer elections. The Speaker and Second Speaker shall not hold those officer positions for more than two consecutive terms.
7. Upon the resignation or death of the Speaker or Member of a Select Committee during a session, the position shall be immediately nominated from the floor and elected by secret ballot for the balance of the term. Should the position become vacant during the interim, the position shall remain vacant until the next regular or special session of the Congress is convened, at which time a new Speaker or Member of the Congressional Affairs Committee will be elected for the remainder of the term.
8. Any Chairperson vacancy created will be filled for the remainder of the term by the Vice Chairperson of that respective Committee previously elected by the members of that Committee in accordance with the Rules applicable to committees.

81 **RULE TWO**

82
83 **DUTIES AND RIGHTS OF PRESIDING OFFICERS**

84
85 **2.1 Speaker to Conduct Business on Behalf of Congress**

- 86
- 87 1. The Speaker shall have the authority to conduct business on
- 88 behalf of the Congress as set forth in Osage law and these
- 89 Rules of Procedures.
- 90
- 91 2. The Speaker shall represent the Congress and conduct
- 92 business at intertribal and intra-governmental functions.
- 93
- 94 3. The Speaker shall serve as the public relations lead between
- 95 the Executive and Legislative Branches.
- 96
- 97 4. The Speaker establishes deadlines for the legislative process.
- 98
- 99 5. The Speaker shall set priorities of the Legislative Services
- 100 Division for drafting of all proposed legislation.
- 101
- 102 6. The Speaker shall communicate with the congressional staff
- 103 and/or any committee chair as often as necessary to ensure
- 104 efficient flow of legislation.
- 105
- 106 7. The Speaker may delegate to the Second Speaker the
- 107 authorities and duties of the Speaker as set forth by law and
- 108 these Rules.
- 109

110 **2.2 Speaker to Preside**

- 111
- 112 1. The Speaker shall preside over all Sessions of Congress
- 113 except when absent or unable to preside, and in such cases
- 114 the Second Speaker shall preside over Sessions of Congress.
- 115
- 116 2. The Speaker shall take the Chair each day at the hour to
- 117 which the Congress has adjourned, call the Congress to order
- 118 and, except in the absence of a quorum, proceed under the
- 119 agenda established in accordance with these Rules.
- 120

- 121 3. The Speaker may postpone reconvening Congress up to
122 forty-eight hours for such reasons as inclement weather or
123 other emergency, anticipated lack of quorum or when a
124 quorum cannot be assembled within one half hour after
125 convening.

126
127 **2.3 Speaker to Set and Report Priorities of Session and Action**
128 **Taken by Congress**
129

- 130 1. In accordance with Article VI, Section 20, of the Osage Nation
131 Constitution, after consultation with the Members, the Speaker
132 at the beginning of each session of Congress shall report the
133 legislative priorities of the Session. The Speaker may enforce
134 the order of priorities with any method sanctioned by these
135 rules.
136
- 137 2. The Speaker shall meet with the Appropriations Chair;
138 Membership Chair; Rules, Ethics and Engrossment Chair and
139 all standing committee chairs prior to sessions and formulate
140 a committee meeting schedule of the entire session; which
141 contemplates legislative assignments and shall be noticed
142 prior to session.
143
- 144 3. During each Tzi-Zho Session, the Speaker shall instruct the
145 committee chairs to prioritize bills which contain annual
146 operating funds for each branch of government.
147
- 148 4. The agenda chosen by the Speaker will be final unless
149 challenged in accordance with the procedure established for
150 points of order. An affirmative vote of two-thirds of the
151 Congress members present shall be required to change the
152 order of bills and resolutions presented for consideration.
153
- 154 5. The Speaker shall prepare a daily legislative agenda and shall
155 make every effort to disseminate the agenda to the Members
156 of Congress not less than twelve hours prior to the Session for
157 which the agenda was prepared.
158
159

2.4 Speaker to Maintain Order and Decorum in Regard to Congress Members' Conduct

1. The Speaker shall ensure that Members conduct themselves in such a manner so as to bring honor and dignity to the position for which the Osage citizens have elected them. A Member must not disrupt the decorum of the Congress sessions.
2. While in the chamber, the Speaker shall preserve order and decorum, shall prevent personal reflections or the impugning of the motive of any Member, and shall limit Members in debate to the question under discussion.
3. The Speaker may decide a Member is out of order who:
 - a. Directly addresses another Congress Member instead of the Speaker;
 - b. Fails to limit remarks to the merits of the motion;
 - c. Engages in disruptive activity;
 - d. Speaks before being recognized by the Speaker;
 - e. Slanders another;
 - f. Conducts themselves in a less than respectful manner;
 - g. Excuses themselves from any meeting without notifying the Speaker.
4. The Speaker may choose to remove a Member of Congress from a meeting for disorderly conduct.
5. When two (2) or more Members seek recognition at the same time, the Speaker shall name the one entitled to the floor.
6. On all questions relative to the transgression of these Rules, the Speaker shall call the Members to order.

2.5 Ruling on Points of Order

1. The Speaker shall decide or rule on "points of order."

2. The Speaker may speak to a point of order in preference to the members, and shall decide the questions of order, subject to challenge by a Member of the Congress.
3. In the event of challenge on a point of order, the parliamentarian may be consulted and each member may be allowed to speak no more than one minute on the point of order and no more than once. Following discussion, the Speaker shall restate the ruling and inquire "Shall the Speaker be overruled?" at which time a vote will be taken.
4. An affirmative vote of 2/3 of the majority of Congress Members present shall be required to overrule the Speaker on a point of order.
5. When a point of order is called, no Member shall approach the Speaker or the Clerk of the Congress until after the Speaker has ruled.

2.6 Speaker to Assign Proposed Legislation

1. The Speaker shall review and assign all proposed legislation to a Standing or Select Committee or to General Order.

2.7 Speaker to Return Proposed Legislation

1. The Speaker shall return proposed legislation not received in proper form and procedure to any Member initiating such legislation. The Speaker shall state the reasons for the return and may make such recommendations as he/she deems appropriate.

2.8 Speaker's Signature Authority

1. The Speaker shall sign all bills or resolutions passed by the Congress. Such certifications shall be made while the Congress is in session and shall be made a matter of record in the Congressional Journal.

- 238 2. The Speaker shall have the authority to sign all acts,
239 resolutions, laws, writs, warrants and subpoenas of or
240 approved by order of the Congress, contracts binding upon
241 the Congress, or other papers issued by the Congress.

242
243 **2.9 Speaker to Review and Authorize Outgoing Correspondence**
244

- 245 1. The Speaker shall review and authorize all outgoing
246 correspondence representing the entire Congress.
247
248 2. The Speaker shall distribute such correspondence to all
249 Members.

250
251 **2.10 Speaker May Direct Counsel in Lawsuits Affecting the**
252 **Congress**
253

- 254 1. The Speaker may direct counsel previously approved by the
255 Congressional Affairs Committee advocate positions in any
256 lawsuit on behalf of the Congress, a committee of the
257 Congress, a Member or former Member of the Congress in his
258 or her legal capacity as a Member or an officer, employee or
259 agent of the Congress in their official capacity.
260
261 2. Expenses incurred for legal services in such proceedings,
262 once previously approved by the Congress through an
263 appropriations process, and authorized by the Congressional
264 Affairs Committee, may be paid upon approval of the
265 Speaker. The Speaker shall ensure the fees and expenses
266 incurred do not exceed the amount approved for expenditure
267 by the Congressional Affairs Committee and shall notify the
268 Congressional Affairs Committee in writing immediately upon
269 learning the amount approved for fees may be exceeded prior
270 to the conclusion of the litigation.

271
272 **2.11 Speaker to Approve Final Journal**
273

- 274 1. Any Session Journal not approved by the Congress at the end
275 of any Session shall be approved and signed by the Speaker
276 following review.
277

2.12 Speaker's Voting Rights

1. The Speaker shall have the same right as other members to vote.

2.13 Second Speaker Serves As Chief Administrative Officer of the Congressional Office

1. The Second Speaker shall serve as the Chairperson of the Congressional Affairs Committee.
2. The Second Speaker shall manage internal congressional operations.
3. The Second Speaker shall assign, direct, monitor, and guide the day-to-day operations of the congressional staff and office, The Second Speaker shall ensure the congressional support staff complete their tasks in a timely manner.
4. The Second Speaker shall be responsible for setting and noticing Congressional Affairs committee meetings and setting the agenda of such meetings.
5. The Second Speaker shall be the initial contact for requests to contract professionals. The Second Speaker shall be the initial contact for hiring legal representation or referring matters approved by the Congressional Affairs Committee to current legal representation of the Congress.
6. The Second Speaker shall have authority, subject to fiscal limitations, to sign for all expenditures, including but not limited to: travel authorizations, office expenditures, purchase requisitions, authorization for payment and reimbursement vouchers.
7. The Second Speaker shall ensure the Legislative Branch Policies and Procedures Manual is scheduled for updating as necessary.

- 317 8. At the discretion of the Speaker, the Second Speaker may be
318 detailed to represent the Congress at any outside official
319 function on behalf of the Osage Nation Congress.
320

321 **2.14 Second Speaker Duties as Chief Personnel Officer of the**
322 **Legislative Branch**
323

- 324 1. The Second Speaker Acts as the Chief Personnel Official of
325 the Legislative Branch. Duties as the primary personnel officer
326 include the following:
327
- 328 a. Supervise and direct the Congressional Staff in
329 adherence to policies and procedures approved by the
330 Congressional Affairs Committee.
331
 - 332 b. Ensure each Member of Congress is provided fair and
333 equitable access to staff services.
334
 - 335 c. Sign all necessary personnel documents and complete
336 and provide an evaluation of the Congressional Staff to
337 the Congress and Human Resources Department no
338 less than once a year in accordance with merit laws.
339
 - 340 d. Ensure the Office of Fiscal and Performance Review
341 completes and submits all documents required by
342 Osage law and other Osage Nation Legislative Branch
343 policies and procedures.
344

345 **2.15 The Second Speaker's Duties as the Chief Fiscal Officer of the**
346 **Legislative Branch**
347

- 348 1. The Second Speaker Acts as the chief fiscal officer of the
349 Legislative Branch. Duties as the chief fiscal officer include
350 the following:
351
- 352 a. Approving spending authorizations of any type up to
353 \$1000.00 (one thousand) dollars.
354
 - 355 b. Monitoring spending and procurements.
356

- c. Approving and signing all necessary documents for expenditures necessary for the Congressional Offices, personnel, and the Osage Nation Congress.
- d. Acting as initial contact for and resolving internal matters, grievances, compliments or complaints of congressional staff.
- e. Meeting with the Speaker on a regular basis in order to communicate and coordinate Legislative fiscal operations and internal congressional operations.

