



## **Constitution Reform Committee**

### **Action Plan**

The following is the Action Plan for the Constitution Reform Project of the Kaw Nation. The committee has made great progress, and is ready to move forward with the following timeline in order to provide a new Constitution to the Kaw people for ratification. This plan will guide the Kaw Nation and the Constitution Reform Committee from July of 2010 through the granting period, which ends in September 2011.

### **Background**

The Constitution Reform Committee was formed in March 2000 at a General Council meeting. It was determined that the current Constitution needed revisions. Over the next eight years, the committee held meetings but suffered due to a lack of organization and funding. The committee submitted a list of changes to the Executive Council for their approval (a precursor to sending them to all tribal members for a vote), and it was rejected. Undeterred by this action, the committee continued to work, however, it was on an irregular basis. The Executive Council took a major step in 2006 and sent the tribal members an amendment to the Constitution, which removed the Secretary of the Interior's approval of any amendments to the Constitution. In 2008, it was publicized that the Kaw Nation would make application for a grant to fund and complete the constitution reform process. The Kaw Nation was awarded a grant from the Administration for Native Americans (ANA) in 2008. In early 2009, the Project Coordinator and Assistant were hired and the project gained momentum.

The first year of the grant was spent discussing the process and difficulties expected in the project (collected from the committee and by holding several Public Hearings for and attended by members of the Kaw Nation), providing training to members of the committee, and researching the possibilities for reform. The committee continued to meet at least once a month, and at most of these meetings the committee discussed different possibilities for the new constitution and the ramifications of these reforms. One of the requirements of the grant was for the committee to meet with members of other Oklahoma tribes as to the process by which they reformed their constitutions. The committee continues to discuss different issues and consult with the hired Facilitator as we move forward. The committee compiled this information and with the assistance of the Facilitator, completed the first draft of the new constitution in May 2010.

The road forward consists of two major parts. Many of the steps on the road forward are required by the U. S. Department of Health and Human Services, Administration for Native Americans division, which is the funding source for this grant to the Kaw Nation. The first step is to complete a revision of the tribal Constitution, and the second step is to revise the policies and procedures of the Kaw Nation. While some of these activities can coincide, many of the policies will have to be finalized and adopted by the Kaw Nation government once the new Constitution has been ratified.

### **Finalizing the New Constitution**

The plan is to send a copy of the draft Constitution to all tribal members in early July of 2010. It was determined that in addition to the draft, some supporting materials are desired. The committee will send a comparison of the new draft and the old constitution, a survey to solicit the opinions of tribal members, and a short infomercial on the reform project. We are currently developing these supporting materials.

The committee will begin evaluating the responses from the tribal members as they arrive. While we are awaiting these responses, we will hold public hearing(s) to provide tribal members with the opportunity to make their voices heard. A Public Hearing will be held in conjunction with the Kaw Powwow in August.

The Committee will attend a retreat in September 2010 to complete a second draft of the Constitution. This draft will incorporate any responses from the survey, public hearings and other discussions. We believe that the majority of the draft will be completed at the retreat; however, we are allowing an additional month for fine tuning. Once this draft is complete, the committee will begin the process of adoption. The committee believes that it will be necessary to provide information to voters of the Kaw Nation via meeting(s), newsletter(s), and the website to inform them about the proposed changes. It is likely that this will take place from the time of the completion of the draft, until the election can be held.

The adoption process has two major steps. The first step is to have either the Executive Council or the General Council agree to send the proposed constitution to a vote of the Kaw members. The committee will present this to the Executive Council before the end of 2010 and if they accept it, then a ratification election will be held. (The Kaw Nation currently has No process for this election to occur). If the Executive Council fails to pass the proposed constitution, it is possible for signatures to be collected by 30% of the General Council to require an election. This (if necessary) hopefully could be completed at the January 2011 meeting of said body (see note above in regards to the election).

### **Revising Policies and Procedures**

The plan on revising the policies and procedures is more complex due to the inconsistencies currently in the Kaw Nation Code. This process requires locating the laws, digitizing those only in

paper form, reviewing and finally making revisions. While many of these steps can be taken in advance of the ratification of the Constitution, it is best not to finalize the laws until the new constitution is in place. Additionally, it is expected that the new constitution will require the newly elected governing body of the tribe, and/or the General Council to take some actions (i.e. a new election code and policies and procedures for the governing body.)

The Project Coordinator and Project Assistant have begun the process of locating all laws (and other related documents). We believe a complete copy has been made, however we will double check with the directors of the tribal administration before the end of August 2010 to check for any additional documents. While we have been collecting these documents, the Constitution Reform employees have worked to scan about two-thirds of the documents currently in their possession. Digitizing these takes two steps: first is to actually scan the document, and convert the text into a word processing format. Then the more timely aspect is to review the scanned document to remove foreign characters, correct any tables, graphs and other discrepancies that arise between the scanned document and the original. The plan is to have all documents scanned and corrections made by the end of the 2010.

The revising of the laws of the Kaw Nation is an ongoing process. There are some laws that must be updated to complete the reform process (election law which is currently pending). These laws will be completed as soon as possible. Nearly, every other law of the nation will need to be updated due to the changes made to the Kaw Nation's system of government. Most of these laws can (and should) await revision until the new Constitution is in effect. The Constitution Committee has discussed many laws that need to be updated or clarified to coincide with the new constitution.

After an election has been called for the proposed constitution, the Project Coordinator will work with the Tribal Chairman/CEO, Administrative Services Director, and Members of the Executive Council to create a priority list for these revisions (likely February and March of 2011). Some laws will just need minor adjustments to update the names of the governing body and other similar changes. It is believed some laws could be adopted by the sitting governing body before all changes to the new government are in place. However, the new Constitution (as currently drafted) requires some laws to be passed once the new government has been elected and inaugurated.

In closing, it should be noted that this and any such plan must be a fluid document. It is impossible to project into the future about the actions of not only the Constitution Committee, but also the Executive Council, General Council and voters of the Kaw Nation. While every effort has been made to accurately describe the path forward, it is subject to change based upon the actions or inaction of the parties involved.

Additional information is available at [www.kawcrp.com](http://www.kawcrp.com) and questions or comments should be directed to Aaron Carlson at 580-269-2552 or [acarlson@kawnation.com](mailto:acarlson@kawnation.com).