

Chippewa Cree

Tribe Ordinances

1939 - 1999

BEST COPY  
AVAILABLE

BEST COPY  
AVAILABLE

BEST COPY  
AVAILABLE

BEST COPY  
AVAILABLE

**CHIPPEWA CREE TRIBE  
ORDINANCES**

<b>ORDINANCE NO.</b>	<b>TITLE OF ORDINANCE</b>	<b>DATE OF ENACTMENT</b>
4-39	REMOVAL OF LAWBREAKERS	3-31-39
65-40	REGULATE TRACHOMA	5-31-40
1-42	AUTHORIZE OFFICERS TO SIGN	1-20-42
1-44	OPEN CLOSED GATES AND/OR DESTROY	7-28-44
1-54	FEDERAL INDIAN LIQUOR LAWS	11-23-53
1-62	OPERATION & MAINTENANCE OF FED FINANCED SANITATION FACILITIES	10-62
2-62	WASTES DISPOSAL	10-31-62
* 2-62	AMENDED WITH ADDITIONS OF REGULATIONS & DESCRIPTIONS	11-09-62
3-63	CHARTERING THE CHIPPEWA CREE HOUSING AUTHORITY	NO DATE
4-63	TO RECOGNIZE ENROLLED MEMBERS AS RESIDENTS (GREAT FALLS & HAVRE)	11-15-63
1-66	CONTROL FIRES ON THE R.B. RESER.	4-15-66
2-66	GOVERNING THE CONDUCT OF ELECTIONS OF THE CC TRIBE	4-18-66
3-66	SUPPRESSION OF VANDALISM AND THE ESTABLISHMENT OF A CURFEW	4-22-66
1-67	PROTECTION OF MINERAL RESOURCES	3-28-67
53-67	PROVIDING FOR TEMPORARY RELINQUISHMENT OF LANDS	1967
1-68	GOVERNING THE POSSESSION AND USE OF ALCOHOL	4-28-68
3-68	PROCEDURES GOVERNING ENROLLMENT	11-07-68
4-68	DENYING ACTION IN RECOGNITION OF THE ROCKY BOY ACTION GROUP	9-27-68
1-70	APPLICATION OF FEDERAL LIQUOR LAWS ON THE R.B. RESERVATION	1970
	LEGALIZING THE INTRODUCTION, SALE	

1-71	OR POSSESSION OF INTOXICANTS	3-26-71
1-72	ELECTION ORDINANCE	6-07-72
1-72a	ISSUING OF FISHING PERMITS-INDIANS	1-10-72
2-72	SNOWMOBILE CONTROL	1-20-72
3-72	CEREMONIAL GROUNDS DESIGNATION	1-20-72
4-72	AUTOMOBILE SAFETY	4-27-72
5-72	TO PROHIBIT HUNTING OF BIG GAME BY NON-ENROLLED PERSONS	8-01-72
1-74	TRESPASS OF ANIMALS	NO DATE
2-74	JURY MAY NOT BE POLLED IN A CRIMINAL JURY TRIAL	10-10-74
1-75	TO ADOPT A DANGEROUS DRUG ACT	1-13-75
1-77	MEMBERSHIP ORDINANCE	8-03-77
1-84	ADOPT A DANGEROUS DRUG ACT	10-18-84
1-86	MEMBERSHIP ORDINANCE/PROCEDURES	3-25-86
2-86	EMPLOYMENT RIGHTS	1986
1-87	REGULATE THE OPERATION AND CONDUCT OF GAMING ACTIVITIES	4-13-87
1-89	ELECTION ORDINANCE	1-03-89
2-89	TRIBAL OFFENSE FOR A PERSON TO ENGAGE IN THREATS, HARASSMENT, ETC.	7-06-89
3-89	AMENDING LAW & ORDER CODE, DISQUAL- FYING OR REMOVAL OF JUDGES	8-10-89
4-89	AMENDING LAW & ORDER CODE, CHAPTER 10 EXCLUDE POSSESS & USE OF PEYOTE	9-07-89
1-90	AMENDING LAW & ORDER CODE, SUB- SECTION 2.3 PENALTIES	6-07-90
1-91	AMENDING LAW & ORDER CODE, ADOPT- ING ENTEPRISE ZONE	7-16-91
2-91	AMENDING LAW & ORDER CODE, ADOPTING BUSINESS LICENSE CODE	7-16-91

<b>3-91</b>	<b>AMENDING LAW &amp; ORDER CODE, ADOPTING TITLE X, CORPORATION CODE</b>	<b>11-08-91</b>
<b>1-92</b>	<b>PROVIDING FOR CODE OF ETHICS FOR ELECTED AND APPOINTED OFFICIALS</b>	<b>2-14-92</b>
<b>1-87/92</b>	<b>REGULATE THE OPERATION AND CONDUCT OF GAMING ACTIVITIES</b>	<b>7-06-92</b>
<b>2-92</b>	<b>TO ESTABLISH AND RECOGNIZE STONE CHILD COLLEGE</b>	<b>10-01-92</b>
<b>3-92</b>	<b>AMENDING LAW &amp; ORDER CODE ADOPTING TOBACCO CODE</b>	<b>12-14-92</b>
	<b>GAMING ORDINANCE</b>	<b>6-14-93</b>
<b>1-93</b>	<b>AMENDMENT TO ORDINANCE 3-63 TERM OF OFFICE</b>	<b>2-10-93</b>
<b>2-93</b>	<b>AMENDMENT TO ORDINANCE 2-86 EMPLOYMENT RIGHTS FEES</b>	<b>2-17-93</b>
	<b>BUDGET ORDINANCE</b>	<b>9-23-93</b>
<b>2-94</b>	<b>AMENDMENT TO ORDINANCE 1-74 OPEN RANGE</b>	<b>4-13-94</b>
<b>3-94</b>	<b>BUDGET ORDINANCE/HEALTH BOARD</b>	<b>10-04-94</b>
<b>2-97</b>	<b>APPROVE AND ADOPT CHIPPEWA CREE DOMESTIC VIOLENCE CODE</b>	<b>11-06-97</b>
<b>1-99</b>	<b>DRUG AND ALCOHOL FREE WORKPLACE</b>	<b>2-04-99</b>
<b>2-99</b>	<b>DRUG PARAPHERNALIA</b>	<b>9-02-99</b>
<b>3-99</b>	<b>LEAD BASED PAINT</b>	<b>11-06-99</b>

ORDINANCE NO. 4-39

The following ordinance governing the exclusion or removal of lawbreakers from restricted Indian land within the Rocky Boy's Reservation is enacted by the Business Committee of the Chippewa Cree Tribe in pursuance of authority contained in Article VI, Section 1 (j) of the constitution of the Chippewa Cree Tribe, approved by the Secretary of the Interior on November 23, 1935;

Removal of Lawbreakers.

Any private person not a member of the Chippewa Cree Tribe of Indians of the Rocky Boy Reservation who, within the Rocky Boy Indian Reservation, commits any act which is a crime under Federal or State law or which would be an offense under the ordinances of the Chippewa Cree Tribe, if committed by a member thereof, may be removed from restricted Indian land within the reservation by any officer of the United States Indian Service, or Tribal Police, and may be turned over to the custody of the United States Marshal or the sheriff or other officer of the State of Montana for prosecution under federal or State law.

The Chippewa Cree Business Committee on March 31, 1939 duly enacted the foregoing ordinances which will be in effect from such date of adoption under authority of Article VI, Section 2 of the approved constitution of the tribe, when approved by the Superintendent of the Rocky Boy's Agency, subject to the right of the Secretary of the Interior to rescind said ordinance within ninety (90) days from the date of its enactment.

3-31-39  
Date

/s/ Dan Sangrey  
Chairman, Chippewa Cree Business Committee

Approved:

3-31-39  
Date

/s/ E.E. McNeilly  
Superintendent, Rocky Boy's Agency

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of the Secretary  
Washington

Approved:

\_\_\_\_\_  
Secretary of the Interior

ORDENANCE NO. \_\_\_\_\_

The following ordinance regarding the prohibition of removal of lawbreakers from restricted Indian land within the Rocky Boy's Reservation is enacted by the Business Committee of the Chippewa Cree Tribe in pursuance of authority contained in Article VI, Section 1 (f) of the constitution of the Chippewa Cree Tribe, approved by the Secretary of the Interior on December 23, 1935;

Removal of Lawbreakers.

Any private person not a member of the Chippewa Cree Tribe of Indians of the Rocky Boy Reservation who, within the Rocky Boy Indian Reservation, commits any act which is a crime under Federal or State law or which would be an offense under the ordinances of the Chippewa Cree Tribe, if committed by a member thereof, may be removed from restricted Indian land within the reservation by any officer of the United States Indian Service, or Tribal Police, and may be turned over to the sheriff or other officer of the State or Territory for prosecution under Federal or State law.

The Chippewa Cree Business Committee on March 31, 1939 duly executed the foregoing ordinance which will be in effect from such date of adoption under authority of Article VI, Section 2 of the approved constitution of the tribe, when approved by the Secretary of the Rocky Boy's Agency, subject to the right of the Secretary of the Interior to rescind said ordinance within ninety (90) days from the date of its enactment.

3-31-39  
Date

/s/ Ben Sangray  
Chairman, Chippewa Cree Business Committee

Approved:

3-31-39  
Date

/s/ E.E. McNeilly  
Superintendent, Rocky Boy's Agency

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Office of the Secretary  
Washington

Approved:

\_\_\_\_\_  
Secretary of the Interior

FORM OF ORDINANCE OR RESOLUTION  
(For sections subject to Secretarial review)

65-40

An ordinance or resolution to Regulate Trachoma

Be it enacted by the Tribal Council of the Chippewa Cree Tribe in regular  
(~~or special~~) meeting assembled on May 31, 1940.

Whereas, the eye disease, Trachoma, occurs in about 20 out of each 100 school children of the Rocky Boy's Reservation, and

Whereas trachoma is a disease of the eyes which if untreated usually causes loss of time from school work, permanent impairment of vision and even blindness in later life, and

Whereas trachoma is a disease which may be transmitted from one person to another and from one school child to another, and

Whereas the United States Government has assigned a Special Physician for the treatment of trachoma, together with suitable medical facilities, and

Whereas such Physician is selected by the Government because of his special knowledge of trachoma and his judgement in treating the disease,

Now, Therefore, be it ordered by the Rocky Boy Council that any parent or guardian of any child having been found by the Indian Service Physician to have trachoma shall permit treatment of such child, including hospitalization, if necessary, treatment not to include operations, and any person who shall refuse to permit or shall interfere with such treatment deemed guilty of offense and upon conviction shall be imprisoned for not less than 10 or not more than 30 days, or fine not to exceed \$60.00 or by both fine and imprisonment for not less than 10 or more than 30 days, or fine not to exceed \$60.00 or by both fine and imprisonment.

Be it further ordered that this ordinance shall become section 36 of the Code of Ordinance on Law and Order of the Chippewa Cree tribe of the Rocky Boy Reservation.

The foregoing Ordinance was on May 31, 1940 duly adopted, by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, by the Tribal Council of the Chippewa Cree Tribe, pursuant to authority vested in it by section \_\_\_\_\_ Article \_\_\_\_\_ of the Constitution (or By-laws) of the Tribe, ratified by the Tribe on November 2, 1935 and approved by the Secretary of the Interior on November 25, 1935 pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984). Said \_\_\_\_\_ is effective as of the date of its approval by the Secretary of the Interior, or by the Superintendent of the Rocky Boy's Agency, subject to its rescission by the Secretary of the Interior pursuant to section \_\_\_\_\_, Article \_\_\_\_\_ of the Constitution of the Tribe.

Chairman of the Tribal Council

Secretary of the Tribal Council

Approved:

Superintendent

FORM OF ORDINANCE

(For ordinances not subject to review or approval by the Secretary).

An Ordinance to Authorize officers to sign all official papers State briefly the purpose of the ordinance).

Be it enacted by the Business Committee of the Chippewa Cree Tribe in regular (~~meeting~~) meeting assembled on January 30, 1948.

BE IT HEREWITH RESOLVED that the Chairman of the Business Committee, William Morsette, is hereby authorized to sign all official papers requiring a signature on official action taken by the Business Committee, including Commitment Orders, Chattel Mortgages, Renewal Affidavits, Releases of Mortgages, Recommendations of the Tribe on Applications for release or sale of trust and mortgaged property, etc.,

That all such official documents properly signed by the Officer above named prior to the passing of this resolution are hereby acknowledged to be binding upon all parties concerned and the signing of such documents are hereby approved;

BE IT FURTHER RESOLVED, that the Chairman of the Credit Committee is, James Denny, is authorized to sign all applications for Revolving loans, modifications of existing loan agreements, or extension of repayment terms after review and approval of same by his committee; that all such official documents properly signed by the Officer above named prior to the passing of this resolution are hereby acknowledged to be binding upon all parties concerned and the signing of such documents are hereby approved;

BE IT FURTHER RESOLVED, that The Secretary of the Business Committee, Paul Mitchell and Treasurer of the Business Committee, Dan Sangrey, be hereby authorized to sign all papers requiring the signature of the Secretary and Treasurer of the Business Committee and that all documents signed prior to this resolution are hereby approved;

The foregoing ordinance was on January 30, 1948 duly adopted by a vote of unanimous for and none against, by the Business Committee of the Chippewa Cree Tribe, pursuant to authority vested in it by Section 1 Article VI of the Constitution (or By-laws) of the Tribe, ratified by the Tribe on November 2, 1935, and approved by the Secretary of the Interior on November 23, 1935, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 984). This ordinance is effective as of the date of its adoption.

\_\_\_\_\_  
Chairman of the Business Committee

\_\_\_\_\_  
Secretary of the Business Committee

Ordinance No. \_\_\_\_\_

AN ORDINANCE

Be it hereby enacted by the Business Committee of the Chippewa Cree Tribe that the following laws and ordinances are established.

1. It shall be unlawful for anyone to leave open gates which are closed on the Rocky Boy's Indian Reservation, unless definite prior arrangements have been made with the land owner or a party controlling to leave gates open.

2. It shall be unlawful for anyone to cut or otherwise maliciously destroy any fence on the Rocky Boy's Indian Reservation, unless definite prior arrangement have been made with the owner or party controlling said fence.

3. The above mentioned offenses are subject to penalty of a fine not less than \$5.00 and not exceeding \$300.00, at the discretion of the Judge of Tribal Court, plus costs for damages.

4. It shall be the duty and privilege of any party who observes or determines the guilt of any other party in breaking the above laws to sign a complaint and have the guilty party haled into Tribal Court for conviction.

The foregoing ordinance was on July 28, 1944 duly adopted, by a vote of 7 for and 0 against, by the Business Committee of the Chippewa Cree Tribe, pursuant to authority vested in it by Section 1-1 Article VI of the Constitution or (By-laws) of the Tribe, ratified by the Tribe on November 2, 1935, and approved by the Secretary of the Interior on November 23, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

CHAIRMAN OF THE BUSINESS COMMITTEE

Secretary of the Business Committee

O. Harce No.

An ordinance

relating to the application of the Federal Indian liquor laws on the Rocky Boy's reservation

WHEREAS Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1156, 1156, 3113, 3453 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.

THEREFORE, Be it resolved that the introduction, ~~sale~~ or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation, provided, that such introduction, ~~sale~~ or possession is in conformity with the laws of Montana.

BE IT FURTHER RESOLVED that any tribal laws, resolutions or ordinances heretofore enacted which prohibits the ~~sale~~ introduction or possession of intoxicating beverages are hereby repealed.

CERTIFICATION

The foregoing ordinance was on November 23, 1953 duly adopted by a vote of 5 for and 4 against, by the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation a Federal Corporation chartered under the Act of June 18, 1934.

RECEIVED  
JUN 28 1968  
TICKETS DIVISIONS  
BILLINGS AREA OFFICE

Joe Serontiney  
Chairman, Joe Serontiney

William Forsette  
Secretary, William Forsette

Approved - Disapproved  
February 4, 1954  
Date

J. M. Hollington  
J. M. Hollington  
Superintendent

February 4, 1954  
Date signed by Tribal Officers

JUL 1 1968

Memorandum

To: Superintendent, Rocky Boy's Reservation  
From: Office of the Area Director  
Subject: Ordinance No. 1-54

This is in reference to your correspondence of June 18, 1968, which enclosed Ordinance No. 1-54 relating to the application of the Federal liquor laws on the Rocky Boy's Reservation.

It appears that the Chippewa Cree Tribe in fact did pass the ordinance suggested by the Commissioner of Indian Affairs permitting the use and possession but not the sale of intoxicating liquor.

When a tribe adopts an ordinance legalizing intoxicants on the reservation, an original and two copies of the ordinance must be submitted to the Area Office through the Superintendent to be forwarded to the Secretary of the Interior for certification and then published in the Federal Register before such ordinance becomes in effect.

While Ordinance No. 1-54 was duly adopted by the Chippewa Cree Tribe of the Rocky Boy's Reservation and approved by J. W. Wallington, then Superintendent of the Rocky Boy's Reservation, we have no records available that indicate this ordinance was submitted to the Area Office for forwarding to the Secretary of the Interior.

It is suggested that the Chippewa Cree Tribe re-enact an ordinance legalizing the use and possession of intoxicants on their reservation and submit it according to the above procedures. If they wish to include the sale of intoxicants, the enactment must necessarily be in conformity with State law as to licensing of liquor dispensers, fixing of store hours, etc.

(Sgd) Ned O. Thompson  
Assistant

cc: Tribal Operations

Area Director

UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

Rocky Boy's Agency  
Box Eldér, Montana  
59521

June 18, 1968

Memorandum

To: Office of The Area Director  
Attention: Tribal Operations

From: Superintendent, Rocky Boy's Agency

Subject: Ordinance No. 1-54, Chippewa Cree Tribe

RECEIVED

JUN 23 1968

BILLINGS AREA OFFICE

Pursuant to my discussions with Mr. Thompson and Mr. Willett this past week I checked with the Tribal Office to determine whether a copy of this ordinance was available. Mr. Demontiney located a copy in the Tribal office and made it available to me. A copy is enclosed for your review.

It appears that the Chippewa Cree Tribe did pass the model ordinance suggested by the Commissioner of Indian Affairs per letter of September 11, 1953, declining only to permit the sale of alcoholic beverages on the reservation. Since the ordinance was approved by then superintendent J. W. Wellington on February 4, 1954, the Bureau's omission of having the action published in the Federal Register appears to be the fault of the Bureau - unless there was further action required and not taken by the Tribe.

While this should be rectified at earliest possible date, I should mention that the Tribe again contemplates revising this ordinance to provide for the sale of alcoholic beverages in connection with the planned Recreational Complex in the Bear Paw Mountains on the reservation. Your advice in this matter will undoubtedly forestall a recurrence of the present situation where, it appears, that possession of alcoholic beverages on the Rocky Boy's Reservation is not really legal now despite the action of November 23, 1953 by the Tribe.

*Albert W. Trimble*  
Albert W. Trimble  
Superintendent

Covering

OPERATION AND MAINTENANCE OF FEDERALLY FINANCED  
SANITATION FACILITIES

An ordinance requiring full maintenance and sanitary operation of all coverage facilities, domestic or tribal water supplies, garbage, and refuse disposal facilities which were constructed, in whole or in part, with funds supplied by the Federal government.

Now, be it therefore ordained, in accordance with the high standards of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to safeguard the health of the members of the Chippewa Cree Tribe, as follows:

All persons, firms, corporations, householders, groups, or organizations which have, possess, use, or otherwise utilize in any manner any sewerage facilities, appurtenances thereto, garbage and refuse disposal facilities, water wells, pumps, fixtures, or plumbing equipment and appurtenances thereto, which were constructed, in whole or in part, with funds supplied by the Federal government, shall operate such facilities in an approved sanitary manner so as not to create a public health nuisance, and shall fully maintain and repair all equipment, sewerage facilities, and appurtenances thereto, garbage and refuse disposal facilities, water wells, pumps, fixtures, plumbing equipment, and appurtenances thereto, in such a manner as to be operative, and not creating a public health hazard.

The law-enforcing agency for the Chippewa Cree Tribal Council shall be hereby empowered and authorized to enter the premises, dwelling, or housing structure of any person, firm, corporation, group, or organization for the purpose of making inspections pursuant to this ordinance; and it is hereby the duty of every person, firm, corporation, group, or organization to permit free access to all facilities as outlined herein, and to render all aid and assistance necessary to enable the law-enforcing agents of the Chippewa Cree Tribal Council to make a complete inspection, but the privacy of no person may be violated without their consent. However, refusal to permit, without just cause, the desired free access to the proper law-enforcing agent shall constitute a violation of this ordinance.

Any person, firm, corporation, householder, group, or organization, having been found in violation of the intent of this ordinance by the law-enforcing agent, shall be given a specified reasonable time to make the necessary corrections. Such person, firm, corporation, householder, group, or organization who, at the end of this specified period, is still found to be in violation of this ordinance, shall be guilty of a misdemeanor. Upon conviction by the Tribal Court, said violator shall be subject to a fine of not less than \$5.00 nor more than \$100.00, or imprisonment for not more than thirty (30) days; and each day that said condition exists after having been fully advised by the Chippewa Cree law-enforcing agency, and failing to comply with the provisions of this ordinance, shall constitute a separate offense.

*See Res. 47.62*  
*revised*

Covering  
WASTES DISPOSAL

The following is an ordinance requiring the safe disposal of garbage, refuse, and other debris which may create a public health nuisance.

Now, be it therefore ordained in accordance with the high standards of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to safeguard the health of the members of the Chippewa Cree Tribe as follows:

All persons, firms, corporations, households, tribal celebration gatherings, and other groups shall dispose of all body wastes, garbage, trash, refuse, rubbish, and other wastes in such a manner so as not to:

- 1) Contaminate any underground water supply used for domestic purposes;
- 2) Pollute or contaminate the waters of any bathing area, or stream used for public or domestic water supply purposes or for recreational purposes;
- 3) Create a breeding or harborage place for insects or rodents;
- 4) Make such garbage, trash, refuse, rubbish, or other waste accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
- 5) Give rise to a nuisance due to odor or unsightly appearance, or in any way be detrimental to the health, welfare, or well-being of the Rocky Boy's Reservation Indian people.

The law-enforcing agency for the Chippewa Cree Tribal Council shall be hereby empowered and authorized to enter the premises, dwelling, or housing structure of any person, firm, corporation, group, or organization for the purpose of making inspections pursuant to this ordinance; and it is hereby the duty of every person, firm, corporation, group, or organization to permit free access to all facilities as outlined herein, and to render all aid and assistance necessary to enable the law-enforcing agents of the Chippewa Cree Tribal Council to make a complete inspection, but the privacy of no person may be violated without their consent. However, refusal to permit, without just cause, the desired free access to the proper law-enforcing agent shall constitute a violation of this ordinance.