2.16 The Second Speaker to Preside

1. The Second Speaker shall preside over Session of Congress when the Speaker is absent or unable to preside.

397 **RULE THREE**
398 **CONGRESSIONAL STAFF**
399

400 **3.1 Duties and Responsibilities of Congressional Staff**
401

- 402 1. Organization, supervision, duties and responsibilities of the
403 Congressional Staff are set forth in the Congressional Policies
404 and Procedures Manual. Any amendments thereto shall be
405 approved by recorded vote of the Congressional Affairs
406 Committee, incorporated upon passage by the Clerk of the
407 Congress, and an official copy filed of record.
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437 **RULE FOUR**
438 **CONGRESS MEMBERS**
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440 **4.1 Member Defined**
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442 “Member”, as used in these Rules, means person(s) elected
443 to the Osage Nation Congress.
444

445 **4.2 Overall Duties and Responsibilities**
446

- 447 1. Every member shall diligently attend each session day
448 including the committee(s) to which they were elected, in
449 person or utilize one (1) day authorized by electronic means.
450 A Member must submit a reason for being absent from
451 Session, in writing at least 24 hours in advance, except in the
452 case of an emergency, to the Clerk of the Congress and to the
453 Committee Chair in the case of committee meetings. The
454 Clerk of Congress shall compile a list of members attendance,
455 including absences at any point, for all sessions and
456 committee meetings and the compiled list shall be a public
457 document. The Clerk shall reflect those members who have
458 notified the Speaker or Committee Chair of anticipated
459 absences.
460
- 461 2. Members may attend any interim congressional committee
462 meetings via electronic means which shall constitute presence
463 at the meeting.
464
- 465 3. The chair of a committee shall not preside over the meeting
466 via electronic means and shall retain the voting rights as a
467 member.
468
- 469 4. Members may attend seven (7) days of session, whether
470 regular or special, per calendar year by electronic means.
471 Members are prohibited from attending sessions or committee
472 meetings as a committee member during session by
473 electronic means after they have exercised their seven (7)
474 allotted days. Members are prohibited from using the
475 electronic means days of another member. Presiding over a

Session of the full body of Congress by electronic means is prohibited.

5. Every member of Congress present during scheduled meetings shall vote on each question put, unless they abstain in accordance with Osage law.
6. No Member rising to debate, to give notice, to make a motion, or to present a paper of any kind shall proceed until the Member has addressed the Speaker and has been recognized by the Speaker as entitled to the floor.
7. While a member is speaking, no other Member shall enter into any private conversation. The Presiding Officer may enforce the provisions stated in the Congressional Policy Manual.
8. Every Member is eligible to introduce and/or sponsor any legislative action.
9. When Congress is in session, all members shall, while in the Chamber or being present via electronic means, be professionally dressed and shall conduct themselves appropriately as a Member of the Osage Nation Congress.

4.3 Chamber “Floor” Privileges limited to Members

1. No person shall be entitled to privileges of the “floor” area when the Congress is in session, except Members of the Congress, the Principal Chief, and Assistant Principal Chief, employees of the Congress designated by the Speaker, or upon formal invitation by a majority of the Congress.

4.4 Correspondence

1. Correspondence received by the Clerk from the Executive Branch, Judicial Branch or Minerals Council shall be disseminated by the Clerk to all members of Congress.

2. Correspondence received by the Clerk from a third party pertaining to any pending bill or resolution shall be disseminated by the Clerk to all members of Congress.
3. All other correspondence received by the Clerk shall be submitted to the Speaker and Second Speaker, and together with the advice of the Legislative Council, they will determine how to address it.
4. Correspondence disseminated by individual Members shall indicate the views expressed are that members' individual opinion.

4.5 Adherence to Code of Ethics

All Members of Congress shall adhere to the Code of Ethics set forth in Article X of the Osage Constitution and the Osage Nation Ethics Law.

4.6 Disclosure of Personal or Private Interest

Pursuant to Article VI, Section 16, of the Osage Nation Constitution, a Member 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.

4.7 Compensation

Pursuant to Article VI, Section 7, of the Osage Nation Constitution, the annual salary and expense allowance of Members of the Osage Congress shall be fixed by Osage law.

4.8 Travel and Reimbursement

1. Each member shall be reimbursed for travel through submission to the Congressional Affairs Committee in accordance with appropriation for the fiscal year.

- 553 2. Legislative Branch Officials and Employees may be
554 accompanied by nonemployees on official travel, provided
555 neither the Legislative Branch nor the Nation incurs any
556 additional cost as a result.
557
- 558 3. Expense for travel and per diem for attendance at training
559 sessions, seminars, orientations, symposiums, or other official
560 tribal functions shall be reimbursed according to Osage
561 Congress travel policies. The rate shall be consistent with the
562 established rate of the Osage Nation.
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593 **RULE FIVE**
594 **SESSIONS**
595

596 **5.1 Session Titles**
597

- 598 1. Regular sessions shall be named the Hun-kah and the Tzi-
599 zho sessions in accordance with the Osage Nation
600 Constitution. Regular sessions shall also identify the fiscal
601 year(s). Special Sessions shall be numbered consecutively
602 and designated by the Congress under which it convened.
603
- 604 2. Each Congress begins on the date of the first Session after
605 inauguration in even numbered years and ends when
606 successors are duly elected and installed.
607

608 **5.2 Quorum**
609

- 610 1. Pursuant to Article VI, Section 9, of the Osage Nation
611 Constitution, the presence of at least two-thirds (2/3) of the
612 whole number of the members of the Congress via in person
613 or electronic means shall be necessary to constitute a
614 meeting of the Congress for the exercise of its powers.
615
- 616 2. If, at any time during the daily sessions of the Congress the
617 Speaker determines the absence of a quorum he/she shall
618 announce a recess until a quorum is re-established.
619

620 **5.3 Motions**
621

- 622 1. Before a Member can make a motion, he/she shall be
623 recognized by the Speaker.
624
- 625 2. Each motion should receive a second and the Member
626 making the second shall be identified by the Speaker. When
627 a motion fails to receive a second, the Speaker shall declare
628 "The motion dies due to a lack of a second."
629
- 630 3. After obtaining the floor, a Member cannot be interrupted by
631 calls for the question or by any other motion.
632

- 633 4. Points of Order or Inquiry regarding motions will be resolved
634 in accordance with Rule 11.2.
635

636 **5.4 Precedence of Motions** 637

- 638 1. When a question is under consideration, no other motion is in
639 order except those listed below. The allowable motions are
640 listed in order of precedence, and shall be amendable or not
641 amendable, and debatable or not debatable, as indicated:
642
- 643 a. To adjourn to a time certain (amendable - debatable)
644
 - 645 b. To adjourn (not amendable - not debatable)
646
 - 647 c. To recess (amendable - not debatable)
648
 - 649 d. To recess to the call of the Speaker (not amendable -
650 not debatable)
651
 - 652 e. To table (not amendable - not debatable)
653
 - 654 f. To order the Previous Question put (not amendable -
655 not debatable)
656
 - 657 g. To advance from General Order (not amendable - not
658 debatable)
659
 - 660 h. To postpone to a time certain (amendable - debatable)
661
 - 662 i. To adopt a committee report as Congressional intent
663 (not amendable - debatable)
664
 - 665 j. To commit with instructions (amendable - debatable)
666
 - 667 k. To commit without instructions (not amendable - not
668 debatable)
669
 - 670 l. To amend (amendable - debatable)
671
 - 672 m. To postpone indefinitely (not amendable - debatable)

673
674 **5.5 Incidental Motions**
675

- 676 1. The following motions are incidental in nature and may be
677 made at any time as an incident to the consideration of the
678 subject before the Congress. Such motions shall be
679 amendable or not amendable, debatable or not debatable, as
680 set forth below:

- 681
682 a. Appeals (not amendable - not debatable)
683
684 b. Points of order (not amendable - not debatable)
685
686 c. Question of Quorum (not amendable - not debatable)
687
688 d. Reading of papers (not amendable - debatable)
689
690 e. Suspension of the Rules (not amendable - not
691 debatable)
692
693 f. Withdrawal of Motion (not amendable - not debatable)
694

695 **5.6 Motions in Writing**
696

697 Every motion shall be in writing if the Speaker desires it,
698 which may be read by the Clerk before debate or vote. Oral
699 motions shall be put by the Speaker before debate or vote.
700

701 **5.7 Withdrawal of Motions**
702

703 Any motion may be withdrawn by the movant prior to vote.
704

705 **5.8 General Debate**
706

707 The Speaker shall restrict debate to the motion on the floor.
708 The Speaker may impose a three (3) minute time limit on
709 debate for all Members of Congress as necessary and shall
710 announce such limits.
711
712

5.9 Voting Procedures

1. All votes taken to adopt legislation shall be conducted by roll call vote. The Speaker or any Member may call for a roll call vote on any other matter.
2. The names of Members voting and the recorded vote shall be entered in the resolution or bill and in the Congressional journal.
3. After the question has been put, but before the vote commences, any Member may call for a statement of the question.
4. The Speaker shall then instruct the Clerk to record the vote.
5. No Member may vote on behalf of another member.
6. While a vote is in progress, no Member shall be recognized and no other business shall be transacted.
7. No explanation of any vote shall be permitted while a vote is in progress or after a vote has been cast.
8. No Member, Congress employee or other person shall visit or remain by the Clerk while a vote is in progress.
9. A bill requires a concurrence of a majority of the entire membership of the Osage Nation Congress to pass. A Resolution requires an affirmative majority of those members of the Osage Nation Congress present at a properly convened session as specified by the Osage Nation Constitution and pursuant to Osage Law to pass.
10. When the vote is completely recorded, the Clerk shall advise the Speaker of the result. The Speaker shall announce the result to the Congress. No vote may be changed after it has been announced.

5.11 Committee of the Whole

1. A Committee of the Whole is made up of every Member of Congress and the Assistant Principal Chief. The procedure for acting as a Committee of the Whole shall be as follows:
 - a. In order for the Congress to meet as a Committee of the Whole, a motion shall be made and seconded, with a majority of members present voting in the affirmative.
 - b. The motion shall state the purpose of convening a Committee of the Whole.
 - c. The Speaker may engage in the debate.
 - d. Any action taken in the Committee of the Whole shall not be final but shall be considered a recommendation.

5.12 Special Sessions

1. Pursuant to Article VI, Section 10, of the Osage Nation Constitution, the Speaker shall convene the Congress in special session at the written request of two-thirds (2/3) of the Members. The Principal Chief may convene the Congress in special session. 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.
2. A Congressional Proclamation for a special session must be signed and filed with the Clerk of Congress and distributed to the Members at least ten (10) business days before the first day of the special session. Procedures for and limitations on Special Sessions are governed by 15 ONC § 1-102 through § 1-105.
3. Once the Proclamation of the Congress or the Principal Chief is filed with the Clerk of Congress, it may only be amended up to seventy two (72) hours before the first day of the special

session. Amendments to the Proclamation by Congress require a written request of two-thirds (2/3) of the Members.

