

RESOLUTION OF THE TRIBAL BUSINESS COUNCIL
OF THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and authority is under said Act; and
- WHEREAS,** The Tribal Business Council on December 16, 1975, approved a revised Chapter 18 of the Tribal Code, relating to regulation of hunting, fishing, and recreation activities on the Reservation; and
- WHEREAS,** Chapter 18 provides for criminal fines and imprisonment for persons who violate the provisions of Chapter 18, Indians and non-Indians alike; and
- WHEREAS,** The recent case of Oliphant vs. Suquamish Tribe in the U.S. Supreme Court held that Indian Tribes do not have criminal jurisdiction over non-Indians who violate tribal regulations on the Reservation; and
- WHEREAS,** the tribal attorneys advise that the Tribes do have civil jurisdiction over non-Indians on the Reservation, and the Tribal Business Council desires to enforce Chapter 18 to the extent permissible by civil remedies,

NOW THEREFORE BE IT RESOLVED, That Chapter 18 is hereby amended to add a new section, Chapter 18-7, Civil Remedies, which shall read as follows:

18-7-1 Civil Fine

To the extent that any person in violation of these regulations is not subject to the Tribes' criminal jurisdiction, then in lieu of any criminal sanction a civil fine for such violation shall be imposed not to exceed the maximum amount of the criminal fine specified in the preceding sections 18-4 through 18-6.

18-7-2 Civil Enforcement

Said fine shall be enforced by any proper civil remedy, including (a) attachment of any property of the judgment debtor including vehicles, guns, ammunition, gear, traps carcasses, etc., (b) ejection from the Reservation, and (c) cancellation or suspension of any privilege granted by the tribes, including the privilege of entering Indian-owned land on the Reservation in the future. Upon arrest the violator shall post collateral with and receive a receipt from the arresting officer in the amount of the maximum possible fine (not to exceed \$500.00). In the event of inability or refusal to post such collateral, the arresting officer may

on behalf of the court attach in advance of judgment any property of the arrestee (other than personal effects), including vehicles, guns, ammunition, gear, traps, carcasses, etc.

18-7-3 Turnover to Federal Authorities

In addition to said posting of collateral, or in lieu thereof, the arresting officer may take custody of the offender and promptly turn him over to the nearest appropriate federal authorities for criminal prosecution for trespass on an Indian reservation pursuant to 18 United States Code Section 1165.

C E R T I F I C A T I O N

The undersigned hereby certifies that the foregoing resolution was approved at a meeting of the Tribal Business Council duly noticed and convened with a proper quorum on the 31st day of May, 1979, by a vote of 7 in favor and 0 against.

Austin Gillette

Austin Gillette, Chairman
Tribal Business Council

Tillie Walker

Tillie Walker, Secretary
Tribal Business Council