Any person, firm, corporation, householder, group, or organization, having been found in violation of the intent of this ordinance by the law-enforcing agent, shall be given a specified reasonable time to make the necessary corrections. Such person, firm, corporation, householder, group, or organization who, at the end of this specified period, is still found to be in violation of this ordinance, shall be guilty of a misdemeanor. Upon conviction by the Tribal Court, said violator shall be subject to a fine of not less than \$5.00 nor more than \$100.00, or imprisonment for not more than thirty (30)

*See Res. 47-62*

*attached*

days, and each day that said condition exists after having been fully advised by the Chippewa Cree law-enforcing agency, and failing to comply with the provisions of this ordinance, shall constitute a separate offense.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

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

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation hereby certify that the Business Committee is composed of NINE members of whom SEVEN constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 31st day of October, 1962; and that the foregoing resolution was duly adopted at such a meeting by the affirmative vote of SIX members and that the resolution has not been rescinded or amended in any way.

ATTEST:

Thomas L. Hill  
CHAIRMAN, BUSINESS COMMITTEE

Edward Eckerman  
SECRETARY, BUSINESS COMMITTEE

APPROVAL OF SUPERINTENDENT: W. S. Watkins  
SUBMITTED TO SUPERINTENDENT: NOV 9 1962  
Date

W. S. Watkins  
W. S. Watkins, Superintendent.

The Chippewa Cree Tribe of  
the Rocky Boy's Reservation  
Federal Chartered Corporation

AN ORDINANCE TO AMEND ORD 2-62, DATED 11 - 9 - 62, COVERING WASTES

DISPOSAL, WITH ADDITIONS OF REGULATIONS AND DESCRIPTIONS:

WHEREAS, the beauty of the Reservation and the Health of our people are our greatest natural assets, and,

WHEREAS, the unrestricted and insanitary dumping of refuse impairs the beauty of our reservation and the Health of our people, and,

WHEREAS, the concentration of many of our people into community townsites will increase the amount of refuse accumulating therein, unless restricted, now,

THEREFORE BE IT ORDAINED, that the following descriptions and regulations be included in Ord. 2-62:

- 1) REFUSE: Any article or substance which is commonly discarded as waste, or which if discarded, on the ground or into a water-course, will create an unhealthy, insanitary, offensive or unsightly condition
- 2) REFUSE: Includes, but is not limited to the following items:  
Waste food, waste paper and paper products  
Cans, bottles or containers  
Junked household furnishings and equipment  
Junked parts of automobiles and other metallic junk or scrap  
Portions or carcasses of animals  
Collections of ashes, dirt, vegetation cuttings, rubbish or construction waste.
- 3) UNLAWFUL DISPOSAL: of refuse consists of discarding refuse on Tribal or public property in any manner other than in a sanitary landfill or a receptacle provided for the purpose of storage and later removal to a sanitary landfill.  
In an open dump, water drainage, on the roadways, or any place not specifically designated for by the Chippewa-Cree Business Committee or the Rocky Boy's Health Board.
- 4) UNLAWFUL COLLECTION AND TRANSPORTATION shall consist of collection and transportation of refuse originating from an institution or commercial establishment in an uncovered truck or in a way that refuse may be scattered anywhere on Tribal land while in transport.
- 5) VARIANCE: A written request for a variance may be submitted to the Rocky Boy's Health Board to utilize an alternate approved method of incineration. Approval shall be up to the discretion of the Rocky Boy's Health Board.
- 6) ENFORCEMENT: Should a Tribal member wish to report a violation of this Ordinance, the following procedure shall be followed:  
All complaints shall be directed to the Indian health Service Sanitarian  
All complaints will be investigated by this Sanitarian.  
The Sanitarian will submit a written report, if necessary, to the Tribal Court System.  
Upon conviction, a fine will be levied of Fifteen (15.00)

## ORDINANCE

Covering

### WASTES DISPOSAL

The following is an ordinance requiring the safe disposal of garbage, refuse, and other debris which may create a public health nuisance.

Now, be it therefore ordained in accordance with the high standards of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to safeguard the health of the members of the Chippewa Cree Tribe as follows:

All persons, firms, corporations, households, tribal celebration gatherings, and other groups shall dispose of all body wastes, garbage, trash, refuse, rubbish, and other wastes in such a manner so as not to:

- 1) Contaminate any underground water supply used for domestic purposes;
- 2) Pollute or contaminate the waters of any bathing area, or stream used for public or domestic water supply purposes or for recreational purposes;
- 3) Create a breeding or harborage place for insects or rodents;
- 4) Make such garbage, trash, refuse, rubbish, or other waste accessible to insects, rodents, or other possible carriers of disease which may come into contact with food or drinking water;
- 5) Give rise to a nuisance due to odor or uncleanly appearance, or in any way be detrimental to the health, welfare, or well-being of the Rocky Boy's Reservation Indian People.

The law-enforcing agency for the Chippewa Cree Tribal Council shall be hereby empowered and authorized to enter the premises, dwelling, or housing structure of any person, firm, corporation, group, or organization for the purpose of making inspections pursuant to this ordinance; and it is hereby the duty of every person, firm, corporation, group, or organization to permit free access to all facilities as outlined herein, and to render all aid and assistance necessary to enable the law-enforcing agents of the Chippewa Cree Tribal Council to make a complete inspection, but the privacy of no person may be violated without their consent. However, refusal to permit, without just cause, the desired free access to the proper law-enforcing agent shall constitute a violation of this ordinance.

Any person, firm, corporation, householder, group, or organization, having been found in violation of the intent of this ordinance by the law-enforcing agent, shall be given a specified reasonable time to make the necessary corrections. Such person, firm, corporation, householder, group, or organization who, at the end of this specified period, is still found to be in violation of this ordinance, shall be guilty of a misdemeanor. Upon conviction by the Tribal Court, said violator shall be subject to a fine of not less than \$5.00 nor more than \$100.00, or imprisonment for not more than thirty (30)

days; and each day that said condition exists after having been fully advised by the Chippewa Cree law-enforcing agency, and failing to comply with the provisions of this ordinance, shall constitute a separate offense.

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

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

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation hereby certify that the Business Committee is composed of NINE members of whom SEVEN constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 31st day of October, 1962; and that the foregoing resolution was duly adopted at such a meeting by the affirmative vote of SIX members and that the resolution has not been rescinded or amended in any way.

ATTEST:

s/ Theodore LaMere  
CHAIRMAN, BUSINESS COMMITTEE

s/Edward Hagleman  
SECRETARY, BUSINESS COMMITTEE

ACTION OF SUPERINTENDENT: Noted  
SUBMITTED TO SUPERINTENDENT 11/9/62  
date

The Chippewa Cree Tribe of  
the Rocky Boy's Reservation  
Federal Chartered Corporation

s/w. S. Watkins  
W. S. Watkins, Superintendent.

TO AMEND ORD 2-~~00~~4 THE ADDITION OF THE ~~00~~ FOLLOWING REGULATIONS AND DESCRIPTIONS:

~~RESOLUTION OF THE CHIPPEWA CREE TRIBE~~

~~## REGULATION AGAINST UNLAWFUL DISPOSAL OF REFUSE~~

WHEREAS:

- 1) The beauty of the Reservation and the health of our people are our greatest natural assets and
- 2) The unrestricted and insanitary dumping of refuse impairs the beauty of our reservation and the health of our people and
- 3) The concentration of many of our people into community town sites will increase the amount of refuse accumulating therein, unless restricted.

NOW THEREFORE BE IT RESOLVED THAT THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE ADOPT THE FOLLOWING ORDINANCE:

- 1) REFUSE means any article or substance
  - A. which is commonly discarded as waste, or
  - B. Which if discarded on the ground or into a watercourse, will create an unhealthy, insanitary, offensive or unsightly condition.
- 2) REFUSE includes but is not limited to the following items:
  - A. Waste food waste paper and paper products
  - B. Cans bottles or containers
  - C. Junked household furnishings and equipment
  - D. Junked parts of automobiles and other metallic junk or scrap
  - E. Portions or carcasses of animals
  - F. Collections of ashes, dirt, vegetation cuttings, rubbish or construction waste.
- 3) UNLAWFUL DISPOSAL of refuse consists of discarding refuse

A. On Tribal or public property in any manner other than in a sanitary landfill or a receptacle provided for the purpose of storage and later removal to a sanitary landfill.

B. In an open dump, water drainage, on the roadways, or any place not specifically designated for by the Chippewa Cree Health Board.

4) UNLAWFUL COLLECTION AND TRANSPORTATION shall consist of collection and transportation of refuse originating from an institution or commercial establishment in an uncovered truck or in a way that refuse may be scattered anywhere on Tribal land while in transport.

5) VARIANCE A written request for a variance may be submitted to the Chippewa Cree Tribal Health Board to utilize an alternate approved method of incineration. Approval shall be up to the discretion of the Chippewa Cree Tribal Health Board.

6) ENFORCEMENT Should a Tribal member wish to report a violation of this ordinance the following procedure shall be followed:

A. All complaints shall be directed to the Indian Health Service Sanitarian.

B. All complaints shall be investigated by the sanitarian.

C. The sanitarian will submit a written report, if necessary, to the Tribal court.

D. Upon any conviction, a fine will be levied of (\$15) fifteen dollars for each violation.

TRIBAL ORDINANCE

1 Pursuant to the authority vested in the Chippewa  
 2 Cree Tribe, by its Constitution, and particularly by  
 3 Article VI, Sections 1 g. thereof, and its authority to  
 4 provide for the health, safety, morals and welfare of  
 5 the Tribe, the Tribal Council of the Chippewa Cree Trib  
 6 hereby charters a public corporation known as the Chippewa  
 7 Cree Housing Authority (hereinafter referred to as the  
 8 Authority), and enacts this ordinance which shall constitute  
 9 the charter of the Authority.

10 In any suit, action or proceeding involving the  
 11 validity or enforcement of or relating to any of its  
 12 contracts, the Authority shall be conclusively deemed  
 13 to have become established and authorized to transact  
 14 business and exercise its powers upon proof of the  
 15 existence of this ordinance. A copy of the ordinance duly certified  
 16 by the Secretary of the Council shall be admissible  
 17 evidence in any suit, action or proceeding.

I. Declaration of Necessity

It is hereby declared:

18 a. That there exist on the Rocky Boy's Reservation  
 19 insanitary, unsafe, and overcrowded dwelling accommodations;  
 20 that there is a shortage of safe or sanitary dwelling  
 21 accommodations available at rents or prices which persons  
 22 of low income can afford; and that such shortage forces  
 23 such persons to occupy insanitary, unsafe and overcrowded  
 24 dwelling accommodations;

25 b. That these conditions constitute an increase in and  
 26 spread of disease and crime and constitute a menace to  
 27 the health, safety, morals and welfare of the residents  
 28 of the Reservation; that these conditions necessitate  
 29 excessive and disproportionate expenditures of public  
 30 funds for crime prevention and punishment; public health  
 31 and safety measures;

1 and safety protection, fire and accident prevention, and  
2 other public services and facilities;

3 c. That these slum areas cannot be cleared, nor can  
4 the shortage of safe and sanitary dwellings for persons  
5 of low income be relieved through the operation of private  
6 enterprise;

7 d. That the clearance, replanning and preparation  
8 for rebuilding of these areas and the providing of safe  
9 and sanitary dwelling accommodations for persons of low  
10 income are public uses and purposes for which public  
11 money may be spent and private property acquired and  
12 governmental functions of Tribal concern;

13 e. That residential construction activity is an  
14 important factor to general economic activity and that  
15 the undertakings authorized by this ordinance to aid the  
16 production of better housing and more desirable neighborhoods  
17 and community development at lower costs will make possible  
18 a more stable and larger volume of residential construction  
19 activity which will assist materially in maintaining full  
20 employment; and

21 f. That the necessity in the public interest for  
22 the provisions hereinafter enacted is hereby declared  
23 as a matter of legislative determination.

## 24 II. Purpose

25 The Authority shall be organized and operated for the  
26 purposes of:

27 a. Remedying on the Reservation unsafe and insanitary  
28 housing conditions, that are injurious to the public health,  
29 safety and morals;

30 b. Alleviating the acute shortage of decent, safe and  
31 sanitary dwellings for families of low income; and

32 c. Providing employment opportunities on the Reservation.

1 through the construction, reconstruction, improvement,  
2 extension, alteration or repair and operation of low-  
3 dwellings.

### 4 III. Definitions

5 The following terms, wherever used or referred to in  
6 this ordinance shall have the following respective meanings,  
7 unless a different meaning clearly appears from the context.

8 a. "Board" means the Board of Commissioners of the  
9 Authority.

10 b. "Council" means The Rocky Boy's Business Committee.

11 c. "Federal government" includes the United States  
12 of America, the Public Housing Administration, or any  
13 other agency or instrumentality, corporate or otherwise,  
14 of the United States of America.

15 d. "Slum" means any area where dwellings predominate  
16 which by reason of dilapidation, overcrowding, faulty  
17 arrangement or design, lack of ventilation, light or  
18 sanitary facilities, or any combination of these factors,  
19 are detrimental to safety, health and morals.

20 e. "Housing project" or "project" means any work  
21 or undertaking: (1) to demolish, clear, or remove buildings  
22 from any slum area; or (2) to provide or assist in providing  
23 (by any suitable method, including but not limited to:  
24 rental; sale of individual units in single or multi-family  
25 structures under conventional condominium, or cooperative  
26 sales contracts; lease-purchase agreements; loans; or  
27 subsidizing of rentals on charges, decent, safe, and  
28 sanitary dwellings, apartments, or other living accommodations  
29 for persons of low income; or (3) to accomplish a combination  
30 of the foregoing. Such work or undertaking may include  
31 buildings, land, leaseholds, equipment, facilities, and  
32 other real or personal property for necessary, convenient,

1 or desirable appurtenances, for streets, sewers, water  
2 service, utilities, parks, site preparation or landscaping,  
3 and for administrative, community, health, recreational,  
4 welfare, or other purposes. The term "housing project"  
5 or "project" also may be applied to the planning of the  
6 buildings and improvements, the acquisition of property  
7 or any interest therein, the demolition of existing  
8 the construction, reconstruction, rehabilitation, addition  
9 or repair of the improvements or other property and all  
10 other work in connection therewith, and the term shall  
11 include all other real and personal property and all  
12 tangible or intangible assets held or used in connection  
13 with the housing project.

14 f. "Persons of low income" means persons or families  
15 who lack the amount of income which is necessary (as  
16 determined by the Authority) to enable them, without  
17 assistance, to live in decent, safe, and sanitary dwellings  
18 without overcrowding.

19 g. "Bonds" means any bonds, notes, interim certificates,  
20 debentures, or other obligations issued by the Authority  
21 pursuant to this ordinance.

22 h. "Obligee" includes any bondholder, agent or trustee  
23 for any bondholder, lessor conveying to the Authority  
24 property used in connection with a project, or any partner  
25 or assignee of such lessor or interest or any part thereof,  
26 and the Federal government when it is a party to any contract  
27 with the Authority in respect to a housing project.

#### 28 IV. Organization

29 1. The affairs of the Authority shall be managed by a  
30 Board of Commissioners composed of five persons.

31 a. The Board members shall be appointed, and may  
32 be reappointed, by the Council. A certificate of the

1 Secretary of the Council as to the appointment or removal  
2 of any commissioner shall be conclusive evidence of the  
3 due and proper appointment of the commissioner.

4 b. The term of office shall be four years and afterwards  
5 When the Board is first established one member's term shall  
6 be designated to expire in one year, another to expire in  
7 two years, a third to expire in three years, and the  
8 two in four years. Thereafter all appointments shall be  
9 for four years, except that in the case of a prior vacancy  
10 an appointment shall be only for the length of the unexpired  
11 term. Each member of the Board shall hold office until his  
12 successor has been appointed and has qualified.

13 c. The Council shall name one of the commissioners as  
14 Chairman of the Board. The Board shall elect from among  
15 its members a Vice-Chairman, a Secretary, and a Treasurer,  
16 and any member may hold two of these positions. In the  
17 absence of the Chairman, the Vice-Chairman shall preside; and in the  
18 absence of both the Chairman and Vice-Chairman, the Secretary  
19 shall preside.

20 d. The Council may remove any member of the Board at any  
21 time.

22 e. The commissioners shall not receive compensation  
23 for their services but shall be entitled to compensation  
24 for expenses, including traveling expenses, incurred in the  
25 discharge of their duties.

26 f. Three members of the Board shall constitute a quorum  
27 for the transaction of business, notwithstanding the existence  
28 of any vacancies.

29 g. The Secretary shall keep complete and accurate records  
30 of all meetings and action taken by the Board.

31 h. The Treasurer shall keep full and accurate financial  
32 records, make periodic reports to the Board and submit

1 complete annual report, in written form, to the Council  
2 required by Article VII, Section 2, of this Ordinance.  
3 The Treasurer shall be bonded in such amount as may be  
4 by the Council or by any agreement to which the Authority  
5 is a party.

6 2. The Board shall have authority to exercise, by a  
7 vote of those present and voting, any and all powers  
8 to the Authority by this ordinance or any amendments  
9 except as provided in Article VII, Section 5a, for  
10 of bond resolutions.

11 3. Meetings of the Board shall be held at regular  
12 as provided in the bylaws. Previous meetings may be  
13 upon 24 hours actual notice and business transacted  
14 that three or more members consent in the proposed

#### 15 V. Powers

16 1. The Authority shall have perpetual succession in  
17 corporate form.

18 2. The Authority shall have the following powers which  
19 it may exercise consistent with the purposes for which  
20 established:

21 a. The Council hereby gives the irrevocable consent to  
22 allowing the Authority to sue and be sued in its corporate  
23 name, upon any contract, claim or obligation arising out of  
24 its activities under this Ordinance and hereby authorizes  
25 the Authority to agree by contract to waive any claim  
26 from suit which it might otherwise have; but the Authority  
27 not be liable for the debts or obligations of the Authority,  
28 except insofar as expressly authorized by this ordinance.

29 b. To adopt and use a corporate seal.

30 c. To enter into agreements, contracts and understandings  
31 with any governmental agency, Federal, State or local (including  
32 the Council) or with any person, partnership, corporation,

ROLL

CHANGE ROLL

1 or Indian tribe; and to agree to any condition  
 2 to Federal financial assistance. Notwithstanding  
 3 to the contrary contained in this ordinance  
 4 provision of law, to agree to any condition  
 5 Federal financial assistance relating to the  
 6 of prevailing salaries or wages or payment of not less  
 7 prevailing salaries or wages or compliance with labor  
 8 standards in the development or administration of  
 9 and to include in any contract let in connection with  
 10 project stipulations requiring that the contractor or  
 11 any subcontractor comply with requirements as to mini-  
 12 mistic wages and maximum hours of labor and  
 13 with any conditions which the Federal govern-  
 14 attached to the financial aid of the project  
 15 contract with the Federal government for an  
 16 to the Authority, the Authority may obligate  
 17 convey to the Federal government possession  
 18 to the project to which such contract relates  
 19 occurrence of a substantial default (as defined in such  
 20 contract) with respect to the covenant or stipulations  
 21 which the Authority is subject and such contractor may  
 22 provide that in case of such occurrence, the Federal  
 23 government may complete, operate, convey, lease, convey or  
 24 deal with the project and funds in accordance with the  
 25 terms of such contract: Provided, that the contractor  
 26 that, as soon as practicable after the Federal government  
 27 is satisfied that all defaults with respect to the project  
 28 have been cured and that the project will thereafter  
 29 operate in accordance with the terms of the contract,  
 30 the Federal government shall reconvey to the Authority  
 31 the project as then constituted. It is the intent  
 32 intent of this ordinance to authorize the Authority to do

CHANGE ROLL

CHANGE ROLL

CHANGE ROLL

CHANGE ROLL

NGE ROLL

any and all things necessary or desirable for the financial aid or cooperation of the Federal Government in the undertaking, construction, maintenance or completion of any project by the Authority.

d. To lease property from the tribes and others to such persons as are authorized by law, and to hold such property or to sublease the same.

e. To borrow money; to issue temporary or permanent evidence of indebtedness; and to issue the same. Certificates shall be issued and remain in accordance with the provisions of Section VI of this ordinance.

f. To pledge the assets and receipts of the Authority as security for debts and to receive or hold any property transferred or assigned personal property or interests therein.

g. To purchase land or interests in land, or to lease same by gift to lease land or interests therein, in the manner and to the extent provided by law.

h. To undertake or carry out studies and analyses of the housing needs of the Reservation, to prepare plans, to execute the same, to execute projects and to provide the construction, reconstruction, improvement, extension, alteration or repair of any project or any thereof.

i. To lease, rent, sell, or dispose with option to purchase any dwellings, recreation buildings, hotels, or facilities embraced within any project; to establish, revise rules; and to make rules and regulations concerning the occupancy, rental, care and maintenance of low-rent housing units. Such rules and regulations may establish priorities for the admission of tenants, and provide for the eviction of tenants for failure to pay rent, for failure to comply with rules and regulations, or for any other cause.

CHANGE ROLL

CHANGE ROLL

CHANGE ROLL

CHANGE ROLL

U

1 maintain the premises in satisfactory condition.

2 The Board shall insure that dwelling accommodations  
3 in a housing project shall be made available only to  
4 of low income at rentals within their financial reach.

5 (A) establishing lower than average rentals for any  
6 needy families, and (B) by establishing income limits  
7 admission and continued occupancy by low income families.

8 In making these determinations, the Board may take into  
9 consideration family size, composition, age, physical  
10 handicaps or other factors which might affect the affor-  
11 dability of the family to pay rental and shall consider  
12 as well such economic factors as may affect the finan-  
13 cial stability and solvency of the project.

14 j. To purchase insurance in any state or territory  
15 for any property or against any risks or hazards.

16 k. To invest such funds as are not required for  
17 disbursements.

18 l. To establish and maintain such bank accounts  
19 may be necessary or convenient.

20 m. To employ an executive director, technical and  
21 maintenance personnel and all other officers and em-  
22 ployees permanent or temporary, as may be required and to delegate  
23 to such officers and employees such powers or duties as  
24 the Board shall deem proper.

25 n. To take such further action as may be necessary  
26 in by corporate bodies of this character as may be  
27 deemed necessary and desirable to accomplish the purposes of  
28 the Authority.

29 o. To adopt such bylaws as the Board deems necessary  
30 and appropriate.

31 3. No ordinance or other enactment of the Tribe with respect  
32 to the acquisition, operation or disposition of Tribal

property shall be applicable to the Authority in its  
pursuant to this ordinance unless the Council shall  
call so state.

#### VI. Bonds

1. The Authority may issue bonds from time to time in  
discretion for any of its corporate purposes and may  
issue refunding bonds for the purpose of refunding  
bonds previously issued by it. The Authority may issue  
such types of bonds as it may determine, including  
on which the principal and interest are payable  
exclusively from the income and revenues of the project  
financed with the proceeds of such bonds, or with such  
income and revenues together with a grant from the Federal  
government in aid of such projects; (b) exclusively from  
the income and revenues of certain designated projects  
whether or not they were financed in whole or in part with  
the proceeds of such bonds; or (c) from its revenues.  
Any of such bonds may be additionally secured by a portion  
of any revenues of any projects, projects or other property  
of the Authority.

2. Neither the commissioner of the Authority nor any person  
creating the bonds shall be liable personally on the  
bonds by reason of the issuance thereof.

3. The bonds and other obligations of the Authority shall  
not be a debt of the Trib and the bonds and obligations  
shall so state on their face.