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

5.13 Open Sessions and Meetings

1. All meetings of Congress, Congressional Committees, subcommittees, or task forces at which official actions are to be taken or discussed, or hearings held, are declared to be public meetings.
2. Congress, committees, sub-committees, or task forces shall not hold meetings at any facility or location that may restrict public access.

5.14 Executive Session

1. An Executive Session is a portion of a meeting or session in which only Members and invited persons are in attendance.
2. Before a motion to enter into Executive Session can be made, the reason for the Executive session must be posted on the meeting agenda.
3. If subjects permitted in Section 4 of this section are to be discussed at a meeting in Executive Session, the meeting must first be convened as a public meeting.
4. A motion must be made to enter into Executive Session and must acquire a second.
5. The motion to convene in Executive Session must clearly and with specificity describe the subject of the proposed Executive Session without defeating the purpose of addressing the subject in private.

- 832 6. The motion must pass by a majority vote of the members
833 present - Congress Members if in session or committee
834 members if in a committee meeting.
835
- 836 7. Reference to the motion and the stated purpose for the
837 Executive Session shall be included in the minutes.
838
- 839 8. An Executive Session may be held for discussion of a matter:
840
- 841 a. that tends to prejudice the reputation and character of a
842 person;
843
 - 844 b. that is, by law, required to be confidential;
845
 - 846 c. involving consideration of government records that by
847 law are not subject to public disclosure;
848
 - 849 d. that is confidential as a privileged communication
850 between an attorney and client; the Congress may, in
851 Executive Session, decide on and give instructions to an
852 attorney representing the Congress or the Osage Nation
853 on issues arising out of or related to the representation.
854
- 855 9. Only the reason stated by the Chair or Speaker before
856 entering Executive Session shall be discussed while in
857 Executive Session.
858
- 859 10. At the conclusion of the Executive Session, the Chair shall
860 announce the resuming of the meeting.
861
- 862 11. The only motion and vote that can occur while in Executive
863 Session, is a motion to end the Executive Session.
864
- 865 12. Other than the one motion stated above in sub-section seven
866 (7), no contract, motion or other action adopted, passed or
867 agreed to in Executive Session shall become effective unless
868 the Congress, subcommittee or other committee thereof,
869 following the executive session, reconvenes in open meeting
870 and takes a vote on such contract, motion or other action

871 which shall have its substance reasonably identified in the
872 open meeting.

873
874 13. In Executive Session no official votes are to be taken.
875 Communications made while in Executive Session are not to
876 be discussed outside the closed assembly.

877
878 14. A recording of every Executive Session shall be made and
879 kept under seal in the Clerk's Office. Recordings of Executive
880 Sessions shall not be subject to opens records requests and
881 will only be released to the public upon Osage Nation Court
882 order.

883 **5.15 Adjournment**

884
885
886 A Congress Session is officially adjourned with or without a
887 motion to adjourn, after all of the business on the agenda has
888 been considered. The Speaker maintains a quorum and if a
889 quorum no longer exists, the Speaker may call for a motion to
890 adjourn.

RULE SIX LEGISLATION

6.1 Definition of the Term “Bill”

The term “bill,” as used in these Rules, shall mean proposed legislation which must pass through the Congress according to the procedures established by the Osage Constitution, Article VI Sections 12-15 and Osage law, including consideration by the Principal Chief. The term shall include proposed bills of a general nature and those proposed in Special Sessions. The procedures of these Rules applicable to the introduction and passage of bills shall also apply to the introduction and passage of resolutions excepting the number of votes required for passage as specified in Rule 5.9.

6.2 Definition of the Term “Resolution”

The term “resolution” as used in these rules shall mean a formal expression of an opinion, intention, or decision by the Osage Nation Congress. It does not have the force of law. Pursuant to the Osage Constitution, Article VI, Section 14, and Article XX, Section 3, each order or resolution, except those related to the business or adjournment of the legislature or those that propose constitutional amendments, shall be presented to the Principal Chief and subject to a veto with an override provision.

6.3 Drafting and Presenting Proposed Legislation

1. All proposed legislation must have a Congressional member sponsor who must request in writing any assistance needed from the Legislative Writer. Self- drafted legislation must also be submitted to the legislative writer to be placed in proper form. Members shall submit all final proposed legislation to the Legislative Writer. The Legislative Writer shall certify on the front page of the legislation that it has been received by the Legislative Services Division and is in proper form and return the legislation to the Member.

2. The Sponsor of any proposed legislation shall submit the legislation either electronically or in person to the Clerk of the Congress to be filed via paper document and in electronic “Word” form. The Clerk shall assign the legislation a number and confirm the date and time the legislation is received in writing to the Sponsor.
3. A resolution affecting the legislature and its internal procedure, shall state it does not require presentation to the Principal Chief.
4. In order for legislation to appear on the next day’s agenda on First Reading, the legislation should be filed as set forth above prior to 3:00 p.m. on the previous legislative day.
5. All filed bills or resolutions shall have a Sponsor listed and shall have a title stating the subject matter contained therein, and the proposed dollar amount of any appropriation and shall include the bill or resolution number assigned to it by the Clerk of the Congress. If there are any Co-Sponsors, they should also be listed on the bill or resolution.
6. One (1) Member shall be designated as the Sponsor and shall be listed on the bill or resolution by name only. All others will be listed as Co-Sponsors. The Sponsor or Co- Sponsor of any bill or resolution must personally present the legislation to the assigned Committee or the Congress on General Order.
7. Co-Sponsors of bills and resolutions added after introduction shall be listed in the order received. Co- Sponsors can be added up until the time the bill or resolution is engrossed.
8. The Sponsor has sole authority to amend and/or change the proposed legislation prior to the numbered bill or resolution being introduced.
9. The Speaker may assign the numbered bill or resolution to a Select Committee or Standing Committee with jurisdiction over the matter.

- 990 10. The Committee Chair shall place the numbered bill or
991 resolution on the committee agenda for consideration.
992
- 993 11. The Sponsor or a Co-Sponsor of legislation must attend the
994 appropriate Committee meeting where first discussion on the
995 Sponsor's legislation will occur. The Sponsor of legislation
996 must be timely notified by the committee chair that legislation
997 has been placed on a committee agenda.
998
- 999 12. If the Sponsor or Co-Sponsor of legislation does not attend
1000 the committee meeting where the bill or resolution is
1001 scheduled to be considered, it shall be tabled to the call of the
1002 chair.
1003
- 1004 13. All legislation forwarded to the entire Congress from a
1005 committee should be accompanied by a committee report.
1006 Such reports should reference any hearings and provide the
1007 legislative intent of such legislation. The Committee of
1008 Jurisdiction Chair is responsible for ensuring the report is in
1009 correct form and complete in content.
1010
- 1011 14. After legislation is reported out of committee, a Sponsor may
1012 withdraw his/her Sponsorship or move to withdraw the bill.
1013 Should the Sponsor withdraw, and no Member succeed to
1014 Sponsorship, the Speaker shall declare the legislation
1015 withdrawn.
1016
- 1017 15. Any Co-Sponsor may withdraw sponsorship at any time by
1018 notifying the Clerk of the Congress in writing. Subsequent
1019 versions of the bill shall record any withdrawal(s).
1020

1021 **6.4 Bill, Resolution Designation and Codification**

1022

- 1023 1. Each bill or resolution shall be designated according to the
1024 Fiscal Year when filed followed by a hyphen (-) then followed
1025 by the sequence in which the bill was introduced.
1026
- 1027 2. Bills and resolutions introduced in subsequent sessions of the
1028 Congress shall be numbered consecutively with the last bill

and resolution, respectively, introduced in the last Regular or Special Session of the same Congress.

3. Once signed into law, all statutes, except those of a temporary nature or those that are appropriations, shall be placed with the Osage Nation Code by title and section.
4. All laws shall be maintained by the Clerk of the Congress in a manner that includes reference to the date of first passage and any subsequent amendments.

6.5 “Reading” Defined

A Reading means a stage of consideration of a bill or resolution where the title is read or published sufficient for identification by the Members, Congressional Staff and public. Each bill or resolution shall receive three readings.

6.6 First Reading

1. The recitation of a bill or resolution by its title and bill number and a brief explanation by the Sponsor or the Speaker shall satisfy the requirements of a reading.
2. After the First Reading of a bill or resolution, the bill or resolution shall be referred by the Speaker to an appropriate committee or directly to General Order.
3. No bill or resolution on First Reading shall be subject to amendment or debate.
4. A Member may move to appeal the decision made by the Speaker concerning the assignment of the bill or resolution and shall state in the motion the desired placement. A 2/3 vote of the Members of Congress is required to approve the appeal.

6.7 General Order

1. After a bill or resolution is on First Reading, if referred to General Order, or reported on the floor from Committee, the bill or resolution is placed on General Order Day 1 on the next legislative day.
2. The first day the bill or resolution is on General Order it shall be read by title, or read and considered by sections, unless otherwise ordered by the Speaker. This shall constitute "Second Reading."
3. The Sponsor or Co-Sponsor presenting a bill or resolution on General Order shall be allowed a reasonable length of time in which to explain same.
4. A list of bills or resolutions on General Order shall be posted by the Clerk of the Congress on the legislative website and Congressional legislative tracker as soon as possible.
5. Amendments may be proposed to a bill or resolution on General Order Day 2.
6. On General Order Day 3, seconded amendments to bills or resolutions may be further amended with a second and all proposed amendments are voted on.

6.8 Advancing a Resolution

A resolution may be advanced from First Reading or from General Order to Third Reading by 2/3 majority of the elected members of Congress.

6.9 General Order Amendments

1. All bills and resolutions on General Order shall be subject to amendment as provided in this rule.
2. All proposed amendments, numbered and referencing the page and line of the last read version of the bill, shall be submitted to the clerk in writing.

3. On General Order Day 2, amendments to bills and resolutions can be made on the floor and must receive a second. If no second is received, then the amendment is not considered.
4. No debate or discussion of amendments will occur on General Order Day 2.
5. The day after the amendment(s) to legislation is proposed, the Speaker will present the amendments, one by one, in the order they were presented. After an amendment is read and presented, the Speaker will open the floor for debate and a vote will be in order.
6. If a motion and a second are received for an amendment to an amendment (secondary), then the secondary amendment will be debated and voted upon first.
7. If the secondary amendment is approved, then the primary amendment, now including the secondary amendment, will be debated and voted upon.
8. If the secondary amendment is not passed, then the primary amendment will be debated and voted upon.
9. Only one amendment (secondary) to the amendment (primary) is in order per amendment.
10. Amendments shall be voted on in the order filed. A 2/3 majority of the Congress may upon motion combine or separate the amendments.

