

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 under said Act; and

WHEREAS, Chapter 19 provides for criminal fines and imprisonment for persons who violate the provisions of Chapter 19, 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 19 to the extent permissible by civil remedies,

NOW THEREFORE BE IT RESOLVED,

That Chapter 19 is hereby amended to add a new section, Chapter 19, Civil Remedies, which shall read as follows:

19-1-01 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 14 and 15 of Chapter 4.

19-1-02 Civil Enforcement

Said fine shall be enforced by any proper civil remedy, including (a) attachment of any property of the judgment debtor including vehicles, 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 judg-

ment any property of the arrestee (other than personal effects), including vehicles, etc.

19-1-03 Property unlawfully used to be confiscated by certain officials Procedure

The Director, deputy Director, and bonded game warden, all tribal and BIA Police Officers shall attach all boats, automobiles, vehicles, instrumentalities, appliances, and devices unlawfully used, or held with intent to be unlawfully used, in unlawful trespass and/or destruction of all property within the jurisdiction of the Tribal Court. All property so seized shall be held subject to the order of the Tribal Court. When property is attached, the attaching officer shall bring the alleged offender before the Tribal Court for the purpose of determining disposition. In event the alleged offender desires an attorney, a reasonable time shall be given to secure counsel. If it is not feasible to bring the alleged offender immediately before the court, the property shall be seized or confiscated unless the alleged offender gives adequate bond to the officer assuring appearance before the court when the matter comes up. The receipt shall contain the provisions of this section to advise the alleged offender of the law.

19-1-04 Confiscated property-Courts having jurisdiction-When it may be sold

The Tribal Court may order the sale of all vehicles, or other property which has been attached. This order may be entered only after a hearing duly had upon proper notice to the owner and after due and proper finding of the Court that the property:

1. Was used to cause damage to any and all property within the jurisdiction of the Tribal Court or was used while trespassing upon property within the jurisdiction of the Tribal Court.

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2. Was being used in violation of this title at the time it was seized.
3. Had been used in violation of this title within six months previous to the time it was attached.

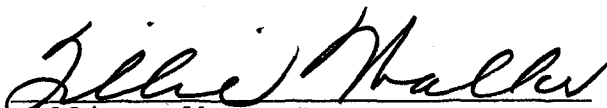
19-1-05 Who to sell confiscated property - Bills of Sale - Disposition of proceeds of sale

All attached property ordered sold shall be sold by the Court Administrator, or by any of his bonded appointees, for the highest price obtainable. On any such sale of vehicles, the seller shall issue to each purchaser a bill of sale on forms prepared and furnished by the Court Administrator. The sale proceeds, after the expense of the seizure and sale is deducted, shall be remitted to the Court Administrator promptly by the person under whose authority and supervision the sale was made. The remittance shall be accompanied by a complete and certified report of the sale supported by proper vouchers covering all deductions made for expenses. This report shall be filed for record with the Court Administrator. The Court Administrator shall pay into Tribal Finance for credit to the Tribal Court fund all money received by him for these sales.

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 12 day of July, 1979, by a vote of 8 in favor and 0 against.


Austin H. Gillette, Chairman
Tribal Business Council


Tillie Walker, Secretary
Tribal Business Council