

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

**AMENDED
CONSTITUTION AND BYLAWS
OF THE
HUALAPAI TRIBE OF THE
HUALAPAI RESERVATION
ARIZONA**

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**AMENDED
CONSTITUTION AND BYLAWS OF THE
HUALAPAI TRIBE OF THE HUALAPAI
RESERVATION, ARIZONA**

The Constitution and Bylaws of the Hualapai Tribe of the Hualapai Reservation, Arizona, is amended as follows:

PREAMBLE

We, the Hualapai Tribe of the Hualapai Indian Reservation, Arizona, in order to form a representative government, to develop our tribal lands and resources for ourselves and our children, to secure all rights guaranteed to us by treaties and by the Statutes of the United States, do establish this Constitution and Bylaws as a guide for the Hualapai Tribe.

ARTICLE I-STATEMENT OF PURPOSE

In our relation to the United States Government, a relation similar to that which a town or a county has to State and Federal Governments, our own internal affairs shall be managed insofar as such management does not conflict with the laws of the United States, by a governing body which shall be known as the Hualapai Tribal Council.

ARTICLE II-TERRITORY

SECTION I. The authority of the Hualapai Tribe shall extend to all of the territory within the boundaries of the Hualapai Indian Reservation as established by Executive Orders of January 4, 1883, June 2, 1911, and May 29, 1912, and lands which may be reestablished by prior rights and

treaties, and to such other lands as the United States may acquire for the benefit of the Tribe or the Tribe may acquire for itself.

ARTICLE III-MEMBERSHIP

SECTION 1. The membership of the Hualapai Tribe shall consist of:

(a) All persons who are members of the Tribe on the date when this revised Constitution is finally approved.

(b) Any child of one-fourth degree or more of Hualapai Indian blood who is born to a resident member after the date this Constitution is approved, and any child of one-fourth degree or more of Hualapai Indian blood born to a non-resident member, after the date this Constitution is approved, provided that a declaration of intention to maintain membership of such non-resident child is submitted to the Hualapai Tribal Council within one year from the date of birth of such child. The method of declaring intention of membership shall be determined by ordinance of the Council.

SEC. 2. The Council shall have the power to pass ordinances subject to review by the Secretary of the Interior or his authorized representative, governing future membership, loss of membership, and the adoption of members by the Hualapai Tribe.

ARTICLE IV-GOVERNING BODY

SECTION 1. The governing body of the Hualapai Tribe shall be known as the Hualapai Tribal Council and shall consist of nine (9) members.

SEC. 2. The first election of councilmen under this revised Constitution shall be held on the next regular election date following the adoption and approval of this revised Constitution and Bylaws. In the first election the three (3) candidates receiving the highest number of votes shall hold office for three years. The three (3) candidates receiving the second number of highest votes shall hold office for two years, and three (3) candidates who receive the third highest number of votes shall hold office for a period of one year. In each regular election thereafter, three (3) candidates shall be elected and shall hold office for a term of three years.

SEC. 3. A hereditary chief of the Tribe may be selected by the subchiefs of the various recognized bands. The chief so selected shall serve as a tenth member of the Council and shall have the same duties and privileges as other members of the Council. His term of office shall continue until he may be recalled by the subchiefs, or until his death or voluntary resignation. His successor may be chosen in the same manner.

SE. 4. A Council Chairman and Vice-Chairman shall be elected from the Council membership by the qualified voters of the Tribe at the regular election meetings following the announcement of results of the election of council members. The officers so elected shall hold such office for a term of two years, except when term of council member is less than two years then the term of the elected officer shall not exceed that of the term as council member. When the term of one of the officers is terminated before he has served two years due to termination of council memberships or for other reasons, his successor will be chosen at the next general tribal meeting by the qualified voters, the person receiving the highest number of votes will fill the vacant position for the unexpired term. Either the Chairman or Vice-Chairman may be relected to successive terms.

SEC. 5. The Council shall choose a Secretary and a Treasurer from within or without the tribal membership. The Council may also choose such committees from within or without its

membership as may be deemed necessary.

SEC. 6. The Council shall have the power to district the Reservation and to apportion the representation, subject to a vote of the people, whenever such action is deemed advisable by the Council.

SEC. 7. Members of the Council shall take office on the first day of the first month after their election.

ARTICLE V-ELECTIONS

SECTION 1. General elections to vote for councilmen shall be held every year on the first Saturday in June. The voting place shall be at Peach Springs, Arizona.