6.10 Germaneness of Amendments

1. The Congress shall not consider any proposed amendment that is not germane to the subject of the original bill or resolution. It shall be the duty of the Speaker to enforce this rule, regardless of whether or not a point of order is raised by a Member.

- 1147 2. An amendment of an amendment must be germane to both
1148 the main amendment and the measure which it purports to
1149 amend.

1150
1151 **6.11 Reconsideration**
1152

1153 A motion to reconsider any vote on the adoption or rejection of
1154 an amendment, or the adoption or rejection of a section of any
1155 bill or resolution, may be made by any Member prior to the
1156 advancement of such bill or resolution from General Order,
1157 which motion shall be subject to debate.
1158

1159 **6.12 Motion to Commit**
1160

1161 A motion may be made during the reading or consideration of
1162 any bill or resolution on General Order to commit the bill to a
1163 standing or select committee. A majority vote of the Congress
1164 is needed for approval. All properly submitted General Order
1165 amendments offered for a bill or resolution prior to the Motion
1166 to commit shall accompany the bill or resolution to Committee
1167 and be subject to Committee consideration and action.
1168

1169 **6.13 Motion to Advance from General Order**
1170

1171 A motion to advance a bill or resolution from General Order
1172 shall be in order if no amendments are proposed. The
1173 Speaker may advance the legislation without motion upon
1174 announcement without objection.
1175

1176 **6.14 Engrossment**
1177

- 1178 1. An engrossment is a proofreading and verification that the bill
1179 before the body is identical to the original bill as introduced,
1180 with all the adopted committee and floor amendments
1181 correctly inserted.
1182
1183 2. All bills or resolutions must be engrossed prior to Third
1184 Reading.
1185

3. A bill or resolution, when advanced from General Order, together with the amendments thereto, shall be delivered by the Clerk of the Congress to the Legislative Writer for Engrossment.
4. The Legislative Writer shall have the authority to make limited changes on proposed legislation including clerical corrections, mathematical corrections, grammatical, spelling and punctuation corrections, conforming changes and changing titles of bills to reflect changes in the body or appropriation amount of bills and resolutions.
5. The engrossed bill or resolution shall be reviewed by the Congressional Rules, Ethics and Engrossment Committee. Before review, the bill or resolution shall be reprinted in a manner that omits the means by which amendments were indicated. Exceptions shall be made for the bills and resolutions amending legislation where such indications are necessary.
6. When reported by the Rules, Ethics and Engrossment Committee as correctly engrossed, the engrossed copy is substituted in public record prior to Third Reading.
7. The bill or resolution shall then be placed on the following day's agenda under the heading "Bills and Resolutions on Third Reading". The Speaker may for cause hold a bill or resolution prior to Third Reading for no more than one legislative day without Motion.
8. Congress may upon motion consider a bill or resolution advanced from General Order on Third Reading during the same Session day upon suspension of the Rules and modification of the agenda. Upon passage of such a Motion, the Congress shall recess for the purposes of engrossment.

6.15 Fiscal and Actuarial Analysis of Bills and Resolutions

1. All bills or resolutions, or the amendments to them, whose adoption will have a fiscal impact, including the affecting of

revenues, expenditures, or fiscal liability, shall not be scheduled for floor consideration unless accompanied by a written fiscal analysis.

2. Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implications of passage of the bill, resolution or amendments to them, including the demographics and number of probable Osage members served if the legislation is enacted.
3. The fiscal analysis shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects.
4. If any bill or resolution of the type delineated in paragraph number 1 of this subsection is scheduled for floor consideration on Third Reading without a fiscal or actuarial analysis having been prepared, it shall be the right of any Member to raise a point of order on the floor and the Speaker shall order return of the bill to the appropriate committee. The accuracy of a fiscal or actuarial analysis shall not be a basis for a point of order under these Rules.

6.16 Bills on Third Reading - Consideration and Debate

1. On Third Reading of a bill or resolution, before the vote is ordered, such question shall be subject to debate. Debate shall be limited to sixty-three (63) minutes. No Member may speak for more than five (5) minutes except the Sponsor who is allowed a total of eight (8) minutes to be divided between the opening and closing of debate at his or her discretion.
2. Once debate has completed, the question shall be put, by the Speaker, in the following manner: "The Question is, shall the Bill or Resolution Pass?" Such question shall be decided by recorded vote after the announcement of the question by the Speaker.

6.17 Amendments on Third Reading

No bill or resolution on Third Reading shall be subject to amendment.

6.18 Consideration of Alternate Effective Date

When any bill or resolution is being considered on Third Reading, and such a bill or resolution contains an alternate effective date, the alternate effective date shall constitute a separate question, and shall be subject to debate.

6.19 Carry-over Bills and Resolutions

1. Any bill or resolution pending in the Congress at the adjournment of any Regular Session of a Congress shall carry over to the next Regular Session with the same status as if there had been no adjournment, and any bill or resolution may carry over to a special session if it is placed on the Proclamation for the special session.
2. Bills or resolutions pending at the time of sine die adjournment shall not carry over and may be refiled in the subsequent Congress.

6.20 Vetoed Legislation/Veto Message

1. Pursuant to Article VII, Section 11, of the Osage Nation Constitution, 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 Congress.
2. A veto message of the Principal Chief shall be delivered to the Congress office by the Executive Branch. The Congress Clerk or designee shall specify the time and date the "Veto Message" was received. Objections shall be entered into the journal noting the date and time of receipt.

3. Copies of the veto message shall be made available upon receipt to all Members.
4. When a bill or resolution is returned to the Congress because of a veto by the Principal Chief, a motion to vote to override the veto shall be in order at any time.
5. Any Member, other than the Speaker, may make a motion that the veto be overridden and the legislation adopted as law. Such motion shall be in order only at the meeting where the veto message was read aloud.
6. A motion to vote to override a veto by the Principal Chief is debatable. No member shall speak more than once, nor for more than 5 minutes.
7. If at least three-fourths (3/4) or nine (9) members of Congress vote to pass the bill, it shall become law.
8. If a motion to override and adopt the vetoed legislation is not made prior to the close of the then current Session, an override of the vetoed legislation may not be considered.

6.21 Reconsideration

1. The final vote on Third Reading on any bill or resolution, or on the Alternate Effective Date thereof, may be reconsidered only if a Member presents a motion to reconsider the final vote. The Speaker shall afford any Member such opportunity prior to proceeding to consideration of any other business.
2. The motion to reconsider a final vote shall be presented and considered on the same day that such final vote was taken. The motion must have a second. No such motion is in order thereafter.
3. For adoption, a motion to reconsider the final vote on a bill, resolution, or Alternate Effective Date must receive a vote of 2/3 Members of the Congress.

RULE SEVEN
CONGRESSIONAL COMMITTEES

7.1 Committee Formation

1. At the appointed time, Congress shall meet and caucus on the subject of committee membership.
2. The committees shall be comprised in total of no less than three members and no more than six members.
3. When the Speaker determines that a general consensus has been reached on committee membership, the Speaker shall submit a complete list of committee assignments to the Congress for approval. An affirmative vote of at least seven members of Congress is required to confirm the members in each committee for the coming year.
4. Select and Standing committees shall meet immediately after selection and elect a Chair and Vice Chair.

7.2 Select Committees

1. The Select Committees are:
 - a. Congressional Affairs Committee
 - b. Congressional Rules, Ethics & Engrossment Committee
 - c. Appropriations Committee
 - d. Membership Committee
 - e. Natural Resources Committee

7.3 Congressional Affairs Committee

1. The duties and responsibilities of the Congressional Affairs Committee include the following:
 - a. Review and mediate member disputes between members and staff and among staff as referred by the Second Speaker.

- 1385 b. Review and approve all job descriptions, hiring
1386 decisions and termination of Legislative Branch Staff.
1387
- 1388 c. Review and complete annual Legislative Branch staff
1389 evaluations and make any required merit
1390 recommendations.
1391
- 1392 d. Set salaries, bonuses and leave policies for all
1393 Legislative Branch employees.
1394
- 1395 e. Review and annually approve the Legislative Branch
1396 Policies and Procedure Manual.
1397
- 1398 f. Initiate and approve the proposed annual Legislative
1399 Branch budget for filing on or before July 15 of each
1400 year.
1401
- 1402 g. Approve expenditures over \$1,000 (one thousand
1403 dollars).
1404
- 1405 h. Review and approve professional contracts.
1406
- 1407 i. Monitor the Legislative Branch budget for compliance
1408 with appropriations law and propose any modifications
1409 and amendments to annual Legislative Branch
1410 appropriations.
1411
- 1412 j. Consider and approve all conferenced, conventions,
1413 special events and meetings when hosted in whole or in
1414 part by Congress, including but not limited to; trainings,
1415 retreats, conferences, workshops, special events and
1416 inaugural events. With the exception of Rule 7.17 and
1417 7.18 regarding hearings.
1418
- 1419 k. Plan and conduct new member orientation.
1420
- 1421 2. The Congressional Affairs Committee shall undertake such
1422 additional duties as may hereafter be prescribed by these
1423 Rules or referred to the Committee by a vote of the majority of
1424 the Members of Congress.