4. Bonds of the Authority are declared to be issued for  
an essential public and governmental purpose and to be  
public instrumentalities and, together with interest thereon  
and income therefrom, shall be exempt from taxes. The  
tax exemption provisions of this ordinance shall be considered  
part of the security for the repayment of bonds and shall

constitute, by virtue of this ordinance and without  
of being restated in the bonds, a contract between  
the Authority and the Tribe, and (b) the bonds issued  
each of them, including all the provisions of the bonds  
time to time.

5. Bonds shall be issued and sold in the following manner:

a. Bonds of the Authority shall be issued only upon  
a resolution adopted by the Board of Directors of  
of the Board and may be issued in such denominations and

b. The bonds shall bear interest at such rate or rates  
time, bear interest at such rate or rates in such form  
be in such form, either coupon or registered, or  
conversion or registration preferred, and in such  
priority, be executed in such form, by or for the  
medium of payments, at such places and be subject to  
terms of redemption, with or without premium, as the  
Board may provide.

c. The bonds may be sold to public or private  
at not less than par.

d. In case any of the commissioners of the Authority  
whose signatures appear on any bonds or coupons issued  
commissioners before the delivery of such bonds, the  
shall, nevertheless, be valid and sufficient for all  
the same as if the commissioner had remained in office  
delivery.

6. Bonds of the Authority shall be fully negotiable.  
suit, action or proceedings involving the validity or  
enforcement of any bond of the Authority or the security  
any such bond reciting in substance that it has been issued  
by the Authority pursuant to this ordinance shall be  
conclusively deemed to have been issued for such purposes  
and the project for which such bond was issued shall be

conclusively deemed to have been obtained, located and  
cut in accordance with the purposes and provisions of  
this ordinance.

7. In connection with the issuance of bonds or other  
of obligations under leases and in order to secure  
of such bonds or obligations, the Authority, subject  
limitations in this ordinance, shall:

a. Pledge all or any part of the proceeds of  
fees or revenues to which its title then exists and  
thereafter come into existence.

b. Provide for the powers and duties of officers  
limit their liabilities; and provide the manner and  
on which such obligations may and may not be secured,  
securing or relating to the bonds.

c. Covenant against pledging all or any part of  
rents, fees and revenues or present mortgaging any  
of its real or personal property to which its title  
right then exists; and any thereafter come into existence  
permitting or suffering any lien on such revenues or

d. Covenant with respect to limitations on its  
to sell, lease or otherwise dispose of any project or  
part thereof.

e. Covenant as to what or any or additional debts  
obligations may be incurred by it.

f. Covenant as to the bonds to be issued and as to  
the issuance of such bonds in cash or otherwise, and  
the use and disposition of the proceeds thereof.

g. Provide for the replacement or lost, destroyed  
or mutilated bonds.

h. Covenant against extending the time for the payment  
of its bonds or interest thereon.

i. Redeem the bonds and covenant for their redemption.

and provide the terms and conditions thereof.

j. Covenant concerning the use of moneys raised in the operation of a project or projects, the moneys raised each year or other period of time by bonds and other revenues, and as to the use and disposition to be made thereof.

k. Create or authorize the creation of special accounts for moneys held for construction or operating costs, service, reserves or other purposes, and govern the use and disposition of the moneys held in such funds.

l. Prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended, and the proportion of outstanding bonds the holders of which must consent thereto, and the interest in which such consent may be given.

m. Govern as to the use, maintenance and repair of its real or personal property, the insurance to be thereon and the use and disposition of insurance moneys.

n. Covenant as to the rights, liabilities, powers, duties arising upon the breach by it of any covenant, condition or obligation.

o. Covenant and prescribe as to events of default, terms and conditions upon which any or all of its bonds or obligations become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be avoided.

p. Vest in any obligee or any proportion of the bonds the right to enforce the payment of the bonds or any covenants securing or relating to the bonds.

q. Provide all or any part of a combination of the powers granted in this section.

r. Make covenants other than and in addition to those

1 covenants expressly authorized in this section, or in  
2 or different character.

3 s. Make any covenants and do any acts and things  
4 necessary or convenient or desirable in order to  
5 its bonds, or, in the absolute discretion of the Authority  
6 tending to make the bonds more marketable although  
7 covenants acts or things are not enumerated in this

#### 8 VII. Miscellaneous

9 1. The Authority shall submit a detailed annual report  
10 signed by the Chairman of the Board, to the Council:

11 (a) the names of occupants of all the housing units,  
12 the number of vacancies, if any. (c) the status of  
13 tion, maintenance and repair of all housing units, and  
14 (d) such other information as the Authority or the Council  
15 shall deem pertinent.

16 2. During his tenure and for one year thereafter, no  
17 officer or employee of the Authority shall voluntarily acquire  
18 interest, direct or indirect in any project or in any  
19 property included or planned to be included in any project  
20 or in any contract or proposed contract relating to  
21 project. If any such officer or employee involuntarily  
22 acquires any such interest, or voluntarily or involuntarily  
23 acquires any such interest prior to appointment or election  
24 as an officer or employee, the officer or employee, in  
25 such event, shall immediately disclose his interest in  
26 writing to the Authority and such disclosure shall be  
27 entered upon the minutes of the Authority, and the officer  
28 or employee shall not participate in any action by the  
29 Authority relating to the property or contract in which  
30 he has any such interest. Any violation of the foregoing  
31 provisions of this section shall constitute misconduct in  
32 office. This section shall not be applicable to the

1 acquisition of any interest in any real estate  
2 Authority incurred in connection with the  
3 execution of agreements by local municipalities  
4 deposit or handling of funds in connection with  
5 or to act as trustee under any trust, independent  
6 services the rates for which shall be fixed or controlled  
7 a governmental agency.

3. All projects of the Authority shall be subject to  
4 planning, zoning, sanitary or building regulations  
5 to the locality in which the proposed project is situated.

4. The Authority shall not conduct or operate any  
5 for profit.

5. The property of the Authority is declared to be  
6 property used for essential public and governmental  
7 and such property and the Authority are exempt from  
8 taxes and special assessments of the Village.

6. All property including land owned or held by  
7 Authority pursuant to this ordinance shall be exempt  
8 levy and assessed by a rate of an assessment, and no  
9 or other judicial process shall issue against the  
10 nor shall any judgment against the Authority be a  
11 or lien upon any property of the Authority, however, that  
12 provisions of this ordinance shall not apply to or  
13 right of obligees to pursue any remedies for the  
14 of any pledge or lien given by the Authority or  
15 fees or revenues or the right of the Federal Government  
16 pursue any remedies conferred upon it pursuant to the  
17 provisions of this ordinance.

18 VIII. Cooperation in Connection with Projects

19 1. For the purpose of aiding and cooperating in the planning  
20 undertaking, construction or operation of projects, the  
21 Chippewa Cree Tribe agrees that

1 a. It will not levy or impose any tax or other  
2 property taxes or special assessments for the purpose of  
3 any project.

b. It will furnish or cause to be furnished to  
4 Authority and the Secretary of the Board all necessary  
5 facilities of the same character as those provided for  
6 on the State's jurisdiction from time to time and from  
7 change to other dwellings, and shall cause the same to be

8 c. Transfer or its any land, or any other property,  
9 such deviations from any provisions of the laws of  
10 of the State as are necessary or necessary to provide  
11 economy and efficiency in the construction and  
12 of any project, and all the same shall be subject to  
13 safety, and make such changes in the location of the  
14 and surrounding territories of a project as may be  
15 and necessary for the development and presentation of  
16 projects and the surrounding territories.

17 d. It shall do and shall cause to be done all  
18 powers, no matter how convenient, and shall cooperate  
19 the planning, undertaking, construction and operation  
20 projects.

21 e. It will join in any other project of project  
22 or interest therein by the Authority and shall jointly  
23 or other subordinate departments in the development  
24 or permitted law, when such law is necessary  
25 to grant the maximum interest therein permitted by the

26 2. This section will not be amended, changed,  
27 modified without the consent of the Public Housing  
28 Administration.

29 3. The State declares its intent to use its lawful  
30 powers, to the extent possible, to eliminate waste and  
31 insanitary dwelling units on the State's territory, as added

1 dwellings are provided by projects of the Authority.

2 3. The provisions of paragraph 1 of this section shall

3 remain in effect with respect to any project as long as

4 project is either (i) owned by a public body or governmental

5 agency and is used for low-rent housing purposes (ii)

6 contract between the Authority and the Public Housing

7 Administration for loans or special contributions, or

8 in connection with such project remains in force and

9 or (iii) any bonds issued in connection with such project

10 or any moneys due to the Public Housing Administration

11 in connection with such project remain unpaid, whichever

12 is the longest. If at any time title to, or possession

13 of any project is held by any public body or governmental

14 agency and the project is used for low-rent housing

15 purposes, the provisions of this section shall apply to

16 such project as if it were owned by a public body or

17 governmental agency and is used for low-rent housing

18 purposes.

19

20

21

22

23

AN ORDINANCE

To recognize enrolled members residing in Great Falls and Havre as residents of the Rocky Boy's Reservation, Montana

WHEREAS, this Corporation is a Federal Chartered Corporation as defined by the Indian Reorganization Act Of June 18, 1934 and under its charter, Constitution and By-laws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts and agreements of every description not inconsistent with law or of the provisions of its charter, AND

WHEREAS, there are a number of members now residing in the cities of Havre and Great Falls, Montana who cannot be considered as non-residents as they take part in all tribal activities and are usually residing outside of the exterior boundaries of the Rocky Boy's Reservation due to no housing available to them here and there is very little employment opportunities on the reservation, AND

WHEREAS, these people residing in the above named cities wish to be recognized as residents of the Rocky Boy's Reservation so as to be able to be included in reservation programs of Health, Education, enrollment of their children, etc., NOW

THEREFORE BE IT RESOLVED that enrolled members residing in the cities of Great Falls and Havre, Montana be hereby recognized as residents of the Rocky Boy's Reservation and be accorded the privilege of enrolling children provided

CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE Members of whom 9 members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 15 day of Nov. -1963; and the foregoing resolution was duly adopted at such meeting by the affirmative vote of 9 members and 0 against and that the foregoing resolution has not been rescinded or amended in any way.

ATTEST:

Joe Hemontney  
Chairman, Business Committee

Joseph R. Rosette  
Secretary, Joseph Rosette

NOTED \_\_\_\_\_  
APPROVED \_\_\_\_\_  
DISAPPROVED \_\_\_\_\_

Received \_\_\_\_\_  
Forwarded \_\_\_\_\_  
Superintendent, Rocky Boy's Reservation

AN ORDINANCE TO CONTROL FIRES ON THE ROCKY BOY'S RESERVATION

WHEREAS the Chippewa Cree Tribe of the Rocky Boy's Reservation is a duly constituted tribe under the provisions of the Indian Reorganization Act of June 18, 1934, and  
WHEREAS the Business Committee of the Chippewa Cree Tribe is authorized in Article VI, section 1, sub-paragraph (1) of the Tribal Constitution to promulgate and enforce ordinances for the maintenance of law and order, and  
WHEREAS it is deemed essential that action be taken to control fires of any nature and source, to protect the property of individual tribal members and of the Tribe,

IT IS THEREFORE BE IT ORDAINED:

That effective with the approval of this ordinance the following rules and regulations shall be observed in connection with burning grass, refuse, or other material.

1. Any persons proposing to burn grass, stubble, garden plots or other tracts shall be required to obtain a written burning permit, no charge, from the Rocky Boy's Agency Office, in order that Agency staff can be notified to stand by with fire equipment during the burning, if necessary, to avert the possibility of the fire going out of control. Permits should be obtained during regular office hours

2. Any persons burning garbage, refuse or other materials shall burn such materials only in a pit or an adequate incinerator.

IT IS FURTHER ORDAINED that any Indian resident in violation of the rules and regulations above set forth shall be subject to arrest and trial in the Tribal Court, and if found guilty shall be fined not to exceed \_\_\_\_\_

It is hereby ordered and directed that this ordinance shall become a part of the Tribal Law and Order Code.

The Chairman and Secretary of the Business Committee are hereby authorized to sign this ordinance

CERTIFICATION

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom 7 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 15th day of April, 1966; and that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 4 and 2 against, and that the ordinance has not been rescinded or amended in any way.

Alvin M. ...  
Chairman, Business Committee

William M. ...  
Secretary, Business Committee

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Action of Superintendent

\_\_\_\_\_  
Action of Area Director

\_\_\_\_\_  
Area Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## AN ORDINANCE

Governing the Conduct of Elections of the Chippewa Cree  
Tribe of the Rocky Boy's Reservation, Montana.

THAT the Chippewa Cree Tribe of the Rocky Boy's Reservation is a duly constituted  
Tribe, organized under provisions of the Indian Reorganization Act of June 18,  
1934, and

THAT the Constitution and By-Laws of said Tribe as approved November 23, 1935, sets f  
forth in Article IV, Elections and Nominations, certain provisions for the conduct of  
elections, but does not cover all matters involved in the conduct of such elec-  
tions, and

THAT Section 9 of Article IV states that "All elections shall be held in accordance  
with the rules and regulations laid down by the Business Committee" and

THAT the Business Committee this is empowered to set forth rules, regulations and  
provisions not adequately covered by Article IV of the Tribal Constitution:

WHEREFORE BE IT ORDAINED:

That all Tribal elections, general or special, shall be conducted in accordance  
with Article IV of the Tribal Constitution, which Article is repeated herewith in its  
entirety for the guidance of voters and election officials:

Section 1. Any resident member twenty-one years of age at the time of election shall  
be eligible to vote at any general election.

Section 2. General elections of district representatives shall be by districts, and  
the Business Committee shall designate the polling places for each district.

Section 3. All voting shall be by secret ballot.

Section 4. Members to be eligible for office or representatives must have the fol-  
lowing qualifications:

"District Representative must be a member (man or woman) who has resided two  
years on his or her selection or the selection of his or her husband and within the  
last two years immediately prior to election and must be at least 25 years of age.  
Representative at Large must be a member at least 65 years of age.

Section 5. Any man or woman eligible to become a member of the Business Committee  
desires to run for office shall register with the Secretary of the Business Commit-  
tee as a candidate fifteen days before date of election, and a list of candidates shall  
be posted in each district.

Section 6. Each district shall elect its district representatives and the reserva-  
tion as a whole shall elect the Representative at Large.

Section 7. The candidate receiving the largest number of votes shall be elected.

Section 8. Elected representative shall enter office fourteen days from the date of  
general election.

tion 9. All elections shall be held in accordance with the rules and regulations  
down by the Business Committee "

tion 10. The Business Committee shall be the sole judge of the qualifications of  
members."

Inasmuch as Section 1, Article 4, does not define "resident member" in giving the  
qualifications of voters, and inasmuch as a firm and continuing definition of "resident  
member" is desired, it is ordained that a "resident member" shall be an enrolled member  
who has resided on the Socky Boy's Reservation for at least 12 months immediately prior  
to the election. An individual who is known to make his home on the reservation but  
may have left the reservation for a period of time in order to work or seek employ-  
ment within the 12 months preceding the election, shall be regarded as a reservation  
resident and shall be entitled to vote. This provision also shall apply to his wife or  
adult members of his family. Such individuals shall be entitled to vote by ab-  
sente ballot if they so desire, by making application for absentee ballots to the Busi-  
ness Committee. Absentee ballots shall be returned by the voter in sealed envelopes,  
addressed on the outside to "Judges of Election, Chippewa Cree Tribe," and shall carry  
on the outside the name of the district from which the vote is to be cast. Envelopes  
received shall be placed by the judges in the proper ballot box, and opened at the  
time the votes are tallied.

Inasmuch as Section 4, Article 4, is subject to two interpretations as to its  
meaning, and a clear-cut definition is desirable, it is determined that the qualifica-  
tion of a district candidate shall be as follows:

(a) A person, man or woman, at least 25 years of age, who at some time in the  
past shall have lived on his or her selection or the selection of his wife or  
husband. It is not necessary that the selection be in the district of the  
candidate's residency at the time of the election.

(b) It is required that any candidate for district representative shall have  
been a resident of the District for which he is running for at least two years  
prior to the election, regardless of the location of his selection.

(c) It is required that the Representative at Large be a person who at some  
time in the past has lived for two years or more on his selection or the selection  
of his wife or husband, but it is not necessary that he be living on a selection  
at the time of the election.

(d) Inasmuch as Section 10 of Article 4 of the Constitution states that the  
Business Committee shall be the sole judge of the qualifications of its members,  
notice is given herewith that the Business Committee shall deem as being not  
qualified for representative any person who has within two years preceding the  
election been excluded from the committee for neglect of duty, or found guilty  
in any court of a felony or misdemeanor involving dishonesty.

Because it is required that candidates run from the districts in which they reside,  
regardless of the location of their selections, it shall also be required that voters  
for candidates in the district of the voters' actual residence, rather than the  
district in which their selections are located, if they reside in districts other than  
the one where their selections are located.

Section 5 of Article 4 states that a list of candidates shall be posted in each  
district, but does not state specifically where such lists shall be posted. The posting  
shall be as follows:

Sangrey District	<u>Sangrey School</u>
Haystack District	<u>At Mission</u>
Parker District	<u>Old School House</u>
Duck Creek District	<u>Pastime</u>
Sandy Creek District	<u>Box Elder Post Office</u>

In addition to the above, notices shall be posted on the bulletin boards at Boy's Agency and Rocky Boy's Public Health Center.

Section 9, Article IV, authorizes the Business Committee to set forth rules and regulations for the conduct of elections. The following rules and regulations not specifically covered above shall apply to all future elections, general or special, subject to change or revision by the Business Committee:

(a) At least one week prior to each general or special election, the Business Committee shall appoint three judges and two clerks for the election. Duties of the judges and clerks shall be:

1. Judges shall be required to determine the qualifications of voters, to make certain that voters are of the proper age and are properly enrolled, and are residents of the reservation and of the district from which they are voting as set forth in (4) above.

2. Judges will be required to maintain order at the voting place, to prevent loitering at the voting place, and to prevent solicitation of votes at the voting place or within 50 yards of the voting place.

3. Judges will be required to see that persons who cannot read or write, and who require assistance in voting, receive such assistance from the election clerks or other persons when the voter may request.

4. Judges shall be authorized to make decisions on points involving the election which are not covered specifically in this ordinance or in the Tribal Constitution and By-Laws.

5. Prior to the start of voting, judges shall examine all ballot boxes to ascertain that they are empty; shall then lock said boxes; shall make certain that only properly issued ballots are placed in said boxes thereafter; and shall oversee the opening of said boxes at the close of the election and assist in the tallying of said ballots.

6. Election clerks shall be responsible for keeping a register of all persons voting; for issuing the proper ballots to all voters; for seeing that voters deposit ballots in the proper boxes; for tallying ballots (with the assistance of judges) at the end of the voting; for replacing ballots in the proper boxes after they have been tallied; for making certain that the re-locked ballot boxes are transferred to a place of



John R. White  
Superintendent

Signature of Superintendent Noted - 5-2-66

Date Received 5-2-66  
Forwarded 5-3-66

Signature of Area Director \_\_\_\_\_

Date \_\_\_\_\_

Signature of Director \_\_\_\_\_

Relative to Suppression of Vandalism and the Establishment of a Reservation Curfew.

WHEREAS, this corporation is a Federal Indian Chartered Corporation, as defined by the Indian Reorganization Act of June 18, 1934, and under Constitution and by laws, as approved by the Secretary of the Interior, has the power to enact resolutions or ordinances providing for the maintenance of law and order and the administration of justice not inconsistent with law or the provision of its Constitution and

WHEREAS, it is recognized that some action is needed to bring under control the acts of vandalism and other offenses by juvenile occurring on the Rocky Boy Reservation, mainly within the community of the pastime, and

WHEREAS, the Business Committee has thoroughly discussed the matter of children staying out later at night and loitering at places where adults are gathered and the Committee has decided to adopt a law requiring that parents accept their responsibility towards their children.

#### NOW THEREFORE BE IT ORDAINED

1. Generally, no minor under the ages specified below shall be at large within the exterior boundaries of the Rocky Boy Reservation, or upon any road or public places during the hours hereinafter provided, unless such child is accompanied by his or her parent, guardian, or other responsible person over twenty-one years of age.

UNDER THE AGE OF TWELVE YEARS. between the hours of 9:00 P.M. and 6:00 A.M.

UNDER THE AGE OF SEVENTEEN YEARS. Between the hours of 9:00 P.M. and 6:00 A.M., except that on Friday and Saturday nights such hours shall be between 12:00 Midnight and 6:00 A.M.

During the summer months, when children are not normally in school, the hours of 12:00 Midnight to 6:00 A.M. shall be applicable to all minors under the age of seventeen years.

#### 2. Duty of parents or Guardian.

No parent or guardian or other person having the legal care and custody of any minor under the age of seventeen shall allow or permit any such minor to be at large within the exterior boundaries of the Rocky Boy Reservation or upon any road or public places after the hours prescribed above unless reasonable necessity can be shown therefor.

#### 3. Duty of Police: Notice to Parent or Guardian.

Upon finding a minor upon any road or public place within the exterior boundaries of the Rocky Boy Reservation in violation of any of the provisions of this ordinance the police shall take the name of such minor and the name of the parents, guardian or other person having the legal custody of such minor and cause the minor to be taken to his or her home. The police shall send to the parent, guardian or other custodian of such minor, a written notice of the



WHEREAS the Chippewa Cree Tribe of the Rocky Boy's Reservation is a duly constituted Tribe under the provisions of the Indian Reorganization Act of June 18, 1934, and

WHEREAS, the Chippewa Cree Tribe of the Rocky Boy's Reservation owns and possesses valuable deposits of quartz crystals and other such minerals on the Reservation, which are known and coveted by Rockhounds and Collectors, and

WHEREAS, the actual value of which resources are to be a subject of considerable study and appraisal for development, and

WHEREAS, indiscriminate mining and exploration methods have been used in the taking of said crystals for individual sale, or by Rockhounds and other collectors who are not authorized to enter and explore the reservation for this purpose and who may inflict irreparable damage to this tribal resource, now

THEREFORE BE IT RESOLVED that this mineral resource of the Chippewa Cree Tribe shall become protected from further exploitation by members and non-members alike until such time as orderly development can be accomplished for the benefit of the entire tribe and

BE IT FURTHER RESOLVED that the Business Committee will take active measures to assure that no trespassing of these deposits will be permitted and no crystals taken without permit from the Business Committee, and that the deposit sites and locations will be so posted, and

BE IT FURTHER RESOLVED that the Bureau of Indian Affairs in its protective trust and conservation functions be requested to assist the tribe in this resource conservation effort, and that violators and trespassers be prosecuted under provisions of the Chippewa Cree Tribe Law and Order Code or the Department of Justice when pertaining to non-Indians.

CERTIFICATION

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom 8 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 28th day of March, 1967; and that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 7 and 0 against, and that the Ordinance has not been rescinded or amended in any way.

Joe Montecary  
Chairman, Business Committee

Al Henry  
Secretary, Business Committee

Albert W. Tribble  
Supt. Albert Tribble

Date 4-17-67

Action of Supt. Approved

Date Forwarded \_\_\_\_\_

Action of Area Director \_\_\_\_\_

Date \_\_\_\_\_

RECEIVED  
Area Director

APR 19 1967

INDIAN'S  
ILLINOIS

*Handwritten signature*

Ordinance Governing The Possession of Alcoholic Beverages in Public Places,  
Used and Occupied for Other Than The Dispensing and Sale of Alcoholic  
Beverages and Fixing the Punishment for Violation thereof.