SEC. 2. Special elections shall be held upon call by the Tribal Council as provided in Article IX, and notice of them shall be given as in the case of general or regular elections. In case of special election, the Council shall specify the voting places.

SEC. 3. All elections shall be announced by special notice posted at least thirty days before the election at the voting places and other public places.

SEC. 4. Nominations shall be made at the annual general meeting of the Hualapai Tribe.

SEC. 5. All elections shall be by written ballot. The Council shall have power to prescribe ordinances governing the casting and canvassing of ballots, and other necessary details of election procedures covering election of councilmen and referendum elections. All tribal members, male or female, twenty-one years of age or over, shall be entitled to vote in any election.

ARTICLE VI-POWERS OF THE COUNCIL

SECTION 1. The Hualapai Tribal Council shall have the following powers:

(a) To represent the Tribe and act in all matters that concern the welfare of the Tribe, and to make decisions not inconsistent with or contrary to this Constitution and Bylaws or the Constitution and Statutes of the United States.

(b) To negotiate and make contracts with the Federal, State and local governments.

(c) To advise the Secretary of the Interior or his representative on all activities that may affect the Hualapai Reservation, and on all appropriation estimates and Federal projects for the benefit of the Tribe before such estimates and projects are submitted to the Bureau of the Budget and to Congress.

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

(e) To veto the sale, disposition, lease or encumbrance of tribal lands, tribal funds or other tribal assets that may be authorized by any agency or employee of the Government.

(f) To protect and preserve the wildlife and natural resources of the Tribe; to regulate hunting and fishing on the Reservation.

(g) To cultivate Indian arts, crafts and cultures.

(h) To administer charity.

(i) To regulate the use and disposition of tribal property.

(j) To negotiate and issue leases for business and home site purposes; to regulate by ordinance, subject to review by the Secretary of the Interior, the licensing of non-members doing business within the reservation.

(k) To grant or lease any portion of the Reservation, or grant the right to the use of lands or

other assets, or to grant or relinquish water or mineral rights, or other natural or fiscal assets, or any other assets whatsoever of the Hualapai Reservation; provided, that all other sales or exchange of tribal lands shall be reserved to the sanction of the Tribe.

(l) To manage all tribal economic affairs and enterprises in accordance with the terms of the corporate Charter of the Tribe.

(m) To levy and collect taxes.

(n) To appropriate and regulate the use of tribal funds.

(o) To enact ordinances, subject to review by the Secretary of the Interior, establishing and governing tribal courts and law enforcement on the Reservation; regulating domestic relations of members of the Tribe, but all marriages shall be in accordance with State laws; providing for appointment of guardians for minors and mental incompetents; regulating the inheritance of real and personal property of members of the Tribe within the Reservation; and providing for the removal or exclusion from the Reservation of any non-member of the Tribe whose presence may be injurious to the people of the Reservation.

(p) To enact ordinances governing the activities of voluntary associations consisting of members of the Tribe organized for purposes of cooperation or other purposes.

(q) To regulate its own procedures; to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in this Constitution and Bylaws, and to prescribe their salaries, tenure and duties, to charter and to regulate subordinate organizations for economic and other purposes.

(r) The Council may exercise such further powers as may be delegated to the Hualapai Tribe by the Secretary of the Interior or by any other qualified official or agency of the Government.

(s) The foregoing enumeration of powers shall not be construed to limit the powers of the Hualapai Tribe, and such powers may be exercised through the adoption of appropriate bylaws or constitutional amendments.

ARTICLE VII-REVIEW BY THE SECRETARY

Any resolution or ordinance which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the administrative officer in charge of the Reservation who shall, within 15 days of receipt, approve or disapprove the same.

If the administrative officer in charge of the Reservation shall approve any ordinance or resolution, it shall thereupon become effective, but he shall submit a copy of the same, bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such rescission. If the Secretary shall fail to act within the 90-day period, the ordinance or resolution shall remain in effect as of the date of the Superintendent's approval.

If the administrative officer in charge of the Reservation shall refuse to approve any resolution or ordinance submitted to him within 15 days after receipt by him, he shall advise the Council of his reasons therefor. If those reasons appear insufficient to the Council, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior who may, within ninety days from the date of its submission to him, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII-RIGHTS OF MEMBERS

SECTION 1. All members of the Hualapai Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or the right to petition for the redress of grievances.