- 1425
- 1426 3. During Sessions, meetings of the Congressional Affairs
- 1427 Committee are considered emergency meetings approved by
- 1428 the Speaker and may meet without 48 hours' notice at the call
- 1429 of the Second Speaker to approve invoices, requests for
- 1430 professional fees and travel, and to address employment and
- 1431 operations issues.
- 1432

1433 **7.4 Congressional Rules, Ethics and Engrossment Committee**

1434

- 1435 1. Duties and Responsibilities of the Committee include the
- 1436 following:
- 1437
- 1438 a. Initiate, research, and propose amendments and new
- 1439 additions to the Rules of the Osage Nation Congress.
- 1440
- 1441 b. Engross all bills referred by the Speaker for
- 1442 Engrossment.
- 1443
- 1444 c. Ensure legislative compliance with Article X of the
- 1445 Osage Nation and any ethics rules of the Osage Nation
- 1446 Congress and laws of the Nation.
- 1447
- 1448 d. Recommend policies and procedures changes of the
- 1449 Legislative Branch to the Congressional Affairs
- 1450 Committee."
- 1451

1452 **7.5 Appropriations Committee**

1453

- 1454 1. The members of the Appropriations Committee shall be
- 1455 comprised of one member elected by each of the Standing
- 1456 Committees upon annual formation of the committees.
- 1457
- 1458 2. The Duties and Responsibilities of the Congressional
- 1459 Appropriations Committee include the following:
- 1460
- 1461 a. Monitor all appropriation legislation filed in the
- 1462 Congress.
- 1463

- 1464 b. Review financial reports circulated by the Treasurer, and
1465 Enterprises and report regularly on the fiscal status of
1466 the Nation to the Osage Congress.
1467
- 1468 c. In cooperation with the Budget Manager, review
1469 proposed legislation and provide reports to the members
1470 of no less than weekly during legislative sessions on the
1471 current status of the Nation's revenues and
1472 appropriations.
1473
- 1474 d. Meet and make revenue and appropriation status
1475 reports available to the Members of Congress at
1476 least quarterly when Congress is not in session.
1477
- 1478 e. Determine, report and revise Annual Projected Revenue
1479 in accordance with Osage Law and these Rules.
1480
- 1481 f. Report through the Chair to Congress any time the
1482 amount of enacted and pending appropriations for the
1483 fiscal year exceeds 95% of annual projected revenue.
1484
- 1485 g. Report a hold on the advancement of any bills
1486 containing appropriations for no more than 24 hours to
1487 allow the Appropriations committee to meet on the
1488 subject of the hold and formulate and present
1489 recommendations to the Congress.
1490
- 1491 h. Sponsor through the Committee Chair or Vice Chair
1492 during the Tzi-zho Session all annual appropriation bills
1493 that provide operating funds to the branches of
1494 government.
1495
- 1496 i. Review and make recommendations concerning the
1497 balance and funding needs of any established Revolving
1498 Fund.
1499
- 1500 j. Review the approved Indirect Cost Rate as of April 15,
1501 of each fiscal year utilized in proposed general
1502 appropriations legislation.
1503

- k. Recommend appropriation priorities after the Tzi-zho Session for the remainder of the fiscal year.
- l. Process bills assigned by the Speaker including but not limited to annual operating funds bills for the Office of the Chiefs, the Attorney General, the Legislative Branch and the Judicial Branch.
- m. Approve the Auditor for the Nation's annual audit as required by the Constitution. A subcommittee may be established for this purpose.
- n. Take action regarding any bill committed to it in accordance with these Rules.
- o. Review annual audits of the Nation.
- p. Oversee financial reporting deadlines.
- q. Make recommendations to the Office of Fiscal and Performance Review for its annual audit plan.

7.6 Membership Committee

1. The duties and responsibilities of the Membership Committee include:
 - a. Ensure the Osage Nation membership roll is properly maintained in the Membership Office and with the Clerk of the Congress.
 - b. Develop safety measures and means for keeping the roll and membership records protected and methods for enrollment and maintaining records up to date.
 - c. Meet with the Membership Director on a regular basis to discuss budgetary and staffing needs of the Office.
 - d. Recommend rules and regulations to the Osage Nation Congress as necessary to regulate membership and

maintain a correct roll of all Osages enrolled as members of the Osage Nation.

7.7 Natural Resources Committee

1. The duties and responsibilities of the Natural Resources Committee include:
 - a. Review the utilization, development and conservation of all natural resources within the territory of the Nation, for the maximum benefit of the Osage People.
 - b. Review the Osage Nation government's natural resource policies, procedures and regulatory administration plans.
 - c. Review the Department of Natural Resources recommendations on sustainable management, usage and preservation of the Nation's natural resources.
 - d. Review all rulings, and any enforcement measures executed by the Department of Natural resources.
 - e. Annually review and report to Congress during the Hunkah session the economic impact of the Nation's natural resource management plan.
 - f. Collaborate with the United States federal government, when necessary, on a government-to-government basis regarding the Osage Nation government's natural resources.
 - g. Form a Water Rights sub-committee in accordance with Osage Law and the Rules of Congress. The sub-committee shall serve two-year terms consistent with each numbered Congress.
 - h. Review, evaluate and cause to be catalogued all Osage Nation government land holdings.

- i. Review and make recommendations concerning the Osage Nation government's land use and leasing policy and procedure.
- j. Annually review and report to Congress during the Hunkah session the fiscal performance of the Osage Nation government's land holdings.
- k. Establish and update a land purchase priority list, seeking input from Congress and the Chief.
- l. Review all natural resource grants.
- m. Report and make recommendations to Congress concerning the Osage Nation government's natural resources and integrate additional duties not listed that would reasonably be considered a natural resource concern.

7.8 Standing Committees

1. The Standing Committees of the Osage Nation Congress shall be titled as follows:
 - a. Education
 - b. Culture
 - c. Commerce and Gaming
 - d. Government Operations
 - e. Health and Social Services
2. The jurisdiction of the Standing Committees of Osage Nation Congress shall align with the composition of Executive Branch.
3. Each committee of the Congress is authorized to hold such meetings and to sit and act at such times and places during sessions, recesses and adjourned periods as it deems advisable.

- 1623 4. A Committee's subject matter jurisdiction extends to all
1624 matters reasonably comprehended in the name of the
1625 committee. A committee's particular jurisdiction extends to
1626 any bill, resolution, confirmation or other measure referred to it
1627 by the Congress, including review of the budgets of the
1628 agencies, boards and commissions reasonably encompassed
1629 in its subject matter jurisdiction.
1630
- 1631 5. No committee may exercise any power in a manner excessive
1632 or contrary to the Rules of the Congress.
1633

1634 **7.9 Standing Committee Oversight Responsibilities**

1635

- 1636 1. Committees are authorized:
1637
- 1638 a. To maintain a continuous review of the work of the
1639 government agencies and offices concerned with their
1640 subject areas and the performance of the functions of
1641 government within each subject area.
1642
- 1643 b. To invite public officials, public employees and private
1644 individuals to appear before the committees to submit
1645 information.
1646
- 1647 2. In order to carry out the duties of the committee, the Chair of
1648 each committee with approval of the Speaker may issue
1649 subpoenas duces tecum and other necessary process to
1650 compel the attendance of witnesses either before the
1651 committee or at deposition and the production of any books,
1652 letters or other documentary evidence required by such
1653 committee.
1654
- 1655 3. The Chair, Vice-Chair, or a member designated by the Chair or
1656 Vice-Chair may administer all oaths and affirmations to
1657 witnesses who appear before such committees to testify in any
1658 matter requiring evidence.
1659
- 1660 4. To request reports from departments and agencies performing
1661 functions reasonably related to the committees' jurisdictions
1662

- 1663 a. Each committee has the reasonable right and authority to
1664 inspect and investigate the books, records, papers,
1665 documents, data, operation and physical plant of any
1666 department of this Nation.

- 1667
1668 5. To complete the interim projects assigned by the Speaker or
1669 the Congressional Affairs Committee

1670
1671 **7.10 Sub-Committees**

- 1672
1673 1. The committee Chair may establish subcommittees with a
1674 majority affirmative vote of the committee.
1675
1676 2. Persons not present at the formation of the subcommittee must
1677 be notified by the committee Chair and must consent to be
1678 considered as a member of a subcommittee..
1679
1680 3. Sub-committees may be made up of Members of the
1681 Committee, Members of Congress or other persons deemed
1682 necessary by the Chair or in accordance with Osage Law.

1683
1684 **7.11 Committee Staff**

- 1685
1686 1. The Congressional Affairs Committee shall make staff
1687 assignments to the Standing Committees.
1688
1689 2. The Chair of each committee shall be the only person directing
1690 Congress Staff to perform secretarial duties necessary to fulfill
1691 the needs of the Committee. Any request for information of
1692 other issues shall be directed through the respective committee
1693 chair.

1694
1695 **7.12 Notice of Meetings**

- 1696
1697 1. During Session, all committees shall provide at least forty-eight
1698 (48) hours' notice of a meeting. At a minimum, notice of the
1699 meeting shall be posted both outside the Congress chamber
1700 and on the Congress website. In case of emergency, with the
1701 approval of the Speaker, a meeting may be held with notice

1702 appropriate to the circumstances. The Speaker shall announce
1703 and describe the emergency.
1704

- 1705 2. A notice shall state the date, time and place of a meeting and
1706 shall include a listing and sufficient title for identification of any
1707 and all bills or resolutions to be considered by the committee or
1708 subcommittee holding the meeting. The bill author and the
1709 members of the committee or subcommittee shall be provided
1710 separate notice.
1711
- 1712 3. If a committee or subcommittee is scheduled for a regular
1713 meeting, but does not plan to meet, a cancellation notice shall
1714 be posted.
1715
- 1716 4. The Rules and Ethics Committee may meet during Session
1717 without notice at the direction of the Speaker or the call of the
1718 Chairperson for the purpose of engrossing bills and resolutions.
1719
- 1720 5. The Appropriations Oversight Committee may meet during
1721 Session without notice at the direction of the Speaker or the call
1722 of the Chairperson for the purpose of referring legislation to
1723 other Committees of Jurisdiction.
1724

1725 **7.13 Timing of Committee Meetings**

1726

- 1727 1. Committees shall meet at the call of the Chair within the dates,
1728 times and locations designated by the Speaker.
1729
- 1730 2. The Speaker shall meet with the Appropriations Chair;
1731 Membership Chair; Rules, Ethics and Engrossment Chair and
1732 all standing committee chairs prior to sessions and formulate a
1733 committee meeting schedule of the entire session; which
1734 contemplates legislative assignments and shall be noticed prior
1735 to session.
1736
- 1737 3. No committee shall sit during a floor session of the Congress
1738 without special leave from the Speaker.
1739
1740

7.14 Authority of the Chair

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

7.15 Open Meetings

1. Committee meetings shall remain "open" to the public except when entering into "Executive Session." Procedures and requirements for committees entering into Executive Session are listed under 5.14 of these rules.

7.16 Committee Meetings Procedure

1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Committees in all cases to which they are applicable and in which they are not inconsistent with these Rules.
2. Every member of the Committee in attendance shall be eligible to vote on any measure or matter before the Committee and on any amendment or motion pertaining thereto.

3. A committee may only take up bills or resolutions for consideration if a quorum of the committee is present. A quorum is a majority of the members of the committee. In order to establish a quorum, committee members shall be present in person or via electronic means.
4. If neither the chairperson nor vice-chairperson of a Committee is present, the secretary shall call the meeting to order, and the committee shall immediately elect a chairperson pro tem to preside during that meeting. Such office is terminated at the end of the meeting or by the entrance of the chairperson or vice-chairperson.
5. The Chair shall arrange for the taking of recorded minutes, including the recording of which members were in attendance, tardy, or absent.
6. No person shall address the committee unless first recognized by the Chair for that purpose.
7. When legislation is taken up for consideration, the sponsor or co-sponsor shall be recognized for explanation.
8. The Sponsor of legislation shall ensure all support documentation is filed with the Clerk of Congress and distributed to each member of Congress prior to committee or floor consideration. When documentation is presented in committee, the committee chair shall ensure such documentation is filed with the committee secretary and distributed to all members of Congress.
9. The Congress author shall be given the opportunity to answer questions put by members of the committee or other persons recognized by the Chair.
10. The Chair shall provide opportunity for presentation of amendments to the bill or resolution by the Congress author, any member of the committee, or any other Member of the

Congress. Any amendment must be seconded to receive further consideration.