BE IT ORDAINED by the Business Committee of the Rocky Boy's Indian Reservation  
that it shall be unlawful for any person to be drunk disorderly or to have in  
his possession alcoholic beverages while frequenting a public place of entertain-  
ment, business, government offices, or similar establishments.

That if any person is found guilty of the offense as charged in this ordinance by  
a court of competent jurisdiction, they shall be fined not less than \$25.00 nor  
more than \$50.00 or be confined to the tribal jail for a maximum of 12 days or both.

ADOPTED AND PASSED THIS 18th day of May, 1967

CERTIFICATION

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe,  
hereby certify that the Business Committee is composed of NINE members of whom 9 con-  
stituting a quorum were present at a meeting thereof, duly and regularly called,  
noticed, convened and held this 18th day of May, 1967; and that the foregoing Ordinance  
was duly adopted at such meeting by the affirmative vote of 8 and 0 against, and that  
the Ordinance has not been rescinded or amended in any way.

\_\_\_\_\_  
Chairman, Business Committee

\_\_\_\_\_  
Secretary, Business Committee

NOTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

\_\_\_\_\_  
Superintendent  
Rocky Boy's Agency, Box Elder, Montana

5-3  
1/10

Providing for temporary relinquishment of lands held in assignments for the purpose of leasing said lands by the Chippewa Cree Tribe with indemnity to be paid to assignment holder.

WHEREAS, there is estimated to be some 15,000 acres of idle lands on the Rocky Boy's Reservation which up to the present time has not been subject for lease to Indian or non-Indian qualified users and subsequently returns no benefit to the Chippewa Cree Tribe nor its members, and

WHEREAS, the forementioned condition can largely be attributed to a provision of the land assignments which states that such lands may not be leased by the assignment holder, now

BE IT THEREFORE ORDAINED, that this tribal ordinance shall be enacted for the specific purpose of permitting temporary relinquishment of individual assignments to the Chippewa Cree Tribe in order that said lands may be leased or permitted to qualified farm operators, thus gaining development, usage and income from lands which heretofore have not been productive of revenues to the tribe. Such temporary relinquishment and subsequent leasing shall be affected in accordance with the following provisions:

1. Temporary relinquishment of assignments may be requested by the assignment holder or Business Committee on a form specified by the Bureau of Indian Affairs and shall be concurred in by the assignee and the Business Committee and approved by the Superintendent, Rocky Boy's Agency.
2. Temporary relinquishments shall not exceed five years in term when purpose is for development and farming and shall not exceed one year in term when purpose is for grazing.
3. All proceeds from said leases shall be paid to the Chippewa Cree Tribe rather than the assignee and shall be subject only to payment of indemnities to the assignee of record pursuant to further provisions of this ordinance.
4. Such temporary relinquishments and leasing of lands by the tribe under provisions of this ordinance shall not stand in the way any subsequent action or clarification by the tribe in accordance with Article IX, Section 7 of the Constitution and By-Laws of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana - as it is pointed out by the Bureau of Indian Affairs that many assignments presently held are not held in conformity with the Constitution and By-Laws of the Tribe. This ordinance shall therefore be construed as a temporary measure to promote fuller use of presently idle lands and the Business Committee shall, with the assistance of the Bureau of Indian Affairs, study and recommend for referendum appropriate constitutional revisions to clarify and/or alter Article IX to promote equitable land usage for the benefit of all enrolled members of the Chippewa Cree Tribe by the end of a one-year period following the enactment and approval of this ordinance.
5. Indemnities may be paid to assignment holders who temporarily relinquish assignments for the purpose of leasing to qualified operators for pasturage or farming development. Such indemnities may be authorized by the Business Committee upon accepting temporary relinquishment to compensate assignment holders of record for inconvenience, interruption of normal living surroundings when residence is on assignment, trespass of livestock and implements and machinery on homesites and occasional loss of opportunity to utilize premises of assignment for own purposes if the opportunity should be availed to assignment holder.

JUN 12 1968

Through: Superintendent, Rocky Boy's Agency

Mr. Joe Lemontiney  
Chairman, Business Committee of the Chippewa Cree Tribe

Dear Mr. Lemontiney:

On April 26, 1968, the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation enacted Ordinance No. 1-68 to amend its law and order code concerning the misuse of intoxicants on the Reservation. The ordinance is subject to review by the Secretary of the Interior in accordance with Article VI, Section 1, Subsection (1).

We are herewith enclosing a letter dated June 7, 1968, from the Washington Office concerning the enactment. The Central Office rather than rescinding Ordinance No. 1-68 is returning it for clarification and reenactment by the Business Committee.

In view of the last paragraph of the Washington correspondence, we have made a further search of our files and are unable to locate correspondence which would indicate Ordinance No. 3-67 has been forwarded for proper review by the Secretary of the Interior as provided for in the Constitution and Bylaws. In view of this, we suggest that in reenacting Ordinance No. 1-68, no reference be made as superseding Ordinance No. 3-67.

We would like to point out that for the fourth offense in Ordinance No. 1-68, the Court is required to impose not less than 12 days in jail be served in full and provides for no imposition of a fine. We feel this may be too harsh as it leaves the Court no discretionary power in sentencing in those cases where extenuating circumstances might warrant a lesser sentence.

This ordinance is herewith returned for further action by the Business Committee.

Sincerely yours,

W. G. ...  
Acting Area Director

Enclosure

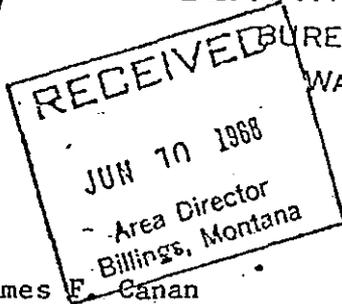
cc:

Superintendent Rocky Boy's  
Tribal Operations



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D.C. 20242

*Best*  
IN REPLY REFER TO:  
*Law and Order*



JUN 7 1968

Mr. James F. Canan

Area Director, Billings, Montana 59101

Dear Mr. Canan:

On April 26, 1968, the Business Committee of the Chippewa Cree Tribe of the Rocky Boy Reservation enacted Ordinance No. 1-68 to amend its law and order code concerning the misuse of intoxicants on the reservation. Pursuant to Article VI, Section 1 (1) of the tribal constitution, the ordinance is subject to review by the Secretary of the Interior.

The enactment would make it unlawful for any Indian to possess open bottles or containers of intoxicating beverages within the reservation. It would further make it unlawful for any Indian under the age of 21 years to possess intoxicants within the reservation. The present language of the ordinance would appear to legalize the possession of unopened containers of intoxicants by Indians over the age of 21. We are not sure this was the true intent of the business committee. Authority now exists, pursuant to the act of August 15, 1953, (18 USCA 1161), whereby a tribe in accordance with certain procedures may act to remove the application of the federal liquor laws on its reservation. In any event, the tribe cannot remove the application of such statutes by merely amending its own law and order code.

Rather than rescind Ordinance No. 1-68, we are returning it to you for transmittal through the Superintendent for clarification and reenactment by the business committee.

Your transmittal letter of May 24 makes reference to existing Ordinance No. 3-67, and the difficulty the tribe is experiencing in administering the provisions of this law and order enactment. We have no record of such ordinance in this office.

Sincerely yours,

*Charles B. Rowin*

Commissioner

Acting Assistant

MAY 24 1958

Commissioner of Indian Affairs

Washington, D. C. 20342

Attention: Law and Order

Sir:

We are herewith forwarding Rocky Boy's Ordinance No. 1-63 together with Superintendent Trimble's letter of transmittal. The ordinance was developed by the Business Committee pursuant to authority vested in it by Article VI, Section (1), of the Constitution and Bylaws of the Chippewa Cree Indians of the Rocky Boy's Reservation, Montana, which provides the committee with the authority to promulgate ordinances which shall be subject to review by the Secretary of the Interior. The Rocky Boy's Business Committee in searching for ways and means of controlling drunkenness and indiscreet use of alcoholic beverages on the Reservation prepared and passed this ordinance.

Ordinance No. 3-67 "Governs the Possession of Alcoholic Beverages In Public Places, Used and Occupied for Other Than The Dispensing and Sale of Alcoholic Beverages, and Fixing the Punishment for Violation thereof". The Tribal Court has in the past experienced difficulty in interpreting and applying Ordinance 3-67. Because of this difficulty by the Tribal Court in applying 3-67, the Business Committee felt that some clarification was necessary in defining the offense concerning the possession and use of alcoholic beverages on the Rocky Boy's Reservation.

In recommending favorable action by your office, we would like to point out that for the 4th offense as defined in Ordinance 1-63, the Court is required to impose not less than 12 days in jail to be served in full.

We think this may be too harsh as it leaves the Court no discretionary power in sentencing in those cases where extenuating circumstances might warrant a lesser sentence. If you agree, it might be well for

you to recommend modification of this particular portion of the ordinance in your correspondence to the tribe.

The Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation is to be commended for enacting Ordinance No. 1-68 and we are sure that this ordinance will be of great assistance to the tribe in their operation of the law and order program on the Rocky Boy's Reservation.

Sincerely yours,

(1032) Ned O. Thompson  
Acting  
Area Director

Enclosures  
(Orig. and 2)

cc:  
Supt., Rocky Boy's Agency  
Tribal Operations

Rocky Boy's Agency  
Box 1100, Montana  
59521

May 20, 1968

Memorandum:

To: Office of the Area Director  
Attention: Tribal Operations  
Law and Order

From: Superintendent, Rocky Boy's Agency

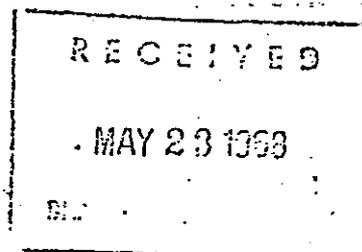
Subject: Ordinance No. 1-68, Chippewa-Cree Tribe

This Ordinance supersedes Ordinance No. 3-67 relating to "Governing the possession of alcoholic beverages of intoxicated persons or those being disorderly while possessing alcoholic beverages".

This ordinance was enacted upon advice of the Superintendent and Police as a more effective means of controlling drunkenness, disorderly conduct and indiscreet use of alcoholic beverages on the reservation. It, so far, has been of considerable help to the police and meets with favorable reaction on the part of a large majority of the citizenship here.

Albert W. Trimble,  
Superintendent

Attachments



Ordinance

March 11

1-68

AN ORDINANCE concerning the possession and use of alcoholic beverages on Rocky Eye's Reservation and applying to control of Intoxicating Liquors on other Indian reservations, concerning alcoholic beverages.

WHEREAS, this Corporation is a Federal Chartered Corporation as defined by the Indian Organization Act of June 18, 1934, and under its Charter, Constitution and By-Laws as approved by the Secretary of the Interior has full power and authority to make and publish contracts and agreements of every description, not inconsistent with the law or the provisions of its Charter, and,

WHEREAS, it is the desire of the governing body of the Chippewa, Inc. Tribe that persons of or on the Rocky Eye's Reservation enjoy the fullest extent of liberty and freedom as citizens of the United States, and,

WHEREAS, in order to fully enjoy this liberty and freedom the people of or on Rocky Eye's Reservation must be protected from any element of the population or other persons on the reservation who use alcoholic beverages to the extent that they jeopardize the persons, rights, properties and privileges of other citizens through disorderly conduct, indecent language and/or behavior, or by doing damage to the image of Rocky Eye's citizens as orderly and respectable people, and,

WHEREAS, the physical well being of any individual person must also be protected against conditions arising where in he (she) is not in control of his (her) mental and physical facilities,

NOW BE IT <sup>106</sup> FURTHER ORDAINED, that it shall be unlawful for any person to be drunk and/or disorderly while frequently or being present at, without or within, any public place of entertainment, business, tribal, or government offices, religious gatherings, community meetings or while driving, riding or walking on public roads.

BE IT FURTHER ORDAINED, that it shall be unlawful for any person to possess open bottles, cans or containers holding alcoholic beverages while frequenting or being present at, without or within, any public place of entertainment, business, tribal or government offices, religious gatherings, community meetings or while driving, riding or walking on public roads, and,

BE IT FURTHER ORDAINED, that it shall be unlawful for any person under the age of 21 to have in his (her) possession alcoholic beverages for any intent or purpose and,

BE IT FURTHER RESOLVED, that any person found guilty of offenses herein described by a court of competent jurisdiction shall be fined:

Upon First Offense- not less than \$25.00 nor more than \$50.00 and/or up to 12 days in jail.

Upon Second Offense- not less than \$25.00 nor more than \$50.00 and/or up to 12 days in jail.

Upon Third Offense- not less than \$50.00 and/or up to 12 days in jail.

800 2nd Edition

Upon fourth offense and succeeding offenses- Not less than 12 days in jail to be served in full.

This ordinance shall be immediately effective upon enactment by the Business Committee of the Chipman Case Club.

This ordinance shall supersede Ordinance No. 3-57 and any other ordinances or codes relating to these areas of law and order specifically.

RESOLUTION

I, the undersigned, as Secretary of the Business Committee of the Chipman Case Club of the Rocky Boy Reservation, hereby certify that the Business Committee as composed of BIE members of whom 9 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this day 26 April, 1968, and that the foregoing resolution was duly adopted with a majority by the affirmative vote of 5 members and 3 against, and that this resolution has not been rescinded or amended in any way.

*Joe Demontigny*  
Chairman, Business Committee

*Joe Rosette*  
Secretary, Business Committee

Noted \_\_\_\_\_

Received \_\_\_\_\_

Approved 5-20-68

Forwarded 5-20-68

Disapproved \_\_\_\_\_

*Albert W. Smith*  
Superintendent, Rocky Boy Agency, Box Elder, Montana

RECEIVED  
MAY 23 1968  
BILLINGS AREA OFFICE

CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S  
RESERVATION OF MONTANA

PROCEDURES GOVERNING ENROLLMENT

ORDINANCE NO. 03-68

Authority: The authority for this action is under Article VI,  
Section 1(k) of the Rocky Boy's Constitution.

Purpose: The purpose of this Ordinance is to set forth procedures  
governing enrollment in the Chippewa Cree Tribe of the  
Rocky Boy's reservation, so that a membership roll may be  
compiled and maintained.

Section 1. Definitions.

- a. "Business Committee" means tribal governing body of  
the Chippewa Cree Tribes of the Rocky Boys reservation.
- b. "Applicant" means the individual who desires to be  
enrolled with the Rocky Boy's tribes.
- c. "Secretary" means Secretary of the Interior or his  
authorized representative.
- d. "Superintendent" means officer in charge of Rocky  
Boy's Agency or his designated representative.
- e. "Enrollment Committee" means the group appointed and  
authorized to review applications for enrollment.
- f. "Enrollment" means acceptance of an individual as a  
member of the Chippewa Cree Tribe.
- g. "Evidence of Eligibility" means such documents as  
notarized letters of affidavit, tribal or agency records,  
birth or baptismal certificates, and certified documents  
for individuals or the Agency.
- h. "Resident" means

Section 2. Eligibility for Enrollment.

To be eligible for enrollment in the Chippewa Cree Tribe of the Rocky Boy's reservation, each applicant must meet requirements of Article II, Sections 1 and 2 of the Constitution and Dylaws of the Chippewa Cree Tribe of the Rocky Boy's reservation, as follows:

Section 1 -

- a. All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.
- b. All children born to any member of the Chippewa Cree Tribe of the Rocky Boy's Reservation who is a resident of the reservation at the time of the birth of said children.
- c. All children of one-half or more Indian blood born to a non-resident member of the tribe.
- d. Any person shall lose his membership if after the adoption of this Constitution he is away from the reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Any extension of membership shall be construed to include all absentee children of such member. Likewise, loss of membership by the parent shall be construed to include loss of membership by his absentee children.

Section 2 -

Any Indian, one-half blood or more and a resident of Montana, not a member of any other reservation, may become a member of this organization provided that two-thirds or more of the eligible voters cast their ballots at such election, and provided further that two-thirds of those voting at such election vote in favor of such adoption. All elections to membership shall be confirmed by the Secretary of the Interior.

Section 3. Enrollment Committee.

The Business Committee shall appoint an Enrollment Committee of 2 persons from within the Business Committee and 1 from outside. Such a committee shall serve for a period of 2 years, and shall coincide with the Business Committee member's term of office.

The Enrollment Committee shall review all applications for membership and recommend to the Business Committee approval or rejection. The Enrollment Committee shall have authority to require the applicant to furnish such evidence or proof as they deem necessary to make appropriate recommendations to the Business Committee.

The Enrollment Committee shall meet at least every 6 months or as needed. This committee shall develop an application form for use in making an application for enrollment. (See Section 6.)

#### Section 4. Action on Application.

The Business Committee, on recommendations of the Enrollment Committee, shall within 15 days approve or reject the applications for enrollment, and shall accordingly enact a resolution to enroll or reject the applicants. The Business Committee shall further instruct the Tribal Secretary to enter the names of applicants approved for enrollment on the official tribal membership roll, stating under what constitutional authority enrollment is approved.

Applicants whose applications were not approved shall be notified, in writing, stating the reason they were not approved, and pointing out their right of appeal and procedures to follow in filing an appeal.

#### Section 5. Applications for Enrollment.

- a. Any person who believes he meets the requirements for membership in the Chippewa Cree Tribe, as set forth in Article II, Sections 1 and 2 of the Constitution, may submit an application for enrollment to the Enrollment Committee.
- b. Enrollment of a new born child is the responsibility of the parent, guardian, or next of kin. An application for enrollment for children born after the effective date of this ordinance should be filed with the Enrollment Committee in behalf of the infant within 2 years after the birthdate and be supported by documentary evidence of eligibility.
- c. Applications for persons legally handicapped, such as minor children and incompetents, may be filed by a parent, next of kin, recognized guardian, or other person responsible for their care. At least one supporting document, as evidence of eligibility, shall accompany the application.

Section 6. Application Form.

- a. Application forms for enrollment may be obtained from the Business Committee office or the Agency office.
- b. The form, "Application for Enrollment", shall contain the following information:
  1. Name and address of the applicant.
  2. Indian, Maiden, or other name by which applicant is known.
  3. The date and place of birth of the applicant.
  4. Residence of parents at time of applicant's birth.
  5. If the application is made by other than the applicant, the name, address, and relationship, if any, of the person making the application.
  6. The name, address, and degree of Indian blood of each parent of the applicant, as verified or corrected by the Enrollment Committee in accordance with official records.
  7. Certification by applicant or his agent that the information given is true, and if found fraudulent in any way will be grounds for removal of the applicant's name from the membership roll.
  8. Certification by Enrollment Committee that applicant is not already enrolled with tribes of reservations, other than Rocky Boy's, where applicant may be eligible for enrollment.

Section 7. Enrollment by Adoption into Tribe.

In accordance with Article II, Section 2, of the Tribal Constitution and Bylaws, a person who is one-half degree Indian blood, a resident of Montana, and not a member of any other tribe may apply for enrollment in the Chippewa Cree tribe of the Rocky Boy's reservation through adoption.

- a. An application for enrollment by adoption is filed by the applicant with the Enrollment Committee where it is reviewed and recommendations regarding eligibility made to the Business Committee. Such an application must be plainly marked by the Enrollment Committee as an "Application for Enrollment by Adoption."
- b. Individuals who qualify for enrollment by adoption shall be listed and voted on individually either at a general election or any special election that may be duly called. An individual to be accepted for enrollment must receive

two-thirds of the votes in an election in which two-thirds of the eligible voters voted.

- c. The Business Committee shall enact a resolution showing the new enrollees' names, birthdates and degree of Indian blood. The resolution shall be submitted through the Superintendent to the Secretary of the Interior for approval. On approval the adoptees names shall be added to the official tribal membership roll.
- d. Applicants are then advised by the Tribal Secretary the results of the membership election. Individuals rejected for enrollment by adoption cannot reapply for enrollment by adoption.

Section 8. Burden of Proof.

It is the responsibility of the applicant to prove his eligibility for enrollment.

Section 9. Appeal and Protest Procedure.

- a. An Appeal is a written request for reconsideration of the enrollment of an individual.
- b. A Protest is a written statement contesting the omission or inclusion of an individual's name on the membership roll.
- c. The Appeal and Protest procedure shall also be used for rolls for the distribution of tribal assets.

Section 10. Who May Appeal or Protest.

- a. Any member of the Chippewa Cree Tribe on behalf or against any individual.
- b. Any person whose enrollment is in question, or whose application for enrollment has been rejected.
- c. The Superintendent, as a representative of the Secretary of the Interior.

Section 11. Exception to Appeal and Protest Procedure.

No appeal or protest may be filed by those or in behalf of those individuals rejected for enrollment by adoption, as set forth in Section 7 of this procedure.

Section 12. Filing Appeal or Protest.

An Appeal or Protest shall be made within 60 days after written notice of rejection for enrollment, except that original members of the Chippewa Cree Tribe (Section 2, Section 1(a) of this procedure) shall be placed on the membership roll immediately on discovery of error in event of their omission.

Failure to file an Appeal or Protest within the deadline shall be conclusive evidence of non-interest.

An Appeal or protest shall be written and addressed to the Secretary of the Interior, but sent direct to the Enrollment Committee for initial consideration.

Section 13. Supporting Evidence.

All Appeals and Protests shall be supported by official documents, records, and evidence bearing on the question raised as proof of eligibility for enrollment, or inclusion or deletion from the roll.

Section 14. Review of Appeal or Protest by Business Committee.

The Business Committee shall have the privilege of examining an Appeal or Protest, taking into consideration additional documents and preparing such evidence as it may consider proper in support of its action. The Committee shall have 30 days from receipt of an Appeal or Protest in which to act or prepare in writing pertinent statements, supported by Tribal or Agency records, which have a bearing on the case.

- a. If the Business Committee, upon review of an Appeal or Protest, is satisfied that the right of the individual has been established, it shall enact a resolution to include the name of the applicant on the official tribal membership roll. In the case of a Protest, it shall omit or include the name in accordance with the decision. The Business Committee shall further instruct the Tribal Secretary to have the name added to or removed from the roll, as the case may be, and notify the individual of the action taken.
- b. If the Business Committee, upon review of an Appeal or Protest, rules against the individual being considered for enrollment, all pertinent records, transcripts of hearings, copies of any affidavits and documents considered, minutes of any meeting of the Enrollment Committee,

and/or Business Committee, which acted on the application, copy of tribal constitution or membership ordinance applicable and a copy of the recommendations of the Enrollment Committee and Business Committee shall be attached. The Appeal or Protest then, with all attachments, shall be sent to the Area Director, through the Superintendent.

Section 15. Action by the Area Director.

- a. Upon review of the Appeal or Protest, the Area Director shall notify the Rocky Boy's Superintendent and Chippewa Cree Business Committee of his decision. The Committee then shall enact a resolution to enroll the individual or delete his name from the roll, as the case may be. The individual shall then be notified.
- b. If upon review of the Appeal or Protest and evidence attached the Area Director determines the individual is ineligible for enrollment, he shall forward the Appeal or Protest, together with all attachments and his recommendations to the Commissioner of Indian Affairs for referral to the Secretary of the Interior.

Section 16. Decision of the Secretary on Appeals and Protests.