ARTICLE IX-REMOVAL AND RESIGNATION FROM OFFICE

SECTION 1. If a member of the Council fails or refuses to attend two regular meetings in succession, unless excused due to illness or other causes for which he cannot be held responsible, or shall be convicted of a felony or a misdemeanor involving moral integrity, his office shall be declared forfeited by a resolution of the Council and a special election called by the Council shall be held to replace him.

SEC. 2. If a member of the Council shall fail in the performance of the duties assigned him, he may be subject to recall. The Council may by a two-thirds vote, after affording the accused member a fair opportunity to be heard in his own defense, require such member to stand for re-election in a special election called for that purpose.

SEC. 3. Any councilmen resigning or taken by death out of office shall be replaced at the next general election of councilmen. If so desired, the Council may fill such position by a majority vote until the time of the said election.

SEC. 4. The members of the Tribe shall have the power to remove or reinstate any member of the Hualapai Tribal Council by filing a petition with the Secretary of the Tribal Council, signed by at least seventy-five qualified voters, asking for the removal or reinstatement of said member of the Tribal Council: Provided, That no such person may be removed or reinstated except at a special election which shall be held within 30 days after the filing of the petition.

ARTICLE X-RESERVATION LAND

SECTION 1. The Reservation land shall as a whole remain tribal property and shall not be divided by allotment of any parts to individuals or groups of individuals as private property that could be sold at will; but assignment of land for private use may be made by the Council in conformity with ordinances which may be adopted on this subject, provided the rights of the members of the Tribe be not violated.

ARTICLE XI-REFERENDUM

SECTION 1. Upon a petition of at least thirty percent of the eligible voters of the Tribe, or upon the request of the majority of the members of the Tribal Council, any enacted or proposed ordinance or resolution of the Tribal Council shall be submitted by the Council to popular referendum and the vote of the majority of the qualified voters in such referendum shall decide whether the ordinance or resolution shall thereafter be in effect, provided, that thirty percent or more of the eligible voters shall vote in such referendum, and provided that such action is favorably reviewed by the Secretary of the Interior where Secretarial review is required.

ARTICLE XII-AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of qualified voters of the Tribe voting at an election called for that purpose by the Secretary of the Interior,

provided that at least thirty percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Council, or upon presentation of a petition signed by one-third of the qualified voters of the Tribe.

BYLAWS OF THE HUALAPAI TRIBE OF ARIZONA

ARTICLE I-DUTIES OF OFFICERS

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, shall perform all duties of a Chairman and exercise any authority given him specifically by the Council or by a general meeting of the Tribe. The Chairman shall have power to vote.

SEC. 2. The Vice-Chairman, in the absence of the regular Chairman, shall preside and shall have all privileges and duties of the Chairman. He shall have the power to vote at any meeting.

SEC. 3. The Secretary shall conduct all tribal correspondence and it shall be his duty to submit promptly to the administrative officer in charge of the Reservation and other appropriate offices of the Bureau of Indian Affairs, copies of all minutes of regular and special meetings of the Council as well as copies of all resolutions and ordinances adopted by the Council. If the Secretary is a member of the Council he shall have power to vote at any meeting.

SEC. 4. The duties of the Treasurer shall be as follows:

(a) He shall accept, receipt for, keep and safeguard all funds in the custody of the Council. He shall deposit all such funds as directed by the Hualapai Council and shall keep accurate record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his custody to the Council at regular meetings and at such other times as requested by the Council. He shall not pay or disburse any funds in custody of the Council except when properly authorized to do so by the Council.

(b) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the Council, and at such other times as the Council may direct.

(c) The Treasurer shall be required to give a surety bond satisfactory to the Council and the Commissioner of Indian Affairs or his authorized representative.

(d) All checks shall be signed by the Treasurer or by some other person designated by the Council.

(e) If the Treasurer is a member of the Council he shall have the power to vote at any meeting.

ARTICLE II-QUALIFICATIONS OF COUNCILMEN

SECTION 1. Any member of the Tribe shall be qualified to be a candidate for election to the Council who has reached the age of twenty-five years and who is a resident of the Reservation. No person who has been convicted of a felony, or who within the last year preceding the election has been convicted of a crime involving moral integrity shall be eligible to hold office in the Council. The following crimes and no others shall be considered crimes involving moral integrity: adultery, bribery, embezzlement, extortion, fraud, forgery, misbranding, perjury, and theft.