11. Amendments shall be considered in the order they appear in the bill or resolution, or in the order they are presented to the committee. The Chair shall resolve any conflict resulting from claimed priority of presentation.
12. The author of an amendment shall explain the amendment and be afforded the opportunity to answer questions about the amendment put by members of the committee, the author of the bill or resolution, Members of the Congress or other persons recognized by the Chair.
13. The Chair may recognize any person for comment on the proposed legislation or amendments thereto. The Chair may limit the amount of time for any such comment.
14. Except for legislation containing appropriations, all legislation originating in the Congress which is recommended by a committee to the full Congress shall contain a complete Title and an Enacting or Resolving Clause.

7.17 Amendments

1. Committees may only consider amendments presented in final written form, to the assigned committee staff member, prior to adoption. This may be waived at the discretion of the committee Chair.
2. Any Member of the Congress may offer an amendment to any bill or resolution being considered by any committee or subcommittee and shall be recognized to introduce the amendment. If not a member of the committee or subcommittee, a Member who offers an amendment must comply with the amendment filing deadline of this Rule and be present at the meeting at which the amendment is considered. If the Member is not present, the amendment may only be

considered if taken up and offered by a member of the committee.

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

7.18 Committee Hearings Procedure

1. Each committee is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and interim periods of the Congress, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take testimony. Each such committee may make investigations into any matter within its jurisdiction and may report and publish the findings of such hearings upon an affirmative vote of the majority of the members of such committee.
2. Each committee shall provide at least forty-eight (48) hours' notice of a hearing. At a minimum, notice of the hearing shall be posted both outside the Congress chamber and on the Congress website. In case of emergency, with the approval of the Speaker, a hearing may be held with notice appropriate to the circumstances. The Speaker shall announce and describe the emergency.
3. A notice shall state the date, time, place and subject matter of the hearing.

4. If a committee is scheduled for a hearing, but does not plan to hold the hearing, a cancellation notice shall be posted.
5. The Chair of each committee shall have the authority to invite witnesses for a hearing and the Chair shall invite any witness requested by at least two (2) members of such committee.
6. Witnesses and the production of such correspondence, books, papers, and documents may be subpoenaed in accordance with the congressional subpoena law.
7. Each committee may require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his or her proposed testimony. If the committee does require a witness to file a written statement of testimony, the witness shall be notified in writing of such requirement. If so requested by the Committee Chair, the committee staff shall prepare a copy of each witness' testimony statement for the use of the members of the committee prior to the committee hearing.
8. A quorum of the members of the Committee is required for the purpose of taking sworn testimony.
9. Invitations to witnesses who are not employees of the Osage Nation shall be sent by certified mail, return receipt with delivery restricted to the invitee. The return mail address on the return receipt shall be the mailing address of the Clerk of Congress.
10. Invitations to witnesses who are employees of the Osage Nation shall be hand carried with a communication receipt to the office designated for receiving communications on behalf of that employee. The executed communication receipt shall be returned to the Clerk of Congress.
11. Invitations to witnesses shall include the information including all correspondence, books, papers, and documents sought by

1933 the committee conducting the hearing, and the subject matter of
1934 any testimony sought by the committee.
1935
1936 12. Invitations to witnesses shall also request the invitee to contact
1937 the clerk of the committee to state whether they accept or
1938 decline the invitation.
1939
1940 13. Witnesses to all hearings may attend personally, or with an
1941 attorney. When a witness is represented by an attorney, all
1942 notices and communications shall be sent to that attorney
1943 unless the witness requests otherwise in writing.
1944
1945 14. A witness shall not be compelled to incriminate himself or
1946 herself.
1947
1948 15. Any documents subpoenaed by a committee for the purpose of
1949 a hearing which are marked as confidential or identified as non-
1950 public records by law may be made a part of the record of the
1951 hearing, subject to the provisions of this section.
1952
1953 a. The body of Congress may reclassify as public any
1954 document marked as confidential or non-public after
1955 providing notice and an opportunity to be heard to
1956 interested parties in executive session and upon an
1957 affirmative vote of the majority of the Members in a
1958 regular or special session.
1959
1960 b. The committee may recommend reclassification of a
1961 document or a part(s) of a document as public to
1962 Congress that are marked as classified, privileged, or
1963 otherwise private.
1964
1965 c. The Congress shall give effect to the attorney-client
1966 privilege, the doctor-patient privilege, the marital
1967 confidences privilege and the spousal testimonial
1968 privilege recognized in United States law, unless the
1969 privilege is waived or an exception applies. The
1970 Congress shall also give effect to the Executive Privilege

1971 recognized by Osage law specifically limited to the
1972 Principal Chief and the Assistant Principal Chief.

1973
1974 d. In determining whether a given document shall be
1975 reclassified, the Congress shall balance the confidentiality
1976 claim against the public interest to access the information
1977 and the importance of the information to the matter(s)
1978 before the committee or Congress. The Congress may
1979 also consider the facts and circumstances relevant to the
1980 situation in making its determination.

1981
1982 16. Only current Members of Congress may sit on committees
1983 conducting investigative, oversight or confirmation hearings.

1984
1985 17. This committee hearing procedure shall apply to legislative
1986 hearings, oversight hearings, investigative hearings and
1987 confirmation hearings. This hearing procedure shall not apply
1988 to public hearings which allow any citizen to speak and offer his
1989 or her views on a legislative subject as described in rule 7.16.

1990
1991 **7.19 Public Hearings**

1992
1993 1. A public meeting of a legislative committee on a particular
1994 subject at which any citizen may speak and offer his or her
1995 views on the subject.

1996
1997 2. At least one half of the members of a committee, with the
1998 principal author, may force a bill to be considered in public
1999 hearing.

2000
2001 3. The notice of the date and time of such hearing shall be publicly
2002 announced by the Chair. Such time and date shall not be less
2003 than three (3) legislative days from the date such request was
2004 received by the Chair, unless such time and date would prohibit
2005 consideration of the bill or resolution.

2006
2007
2008
2009

7.20 Voting

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

7.21 Committee Recommendations

1. "Do Pass." When any committee returns a bill or resolution with the recommendation of "Do Pass," the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the proper heading.
2. "Do pass with Amendments." When any committee returns a bill or resolution with a recommendation of "Do Pass with Amendments," the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the proper heading.
3. "No Recommendation." When any committee returns a bill or resolution with "No recommendation", the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the proper heading.
4. "Do Not Pass." When any committee returns a bill or resolution with the recommendation of "Do Not Pass," the same shall be printed and placed on the Calendar in numerical order by bill or resolution number under the proper heading.
5. If a committee does not return a bill or resolution with the recommendation of either "Do Pass", "Do Pass with Amendments", "No Recommendation" or "Do Not Pass," the bill

or resolution remains the property of the committee, unless the bill or resolution is discharged.

7.22 Committee Reports

1. Bills and resolutions recommended by the committee shall be reported by the Chairperson to the Congress.
2. Prior to the reading of the Committee Report, Congress Members shall receive a copy of the filed report, or if an appropriation bill being reported to the Appropriations Committee, the Appropriations Committee Members shall receive a copy of the filed report.
3. A committee report shall be considered by the Congress only when a majority of the members of the committee have signed the report. The Congress shall consider the report only if it is limited to matters germane to the bill or resolution.
4. The chairperson of each committee shall, when reporting a bill, submit with such bill a committee statement which shall contain the following information:
 - a. the title and number of the bill;
 - b. a roll call vote of final committee action taken on the bill;
 - c. the date of the public hearing on the bill, if any;
 - d. a list of all individuals testifying for and against the bill and any organization they represent;
 - e. a summary of the bill's purpose;
 - f. if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.
 - g. whether the substance of a Bill or the amount appropriated has changed so that staff should revise the title.

7.23 Discharge from Committee

1. Any bill or resolution may be discharged from any committee of the Congress upon a written request signed by two-thirds (2/3) of the Members of the Congress.
2. The written request for discharge of a bill or resolution shall be submitted to the Clerk of the Congress. The Clerk shall determine if the written request contains the necessary signatures as required by this section. If the written request contains the necessary signatures, the Clerk shall forward the written request to the Speaker who shall place the bill or resolution on the appropriate Calendar. The Clerk shall publish the signatures on the Congress website.

7.24 Publication of Records

1. All records required by the provisions of this Rule shall be made available on the Congress website at least for the duration of the Session.

RULE EIGHT
GENERAL PROVISIONS

8.1 Call of the Congress

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

8.2 Confirmation of Appointees

1. Whenever the Osage Constitution or law requires the Congress to consider the nomination of an individual for service as an appointee of the Osage Nation, the following process will be followed:
 - a. The Clerk of the Congress shall file written notification of the Chief's nomination and Congress's appointments and provide each member a copy of the notification document.
 - b. Thereafter, the Clerk of the Congress will request contact information of the nominee(s) and the Speaker will forward a letter requesting the following:
 - i. a resume from the nominee, and
 - ii. a completed questionnaire found in Appendix "T" of the Congressional Policies and Procedures Manual.
 - c. The Speaker's letter will establish a reasonable deadline for receiving the information, which shall be no less than

2163 ten business days prior to the end of the regular session
 2164 where the nomination or re-nomination will expire.
 2165
 2166 d. If the information requested is not received, the
 2167 nomination will not be considered and the nominee will be
 2168 deemed to be rejected.
 2169
 2170 e. At the same time, the Speaker shall assign review of the
 2171 nominee's credentials, qualifications and any barriers to
 2172 confirmation to the appropriate Congressional Standing
 2173 Committee and notify the Chair in writing of the
 2174 assignment.
 2175
 2176 f. The Committee Chair shall be responsible for
 2177 accomplishing committee study of the nomination to
 2178 ensure the nominee is qualified, confirming matters that
 2179 need verification, and producing a Committee Report to
 2180 the Congress which makes one of the following
 2181 recommendations:
 2182
 2183 i. the candidate is qualified by education/ experience
 2184 and there are no ethical or legal barriers to
 2185 service; or
 2186
 2187 ii. the candidate is qualified by education/ experience
 2188 but has ethical or legal conflicts which may call
 2189 into question the effectiveness of the person
 2190 nominated; or
 2191
 2192 iii. the candidate is not recommended due to
 2193 constitutional infirmities or lack of qualification
 2194 under Osage law.
 2195
 2196 g. Once reported, any member of Congress may move
 2197 during the "Motions" portion of a Session for a nominee
 2198 interview to be placed on the agenda, or alternatively may
 2199 move for confirmation consideration of the nominee to be
 2200 placed on an agenda. The motion is subject to
 2201 amendment, and requires an affirmative majority vote of

the members present to pass. Should either of the motions fail, the motion may be reasserted any day until the day before the last regular day of Session.