The decision of the Secretary shall be final. When so directed by a favorable decision of the Secretary, the Business Committee shall include the name of the individual on the roll, or delete the name, as the case may be, and send notification to the individual concerned.

Section 17. Adopted Children, their Eligibility for Enrollment.

- a. Non-Indian children adopted by members of the tribes of the Rocky Boy's reservation are not eligible for enrollment.
- b. Children of Indian descent, descendants from other than Rocky Boy's Tribal members, adopted by members of the Rocky Boy's tribes may not be enrolled, except through adoption by referendum vote, as specified in the Tribal Constitution.
- c. Children of tribal members adopted by non-members or non-Indians may be enrolled if they meet the requirements for enrollment. If adoption records are confidential in nature, it is not necessary to show the names of natural or adoptive parents. A statement by the Agency

Welfare Office or Superintendent certifying that the natural parents, or parent of the child, are members of the tribe and possess sufficient degree of Indian blood to enable the child to qualify for enrollment can be used for determining the child's eligibility for enrollment.

Section 18. Determination of Indian Blood.

- a. Total Indian Blood - the total recognized certified Indian blood of the father and mother is added together and then divided by two.
- b. At the Rocky Boy's reservation the Indian blood of a non-enrolled parent will be considered as contributing to the Total degree of Indian blood of the child, provided the non-enrolled parent is recognized in the community as being an Indian and offers acceptable evidence of his degree of Indian blood.
- b. In cases of unmarried parents, but where the father acknowledges that he is the father of the child, one-half the Indian blood of the father may be allowed to the child. Otherwise only one-half of the mother's blood is allowed for the child.

If the father acknowledges paternity, documentary evidence must be furnished to establish the fact. A birth certificate showing the name of a person as the father, cannot be the only document for support of the fact, and a statement signed by the mother naming the father of the child will not be acceptable. Documentary evidence will be considered adequate if a certified statement is furnished by the Superintendent, Tribal Judge, or other person of responsibility naming the father after review of the facts.

Section 19. Dual Enrollment.

A person may meet requirements for membership in another tribe besides the Chippewa Cree Tribe of the Rocky Boy's reservation. If he is enrolled in more than one tribe, he must decide in which tribe he wishes to be enrolled, unless he has accepted payments from one of the tribes, in which case he shall be considered enrolled in that tribe. If no payment has been made to him from either tribe, he shall relinquish his claim within 30 days of notification of dual enrollment to membership in one of the tribes. This is

done by requesting in writing that his name be removed from the membership roll of the tribe he no longer wishes to be a member of. (If the Enrollment Committee finds such cases of dual enrollment when reviewing the membership roll, it should be brought to the attention of the individuals by requesting in writing that they make a decision as to where they wish to remain enrolled.) Failure to make a choice shall be deemed that the Business Committee shall have the right to remove the name from the Rocky Boy's membership roll by resolution. In the case of a minor or incompetent the parent having custody, or the guardian, or other person acting in his behalf makes the election.

Section 20. Relinquishment of Membership.

Any member of the Chippewa Cree Tribe may relinquish his membership in the Tribe by filing an affidavit to the Business Committee, stating he no longer wishes to be enrolled. When such a request is received, the Business Committee shall enact a resolution to remove the individual's name from the membership roll and state in the resolution this person is no longer to be considered a member nor share in any rights or benefits as a member of the Chippewa Cree Tribe of the Rocky Boy's reservation. The name of the individual then shall be marked through on the membership roll and date and number of the resolution noted.

Section 21. Reinstatement of Membership.

Once a member of the Chippewa Cree Tribe of the Rocky Boy's reservation relinquishes his membership he is not eligible for reinstatement or re-adoption.

Section 22. Transfer of Membership.

Any person enrolled at a reservation other than the Rocky Boy's and who relinquishes his enrollment thereof cannot be enrolled with the Chippewa Cree Tribe.

Section 23. Loss of Membership.

In accordance with the Tribal Constitution, Article II, Section 1(d), a person shall lose his membership if he is away from the reservation for a period of 10 years unless within that period he applies to the Business Committee for an extension

of his membership and they act favorably upon it. An extension or loss of membership shall include all absentee children of such a member. The Enrollment Committee shall notify in writing individuals in this category as to the date his name will be removed from the membership roll and point out an application must be made for an extension before that date, if they desire to retain membership in the Tribe. Failure to inform the person in advance shall not constitute a basis for appeal.

**Section 24. Maintenance of Tribal Membership Roll.**

- a. It is the responsibility of the Chippewa Cree Business Committee to maintain the membership roll and keep it current at all times.
- b. The Membership Roll shall be made current by:
  1. Marking through names and making appropriate notations of those persons who relinquish in writing their membership.
  2. Marking through names of deceased persons and making appropriate notations, upon receipt of evidence of death.
  3. Adding thereto the names of individuals duly accepted for enrollment, including those adopted into membership, those whose appeals for enrollment are favorably accepted by the Business Committee, or those who are acceptable for enrollment through a Secretarial decision, citing authority under which enrolled, and resolution number, if any.
  4. Deleting from the roll names of descendants whose enrollment was based on information determined to be inaccurate or fraudulent, subject to authorization by a resolution of the Business Committee and approval of the Secretary of the Interior.
  5. Making corrections in the membership roll of errors in names, dates of birth and family relationships, provided corrections are substantiated by acceptable proof, and further provided that any changes in total Indian blood are authorized by a resolution of the Business Committee.

Changes in degree of Indian blood will not be considered unless the basic enrollee or one of his descendants questions the degree of Indian blood shown on the basic roll and requests in writing that the degree be changed. Agency and Tribal records would then be examined and a determination made by the Superintendent, whose

recommendation and copies of records are sent through channels to the Washington Office. If it is then determined the degree of Indian blood shown in the records should be changed, an appropriate adjustment would be made in the degree of Indian blood shown for all members and descendants of the individual's family.

In cases where an error in degree of Indian blood shown on the roll is determined to be the result of a mathematical error in computation, (such as one parent shown as  $4/4$ , the other  $3/4$  degree, and the children listed as  $5/8$  instead of  $7/8$ ) corrections shall be authorized by the Business Committee by resolution, and the Secretary of Interior or his representative advised of the corrections.

C. A supplemental roll shall be prepared yearly to show additional enrollees.

Section 25. Distribution of Tribal Assets.

Before the membership roll can be used for the distribution of tribal assets, it shall be submitted to the Secretary for his approval.

Section 26. Finality of the Roll.

After the Business Committee has established the roll as correct and current, it shall enact a resolution accepting the roll as the Official Membership Roll of the Tribes.

Section 27. Cost of Preparation of Roll.

All tribal costs incurred in the preparation and maintenance of the tribal membership roll shall be paid by appropriate withdrawals from available tribal funds.

CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom 8 members constituting a quorum were present at a special meeting thereof, duly called, noticed, convened and held this 7th day of November, 1968; and the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 8 members and 0 against and that the foregoing Ordinance has not been rescinded or amended in any way.

ATTEST

Joe Hennrich  
Chairman, Business Committee

Joseph D. Rosette  
Joseph D. Rosette, Secretary

NOTED \_\_\_\_\_

RECEIVED \_\_\_\_\_

APPROVED 12-4-68

FORWARDED 12-6-68

DISAPPROVED \_\_\_\_\_

Robert J. Smith  
Superintendent, Rocky Boy's Reservati

AN ORDINANCE

WHEREAS, the Rocky Boy Action Group in collaboration with one attorney Ronald E. Smith has prepared a tribal ordinance which would establish a 'Rocky Boy Recreational Authority' for the purpose organizing and operating recreational facilities and further, purportedly, to remedy conditions of welfare, low income, unemployment, etc., now

BE IT HEREBY RESOLVED, that the Business Committee shall take no action in recognition of this document for the following reasons:

1. The document proposes a gross violation of Executive Committee authority and jurisdiction to a proposed group with interests which are in direct conflict with the Chippewa Cree Tribe and Rocky Boy Tribe) has now been demonstrated in the past.
2. The document is obviously prepared by persons who have little practical knowledge of the governmental functions of the Chippewa Cree Tribal Business Committee and who have made little effort to secure objective information with regard to the reservation.
3. The Rocky Boy Action Group has been active in propagating false information for the expressed purpose of creating dissunity within the Chippewa Cree Tribe, having solicited signatures through petitions by falsely stating their purpose using public news media in such a manner that put the Chippewa Cree Tribe in a bad light over a wide area of the state and nation.
4. The Business Committee has no evidence that the Rocky Boy Action Group does actually enjoy the support and approval of any wide segment of the membership of the Chippewa Cree Tribe. While making claim to 113 members, no meetings of the group are made public and the same spokesmen for the group emerge periodically to proclaim of group actions taken in meetings of the Rocky Boy Action Group. On the contrary, several persons have approached the Business Committee representatives and advised them that their signatures were solicited under pretenses which did not reflect the true motives of the leadership of the 'Rocky Boy Action Group'.
5. The Business Committee of the Chippewa Cree Tribe does herewith advise the Rocky Boy Action Group that active and interested participation in matters of tribal government are the right and privilege of any individual members or groups of members.

They are further advised, however, that it is also the responsibility of the Business Committee to protect the rights of members against incursions into the domain and jurisdictions of the tribe by outside interests - even when they are veiled in self-proclaimed interests of the tribe. It has been demonstrated by the Rocky Boy Action Group that they are more interested in character damage to individuals with whom they do not agree, than in constructive efforts on behalf of the tribe. It appears, therefore, in the best interest of the Chippewa Cree Tribe that the Rocky Boy Action Group proposal not be considered and that the tribe continue in it's present efforts to secure the necessary business relationships that are necessary to assure the highest development of the tribe's resources.

CERTIFICATION

I, the undersigned as the Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom 8 constituting a quorum were present at the meeting thereof, duly and regularly called, noticed, convened and held this 27 day of 5-27-1968, and that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 7 members and 2 against, and that the ordinance has not been rescinded or amended in any way.

*Joe Lemontney*  
Chairman, Business Committee

*Joseph A. Roette*  
Secretary, Business Committee

NOTED \_\_\_\_\_

RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_

FORWARDED \_\_\_\_\_

DISAPPROVED \_\_\_\_\_

Rocky Boy's Agency,  
Box 1460, Montana

AN ORDINANCE

RELATING TO THE APPLICATION OF THE  
FEDERAL INDIAN LIQUOR LAWS ON THE  
ROCKY BOY'S RESERVATION

NO. 1-70

WHEREAS, Public Law 277, 83rd Congress, approved August 15, 1953, provides that Sections 1154, 1156, 313, 2488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an Ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register.

WHEREAS, Ordinance 1-54 enacted November 23, 1953, of the Rocky Boy's Business Committee relating to the application of the Federal Indian Liquor Laws on the Rocky Boy's Reservation permitted the introduction and possession of intoxicating liquor on the reservation but did not permit the sale of the same and,

WHEREAS, it is now desired that these rules and regulations be modified to permit the sale of intoxicating liquor in addition to the use, introduction and possession,

THEREFORE BE IT ORDAINED, that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Chippewa Cree Tribe, provided, that such introduction, sale or possession is in conformity with the laws of the State of Montana.

BE IT FURTHER ORDAINED, that alcoholic (intoxicating) beverages including but not limited to beer, wine, whiskey, etc., may be sold on Rocky Boy's Reservation in accordance with the following provisions and restrictions:

1. Under this Ordinance only one (1) outlet for the sale of alcoholic beverages including beer, wine, whiskey, etc., shall be authorized for consumption on-premises and/or off-premises subject to the laws of the State of Montana where applicable; the Federal Government, where applicable; and the Chippewa Cree Tribe. Said outlet shall be operated only under license provided and owned by the Chippewa Cree Tribe which may be assigned to a vendor or vendors by the tribe, such rules and regulations as follows shall apply to any party dispensing such alcoholic beverages.
2. Under this Ordinance above described license for sale of alcoholic beverages may be operated only within the confines of that part of the reservation which lies in Township 28 North, Range 16 East of the Montana Meridian and more specifically shall be confined within the boundaries of the tribe's outdoor recreation area when such boundaries are established.
3. Any operator of an establishment selling beer, wine, whiskey, etc., whether as an assignee of the tribal license or employed by the tribe to operate such establishment shall abide by and/or responsible for the following provisions of this Ordinance:
  - A. All laws governing the sale of alcoholic beverages in the State of Montana shall apply in the sale of alcoholic (intoxicating) beverages on Rocky Boy's Reservation, and State Liquor Inspection shall have full and complete access of the reservation to support such laws and regulations.
  - B. Vendors of alcoholic (intoxicating) beverages shall be prohibited on Rocky Boy's Reservation from selling beer, wine, whiskey, etc., on credit and shall not engage in pawnbroking, taking items in hock, lending money or in any other activity which is designed to permit an indigent person, or any customer from buying such products in his establishment. All sales of alcoholic (intoxicating) beverages shall be on a cash basis.
  - C. Vendors of alcoholic (intoxicating) beverages shall be responsible for maintaining order on their premises; to prohibit intoxicated persons from purchasing beer, wine, whiskey, etc., to assure that no sale of alcoholic (intoxicating) beverages is made to a minor person; to prohibit consumption of beer, wine, whiskey etc., on his business premises purchased for off-premises consumption; and to prohibit loud boisterous, lascivious and profane language; to prohibit begging or soliciting for drinks; to prohibit fighting or threatening to fight on the premises; and to prohibit any violation of the Tribal Law and Order Code by any person on his premises to the best of his ability.

D. The vendor/operator shall be solely responsible to assure that any person is of legal age to purchase alcoholic (intoxicating) beverages on Rocky Boy's Reservation.

4. Any operator of an establishment selling beer, wine, whiskey, etc., shall post a \$500 cash bond with the tribe which shall be forfeited if the operator or an employee under his supervision does violate any of the above provisions.

5. The Law and Order Sub-Committee of the Chippewa Cree Tribe shall meet quarterly during the year, and at any other time necessary, to review the effects of liquor sales on the reservation and the conduct of the vendors, and to recommend action by the Business Committee to further or amend existing laws regarding such activity.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon certification of the Secretary of the Interior and publication in the Federal Register, and that any ordinances, laws or resolutions previously enacted which differ or are not consistent with the intent of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED, that the Chairman and Secretary of the business Committee are authorized to execute any document on application pursuant to this Ordinance for the Tribe.

BE IT FURTHER ORDAINED, that the question "shall the sale of beer be permitted for consumption 'off-premises' at the two existing Indian owned and operated businesses on Rocky Boy's Reservation?" be placed before the voters at the next general election of the Chippewa Cree Tribe to be held on the last Saturday in June, 1970.

CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe hereby certify that the Business Committee in compliance of 11th member of whom \_\_\_\_\_ constituting a quorum were present at the meeting thereof duly and regularly called, noticed, and conducted and held on the \_\_\_\_\_ day of \_\_\_\_\_, 1970; and the foregoing Ordinance was adopted and approved by the affirmative vote of \_\_\_\_\_ for and \_\_\_\_\_ against and that the Ordinance has not been rescinded or amended in any way.

James P. Rose, etc.  
Chairman, Business Committee

John H. ...  
Secretary, Business Committee  
RECEIVED: MAR 15 1970

NOTED: \_\_\_\_\_

APPROVED: MAR 11 1970

FORWARDED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

William ...  
Superintendent, Rocky Boy's Agency  
Box Elder, Montana 59521

ROCKY BOY'S RESERVATION, MONTANA  
Ordinance Legalizing the Introduction,  
Sale or Possession of Intoxicants

1-71

WHEREAS, Public Law 277, 83rd Congress, approved August 15, 1953, provides that Sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the state in which such act or transaction occurs and with an ordinance duly adopted by the Tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the Federal Register, and

WHEREAS, Ordinance 1-54 enacted November 23, 1953, of the Rocky Boy's Business Committee relating to the application of the Federal Indian Liquor Laws on the Rocky Boy's Reservation permitted the introduction and possession of intoxicating liquor on the Reservation but did not permit the sale of the same, and

WHEREAS, it is now desired that these rules and regulations be modified to permit the sale of intoxicating liquor in addition to the use, introduction and possession thereof,

THEREFORE, BE IT ORDAINED, that the introduction, sale or possession of intoxicating liquor, including but not being limited to beer, wine, whiskey, etc., hereinafter collectively referred to as intoxicating liquor, shall be lawful within the Indian country under the jurisdiction of the Chippewa Cree Tribe, provided such act or transaction is in conformity with both the laws of the State of Montana and this Ordinance.

BE IT FURTHER ORDAINED, that said intoxicating liquor, as hereinabove defined, may be sold on the Rocky Boy's Reservation in accordance with the following provisions and restrictions:

1. Under this Ordinance only one outlet for the sale of intoxicating liquor shall be authorized for consumption on-premises and/or off-premises. Said outlet shall be operated only under a license issued by the Chippewa-Cree Tribe, which may be owned by the Tribe or issued to a person, organization or business entity, selected and approved by the Tribe. All of the following rules and regulations shall apply to any party dispensing such intoxicating liquor.

2. The above described license for the sale of intoxicating liquor may be operated only within the confines of that part of the Rocky Boy's Reservation which lies in the SE $\frac{1}{4}$  of Section 21 and all of Section 22, Township 28 North, Range 16 East of the Montana Meridian.

3. Any person authorized under the terms of this Ordinance, whether as a Tribal licensee or employed by the Tribe, selling intoxicating liquor shall abide by and be responsible for the following:

A. Operate so that any act or transaction carried on hereunder is in conformity both with the laws of

B. Never sell intoxicating liquor on credit and not be in pawnbroking, taking items in hock, lending money, or in any other activity which is designed to permit an indigent person or any customer from buying such products in his establishment. All sales of intoxicating liquor must be on a cash basis.

C. Continuously maintain order in the premises in which intoxicating liquor is sold, prohibit intoxicated persons from purchasing intoxicating liquor, assure that no sale of intoxicating liquor is made to a minor, prohibit consumption of intoxicating liquor on the premises, purchased for off-premises consumption, and prohibit loud, boisterous, lascivious and profane language, prohibit begging or soliciting for drinks, prohibit fighting or threatening to fight on the premises, and prohibit any violation of the Tribal Law and Order Code by any person on the premises to the best of his ability.

D. To be and remain solely responsible to insure that any and all persons purchasing intoxicating liquor on such premises are not minors.

4. The Tribal licensee or employee of the Tribe operating an establishment selling intoxicating liquor under this Ordinance shall post a \$500.00 cash bond with the Tribe which shall be forfeited to the Tribe if he or any of the employees under his supervision violate any of the provisions of this Ordinance.

5. The Law and Order Sub-Committee of the Tribal Business Committee shall meet quarterly during the year, and at such other times as they deem necessary, to review the effects of intoxicating liquor sales on the Reservation, and the conduct of the persons selling the same, and to recommend action to the Business Committee to enforce or amend the laws and regulations concerning such activity.

BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon certification of the Secretary of the Interior and publication in the Federal Register, and that any ordinances, laws or resolutions previously enacted which differ or are not consistent with the intent of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED, that the Chairman and Secretary of the Business Committee, when authorized by the Business Committee, are empowered to execute any licenses or other instruments referred to in this Ordinance, on behalf of the Tribe.

#### CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa-Cree Tribe hereby certify that the Business Committee is composed of NINE members of whom 9 constituting a quorum were present at the meeting thereof; duly and regularly called, noticed and convened and held this 26 day of March, 1971; and the foregoing Ordinance was duly adopted at such a meeting by the

3.  
affirmative vote of 1 for and 1 against and that the Ordinance has not been rescinded or amended in any way.

John M. Kelly  
Chairman, Business Committee

William Henry Dr.  
Secretary, Business Committee

Noted: 1-30-71

Forwarded: \_\_\_\_\_

Approved: \_\_\_\_\_

Received: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Thomas R. Hardin  
Superintendent, Rocky Boy's Agency  
Box Elder, Montana 59521

ELECTION ORDINANCE OF  
ROCKY BOY'S CHIPPEWA CREE TRIBE.  
ROCKY BOY'S RESERVATION

AUTHORITY

Article IV, Section 7 states: "The specific dates of election and the procedures for their conduct shall be set forth in an election ordinance which shall be drafted by the Election Board and approved by a majority vote of those participants in a tribal referendum called for that purpose by the Election Board pursuant to Article VIII, Section 2.

Such ordinance shall include provisions for secret balloting, absentee voting, registration of voters, a procedure for resolving election disputes and compensation for election officials. Provisions shall also be included for an impartial interpreter at the polling place during voting hours to assist those voters requesting help in casting their ballots.

Wherever possible, the Election Board shall coordinate tribal elections with State and County Elections.

APPROVAL OF ELECTION ORDINANCE

For purposes of conducting the initial election under this ordinance, a general meeting shall be widely advertised and held to vote on the question of adopting this election ordinance. Qualified voters shall be registered on entering the meeting hall and the body assembled shall be authorized to determine if it is a representative body to call a vote. If the body is considered representative of the Rocky Boy's voting population, it may by a majority vote adopt this election ordinance. Following the first general election the election ordinance shall be amended only as required in Article VIII, Section 2.

### COMPOSITION OF TRIBAL ELECTION BOARD

The election board shall consist of five qualified voters, three of whom shall be individuals serving as election board members of the County Election Precinct #28. These three then shall appoint two additional qualified voters to make the five members who shall make up the tribal election board. The three precinct election board members shall serve until replaced by appointment by the County election board.

The initial appointments of the two non-precinct board members shall be - One (1) member shall be for two year term and the other for a three year term. Thereafter, as ~~terms expire~~, appointments shall be for three years.

An individual shall not serve as member of the Business Committee and member of the election board at the same time. Should any member of the election board file as candidate for tribal elective office, he shall request official release from the tribal election board.

### VOTER QUALIFICATIONS

All duly enrolled tribal members eighteen years of age or older on election day shall be eligible to vote provided the voter is registered. As further required in this ordinance regardless of place of residence.

#### VOTING BOOTHS

There shall be provided at the polling place substantial separate voting booths with curtains, writing surfaces and marking pencils.

#### BALLOT BOX

The Ballot Box shall be of substantial construction equipped with a back. Immediately prior to the opening of the polls the Chairman of the election board shall open the ballot box in the presence of the other members of the election board to show that no ballots are contained in the ballot box and he shall then lock the ballot box and retain the key in his possession until after the balloting has been completed and counted.

#### VOTER REGISTRATION

The Tribal Election Board shall establish and maintain a register of eligible voters for tribal elections. A voter, to get on this list shall, on a form provided, certify to the election board Secretary at least 10 calendar days before the election that he is a qualified voter. As long as a registered voter votes his registration will continue. If a voter fails to vote in any 2 consecutive elections he shall be required to re-register.

### METHODS OF VOTING

Each voter must first register on the registration form provided. The election board shall determine if such person is eligible and qualified to vote by comparing with the list of registered voters. All voting shall be done by secret ballot. No one else other than each individual voter shall be allowed in each voting booth at one time, except that interpretation may help the voter as set forth below.

### DEPOSIT OF BALLOTS

After the ballots have been properly marked, they must be placed in the ballot box by the elector and the voters right to secrecy will be protected.

### INTERPRETATION OF THE BALLOT

When requested to do so by a voter who does not understand the ballot, at least two (2) members of the election board who speak the Chippewa Cree and English language shall in the presence of each other, read and translate the ballot to said voter and instruct the voter on the method of voting. Such members of the election board shall not advise or otherwise intimidate the voter into voting for a certain candidate.