ARTICLE III-MEETINGS OF THE COUNCIL

SECTION 1. At the first meeting of the Council after a regular election, the Council shall see that all members have a correct and clear understanding of the Constitution and Bylaws and the management of the tribal and Reservation affairs, as well as the rules for conduct of their own body.

SEC. 2. Regular meetings of the Council shall be held on the first Saturday of each month at 9:00 o'clock A. M. at Peach Springs, Arizona, or at such other place as may be designated by the Chairman. In case the time of the regular Council meeting on the first Saturday of each month should conflict with a National, State, or Tribal election, or shall fall on a holiday the meeting shall be held on the following Saturday.

SEC. 3. Special meetings of the Council may be called by the Chairman, or the Chairman shall call a special meeting upon the written request of three or more members of the Council.

SEC. 4. In the conduct of business, recognized rules of order shall apply. Voting at the Council meetings may be by voice, but at the discretion of the Chairman, or upon the request of any two members of the Council, a secret vote shall be taken.

SEC. 5. Matters of business for the Council shall be decided by a majority vote. A quorum (a number competent to transact business) of the Council shall be if six or more members are present.

SEC. 6 In any matter coming before the Council which involves the Indian Bureau or any person or company, no member of the Council that may be permanently connected with the party so involved shall be permitted to vote without a special consent of the remaining members of the Council.

ARTICLE IV-MEETING OF THE TRIBE

SECTION 1. The Council may from time to time call meetings of all voters of the Tribe to lay before them such matters as may come before such a general meeting. A general tribal meeting shall be held at least once a year at which meeting the nomination and election of councilmen shall be held.

ARTICLE V-LAW AND ORDER

SECTION 1. It shall be the duty of the Council to provide through the necessary bylaws or ordinances for the establishment of a tribal court upon the Reservation.

SEC. 2. This court shall have jurisdiction of such petty offenses not falling within the exclusive jurisdiction of the Federal or State courts, as may be enumerated in the ordinances or bylaws of the Tribe.

SEC. 3. This court shall have jurisdiction over all disputes between Indians on the Reservation.

SEC. 4. The duties, jurisdiction, and procedure of this court shall be more fully set forth by bylaws or ordinances.

SEC. 5. The judges of this court shall be appointed by the Tribal Council.

SEC. 6. It shall be the duty of the Council to establish by ordinances a tribal police force. Such ordinances shall outline in detail the authority and duties of such tribal police force and the manner in which such police force shall function. Members of the police force shall be selected by the Council.

ARTICLE VI-FEDERAL EMPLOYEES

SECTION 1. The Council may request the administrative officer in charge of the Reservation to furnish it with the names of all civil service probationers or temporary employees under civil service regulations on the Hualapai Reservation that are nearing the end of their probation periods, and may advise with the administrative officer in the matter of their being given permanent positions as civil service employees on the Reservation.

ARTICLE VII-ADOPTION

SECTION 1. This revised Constitution and Bylaws, when adopted by a majority vote of the qualified voters of the Hualapai Tribe of the Hualapai Reservation, voting at a special election called by the Secretary of the Interior, in which at least thirty percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order approved August 23, 1955, by the Assistant Secretary of the Interior, the attached amended Constitution and By-laws was submitted for adoption to the qualified members of the Hualapai Tribe of the Hualapai Reservation, Arizona, and was on October 22, 1955, duly adopted by a vote of 90 for and 17 against, in an election in which at least thirty percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat.984), as amended by the Act of June 15, 1935 (49 Stat. 378).

RUPERT PARKER
President, Hualapai Tribal Council
MARJORIE QUERTA
Secretary, Hualapai Tribal

Council

AUSTIN F. LADD
Administrative Officer in Charge, Hualapai Reservation

I, WESLEY A. D'EWART, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984) as amended do hereby approve the attached amended Constitution and Bylaws of the Hualapai Tribe of the Hualapai Reservation in Arizona, to be effective as of October 22, 1955, the date on which it was adopted by the tribal members.

All rules and regulations heretofore promulgated by the Department of the Interior or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said amended Constitution and Bylaws, are hereby declared inapplicable to the Hualapai Tribe of the Hualapai Reservation in Arizona.

All officers and employees of the Department of the Interior are ordered to abide by the provisions of the said amended Constitution and Bylaws.

Approved recommended. *December 29, 1955*

GLENN L. EMMONS
Commissioner of Indian Affairs

WESLEY A. D'EWART
Assistant Secretary of the

Interior
Washington, D. C., *January 16, 1956*
(SEAL)