- h. Should either motion pass made pursuant to “G”, the Speaker shall place the interview or the confirmation consideration on a day certain and list the item on the Session Agenda.
- i. The Speaker will not place either the interview or the confirmation vote on the agenda without an affirmative vote of Congress. The Congress will not consider a nominee for confirmation that is not listed on the agenda.
- j. As provided in the Constitution, the Congress may decline to consider a nomination or a re-nomination by failing to move the nomination forward for consideration by the day before the last day of the regular session prior to which the nomination was made. If this occurs, the nomination is deemed rejected, and the provisions of the constitution and laws regarding failure of the Congress to confirm an appointee apply.”

8.3 Lobbying

1. All lobbying activities directed at the Congress shall be governed by Article X of the Osage Constitution and such applicable rules lawfully promulgated by the Osage Nation Congress.

8.4 Legislative Records

1. Official Legislative Records include:
 - a. The Osage Nation Membership Roll;
 - b. All Congressional Journals with any attachments thereto;
 - c. Filed Bills, Resolutions, Committee Substitutes, and any filed amendments thereto;

- 2240 d. Documentation with a Clerk of Congress Stamp and/or
2241 Clerk's Office communication numbers;
2242 e. Committee Reports;
2243 f. Approved meeting minutes;
2244 g. Office of Fiscal and Performance Review Reports;
2245 h. Fiscal Analysis Reports;
2246 i. Any document declared official by recorded majority vote
2247 of the Congress;
2248 j. Official communication from the Osage Nation Executive
2249 or Judicial Branches, the Attorney General's Office and
2250 the official communications from other governments or
2251 their agencies.
2252
- 2253 2. The Congressional Journal shall include, as an attachment, all
2254 Executive Messages, Legislative Messages, and the Speaker's
2255 closing report presented at each Congressional Session.
2256
- 2257 3. Records that are required to be created by these Rules that are
2258 of vital, permanent or archival value shall be maintained in the
2259 Office of the Clerk. Whenever necessary, but no more often
2260 than annually or less often than biennially, records required to
2261 be maintained shall be archived.
2262
- 2263 4. Confidential documents shall be labeled as such and shall be
2264 maintained, disseminated and archived in accordance with
2265 Legislative Policy and Procedure.
2266
- 2267 5. Other records that are no longer needed for any purpose and
2268 that do not have sufficient administrative, legal or fiscal
2269 significance to warrant their retention shall be disposed of.
2270
2271
- 2272 6. A digital recording shall be made of each day's session by the
2273 Clerk which shall be compiled and stored on a digital device
2274 suitable for archival purposes.
2275
2276

2277 7. The committee staff assigned to each existing committee shall
2278 ensure compliance with this Rule for all records created or
2279 received by the committee.

2280
2281 8. All Congressional Staff and the Speaker shall ensure
2282 compliance with this Rule for all records created.

2283 2284 **8.5 Convening Restriction**

2285
2286 1. No legislative day shall begin between the hours of 10:00 p.m.
2287 and 8:00 a.m. on any calendar day.

2288 2289 **8.6 Authority to Release Membership Roll**

2290
2291 Pursuant to Section 3-305 (D) of ONCA 06-05, as amended,
2292 the Office of Fiscal Performance and Review (OFPR) may obtain a
2293 copy of the membership roll from the Office of the Clerk of
2294 Congress for the sole purpose of using the membership roll
2295 as a resource in its auditing functions. Any other use of
2296 membership roll for any purpose by the OFPR is prohibited.

RULE NINE
ADJOURNMENT OR RECESS

9.1 Motion to Adjourn or Recess

1. When a motion to adjourn or recess is adopted, no Member or Congressional Staff member shall leave said Member's or staff's place until the adjournment or recess shall be declared by the Speaker.
2. When the Congress adjourns it shall be to 10:00 a.m. of the succeeding legislative day unless another day and/or hour be specifically named, which day and/or hour shall be entered in the Journal.
3. When a vote is being taken, a motion to adjourn or recess shall not be in order. When it is apparent to the Speaker that the motion to adjourn or recess is being made for the purpose of delay and such motion has been voted in the negative, within the next ten (10) minutes, the Speaker, in his/her discretion, may rule the motion out of order as being dilatory.
4. A legislative day shall be adjourned no later than 12:00 midnight of the calendar day that it began.

9.2 Sine Die Adjournment

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

RULE TEN
INTERIM STUDIES

10.1 Interim Studies

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

RULE ELEVEN
RULES

11.1 Suspension or Amendment of Rules

1. Before a vote shall occur on a rule change, it must first be considered by the Congressional Rules and Ethics Committee.
2. These Rules may be amended by a two-thirds (2/3) vote of those elected to and constituting the Congress.
3. Two-thirds (2/3) of the Members elected to and constituting the Congress may suspend the Rules, or a portion thereof, but a motion for that purpose shall be decided without debate.

11.2 Parliamentary Hierarchy

1. Any parliamentary questions shall be resolved by the following references in the order listed:
 - a. The Osage Nation Constitution
 - b. Statutes of the Osage Nation
 - c. Osage Nation Congress Rules
 - d. Current Edition of Robert's Rules of Order Newly Revised
 - e. Mason's Manual of Legislative Procedure
2. Any parliamentary question not specifically provided for by the above, shall be governed by the ruling of the Speaker. The Speaker shall publish these substantive rulings in a volume of precedents. In making the ruling, the Speaker may rely upon, but is not bound by, these published rulings.
3. The Clerk shall serve as parliamentarian for the Congress.

RULE TWELVE
Special Counsel Investigations

12. Special Counsel Investigations

1. Authorizing Special Counsel

- a. A Member of the Osage Nation Congress may circulate an authorization to retain Special Counsel if they have reason to believe that an elected or appointed official has committed an act or failed to act in a manner that would constitute grounds for removal pursuant to Article XII of the Osage Nation Constitution.
- b. An Authorization to retain Special Counsel shall:
 - i. Be in writing;
 - ii. Set forth allegations that, if true, would constitute grounds for removal;
 - iii. Contain a total budget for Special Counsel; and
 - iv. Have a signature line for each Member of Congress.
- c. An authorization to retain Special Counsel shall require the written approval of a majority of the Members of Congress as evidenced by their signatures on the authorization or an electronic mail approval of the authorization.
- d. If the required signatures are obtained to retain Special Counsel, the Clerk shall certify the authorization and notify the Legislative Counsel and Speaker of the Osage Nation Congress.

2. Hiring Special Counsel

- a. Legislative Counsel shall contact prospective attorneys and determine one attorney to act as Special Counsel

2471 who has the appropriate experience and will conduct the
2472 investigation in a responsible manner;

2473
2474 b. Legislative Counsel shall negotiate the terms of the
2475 engagement with Special Counsel;

2476
2477 c. The Speaker shall have the sole authority to execute the
2478 Special Counsel engagement agreement and authorize
2479 payment of the Special Counsel invoices, except in the
2480 instance that the Speaker is the subject of the
2481 investigation, then the Second Speaker shall have the
2482 sole authority to approve the Special Counsel
2483 engagement agreement and authorize payment of the
2484 Special Counsel invoices. These rules on retaining
2485 Special Counsel supersede any other rules regarding
2486 hiring an attorney and paying attorney invoices; and

2487
2488 d. Additional funding for Special Counsel may be authorized
2489 by the written approval of a majority of the Members of
2490 Congress as evidenced by their signatures on the
2491 authorization or an electronic mail approval of the
2492 authorization.

2493
2494 3. Authority of Special Counsel

2495
2496 a. Special Counsel shall conduct a comprehensive
2497 investigation limited to the allegations listed in the
2498 authorization to retain Special Counsel;

2499
2500 b. Special Counsel may utilize the services of support
2501 personnel and a court reporter who shall be authorized to
2502 participate in the investigation as designated by the
2503 Special Counsel;

2504
2505 c. Special Counsel investigations may take place at any
2506 time without limitation by Legislative Sessions;

- 2508 d. Special Counsel shall have the power to gather evidence,
2509 interview witnesses, take testimony under oath and to
2510 take any legal action in furtherance of the investigation;
2511
- 2512 e. The Osage Nation Congress may subpoena testimony
2513 and documents as prescribed by Osage law to support
2514 the investigation of its Special Counsel;
2515
- 2516 f. Special Counsel shall submit a report to the Osage Nation
2517 Congress which shall specify the evidence in support of
2518 the original allegation and evidence discovered during the
2519 inquiry that qualifies as grounds for removal. The report
2520 shall also specify a lack of evidence to support any
2521 allegation; and
2522
- 2523 g. The completed Special Counsel investigative report to the
2524 Osage Nation Congress shall be public information upon
2525 submission.
2526

2527 4. Independence of Special Counsel
2528

- 2529 a. Members of Congress shall not contact Special Counsel
2530 directly;
2531
- 2532 b. If a Member of Congress believes they have information
2533 pertinent to an investigation of Special Counsel, they shall
2534 submit it through Legislative Counsel who will then submit
2535 it to Special Counsel;
2536
- 2537 c. Special Counsel may contact Members of Congress when
2538 it is in furtherance of the investigation;
2539
- 2540 d. Special Counsel shall refrain from giving any type of
2541 substantive updates to Members of Congress or to any
2542 other person until the final report is complete;
2543
- 2544 e. Special Counsel may update Legislative Counsel
2545 pertaining to the progress, schedule and cost of the
2546 investigation;

- 2547
- 2548 f. Attorneys shall not be allowed to accompany witnesses
- 2549 when giving testimony, except the person who is the
- 2550 subject of the investigation may be accompanied by legal
- 2551 counsel when giving testimony;
- 2552
- 2553 g. Special Counsel investigative proceedings shall be
- 2554 confidential, closed to outside parties and the person who
- 2555 is the subject of the investigation, except as otherwise
- 2556 stated in this Rule 12.
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RULE THIRTEEN
REMOVAL

13. Removal

1. Motion for Removal of Elected and Appointed Officers

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

i. It shall be in writing;

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

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

iv. It shall set forth only those allegations found to be supported by evidence as reported by the Special Counsel that, if true, would constitute grounds for removal as defined by subsection (b) of this section;

v. It shall state the approximate date(s) of the actions or inactions alleged to be grounds for removal. No actions or inactions alleged to have occurred more than 36 months prior to the making of the motion shall be considered, with exception made for a crime of moral turpitude, provided the conviction for the crime occurs in a court of competent jurisdiction and within the 36 month limit.

vi. It shall include documentation from the report of the Special Counsel in support of the allegations. False statements made under oath or falsification of submitted documents shall constitute perjury.

