

**WAGANAKISING ODAWAK STATUTE # 2020-008**  
**TRIBAL BURIAL BOARD**

**SECTION I. PURPOSE**

The purpose of this Statute is to establish the law that governs the Tribal Burial Board.

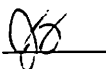
**SECTION III. DEFINITIONS**

- A. “*Burial Ground*” means the land set aside for the specific purpose of earth interments;
- B. “*Plot*” means a space of sufficient size to accommodate an interment.
- C. “*Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians*” means “areas referenced in Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs ‘third and fourth’ of the Treaty of 1855, 11 Stat.621.” Little Traverse Bay Bands Constitution, Article V(A)(1)(a).
- D. “*Tribe*” means the Little Traverse Bay Bands of Odawa Indians.

**SECTION XI. TRIBAL BURIAL BOARD**

A. A Burial Board shall be governed by a Tribal Charter Corporation, limited liability company or other legally approved entity, and shall comply with this Statute. The Board shall manage the Tribal Burial Grounds as designated by Tribal Council through approved regulations for the following areas:

- 1. The use, care, control, management, restriction, and protection of the burial grounds;



2. Restrict the use of burial ground property;
3. Regulate the placement, uniformity, class, and kind of markers, and other structures, if any, as part of the burial ground;
4. Regulate the planting and care of plants in the burial ground;
5. Prevent the interment of remains not entitled to be interred in the burial ground;
6. Prevent the use of a plot for a purpose that violates the burial ground board's restrictions;
7. Regulate the conduct of persons on burial ground property and to prevent improper meetings at the burial ground; and
8. Other purposes for the protection of the premises and the principles, plans, and ideals on which the burial ground was organized.

**B.** The Board shall submit for Tribal Council approve a site map that delineates plats, or property that will be used exclusively for burial ground purposes.

**C.** The Tribal Burial Board is authorized to develop, own, lease, operate, manage, maintain, promote and finance economic oppportunities that are inconjunction or ancillary to burials, including but not limited to mortuary services, funeral services, casket-manufacturing, and cremation services.

**D.** The Tribal Burial Board is authorized to manage Natural Burial Grounds and/or other burial grounds as designated by Tribal Council.

### **SECTION XIII. SALE OF PLOTS**

**A.** Only the Burial Board may sell and convey the exclusive right of burial in a plot.



**B.** Rights in burial plots may not be reconveyed from an individual to another individual, unless there is prior approval by the Burial Board.

**C.** An individual may convey or sell back the burial plot to the Burial Board.

#### **SECTION XIV. SAVINGS CLAUSE**

In the event that any phrase, provision, part, paragraph, subsection or section of this statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this statute, the entirety of the balance of the statute to remain in full and binding force and effect.

#### **SECTION XV. EFFECTIVE DATE**

Effective upon signature of the Executive or shall be deemed enacted if not expressly vetoed by the Executive within thirty (30) days of submission. The Tribal Council may, by an affirmative vote of seven (7) members of the Tribal Council, override a veto by the Executive.



## CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on March 12, 2020 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington Jr.	X			
Fred Kiogima				X
Tamara Kiogima				X
Melissa Pamp	X			
Leroy Shomin	X			
Marty Van De Car	X			
Marcella R. Reyes	X			
Julie Shananaquet				X
Emily Proctor	X			

Date: 3/14/2020 Emily Proctor  
 Emily Proctor, Legislative Leader

Date: 3/13/2020 Julie Shananaquet  
 Julie Shananaquet, Tribal Council Secretary

Received by the Executive Office on 3-14-2020 by [Signature]

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 5.1.2020 Regina Gasco Bentley  
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 5.7.2020 by LG (M)