### WATCHERS

Any candidate may name a tribal member to act as watcher at an election. The watchers shall have the right to be present at the polling place but outside the booths and to watch the election board, the balloting, the counting and the recording of the results of the election. It shall be the duty of the watcher to watch, listen and observe and counting for all candidates voted for and can insist upon

#### WATCHERS (CONTINUED)

a fair count but shall have no further authority than to challenge the results thereof. Watchers shall not give out any information as to the counting until the public announcement by the Chairman of the election board. A watcher shall receive no compensation for his services. The appointment in writing by the candidate of a watcher shall be filed before the day of the election with the Secretary of the Tribal Election Board or upon the day of the election with the Chairman of the election board.

#### ABSENTEE VOTING

Any qualified voter who is absent from the Rocky Boy's Reservation may vote by absentee ballot, provided he or she must make a written statement to the Secretary of the Tribal Election Board prior to the day of election. The written statement must be signed by the absentee voter and must certify that the voter will be absent from the reservation on the day of the election. On making such written statement and delivery of the same to the Secretary of the Tribal Election Board, the Secretary shall deliver to such absentee voter a ballot and said ballot may be voted by such absentee voter. The Secretary shall, before delivery of said absentee voter's ballot to any absentee voter, register the absentee voter by signing the absentee voter's name to the Registration Certificate and there undersign his, the Secretary's name. The ballot may be delivered to the absentee voter in person or by mail on any day before the day of election. After the voter has prepared his or her absentee voter ballot, the absentee voter ballot must be securely sealed in an envelope and must be delivered in person or by mail to one of

ABSENTEE VOTING (CONTINUED)

the Tribal Election Board before 8 o'clock P.M. on the day of election, otherwise an absentee ballot will not be counted. The envelope containing the absentee ballot shall have inserted on the front thereof the word "Ballot of the Rocky Boy's Chippewa Cree Tribe".

TIE VOTE

The election board shall determine the method of election in the instance of a tie vote, for any office.

MANNER OF COUNTING BALLOTS

It shall be the duty of the election board to count the ballots, return them to the ballot box, lock the box and when the counting has been completed, turn over the certified election returns, the ballot box, the list of those registered and voting and all unused ballots to the Chairman of the election board. The Chairman of the election board and other members of the election board shall remain continuously in the room until all of the ballots are finally counted. No person serving as a member of the election board shall give out any information as to the results of the vote cast at the election. At the time of the counting of the ballots no other person shall be allowed in the counting room except the election board and persons designated as official watchers. After the ballots have been counted the Chairman of the election board shall publicly announce the results of the balloting.

#### CANVASS OF BALLOTS

A At the hour fixed for the closing of the polls, the Judges and Clerks of Election shall close the polls and immediately proceed to count the votes cast on each ballot for each candidate or proposition and certify in writing under their signatures to the Business Committee the correct total number of the votes cast for each candidate and for each proposition if any. The person receiving the largest number of votes shall be the person elected to any office, provided that in case of a tie vote between candidates, the winner shall be determined by decision of the election board. It shall be unlawful for any person or persons, except the duly qualified Judges and Clerks of election, to interfere in any election or to aid and assist or attempt to aid and assist the Judges and Clerks in conducting the election or canvassing the ballots cast at any election.

#### CERTIFICATION OF ELECTION RESULTS

The election board shall certify the results of the election to the Secretary who shall post the results of such election in the Tribal Office at Rocky Boy's Agency, Montana.

#### SAFE KEEPING OF BALLOTS

The ballots and other election material shall be delivered to the Secretary of the Tribal election board by the Chairman of the election board. The ballots and other election material shall be kept by the Secretary of the Rocky Boy Chippewa Cree Tribe and shall be placed under lock and key for at least one hundred eighty (180) days for any protest or order of recount.

## NOTICE OF ELECTION

### TIME OF ELECTION

A tribal election to elect officers as prescribed by the tribal Constitution. A primary election shall be held in June and run-off election shall be held in November on dates fixed by the election board. In so far as possible election dates shall be coordinated to coincide with local and state election dates. The polls shall be open from 8:00 A.M. to 8:00 P.M. on day of election.

### PLACE OF ELECTION

The place of the election shall be at the Multipurpose Building on the Rocky Boy's Reservation, Montana.

### NOTICE REQUIREMENTS

A notice of election in the form as hereinafter specified shall be posted in public places. A duplicate notice shall be posted in the Multi-purpose Building at Rocky Boy's Reservation and the United States Post Office at Havre and Box Elder, Montana. A duplicate notice will be published for one (1) issue in the Havre Daily News at Havre, Montana at least two (2) days prior to the day fixed for the election.

### FORM OF NOTICE

The notice of election shall contain a list of all Candidates for the respective tribal offices designated in the nominating petition of each candidate. The notice of election shall further contain the election date, the time of opening and closing of the polls, the polling place of the election and the qualifications of voters. The Notice of Election shall be in substantially the following form:

FORM OF NOTICE (CONTINUED)

CHIPPEWA CREE TRIBE  
ROCKY BOY'S RESERVATION

NOTICE OF ELECTION

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ an election for tribal officers of the Chippewa Cree Tribe of Rocky Boy's Reservation will be held at the Multi-Purpose Building at Rocky Boy's Reservation, Montana. Polls for said election will be open for voting between the hours of 8:00 A.M. and 8:00 P.M. The following candidates have filed for the following offices:

Chairman of Rocky Boy's Business Committee

(Name of Candidates)

Member, Rocky Boy's Business Committee

(Name of Candidates)

Chief Judge of Chippewa Cree Tribal Court

(Name of Candidates)

Associate Judge of Chippewa Cree Tribal Court

(Name of Candidates)

Persons eligible to vote in the election must possess the following qualifications: Such person must be a duly enrolled member of the Chippewa Cree Tribe of Rocky Boy's Reservation, must be eighteen (18) years of age or older.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_\_\_

Secretary, Business Committee of the  
Chippewa Cree Tribe

CANDIDATE QUALIFICATIONS

To be eligible for membership of Business Committee or be officer of the Business Committee, candidate shall be required to meet the following qualifications:

1. To be an enrolled member of the Rocky Boy Chippewa Cree Reservation.
2. Must have physically resided within the exterior boundaries of the reservation or any any land under jurisdiction of the tribe for two years immediately prior to date of general election. Presently it means individuals living in Box Elder on non-trust lands shall be ineligible to run for an elective office of the tribe. However, it at a later date, by referendum vote, the tribe may amend this part to include that small area containing the townsite of Box Elder as being within the exterior boundaries of the reservation. The constitutional language "within the general area which encompasses the main body of the reservation" shall not include Havre, Big Sandy, Chinook or other townsites outside the boundaries of the reservation.
3. Must be 25 years of age on date of election.
4. Any person having been convicted of a felony involving dishonesty in any state or Federal Court or convicted by tribal court of a misdemeanor involving dishonesty or bribery in handling tribal affairs shall be ineligible to run for tribal office until five years after completion of his penalty.

*Use exact language of Constitution.*

### FILING FEES

Any member who wishes to file as candidate shall pay a filing fee as follows:

1. For Business Committee, \$15.00
2. For Chairmanship of Business Committee, \$25.00
3. For Tribal Chief Judge, \$10.00 and Associate Judge, \$5.00

The filing fees shall be paid to the election board to help defray election expenses. Such fees shall not be refunded unless the election board declares the candidate does not meet candidate qualifications. All filing fees shall be forwarded to the tribal Secretary and Treasurer for deposit in the tribe's special election funding account and used to offset the election board for election expenses.

### FILING TIME

A petition filing for tribal office shall be filed with the Rocky Boy's Chippewa Cree Tribal Secretary at least 15 days before the day of election. The Secretary shall record on each petition the minute, hour, day, month and year of the time of filing.

### WRITE-IN CANDIDATES

No elective office shall be filed by write-in candidates.

#### CERTIFYING ELECTION RESULTS

The Tribal Election Board shall serve as election judges. The Tribal Secretary and Treasurer shall also serve as Tribal Election Clerks.

#### COMPENSATION OF ELECTION BOARD AND OTHERS

Election judges and other workers at the election shall be paid \$2.25 per hour. There shall be no more than two interpreters assigned to work during the election. Poll watchers shall not be eligible for pay unless paid by the candidate who arranged for their respective services.

#### PREPARATION FOR ELECTION

It shall be the duty of the Tribal Election Board with assistance from agency personnel to provide supplies, material and necessary forms to hold a tribal election. The board shall also provide notices to alternate members in the event a board member is unable to serve and call a pre-election meeting to discuss voting procedures and make other preparation for holding a satisfactory and fair election.

FORM OF BALLOT

The ballot shall be in substantially the following form:

CHIPPEWA CREE TRIBE  
ELECTION OF OFFICERS

BALLOT

STATE OF MONTANA            )  
                                  )    ss.  
ROCKY BOY'S RESERVATION )

I hereby represent that I am (18) years or older and that I am a duly enrolled member of the Chippewa Cree Tribe of Indians and qualified to vote in accordance with the Constitution of the Chippewa Cree Tribe.

I acknowledge receipt of a ballot for the election of tribal officers.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Signature of Elector

.....  
(Perforation)

Instructions: Vote for one (1) candidate for each of the following offices. Place X in the box opposite the name of the candidate of your choice for each office.

CHAIRMAN OF CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

MEMBER TRIBAL BUSINESS COMMITTEE

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

FORM OF BALLOT (CONTINUED)

CHIEF JUDGE CHIPPEWA CREE TRIBAL COURT

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

ASSOCIATE JUDGE - CHIPPEWA CREE TRIBAL COURT

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

(Name of Candidate) \_\_\_\_\_

#### PLACEMENT OF NAMES OF CANDIDATES

The names of the candidates for each respective office shall be placed upon the ballot in the respective order to correspond with the time of filing.

#### INDIVIDUAL VOTING

All voting must be for individual candidates for the respective offices.

The ballots will not be prepared to as to provide for slate voting.

#### PROCEDURE FOR AMENDING ELECTION ORDINANCE

For purpose of adopting or amending an election ordinance, the Election Board is empowered to call and conduct a referendum election. In such election, a majority of those who vote shall determine whether the proposal is adopted or rejected provided at least thirty (30) percent of the registered voters participate in the balloting.

#### ELECTIONEERING AT THE BOOTHS

No person shall be allowed to electioneer within the building or within 50 feet ( ) of the building where and when the election is in progress and it will be the duty of the Chairman of the Election Board to arrange with the Superintendent for the assistance of the tribal police to maintain order about the building during the election.

PROTEST AND CHALLENGE OF CANDIDATES

Procedures for protesting the Qualifications of Candidates for Tribal office.

1. Appeals will be accepted only on complaints against qualifications outline in the <sup>Constitution</sup> ~~Tribal Election Ordinance No. 1-72~~ which stipulates the qualification requirements for candidates.
2. Appeals must be filled 5 days prior to the date of the election to the election board.
3. The Tribal <sup>Court</sup> ~~Election Board~~ shall have full authority to determine the validity of all appeals ~~and their decision will be final.~~

PROTEST OR CHALLENGE OF ELECTION

Only a candidate defeated in the election shall be eligible to contest the results of an election. The protest or challenge must be filed within five calendar days after the election results have been posted. Protest shall be filed with any member of the Election Board. Protest shall be in writing and set forth valid reasons, based on the tribe's Constitution or Election Ordinance as to why th results of the election shall not be final.

On any protest or challenge of election the decision of election board shall be final.

Demands for re-holding an election must be accompanied by a cash deposit of \$50.00 to cover costs of such election.

Revisions written in were proposals only,  
not accepted by Tribe.

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

I, the undersigned as Secretary of the Chippewa Cree Tribal Election Board of the Rocky Boy's Reservation hereby certify a meeting was held on June 7, 1972 whereby 31 qualified registered tribal member voters approved this election ordinance by a affirmative vote of 15 members for and 0 against and 16 members not voting.

---

Secretary, Chippewa Cree Election Board  
Rocky Boy's Reservation

REGISTRATION FORM

Date \_\_\_\_\_

I, \_\_\_\_\_ now residing at \_\_\_\_\_

ADDRESS

I hereby certify that I am a member of the Chippewa Cree Tribe of the Rocky Boy's Reservation; that I am 18 years of age or over, or will be 18 years of age by June 30, 1972.

Date of Birth \_\_\_\_\_  
Month Day Year

Signature: \_\_\_\_\_

I request an absentee ballot be sent to my listed address.

yes

no

Upon completion submit to:

Chairman Election Board  
Chippewa Cree Tribe  
Rocky Boy's Reservation  
Rocky Boy Route  
Box Elder, Montana 59521

The following ordinance governing the issuance of fishing permits to non-Indian persons on restricted Indian lands within the Rocky Boy's Reservation is enacted by the Business Committee of the Chippewa Cree Tribe in pursuance of authority contained in Article VI, Section 1 (S) of the Constitution of the Chippewa Cree Tribe approved by the Secretary of the Interior on November 23, 1955.

ISSUANCE OF FISHING PERMITS-INDIANS

There shall be no issuance of Courtesy Fishing Permits to any Non-Indian person. Any private person not a member of the Chippewa Cree Tribe of Indians of the Rocky Boy's Reservation shall be required to purchase a Tribal Fishing Permit and shall abide by the rules and regulations printed thereon. Any person committing an offense against this ordinance may be removed from the restricted Indian land by any officer of the Bureau of Indian Affairs or Tribal Police and may be turned over to the custody of the United States Marshal or the sheriff or other officer of the State of Montana for prosecution under federal or state law.

The Chippewa Cree Business Committee on January 10 1972 duly approved the foregoing ordinance which will be in effect from such date of its adoption under authority of Article VI Section 2 of the approved Constitution of the tribe then approved by the Superintendent of the Rocky Boy's Agency subject to the right of the Secretary of the Interior to rescind said ordinance within ninety (90) days from the date of its enactment.

CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe hereby certify that the Business Committee is composed of 11 members of whom 5 constituting a quorum were present at the meeting thereof duly and regularly called, advised, and convened and held this 10 day of January 1972; and the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 5 for and 3 against and that the Ordinance has not been rescinded or amended in any way.

John Hurley  
Chairman, Business Committee

William Denny  
Secretary, Business Committee

Noted: \_\_\_\_\_

Received: \_\_\_\_\_

Recorded: 1-10-72

Recorded: \_\_\_\_\_

Approved: \_\_\_\_\_

Thomas R. Hader  
Superintendent, Rocky Boy's Agency

The following ordinance governing the use and operation of snowmobiles on restricted Indian lands within the Rocky Boy's Reservation is enacted by the Business Committee of the Chippewa Cree Tribe in pursuance of authority contained in Article VI, Section 1 of the Constitution of the Chippewa Cree Tribe, approved by the Secretary of the Interior on November 23, 1955.

SNOWMOBILE CONTROL ORDINANCE

It shall be unlawful for any person or persons, not a member of the Chippewa Cree Tribe or Indians on the Rocky Boy's Reservation, to operate a snowmobile within the exterior boundaries of the Rocky Boy's Reservation without an official Snowmobile Permit issued by the Chippewa Cree Tribe. Operators of snowmobiles having in their possession such a permit for the concurrent season shall be limited to areas, and shall

APR 16 1972  
WORK  
EPLINGS AREA OF

... may be received... of the Bureau of... be turned over to the... of the Federal...

The approval of the Business Committee of the Chippewa Cree Tribe on January 20, 1972, of the following ordinance which is hereby enacted in pursuance of the authority of Article VI, Section 1 of the Constitution of the Chippewa Cree Tribe, when approved by the Secretary of the Interior is hereby made the right of the Secretary of the Interior is hereby made within thirty (30) days of the date of the enactment.

CERTIFICATION

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe hereby certify that the Business Committee as composed of BICC members of whom 7 constituting a quorum were present at the meeting thereof duly and regularly called, noticed, and convened and held this 20 day of January, 1972; and that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 6 yeas and 0 nays and that the Ordinance has not been amended or amended in any way.

*[Signature]*  
Chairman, Business Committee

*[Signature]*  
Secretary, Business Committee

NOTED: \_\_\_\_\_

RECEIVED: \_\_\_\_\_

APPROVED: 2-11-72

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

*[Signature]*  
Superintendent, Rocky Boy's Agency

WHEREAS, this Corporation is a Federal Chartered Corporation as defined by the Indian Reorganization Act of June 18th, 1934 and under its Charter and Constitution and By-Laws as approved by the Secretary of the Interior, has full power and authority to make and enforce resolutions and ordinances not inconsistent with law or the provisions of its Charter and,

WHEREAS, in order to perpetuate, encourage and foster the Arts & Crafts & Culture and Traditions of the Chippewa Cree Tribe as authorized on the Constitution and By-Laws, it is imperative that a certain area be set aside and designated as a Tribal Ceremonials, NOW,

WHEREAS, the land described as the NW, Sec 6, T29N, R15E, containing 160 acres more or less, has been used for ceremonial purposes for at least fifty years and was designated as such by the first superintendent J.B. Farber who also presented an American Flag to our elders to show good faith and for use in Tribal Ceremonials, Now,

THEREFORE BE IT ORDAINED, that the above described land be hereby designated as a Tribal Ceremonial Ground and it shall be unlawful for this land to be assigned in the future to any individual or group for any other use: BE IT

FURTHER ORDAINED, that this Ordinance shall remain in force and effect until it is rescinded or amended: AND,

FURTHER ordained, that no material used in a ceremony shall be removed for a period of one year and persons wishing to use the material secure permission from an authorized person: ALSO BE IT FURTHER,

ORDAINED, any person apprehended in defacing Ceremonial Grounds or, and structures or removing offering or other material that may have been used shall be subject to a fine not to exceed \$60.00 and a jail term computed @ \$2.00 per day which shall equal 30 days in jail.

CERTIFICATION

The foregoing Ordinance was on Jan 20, 1972 duly adopted by a vote of 6 FOR and NONE AGAINST, by the Business Committee of the Chippewa Cree Tribe of the Rocky Boys Reservation in Montana there being a quorum of 7 members of the committee present and voting.

*Rec'd April 26th*  
*April 27th* APPROVED: Thomas R. Hardin  
SUPERINTENDENT, of Rocky Boys Reserv.

John A. [Signature]  
CHAIRMAN, of Business Committee

APPROVED: \_\_\_\_\_  
SECRETARY OF THE INTERIOR

William Denny  
SECRETARY OF Business Committee

*Carled*

WHEREAS, this Corporation is a Federal Chartered Corporation as defined by the Indian Reorganization Act of June 18th, 1934 and under its Charter and Constitution and By-Laws as approved by the Secretary of the Interior, has full power and authority to make and enforce resolutions and ordinances not inconsistent with law or the provisions of its Charter and,

WHEREAS, in order to perpetuate, encourage and foster the Arts & Crafts & Culture and Traditions of the Chippewa Cree Tribe as authorized on the Constitution and By-Laws, it is imperative that a certain area be set aside and designated as a Tribal Ceremonials, NOW,

WHEREAS, the land described as the NW<sup>1/4</sup>, Sec 8, T29N, R15E, containing 160 acres more or less, has been used for ceremonial purposes for at least fifty years and was designated as such by the first superintendent J.B. Parker who also presented an American Flag to our elders to show good faith and for use in Tribal Ceremonials, Now,

THEREFORE BE IT ORDAINED, that the above described land be hereby designated as a Tribal Ceremonial Ground and it shall be unlawful for this land to be assigned in the future to any individual or group for any other use: BE IT

FURTHER ORDAINED, that this Ordinance shall remain in force and effect until it is rescinded or amended: AND,

FURTHER ordained, that no material used in a ceremony shall be removed for a period of one year and persons wishing to use the material secure permission from an authorized person: ALSO BE IT FURTHER,

ORDAINED, any person apprehended in defacing Ceremonial Grounds or, and structures or removing offering or other material that may have been used shall be subject to a fine not to exceed \$60.00 and a jail term computed @ \$2.00 per day which will equal 30 days in jail.

RECEIVED  
MAY 4 1972  
TERRITORIAL RELATIONS  
BILLINGS AREA OFFICE

CERTIFICATION

The foregoing Ordinance was on Jan 20, 1972 duly adopted by a vote of 6 FOR and NONE AGAINST, by the Business Committee of the Chippewa Cree Tribe of the Rocky Boys Reservation in Montana there being a quorum of 7 members of the committee present and voting.

APPROVED: [Signature]  
APR 27 1972 SUPERINTENDENT, of Rocky Boys Reserv.

[Signature]  
CHAIRMAN, of Business Committee

APPROVED: \_\_\_\_\_  
SECRETARY OF THE INTERIOR

[Signature]  
SECRETARY OF Business Committee

The above ordinance-resolution No. 3-72 Adopted 1/20/72  
is hereby favorably reviewed under authority delegated by Secretarial Order  
508 Jan. 11, 1949 (14 F.R. 258-260) and IO BIAM 3 (34 F.R. 637 /16/69).  
in accordance with memo dated MAY 4 1972  
(Sgd) George A. LaVerdure

Acting Assistant Area Director

RECEIVED  
MAY 8 1972  
LAW AND ORDER  
BILLINGS, MONTANA

WHEREAS, this Corporation is a Mutual Chartered Corporation as defined by the Indian Reorganization Act of June 18th, 1934 and under its Charter and Jurisdiction and By-Laws as approved by the Secretary of the Interior, has full power and authority to make and enforce resolutions and ordinances not inconsistent with law or the provisions of its Charter and,

WHEREAS, in order to carry out, preserve and protect the Arts & Crafts & other traditional activities of the Tribe, and in accordance with the Constitution and By-Laws, it is imperative that a certain area be set aside and designated as a Tribal Ceremonial Ground,

WHEREAS, the land described as the NW 1/4, Sec 3, T29N, R15E, containing 160 acres more or less, has been used for ceremonial purposes for at least fifty years and was designated as such by the first superintendent J.B. Parker who also presented an American Flag to our elders to show our respect and honor to the Tribal Ceremonial Ground,

WHEREFORE BE IT ORDAINED, that the above described land be hereby designated as a Tribal Ceremonial Ground and it shall be unlawful for this land to be assigned in the future to any individual or group for any other use: BE IT

FURTHER ORDAINED, that this Ordinance shall remain in force and effect until it is rescinded or amended: AND,

FURTHER ORDAINED, that no material used in a ceremony shall be removed for any purpose and persons wishing to use the material secure permission from an authorized person: ALSO BE IT ORDAINED,

ENACTED, any person apprehended in defacing Ceremonial Grounds or, and structures or removing offering or other material that may have been used shall be subject to a fine not to exceed \$60.00 and a jail term computed @ \$2.00 per day which will equal 30 days in jail.

CONFIDENTIAL

The foregoing Ordinance was on Jan 20, 1972 duly adopted by a vote of 10-0 by the Business Committee of the Tribe of Cree Indians of the Reservation of the Northern Plains, Montana.

