

**WAGANAKISING ODAWAK STATUTE # 2023- 014**  
**JURISDICTIONAL ADJUSTMENT STATUTE**

**SECTION I.           PURPOSE**

The purpose of this statute is to adjust the territorial jurisdictional of the Little Traverse Bay Bands of Odawa Indians in multiple Tribal laws in response to *Little Traverse Bay Bands of Odawa Indians v. Whitmer*, 998 F.3d 269, 272 (6th Cir. 2021), *cert. denied*, 212 L. Ed. 2d 215, 142 S. Ct. 1206 (2022). In this case, the U.S. Court of Appeals for the Sixth Circuit affirmed the district court’s determination that the 1855 Treaty of Detroit did not create a reservation for the Tribe under federal law. Although this decision substantially diminishes the Tribe’s legal jurisdiction over the lands within the Tribe’s 1855 reservation, this region has always been and remains our home.

**SECTION II.           JURISDICTIONAL ADJUSTMENT**

**A.       REPEAL**

1.       Sex Offense Statute, WOS 2018-012, Section III.N: “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);

2.       Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “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).

3.       Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 U.S.C. 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).

4. Personal Protection Orders and No Contact Orders and Violations of Protective Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referred to in Public Law 103-324, 25 U.S.C. 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”, including all land which is held in trust by the United States government for the benefit of the Tribe or an individual member of the Tribe and/or as otherwise described by applicable federal law or court opinion.

5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means “areas referenced in Public Law 103-324, 25 U.S.C. 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).

## **B. REPLACE**

1. Sex Offense Statute, WOS 2018-012, Section III.N: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

2. Civil Traffic Statute, WOS 2010-011, Section IV.HHH: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

3. Sex Offender Registry Statute, WOS 2012-008, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

4. Personal Protection Orders and No Contact Orders and Violations of Protective Orders Statute, WOS 2020-014, Section II.G: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for

the benefit of the Tribe.

5. Human Trafficking Statute, WOS 2018-011, Section III.Q: “Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians” means all land that is held in trust by the United States government for the benefit of the Tribe.

### **SECTION III. 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 or laws of LTBB, 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 IV. EFFECTIVE DATE**

This statute shall be effective upon the signature of the Executive, or 30 days from Tribal Council approval, or if the Executive vetoes the legislation, then upon the date on which Tribal Council overrides the veto.

## 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 September 28, 2023 at which a quorum was present, by a vote of 8 in favor, 1 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Munson	X			
William Ortiz	X			
Aaron Otto	X			
Melissa Pamp	X			
Jordan Shananaquet		X		
Leroy Shomin	X			
Emily Proctor	X			
Marcella Reyes	X			

Date: 10/02/23 Marcella R. Reyes  
 Marcella Reyes, Legislative Leader

Date: 10/02/23 Emily Proctor  
 Emily Proctor, Tribal Council Secretary

Received by the Executive Office on 10/02/2023 by Hunt Johnson

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: 10-10-2023 Regina Gasco Bentley  
 Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 10.10.2023 by Pinder Parker