- 2625
- 2626 b. The motion shall be based on removal for cause, which
- 2627 shall include one or more of the following charges: willful
- 2628 neglect of duty, malfeasance in office, habitual abuse of
- 2629 alcohol or drugs, inability to meet the qualifications to
- 2630 serve, conviction of a felony or conviction of a
- 2631 misdemeanor involving moral turpitude while in office,
- 2632 undermining the integrity of the office, disregard of
- 2633 constitutional duties and oath of office, arrogation of
- 2634 power, or abuse of the government process.
- 2635
- 2636 c. If the motion is made less than 90 days prior to an
- 2637 election at which the subject of the motion is a candidate
- 2638 for elective office, the motion is out of order and may be
- 2639 re-filed following the election, within the period of time for
- 2640 filing set forth in subsection (a) (v) extended for 120 days.
- 2641
- 2642 d. The motion shall be reviewed by the Clerk of the
- 2643 Congress to ensure all material requirements of
- 2644 subsection (a) of this section are met. The Clerk may
- 2645 consult with the Legislative Counsel to make that
- 2646 determination. The Clerk shall then declare the motion in
- 2647 order, or declare the motion out of order, returning the
- 2648 motion to the movant and citing deficiencies in writing.
- 2649
- 2650 e. On the next legislative day following the motion, the
- 2651 motion shall be placed on the agenda by the Speaker.
- 2652 The motion shall require eight (8) affirmative votes to
- 2653 pass, and shall not be debated, but may be amended.
- 2654 Amendments shall require eight (8) affirmative votes to
- 2655 pass, and may be debated.
- 2656

2657 2. General Provisions

2658

- 2659 a. Upon a successful motion to hold a removal trial, the
- 2660 Speaker shall notify the Chief Justice of the Supreme
- 2661 Court and solicit the signatures necessary to hold a
- 2662 Special Session solely for that purpose. Such a session

shall not be held less than thirty (30) calendar days after a successful vote to hold the removal trial.

- b. The removal trial shall be public.
- c. The presiding judge shall be an Osage Nation Supreme Court Justice, designated by the Supreme Court.
- d. Allegations heard at the trial shall be limited to those allegations found in the motion for removal and shall be termed Articles of Removal.
- e. Any judgment of removal shall require an affirmative majority of 5/6th of the Members of the Osage Nation Congress. Such a vote shall occur on the next legislative day following the completion of the removal trial.
- f. The Osage Nation Congress shall reach a judgment for removal only when the evidence indicates that misconduct resulted in injury to the Nation.
 - i. The Congress shall consider first whether any of the evidence, standing alone, rises to the level of impeachable conduct. If an individual act warrants removal, members may rely on that evidence without regard to a pattern of conduct.
 - ii. If the individual acts standing alone do not rise about the threshold for removal, then the cumulative weight of the evidence and the existence of an overall pattern may be considered. Members shall consider whether a series of repeated acts are mistakes or accidents, or are intentional and therefore more serious.

3. Removal Trial

- a. Upon a successful motion for removal, the Speaker of Congress shall issue the oath to the Supreme Court Justice designated by the Judicial Branch to preside over the trial for removal. The designated Supreme Court Justice shall preside over the Congress during the consideration of the Articles of Removal and the trial for removal.
- b. The Supreme Court Justice, as the Presiding Officer, shall have the power to make and issue, by himself or herself, or by the Clerk of the Congress, all orders, mandates, writs, and precepts authorized by these rules or by the Congress, and to make and enforce such other regulations and orders in the premises as the Congress may authorize and provide.
- c. The Congress shall have the power to compel the attendance of witnesses, to enforce obedience in its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempt of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice.
- d. The Supreme Court Justice, as the Presiding Officer, shall direct all necessary preparations in the Congressional chamber, and as the Presiding Officer on the trial, shall direct all forms of proceedings while the Congress is sitting for the purpose of trying an Official for removal, and all forms during the trial not otherwise specially provided for.
- e. The Supreme Court Justice, as the Presiding Officer, may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Congress.

- f. Upon a successful motion for removal, the Clerk of the Congress shall issue a summons to the person subject to removal, reciting the allegations, and notifying him to appear before the Congress upon a day and at a place to be fixed by the Congress, and named in the summons, and file his answer to the allegations for removal, and to stand and abide the orders and judgments of the Congress upon the Articles of Removal.
- g. The summons shall be served by an Osage Nation Police Officer or other person as shall be named in the precept thereof, at least fifteen (15) days prior to the trial date to the person who is subject to removal, or if personal service may not conveniently be executed, then by leaving a copy at the last known address of the person subject to removal, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Congress, impracticable, notice to the person subject to removal shall be given by publication or in other such manner prescribed and shall be deemed just.
- h. If a summons shall fail of service in the manner stated above, the proceedings shall not thereby abate, but further service may be made in such manner as the Congress shall direct.
- i. If the person subject to removal, after service, shall fail to appear either in person or by attorney, on the day fixed and stated in the summons, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty be entered, judgment may be entered thereon without further proceedings.
- j. If the person subject to removal, after service, shall appear either in person or by attorney, on the day fixed and stated in the summons, but fail to file his answer to the Articles of Removal, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of

2779 guilty be entered, judgment may be entered thereon
2780 without further proceedings.
2781

2782 k. Once the date and time for the removal trial has arrived,
2783 the Supreme Court Justice, as the Presiding Officer, shall
2784 issue the oath to the Members of Congress.
2785

2786 l. After the oath has been given to the Members, the Clerk
2787 of the Congress shall read to the Congress, on the
2788 record, the return of service for the summons issued to
2789 the person subject to removal.
2790

2791 m. The person subject to removal shall then be called to
2792 appear and answer to the Articles for Removal against
2793 him or her. If the person subject to removal appears or
2794 any person or agent on his or her behalf, the
2795 appearance(s) shall be recorded naming the appearing
2796 and the capacity in which he or she appears. If the
2797 person subject to removal does not appear, either
2798 personally, or by agent or attorney, the failure to appear
2799 shall be recorded.
2800

2801 n. During a trial for removal, the legislative business of the
2802 Congress shall be suspended until the completion of the
2803 trial.
2804

2805 o. The trial for removal shall be open to the public, though
2806 attendance may be limited by the Presiding Officer when
2807 the physical constraints of the trial chamber require it.
2808

2809 p. The Clerk of the Congress shall record the proceedings in
2810 cases for removal as in the case of legislative
2811 proceedings.
2812

2813 q. Counsel for the parties shall be admitted to appear and
2814 be heard in a trial for removal.
2815

2816 r. All motions, objections, requests, or applications whether
2817 relating to the procedure of the Congress or relating

2818 immediately to the trial, including questions regarding
2819 admission of evidence or other questions arising during
2820 the trial, made by parties or their counsel shall be
2821 addressed to the Presiding Officer only, and if the
2822 Presiding Officer, or any Member of Congress, shall
2823 require it, they shall be committed to writing and read by
2824 the Clerk of the Congress.

2825
2826 s. Witnesses shall be examined by one person on behalf of
2827 the party producing them, and then cross-examined by
2828 one person on the other side.

2829
2830 t. If a Member of Congress is called as a witness, he or she
2831 shall be sworn, and give testimony sitting in his or her
2832 place. Testimony by a Member of Congress shall in no
2833 way preclude the Member from participating in the final
2834 vote on the Articles of Removal.

2835
2836 u. All argument on preliminary or interlocutory questions and
2837 all motions shall be limited to one hour, unless the
2838 Congress orders otherwise by motion and affirmative
2839 majority vote.

2840
2841 v. The case, on each side, shall be opened by one person
2842 limited to fifteen (15) minutes per side. The final
2843 argument, on each side, may be made by two persons
2844 and is limited to fifteen (15) minutes per side.

2845
2846 w. The case shall be prosecuted in the name of the Osage
2847 Nation by Counsel designated by the Osage Nation
2848 Congress. The arguments shall be opened and closed by
2849 the party prosecuting the case.

2850
2851 x. Adjournment of the trial shall not operate as an
2852 adjournment of the legislative session.

2853
2854 4. The Vote on Removal
2855

- a. The vote on removal shall occur on the next legislative day following the completion of the removal trial. Any judgment of removal shall require an affirmative majority vote of 5/6 of the Members of the Osage Nation Congress.
- b. The Articles of Removal shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an Article of Removal, voting shall be continued until voting has been completed on all Articles of Removal unless the Congress adjourns for a period not to exceed one day.
- c. On the final question whether the removal is sustained, each Article of Removal shall be addressed individually. If the removal shall not, upon any of the articles presented, be sustained by the votes of 5/6 of the Members of Congress, a judgment of acquittal shall be entered. If the person subject to removal shall be convicted upon any such article by the votes of 5/6 of the Members of Congress, the Congress shall proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing the judgment. A motion to reconsider the vote by which any article of removal is sustained or rejected shall not be in order.
- d. Upon pronouncing judgment, the judgment shall be filed with the Clerk of the Congress, and a certified copy of the judgment shall be deposited with the Secretary of the Nation, if the position of Secretary of the Nation exists.
- e. The form of putting the question on each Article of Removal is that the Presiding Officer shall first state the question: Shall Article number _____ be sustained? Thereafter each Member, as his or her name is called, answer: guilty or not guilty.

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

5. Form of Oaths, Subpoenas and Summons

- a. Witnesses shall be sworn in the following form: *"Do you swear that the evidence you shall give in the case now pending between the Osage Nation and _____, shall be the truth, the whole truth, and nothing but the truth: So help you God."*

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

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

"To _____, Greeting:

You and each of you are hereby commanded to appear before the Osage Nation Congress, on the ____ day of _____, at the Congressional Chamber at 100 W. Main Street, Pawhuska, Oklahoma, then and there to testify your knowledge in the cause which is before the Congress on the removal of _____

_____.

Fail Not.

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

_____, Presiding Officer of the Congress."

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

“The Osage Nation, ss:

The Congress of the Osage Nation to _____,
Greeting:

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

[Insert the Articles of Removal Here]

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

You, the said _____, are therefore hereby summoned to be and appear before the Osage Nation Congress, at the Congressional Chamber at 100 W. Main Street, Pawhuska, Oklahoma, on the ____ day of _____, at ____ o'clock _____, then and there to answer to the said articles of removal, and then and there abide by, obey, and perform such orders, directions, and judgments as the Osage Nation Congress shall make in the premises according to the Constitution and laws of the Osage Nation.

Hereof fail not.

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

_____,
Presiding Officer of the Congress.”

6. If the Osage Nation Congress shall at any time fail to sit for the consideration of the Articles of Removal on the day and hour fixed therefore, the Congress may, by an order to be adopted

2972 without debate, fix a day and hour for resuming such
2973 consideration. The Sergeant at Arms shall notify the person
2974 subject to removal and any pending witnesses of the date and
2975 hour set for resuming consideration of the Articles of Removal.
2976