APPROVED: *Ronald K. De Lin*  
PR 27 1972

*John M. ...*  
*William ...*

APPROVED: \_\_\_\_\_  
SECRETARY OF THE INTERIOR

SECRETARY OF BUSINESS COMMITTEE

RECEIVED  
MAY 4 1972  
INDIAN REGULATIONS  
BILLINGS AREA OFFICE

Ordinance-resolution No. 3-72 Adopted 1/20/72  
Favorably reviewed under authority delegated by Secretarial Order  
Jan. 11, 1949 (14 F.R. 258-260) and 10 BIAM 3 (34 F.R. 637 /16/69).  
In accordance with memo dated MAY 4 1972  
(Sgd) George A. LaVerdure  
Acting Assistant Area Director

Stamp area with illegible text and dates.

1. Every person operating or driving a vehicle of any character on a reservation road shall drive in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the

2. Where no special hazard exists that requires low speed in compliance with the aforementioned paragraph, the following speed laws will be in effect:

- a. 20 MPH when passing through a school zone during normal school hours and/or when children are coming to and from school.
- b. On other reservation roads a driver of a vehicle of any character shall drive in a careful and prudent manner except where special speed limit signs are posted. The driver of a vehicle of any character shall obey speed limit signs on any reservation road when posted.
- c. The speed limit set forth shall not apply to vehicles when operated with regard to safety under the direction of the police, fire departments, ambulances and other emergency vehicles.

Any person who is driving in excess of the maximum speed as posted or at a speed greater than is reasonable or proper under the conditions then existing is guilty of speeding and/or traveling too fast for road conditions and shall be sentenced to a fine: "First Offense-\$10.00", "Second Offense-\$15.00", "Third Offense-\$25.00".

CERTIFICATION

I, the undersigned, as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee in composed of 1112 members of the Tribe, a quorum were present at a regular meeting, duly and regularly called, noticed and convened and this 27 day of April, 1972, and that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 6 and 0 against, and that the Ordinance has not been amended or changed in any way.

*[Signature]*  
Secretary, Business Committee

*[Signature]*  
Secretary, Business Committee

Noted: \_\_\_\_\_

Approved: 5-1-72

Witness: \_\_\_\_\_

*[Signature]*

Notary Public for the State of Montana

To prohibit hunting of big game by non-enrolled persons of the Chippewa Cree Tribe Rocky Boy's Reservation, Montana.

WHEREAS, due to lack of controlled hunting of non-enrolled Indians and Non-Indians without a proper permit or authority issued by the Business Committee NOW BE IT

ORDAINED that any non-enrolled Indian and Non-Indian who shall disobey the provisions of this Ordinance shall be subject to arrest. Provisions as follows:

1. No Non-Indian shall hunt or kill any Deer, Antelope, Elk, or any other game within the exterior boundaries of the Rocky Boy's Reservation.
2. It shall be unlawful for any member to accompany a Non-Indian or an unenrolled Indian while hunting on any part of the Reservation.
3. It shall be unlawful to use spotlights or any other device to lure game animals.
4. The Ordinance will be in affect till such time the Business Committee determines that Ordinance can be revised or amended.

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

I, the undersigned, as Secretary-Treasurer of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom 5 constituting a quorum were present at a meeting thereof, duly and regularly called, noticed and convened and held this 18 day of August 1972; and that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 4 and 0 against, and that the Ordinance has not been rescinded or amended in any way.

[Signature]  
CHAIRMAN, BUSINESS COMMITTEE

[Signature]  
SECRETARY-TREASURER, BUSINESS COMMITTEE

NOTED: \_\_\_\_\_

APPROVED: Aug 4, 1972

DISAPPROVED: \_\_\_\_\_

Thomas R. Stahl  
SUPERINTENDENT, ROCKY BOY'S AGENCY, BOX ELDER, MONTANA 59521

RECEIVED

AUG 30 1972

TRANSNATIONS  
BILLINGS AREA OFFICE

ORDINANCE NO. 174

AN ORDINANCE OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION, MONTANA, PROVIDING FOR THE CONTROL, IMPOUNDMENT AND SALE OF LIVESTOCK AND DOMESTIC ANIMALS TRESPASSING ON THE RESERVATION.

WHEREAS, Article VI (1) of the Constitution and By-Laws of the Chippewa Cree Indians of the Rocky Boy's Reservation, Montana, authorizes the Tribal Business Committee to promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior governing the conduct of members of the Rocky Boy's Reservation and providing for the maintenance of law and order and the administration of justice by establishing a reservation Court and defining its duties and powers, and

WHEREAS, there are livestock and domestic animals running and grazing at large without proper authorization on the Rocky Boy's Reservation, and

WHEREAS, it is the responsibility and obligation of the Tribal Business Committee to protect the natural resources of the Reservation and to encourage that full compensation be paid to the Tribe or to any other person entitled to the same, for the use of such resources.

NOW, THEREFORE, BE IT ORDAINED, as follows:

Section 1. CRIMINAL TRESPASS: (a) It is unlawful for any Tribal member, or any other person to wilfully allow any commonly domesticated hoofed animals, hereinafter referred to as "animals", to graze or to run at large; (b) Any person violating the preceding sub-section shall be deemed guilty of a criminal trespass, and upon conviction thereof, shall be fined in the sum of Twenty-five Dollars (\$25.00) for the first offense, and in the sum of Fifty Dollars (\$50.00) for each subsequent offense.

Section 2. CIVIL TRESPASS: (a) Any Tribal member or any other person who allows any animal to graze or run at large without proper authorization, shall be liable in damages to the injured party thereby, in a Tribal Court civil action; (b) An injured party may claim damages for damage to fences, loss and trampling of grass, costs of round-up, driving animals off his property, and any other injury caused by said trespass.

Section 3. IMPOUNDMENT: (a) It is the duty of the Tribal officials, Tribal police officers and stock inspectors to impound animals found grazing or running at large. (b) Upon

(c) The notice shall be in writing and shall give the number, description, marks or brands, when and where impounded, where held, with the reasons therefore, together with the charges for rounding up, trespass damages, transportation, holding and sale in the event of a sale, and what disposition will be made of said animals if such charges are not paid, and when action for disposition shall be made; (d) Within five (5) days after impoundment, notice shall be served personally upon the owners or may be made by registered mail, postage prepaid, properly addressed and placed in the United States mail, and at least ten (10) days before the day fixed for action for disposition of said animals according to this ordinance; (e) If the name of the owner is unknown or if the owner is known but his address is unknown, such notice shall be served posted in three (3) public places on the Rocky Boy Reservation, and a copy of said notice shall be mailed to the Secretary of the Montana Livestock Commission, Helena, Montana; (f) It shall be the duty of said officers or agents to use reasonable diligence to ascertain any and all marks and brands on such animals and to determine ownership; (g) A claiming owner shall be required to prove ownership and pay the charges set forth in the notice before possession of the animals are delivered to him; (h) It shall be the duty of officers impounding animals under this ordinance to see that they are properly corraled, watered and fed; (i) The officer or agent serving the notice provided herein shall sign an affidavit of notice giving the details of the notice before the Tribal Judge or a Notary Public.

Section 4. SALE: (a) The Tribe shall have an immediate lien on all of said animals so rounded up to secure all of the charges set forth above and any additional amounts incurred by it through the sale of the same as hereinafter set forth. If no person has appeared to claim the animals within the time set forth in the notice for the disposition of the animals, the officers shall immediately commence an action in the name of the Chippewa-Cree Tribe in the Tribal Court to foreclose the lien and obtain an order from the Court authorizing the sale of said animals at public auction on the reservation or through a public livestock auction market center; (b) The complaint instituting such an action shall be in writing, verified, shall state the facts surrounding the impoundment and shall have the affidavit of notice attached thereto. Upon presentation of the above proofs, and if no owner has appeared at the time set for hearing on the complaint, the Court shall forthwith enter its order of foreclosure and sale without further notice; (c) The Tribal Court is hereby granted jurisdiction to hear and determine all actions commenced under this ordinance and to make such orders and levy such fines as may be required. The Tribe shall have the authority, following entry of the order of foreclosure of the lien and sale as hereinabove set forth, to brand all of the animals subject thereto with the brand registered in the name of the Chippewa-Cree Tribe; (d) If the money received at such a public auction exceeds the charges referred to above



# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone 395-4478 or 395-4727 • Box 544 • Rocky Boy Route • Box Elder, Montana 59521

Rocky Stump Sr Chairman  
Rosette Vice Chairman  
John Sunchild-Councilman

John Houle - Councilman  
Richard Sangrey Councilman  
Raymond Parker - Councilman

Roger St. Pierre Councilman  
Gary Eagleman - Councilman  
Duncan Standing Rock Councilman

## REGULAR TRIBAL COUNCIL MEETING

March 21, 1985

Present: Chairman: Rocky Stump, Vice Chairman: Joe Rosette, Members: Gary Eagleman, Raymond Parker, Richard Sangrey, Duncan Standing Rock, Roger St. Pierre, John Sunchild

Absent: John Houle

The Chairman calls the meeting to order and roll call is taken. Roger St. Pierre makes a motion to dispense reading of the minutes. Gary seconds. Carried. Elaine: In your folder you have a narrative report on the General Account expenditure report. To date the General Account owes the line of credit \$45,500. The Development Company owes \$35,000, the Post Plant \$6,700, and the Youth Commission \$1,500. With interest the total amount is \$92,350. We have been depending on the TAL oil and gas agreement to come through. I will be working with Jim Montes to modify the budget to reflect the anticipated income. Richard: This is about the tenth draft of the agreement. Joe: I just got a call this morning from Ginny Boylan and all they are waiting for is whether the bureau or BLM will pay for the interest. This interest is on oil and gas leases for the past ten years and it is \$88,000. Roger: This TAL agreement is not going to be the solution to our problems. It will bail us out this time. We only have \$60,000 left in the General Account for the remainder of the year. At the last meeting we went on record to stop donations and loans but we started again the next day. We should think about how we will solve this problem. If we keep going at this rate, maybe at election time, we will be really broke.

Elaine: The council should keep in mind too that any unallowable expenses or overruns in 638 contracts or all other programs will have to come out of the General Account. Chairman: I talked to the superintendent about these contracts the other day. The COR at the area has not been assisting us in each of these programs. He comes to us later and tells us what we owe on the contract. Our General Account is in no condition to pay for these costs. Richard: These program directors are given a report each month and they know where they are running over. Roger: If the bureau was to get tough, I can almost tell you the tribal council would be shut down. They have been very lenient on us. Chairman: All of a sudden they tell us we have unallowable costs in programs. We are just asking for assistance. Richard: Let the program directors know. We have the game warden's costs and we don't have him approved in the line item. We were banking on the IMPL monies to fund him and those funds are not available until October '86. We have to look for alternative funding for that position. Chairman: Has anyone in the council looked for alternatives on the game warden's costs. Duncan: Little Whiteman was to look around for funding. Can he be paid from the ski area. Elaine: They had a big electricity bill to pay for. Richard: The electricity won't be paid for this year until next year and we signed a lease agreement for the ski area. Chairman: We have a vacant position at CETA.

Duncan: Every since he started working he has done a hell of a good job. As you know white people were taking wood out. He is watching out for cattle rustling. He is protecting our natural



Chief Rocky Boy

resources. Each of you should look for other alternatives. Joe: We could pay him from CETA and supplement him from what he takes in. Duncan: We should take some extra time on these budgets. All of us came in here unprepared to talk about budgets. Chairman: If you want to table this issue on the game warden, Tom Weist will be coming in. Joe: I told Tom to look into the fish and game. Chairman: I can set up a few days next week just for budgets. Roger: I know why Ronald Stump wanted to be on the agenda. He wants to break the lease on the buffalo pasture. Joe: There were improvements made. Raymond: He talked to me before and he wanted to \$25 increase each year. Duncan: He wants the place for a homesite. Raymond: He wanted the house Bill Stump is living in. He wants the house back too. I don't know if housing gave the house to Monte and Bill and Monte traded houses. Chairman: The housing authority had Ronnie as a designee for the house. Raymond: The housing authority was in the wrong to give the house away. Richard: I think it was a court decision and him and Vida were fighting over the house. It should be in the housing minutes back in '79 or '80. Chairman: What is all involved in cancelling the buffalo lease. Gary: We would have to find some other place for the buffalo. Raymond: Maybe we should negotiate with him. Chairman: So we will table this until we meet with Ron.

Chairman: We have enrollment. Roger: We have the resolutions in your packets. The first resolution would be approving enrollment for the automatic applicants according to the constitution. The enrollment have gone over these applications for enrollment and these are their recommendations to the council. Joe makes motion to approve the enrollment for the 15 people by resolution. Raymond seconds. Carried. The fifteen qualified applicants are:

Caplette, Franklin Troy  
 Garcia, Paul Eugene  
 Henry, Jeffrey Scott  
 O'Neill Shanda Michelle  
 Parker, Timothy Jon  
 Patacsil, Shane Anthony  
 Raining Bird, Kyle C.  
 Russette, Sasha Talina  
 Sisneros, Arnold Glen, Jr.  
 Small, Kane Phillip  
 Standing Rock, Tonya Lynn  
 Topsky, Angel Lee  
 Turcotte, Hattie Lei  
 Watson, Shauntel Lea  
 Whitford, Arthur Lee, Jr.

Joe: We talked about this resolution at great length about the residency. The tribe had a resolution in the past. The constitution reads a person has to be one-half to be enrolled. I am pushing to approve this resolution to enroll people who have had to leave the reservation for reasons of employment, health, education, or military. Richard: I still have a question on the enrollment ordinance 1-77. Can a resolution replace an ordinance. Jack Plummage, acting BIA superintendent: A resolution tells the people how to proceed, an ordinance is the law. There was a court case Martinez vs. Santa Clara Pueblo 1978 decided in the Supreme Court that the bureau has no business in enrollment. Roger makes a motion to revive resolution 45-80 defining residency pertaining to the eligibility for enrollment. Raymond seconds and adds it is tough to leave the reservation. Carried. Roger: Then I would like to go to the applicants for 1-C. We conditionally approved all these people pending on the approval of the resolution we just approved. Andrew Small: A lot of people were kicked off

the rolls, now you are enrolling these people. Are you replacing those people. A lot of those people didn't know what happened to them. John Sunchild: A lot of those people have been put back on the rolls. Roger: As far as answering Andrew's question we are working on those people that were dropped off the rolls. A lot of people say they applied for enrollment years ago but we don't have them on file. All the people who applied have now been processed. I'll make a motion to approve the enrollment for the 1-C applicants by resolution. Gary seconds. Carried. The 23 1-C applicants are:

Ameline, William Louis  
Belcourt, David Wade  
Belcourt, Tara Marie  
Bushman, James Lawrence (Day Child)  
Caplette, Charlie Joseph  
Daniels, Angie Ann  
Daniels, Danielle  
Daniels, Frank Edward  
Daniels, Lacey Roseann  
Evans, John Michael  
Flammond, Charlotte Rae  
Flammond, Deanne Lynn  
Flammond, Ricky Clyde  
Galbreath, Tawny Joy  
Gonzales, Kodi Lynn  
Gopher, Laurie  
Gray, Cambrea Ja-net  
Gray, Phillip Leaveil  
Gray, Richard Leon, Jr.  
Hannon, Carol (Whitford)  
Igarette, Linda  
Juneau, Patty G. (Whitford)  
LaMere, Neil Bryan  
Littlegeorge, Kelly Nannette  
Molina, Yvonne Rose  
Morales, Lita  
Morales, Leo III  
Morsette, Kavin Lee  
Morsette, Nathan Edward  
Oats, Aaron Lyle  
Oats, Carrie Ann  
Olivas, Clint Gregory  
Olivas, Josephine Eileen  
Olivas, Lanna Lyn  
Paduana, Michelle Marie  
Paduana, Robert Joseph, Jr.  
Parisian, Richard Lee  
Patacsil, Mario, Jr.  
Pullin, Virginia Lee  
Sabado, Thomas Edward  
Sangrey, Daniel Joseph  
Sangrey, Eugene Darrell  
Schildt, Hunter  
Schildt, Jodi Jonel  
Smallface, Henry Alan

Standing Rock, Katina Essey  
Standing Rock, Rhea Danell  
Whitford, Billy  
Whitford, Mitzi Lynn  
Whitford, Peggy Etta  
Whitford, Peter Jerry  
Whitford, Vernon  
Yellowrobe, Lucy (Chapican)

Roger: There were five people who were erroneously dropped from the rolls. Our recommendation was to put these people back on the rolls. I'll make that motion by resolution. John Sunchild seconds. Carried. The five people are:

Ameline, Oliver Joseph  
Aragon, Shirley (Patacsil)  
Morsette, Opal Mae  
Triplett, Carmin  
Wuttunee, Bertha (Bear)

Roger: You have a letter from Linda Whitford Gonzales to change her degree of Indian blood. She has her justification attached. She is asking to use this document to change her degree of Indian blood. I will move the request be approved based on the documents submitted to change her degree from 5/8 to 3/4 Chippewa Cree. Raymond seconds. Carried. Algie Piapot, tribal member: These changes being made here, are they changed in the enrollment office. Richard: What happened there is we only changed a few people and we brought that up again and those minutes have not been approved yet. Roger: We on the enrollment do not have the authority to change any blood degrees. They have to be approved by the council. Gary: And they say we can only change the degrees if the person requests it. Andrew: I was Cree Blackfeet, now I am a Cree Blackfeet Assiniboine. Who changed that. There were three sisters with different degrees who have the same mother and father.

Steve Velk, Vice President, First Bank: My main reason to be here is on the tribe's operating line and the balances. The line of credit was used in the past for the delay in drawdowns. We are on an electronic drawdown system and it is working well. We are in the process right now for the General Account to go on the electronic system. It will be faster for you on the turn around time. There should be terms written as to how the amounts borrowed will be paid back. The amounts owing surpass the budget. Today you are about \$50,000 over budget. You can increase the amount but we have to identify how the amounts will be paid. I met with Rocky, Richard, and Elaine on how these amounts will be paid back. Joe: I just got a call from the congressional office on the payment of the \$88,000 for back interest on oil and gas leases. Steve: I need a week's notice if you increase the line of credit. The prior years the line was used to fund contracts and the line is running over what we anticipated. Roger: What happens if we need more money immediately. Steve: All I need is some advance warning that you are going to need funds. I find it difficult to believe the Development Company can pay the \$35,000 back to the line of credit. I don't know of any business that could pay back this amount. We can take a look at setting up a line for the Development Company so they won't be using the General Account. We need to have some time lines written on how the money will be repaid. You also want to build up some reserves. There may be some tougher years to come.

Roger: This may not be the place to say it, but I would be a little excited if we went further than the \$100,000. Steve: You are the authorities. The Chairman signs

the letters to borrow. The authority comes from you to increase the line of credit. Chairman: In talking about budgets, are there some old accounts we can put in one account to draw interest. Steve: There are a few accounts with small amounts. I will try to help you on your cash management. If there are questions on the things I have talked about from my point of view, please call me. I would like to see the Development Company reviewed. If you continue at the same level according to the expenditure report, you will run out of money. If the Development Company can pay, you will be back in line. Roger: The council decided before you came in to set aside two days next week to go over budgets. Steve: The line is available but it costs you money to use it. Chairman: What would it take to establish a line for the Development Company. Steve: Because it is a new company, it is difficult to come up with a financial statement. They can list what they own, who they serve, what their anticipated sales for the year will be. It is dangerous to expand in a short time. If a business can pay \$35,000 in one year, I would like to be in that business. Ultimately the council is responsible for that too.

Duncan: We have the evaluation completed for the law and order and it looks pretty good. There are no problems. Joe: There was \$40,000 for the criminal investigator position. Roger: We did go over the law and order budget and we will be short \$28,000 to keep operating the rest of the year. We did go down to Billings a few weeks ago and talked to the area director. We talked about the fish and game person and we thought we would reimburse the General Account with IMPL but those funds aren't available until '86. We talked about the law and order budget and the CI position. I came away from the area office thinking the bureau had \$40,000 in their forestry budget and the superintendent gave that to the tribe to fund the CI position. That money may not be available to us. If we want to continue the CI for Rocky Boy we will have to fund that position from the law and order. After this fiscal year the tribe will have to pay for their own CI. There is some money left over from that position this year we can use for the law and order budget. The people from the area reviewed the law and order and they reported to us the department is in good shape. Mr. Little Whiteman said there is monies set aside for positions like the CI. He was to write us a letter saying how it was going to be. If the bureau will not fund the CI here in Rocky Boy, the tribe cannot, and the law and order committee probably will recommend that we not have a CI here.

Richard: I have a question for Jack. The CI was assigned in Fort Belknap and there was additional money assigned to the position. Now that we have our own CI, can we get that money. Jack: The difficulties Rocky Boy is having is the same as in Fort Belknap. They have two CIs. One is an 11 and the other is a 9 and a secretary who is a 4. They are short \$58,000. There was a letter asking how the superintendent was going to resolve the shortages in Fort Belknap. The superintendent said he would reduce one CI because there wouldn't be any money in their budget. Chairman: We know there will be a savings in that \$40,000 but he said that money has to be carried into the next year. From my understanding that \$40,000 was to go to the law and order. We have the contract, why should we be paying for a BIA employee. Jack: That is a good question. The only way the money can be carried into the next year is if it is contracted money. The bureau can't. The only money the BIA can carry over is the money marked with an x and that is roads and forestry money. Legally I don't know how he can carry the money over. Chairman: Since we have the contract the money should be obligated to the program. Jack: I can find out how the money came down. The CI started here on a temporary basis for 120 days. We will have to pay some of the costs. Probably around \$23,000 will be obligated to that. The other \$17,000 I see know reason why we can't add to the law and order. Chairman: What would happen if we passed a resolution not to fund the position. Jack: The bureau

was not giving the contract what they should have got. The tribe can't operate on the amount of the contract but when the BIA took it back, all kinds of money appeared. This is in Fort Belknap. If the tribe recontracted the program that money would disappear again. There were 13 positions FTE that was needed to staff that program. We received one position. We've asked for all kinds of explanations but I think those FTEs were absorbed at the area office.

Danny Morsette: We have two commissioners, one is in Box Elder. We are asking for \$10 for these two. The chief is working on the budget. The police were called in at the public meeting and there was no need to call them in. Maybe the council should pay for that. Roger: We did check out the highway safety that was funded and one of the things was a breathalizer. I was informed from Albuquerque the funding would be \$110,000. It was funded conditionally. The tribes who were funded in the past did not turn in their reports, and we will not get funded if they don't do their reports. Earl Arkinson: The statement made by Jack if the tribe contracted the CI, would it jeopardise the funding coming in. Jack: The \$40,000 is coming down because of the delegation who went down to Billings. On contracting the CI position, at this point there is no specific position there. They are attempting to establish a position here. If that is a position the tribe doesn't feel they need, you should raise that question. Once it is established you can go ahead and contract that position. That \$40,000 was allocated for Rocky Boy and it should stay here. If you do want one and contract it, wait until that position is established, then send in a proposal. It is a contractable position. Raymond: Was this position requested in the past. Chairman: It was. Remember when Hank Kipp was transferred out of here Pereau thought we could use the forestry position for the CI, but as time went on he couldn't transfer this forestry money to another area. That was when we approached Sid Mills and other bureau people to fund this position. The bureau were not aware of how the position would be funded. There was nine million set aside money and five million went to the Navajo and the rest was distributed among the other tribes. Raymond: This \$40,000 keeps coming up.

Jack: Once that money comes down, there is a dollar limitation as to how much can be moved around. During the fiscal year if you see a shortage, the superintendent has the authority to move around money within the same activity but he can't move money around between activities. Once the money is appropriated it can only be used for that activity. Joe: It all boils down to what the area director wants. We didn't get anything in writing as to how the \$40,000 would be spent. All he is doing is trying to save the bureau money. We never had a CI, what are the advantages and disadvantages. Earl Arkinson: It takes time for Fort Belknap to respond for a major crime. We do need our own CI. Raymond: I wouldn't mind seeing a CI here but I would like to see one of our own tribal members be the CI. Danny: Butch Bell told me he really can't do much, it has to be an impartial person here. Jack: We asked for an additional FTE for next year but we still haven't got it. Earl: Next year we will be getting an additional \$80,000. Danny: I am talking about \$10 for a meeting for each commissioner. Chairman: That would be for Swan and Duran you are asking compensation for each meeting. Lenno Henderson: The people on the committee should pay for their own gas. If you are willing to help the people that is what they should do. Earl: The past law and order commissioners were paid from court funds. Danny: We can talk about donations. These people are volunteering their time. Roger: I'll make a motion we approve paying for the two commissioners from the General Account. Raymond seconds. Richard: No. Motion carried. Roger: We did discuss the law and order budget and it was widely rumored we should cut some patrolmen. It was strictly rumor. Gary makes motion to recess for lunch. Roger seconds. Carried.

The Chairman calls the meeting back to order. Suzanne Billy is asking for support from the council to move into a BIA house. Joe makes motion to support by resolution. Raymond seconds. Carried. Roger: I'll go along with it if everyone else will be eligible if they need housing. Richard: I called the bureau about Pat's needing housing and they read me a part in the CFR. Jack: What I could do is give temporary use but if there is a need for it for a BIA employee, she would have to move out in 30 days. This is if approved by the council. The person would have to pay the rental price. Roger: We will not be paying for the rent. Raymond: Would we need a resolution. Joe: We can include we would not pay for the rent or any damages. These resolutions on the agenda were approved at the last meeting. Raymond: I'll make a motion we approve resolutions 19-85 and 20-85. Gary seconds. Carried.

Chairman: We have Danny Morsette and the housing position on the agenda. Joe: That position is not available until June or July. Raymond: The housing will have to declare Junior Denny's position vacant and advertise it. John Sunchild: What right do we have as council to make the selection. Raymond: It is just a policy that was used in the past. Chairman: There is a housing ordinance. I asked Theda on the status of Junior Denny and she told me he would be back in a few weeks from Utah so we can table it. Richard: Until Junior turns in his resignation. If he misses housing meetings it is up to the board to recommend replacing him. John Sunchild: Junior has missed three meetings. If you miss so many meetings, that goes for council meetings. Chairman: That is if you do not have cause for missing meetings. Andrew Small: If you miss three meetings in a row you are dismissed, that is without an excuse. Chairman: I need your approval for a resolution for CERT to do a coal study. Richard: No one knows where the information is. Joe makes motion to adopt the resolution. Roger seconds. Carried.

Chairman: What is the council's decision on the timber proposal from Tridel. John Sunchild: I'll let Duncan make remarks on it. Duncan: We might as well let it rest. Tridel is a man from Big Sandy and on the 13th we had a meeting at the school. Some people were for it and he made some good promises. He wants to borrow the land for ten years. The Chairman said it would be decided today. I'm not for it because there are many of us here who need housing because we are so crowded. When the whiteman gets all his lumber, where are the next generation to get their wood. It sounds good since it would create jobs for our people. He would have his sawmill in Big Sandy. We went to Idaho and we have been trying to get housing for the people. I don't think the President will be giving us any more houses except the 36 houses we are getting. What are we going to do for our people in the future. Those white people were to be here today. Idaho have the equipment to help us to build our own log houses. They will send us paperwork from Swan Lake, is name if Ford. He has the tools and machinery. If there is anything you want to say, here is your chance.

Lucille Windy Boy: I don't know anything but did this man work for you before. The same thing will happen to you again. He damaged our forest already. He got the profit, not us. I'm against it. I am more for the people from Idaho to help us make log houses. Duncan: Sampson Group Industries from Hobbema want to help us some way. They will be here the middle part of April. Wolfchild: We used to live in Fort Assiniboine 1912, Rocky Boy was given that land. There were 44 of us. The old man wanted us not to run out of wood and to have log houses. It was good. It is right, it would be good for jobs but too many people have lied to us. This same man blocked a road. It is right for us but we have to watch out for our young people. The fire we had did damage to the forestry. There were thousands of telephone poles cut. They could have been used for log houses. I don't want anyone cutting logs here. They are for our own use. All winter people have been selling wood. Soon we will cut all the

wood. The BIA have not helped us. It would be better to cut the wood so we could use the wood in the winter. John Sunchild: We had a meeting with the chief forester, we have until July and the timber will still be harvestable for house logs or lumber. After that it will only be good for wood stoves. Duncan: On March 13 we had the meeting and I asked Mr. Beartusk why the BIA was not doing anything about the burn-out area. He said they were not salvageable. We have a sawmill owed by our own local people, Robert Houle, Algie Piapot, and St. Marks. The only problem they have is funding. They don't have the money to get that mill going. It seems the tribe should look into how this old sawmill can be used.

John Sunchild: Why don't we get other opinions from professional loggers. It takes a special machine to make presto logs. Maybe we should set aside a meeting just for that and talk about it. Duncan: We should look for other alternatives to try to solve our housing problem like the Sampson Group Investors. I vote against Tridel. I don't believe it is in the best interests of the tribe to deal with Tridel. I'll make that a motion to disapprove Tridel's timber proposal. Gary seconds. Richard: No, Richard: No. Motion Carried. Jim Morsette: When this fire first happened we did a lot of talking. There was to be a study done on the timber. I told you I would file a law suit against the BIA. Beartusk said they didn't want to pay for the area. I was hired to investigate the fire, then it was turned over to Ron Swan. Get the superintendent over and see if there was negligence on their part. They changed their report. We have a good case against the bureau. Once Tridel cuts one stick up there BIA will get off the hook. We don't have the money to get the sawmill going, maybe the BIA can get money to get it going. We can get some big dollars. If you want me to do that, I'll start tomorrow. We will find out who is responsible for the fire. Richard: I would like to bring up the rehab work. John Sunchild: I am not a forester but we have to get rid of those burned out areas up there. The report didn't include what the people lost in that fire. We have tried to get an outside opinion and the BIA is paying it. Joe: Whitesell said the report is adequate. Raymond: Maybe we should take them to court. I'll make a motion we file charges against the BIA. Joe seconds. Carried.

Raymond: We had a meeting yesterday with Dry Fork Farms and the tribe got a \$8,400 deficiency payment. I would like to ask if we could get half of that. John Sunchild: I have been meeting with the ASCS office and if you want me to stop, let me know. Raymond: No, that is okay. Joe: The deficiency payment is already spent. Richard: We got a \$2,300 lease check for the Turtle Mountain land. Chairman: The amount was prorated and the check is ours. I could get other project for irrigation. Joe: Matt Cole looked at the farms and they said they would help us get our irrigation system. John Sunchild: These types of things we can go through ASCS. We would be allowed \$3,500 a year but we have to have a five-year plan. I asked Tom Weist to find the difference between ASCS and forestry.

Tom Weist: I have a modification for Aid to Tribal Government that needs your approval. The original amount was \$120,800 less a 2% cut plus \$46,864 carryover which brings the budget amount to \$165,248. With the lack of funds in indirect to cover administrative costs we put in line items to help pay for utilities, telephone, and supply costs. Richard makes motion to approve the modification. Roger seconds. Carried.

Jim Morsette: I have an ordinance that needs to be signed. It was never signed. We will be having problems with open range. This is ordinance 1-7. Roger: About in '78 there was a situation when a buffalo was killed by the store which resulted in passing a resolution on open range. Joe: You have to keep them fenced under the herd law. I'm responsible if it is herd law. Open range you are liable if you hit my horse or cow. Jim: Are you going to wait until someone gets killed before we do something.

1-74

Chairman: This ordinance was passed, it just needs a signature. John Sunchild: Is a cow or property worth more than a life. I see all the cattle around the agency. Joe makes motion for the Chairman to sign the ordinance. John Sunchild: Could there be any money available to maintain these fences at least on the main highway. Jack: I could look into it for you. Roger: Does this ordinance mean the stock have to be kept in. Jim: What we are talking about are the people don't keep their cattle like they don't keep their kids. Duncan: Roger was asking if the stock was out without proper authorization. Joe: Under proper authorization. If they are in the leased area they are running at large. Duncan: One person was killed running into a horse. The intent is that everyone to keep their livestock in the land assignments and they also have range units for their cattle. If I ran into a cow in a range unit I would be liable but if I ran into a horse or cow on the road, the stockholder would be liable. Melvin Billy, tribal member: You know where I live and we had a horse killed at our gate. It was broad daylight. The fences are not the answer, it is the guy who is driving. It is like drunk and driving, you can be driving down the road and someone can come by and kill you. John Sunchild: Is it mandatory to have cattle guards. Jack: No. Duncan seconds to have the ordinance signed. One against. Carried.

John Sunchild: I have a roads committee report. We will not be getting any construction money this year or next year. We have \$81,000 this year and that is for maintenance. Our roads projects are:

1. Parker Canyon and school
2. Haystack Road and Robert Oats Road
3. St. Pierre Road  
We projected we can do both Haystack and St. Pierre projects
4. Sandy Creek Road
5. Taylor Road
6. John Chiefstick
7. Big Knives to Duane Belcourt
8. Muddy Creek through the switchbacks
9. The gravel pit from Demontineys to Highway 87
10. Box Elder turnoff to Junior Parkers
11. John St. Marks road

Russell Standing Rock: The roads committee is wasting their time on these back roads. You should concentrate on the elders who live back from the road. Melvin: Long as you are on the roads. The stretch from the store to John Houles should be number one priority. It is a narrow road and it has high banks. If I was on the council that would be my priority. John Sunchild: I don't think anyone has been forgotten. These are the recommendations. If you want to wait until we put this into a package, I am working on it now. All you need to do is update this second page. Chairman: Wait for the council as far as listing them 1, 2, and 3. Roger: These are the priorities we came up with. Chairman: The final approval comes from the whole council. Raymond: Is any work planned for this summer for Parker Canyon. Jack: I am not familiar with your road system. When I found there was only \$81,000 this summer and basically it will be used for chicken seal. Today that is a crime. There is money available from gas taxes. The unemployment rate is high here in Rocky Boy. There is no reason why you can't have at least a \$500,000 budget for roads. You don't have a roads engineer here but you have a technician. I am going to find out what I can do. John Sunchild: Can you jar that kind of money loose. Raymond: The black top is starting to break up at Parker Canyon. John Sunchild: Can I have your permission to turn up these roads. Chairman: Those would have to come under a separate resolution. Andrew: It is up to the safety committee, they told us they didn't have money. They had to wait

ORDINANCE

No 2-74

WHEREAS, this Corporation is a Federal Chartered Corporation as defined by the Indian Reorganization Act. of June 18, 1934, and under its Charter, Constitution and By-Laws as approved by the Secretary of the Interior, has full power and authority to make and perform contracts and agreements of every description not inconsistent with law or of the provisions of its Charter, and,

WHEREAS, the people of Rocky Boy's Indian Reservation are often related and live very closely, and this interferes with justice fair consideration of evidence submitted in criminal trials, now,

THEREFORE BE IT ORDAINED, by the Chippewa-Cree Tribe, that in a criminal jury trial, the jury may not be polled as to their verdict, either by the tribe or the defense. On motion made with good cause showing, the Judge may poll the jury in chambers, to determine that the reputed verdict is correct, and,

BE IT FURTHER ORDAINED, that it shall be unlawful for any jury member to state the verdict of a jury to anyone. The judge shall keep the results of the poll secret. Violation of this ordinance, by divulging the vote of a jury, shall be punishable by a fine of up to \$100.00.

CERTIFICATION

I, the undersigned as the Secretary-Treasurer of the Business Committee of the Chippewa-Cree Tribe, hereby certify that the Business Committee is composed of NINE members, of whom 7 members constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 10th day of October, 1974, and the foregoing Ordinance was duly adopted at such a meeting by the affirmative vote of 6 members for and 3 members against, and that the foregoing Ordinance has not been rescinded or amended in any way.

\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

*Karen Masette*  
\_\_\_\_\_  
SECRETARY-TREASURER, BUSINESS COMMITTEE

NOTED \_\_\_\_\_

RECEIVED \_\_\_\_\_

APPROVED \_\_\_\_\_

FORWARDED \_\_\_\_\_

DISAPPROVED \_\_\_\_\_

\_\_\_\_\_  
SUPERINTENDENT, ROCKY BOY'S AGENCY  
BOX ELDER, MONTANA 59521

TO ADOPT A DANGEROUS DRUG ACT FOR THE CHIPPEWA-CREE TRIBE

WHEREAS, this Corporation is a Federal Chartered Corporation, as defined by the Indian Reorganization Act of June 18, 1934, and under its Charter, Constitution and By-Laws, as approved by the Secretary of the Interior, has full power and authority to enact Resolutions and Ordinances, providing for the maintenance of Law and Order and the Administration of Justice, not inconsistent with law or the provisions of its Constitution, and,

WHEREAS, the use of "Dangerous Drugs" and inhalation of dangerous substances endangers the health of the people of the Chippewa-Cree Indian Reservation, and

WHEREAS, the Chippewa-Cree Tribal Business Committee does adopt and approve the "Dangerous Drug Act" as follows:

**SECTION I. DEFINITIONS.**

(A) "DANGEROUS DRUGS" shall mean any of the drugs defined by Sections 54-305, 54-307, 54-309, 54-311 and 54-313, Revised Codes of Montana, 1967, and Marihuana.

(B) "MARIHUANA" means all parts of the plant, cannabis sativa, whether grown or not; the seeds thereof; resin extracted from any part of the plant, or every compound, manufactured, salt derivative mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, or any other compound, manufacture, salt derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), seed, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(C) "DANGEROUS SUBSTANCE" means any chemical, gas, fuel, glue, cleaner or other substance, often available in aerosol container, which, when inhaled may cause Euphoria.

**SECTION II. CRIMINAL SALE OF DANGEROUS DRUGS.**

(A) A person commits the offenses of a criminal sale of "Dangerous Drugs" if he sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away, manufactures, prepares, cultivates, compounds or practices dangerous drug as defined in this Act.

(B) A person convicted of criminal sale of "Dangerous Drugs" shall be imprisoned for a term not less than One (1) month and not more than One (1) year.

(C) Practitioners and agents under their supervision acting in the course of professional practice are exempt from this section.

**SECTION III. CRIMINAL POSSESSION OF "DANGEROUS DRUGS".**

(A) A person commits the offense of criminal possession of dangerous drugs if he possesses any dangerous drug as defined in this act.

- (B) Any person convicted of criminal possession of Marihuana or its derivative in any amount, the aggregate weight of which does not exceed Sixty (60) grams of Marihuana,
- (C) A person convicted of criminal possession of dangerous drugs not otherwise provided for in Sub-section (B) shall be imprisoned not to exceed One (1) year.
- (D) A person under the age of Eighteen (18) years or under, convicted of a first violation under this section, shall be presumed to be entitled to a deferred imposition of sentence.

#### SECTION IV. FRAUDULENTLY OBTAINING "DANGEROUS DRUGS".

A person commits the offense of fraudulently obtaining "Dangerous Drugs" if he obtains or attempts to obtain a dangerous drug by (a) fraud, deceit, misrepresentation or subterfuge; (b) Falsely assuming the title of, or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, proprietor of a pharmacy, or other persons authorized to possess "Dangerous Drugs"; (c) the use of a forged, altered or fictitious prescription; (d) the use of a false name or a false address on a prescription or; (e) the concealment of a material fact.

#### SECTION V. INHALATION OF DANGEROUS SUBSTANCES.

A person commits the crime of inhalation of a dangerous substance if he inhales said dangerous substance, possesses a dangerous substance with the intent to inhale it or provides it to others for similar purposes.

#### SECTION VI. PENALTY FOR FRAUDULENTLY OBTAINING DANGEROUS DRUGS OR ALTERING THE LABELS OF DANGEROUS DRUGS.

A person convicted of criminal possession of Dangerous Drugs, fraudulently obtaining dangerous drugs or altering labels on Dangerous Drugs, if not shown to be an excessive or habitual user of Dangerous Drugs, either on the face of the record or by a pre-sentence investigation, may in lieu of imprisonment, be committed to the custody of any institution for rehabilitation treatment for not less than Six (6) months or more than Two (2) years.

#### SECTION VII. ALTERING LABELS ON "DANGEROUS DRUGS".

A person commits the offense of altering labels on "Dangerous Drugs", if he affixes a false, forged, or altered label to a package or receptacle containing a "Dangerous Drug", or otherwise misrepresents the package containing a "Dangerous Drug".

NOW THEREFORE BE IT ORDAINED, that the Chippewa-Cree Tribal Business Committee hereby directs the Law Enforcement Officials to enforce said Ordinance.

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

I, the undersigned as Secretary-Treasurer of the Business Committee of the Chi-  
Cree Tribe, hereby certify that the Business Committee is composed of NINE members,  
of whom 8 members, constituting a quorum, were present at a special meeting,  
thereof, duly called, noticed, convened and held this 13th day of January, 1975,  
and that the foregoing Ordinance was duly adopted at such a meeting by the affir-  
mative vote of 7 members for and 0 members against, and that the Ordinance has  
not been rescinded or amended in any way.

ATTEST:

Joseph D. Rosette  
CHAIRMAN, BUSINESS COMMITTEE

Loren Marsette  
SECRETARY-TREASURER, BUSINESS COMMITTEE

NOTED MAR 10 1975

RECEIVED

APPROVED

FORWARDED

DISAPPROVED

Acting geoff fields  
SUPERINTENDENT, ROCKY BOY'S AGENCY  
BOX ELDER, MONTANA 59521

June 23, 1982

Administration

Chippewa Cree Tribal Ordinance No. 1-77

Office of the Area Director  
Attention: Tribal Operations - Joe Fox

Attached is a copy of Chippewa Cree Tribal Ordinance No. 1-77 in regards to membership.

Also attached is a cover letter requesting any recommendations from your office or the Office of the Solicitor from Mr. Leo Brockie, Jr. the Superintendent at that time.

If you have any further questions, please call or write.

Superintendent

Attachments (1)

From  
Membership  
Ordinance

*File  
2*

Administration

AUG 31 1977

Memorandum

To: Office of the Area Director  
Attention: Tribal Operations

From: Superintendent, Rocky Boy's Agency

Subject: Chippewa Cree Business Committee - Ordinance No. 1-77

Attached for your review and recommendations are (6) copies of the subject ordinance.

The Constitution and By-Laws of the Chippewa Indians of the Rocky Boy's Reservation, Montana, Article VI---Powers of the Committee, Section 1 (k), states----To enact resolutions or ordinances not inconsistent with Article II of this Constitution governing tribal enrollment and abandonment of membership. We have reviewed Ordinance No. 1-77 and have determined that it is in conformance with Article II of the Constitution and therefore is in the confines of the Chippewa Cree Business Committee to enact such an ordinance.

We have approved the Ordinance subject to any changes recommended by your office or the Office of the Solicitor. We recommend a Solicitor's review. Prompt action on this review is recommended so that the tribe can enroll potential members in a timely and practicable manner.

Superintendent

MEMBERSHIP ORDINANCE OF THE  
CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S  
RESERVATION OF MONTANA

ORDINANCE NO. 1-77

Section 1. General Provisions and Purposes.

1.1 Name. This ordinance shall be known as the "Chippewa Cree Membership Ordinance."

1.2 Findings. The Chippewa Cree tribal Constitution provides for the terms upon which membership in the Chippewa Cree Tribe will be granted, forfeited, or denied, and empowers the Chippewa Cree Business Committee to regulate tribal membership. Accordingly, the Chippewa Cree Business Committee finds it in the best interest of all members and potential members to provide specific rules and regulations governing membership.

1.3 Burden of Proof and Standard of Proof. The burden of proof shall be upon the applicant to establish all elements of his entitlement to enrollment or enrollment by adoption under the tribal constitution and rules and regulations of this Ordinance, unless otherwise stated herein. Any matter to be proven under the Ordinance must be proven to the satisfaction of the Business Committee by a preponderance of the evidence.

Section 2. Definitions.

2.1 Adoption. The term "adoption" shall mean enrollment by adoption.

2.2 Basic Enrollee. The term "basic enrollee" shall mean an enrolled member of the Chippewa Cree Tribe as of June 1, 1934.

2.3 Business Committee. The term "Business Committee" shall mean the governing body of the Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana.

2.4 Enrollment Committee. The term "Enrollment Committee" shall mean the Enrollment Committee of the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana.

2.5 Enrollment. The term "enrollment" shall refer to enrollment as a matter of right unless the context clearly indicates that it also includes enrollment by adoption.

2.6 Residence. The term "residence" shall mean the true, fixed, permanent home to which one has the intention of returning whenever he is absent therefrom.

2.7 Away From The Reservation. The term "away from the Reservation" shall mean "not a resident of the Reservation".

2.8 Person. The term "person" shall mean any human being of any age, whether or not an enrolled member.

2.9 Reservation. The term "Reservation" shall mean the Rocky Boy's Reservation of Montana.

2.10 Secretary. The term "Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

2.11 Superintendent. The term "Superintendent" shall mean the Officer in charge of the Rocky Boy's Agency of the Bureau of Indian Affairs or his duly authorized representative.

2.12 Tribal Member; Member. The terms "tribal member" and "member" shall

mean any person who is a duly enrolled member of the Chippewa Cree Tribe, unless the context clearly indicates otherwise.

2.13 Tribal Roll. The term tribal roll shall mean the official membership roll of the Chippewa Cree Tribe as of June 1, 1934 as corrected from time to time. Censuses of Indian population of the Reservation made from time to time shall not be deemed to be the tribal roll.

2.14 Tribe. The term "Tribe" shall mean the Chippewa Cree Tribe.

### Section 3. Membership of the Chippewa Cree Tribe.

The membership of the Chippewa Cree Tribe shall comprise the following persons:

A. All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.

B. All persons born after June 1, 1934 to any member of the Chippewa Cree Tribe resident on the Rocky Boy's Reservation at the time of birth.

C. All persons possessing one-half or more degree Indian blood, born after June 1, 1934, to any member of the Chippewa Cree Tribe not a resident on the Rocky Boy's Reservation at the time of birth.

D. All persons possessing one-half or more degree Indian blood and resident in the State of Montana, enrolled by adoption after June 1, 1934.

E. The foregoing subsections A through D shall not be deemed to reinstate any member who has heretofore lost his membership in any manner.

### Section 4. Enrollment Committee.

The Business Committee shall appoint an Enrollment Committee of two tribal members who are members of the Business Committee and one tribal member who is

not. The terms of office of members of the Enrollment Committee shall be two years and shall coincide with those of members of the Business Committee.

The Enrollment Committee shall review all applications for enrollment and, in accordance with this Ordinance, shall recommend to the Business Committee approval or denial. The Enrollment Committee shall have authority to require the applicant to furnish such evidence in support of the application for enrollment as it deems necessary to make appropriate recommendations to the Business Committee.

The Enrollment Committee shall meet as often as necessary, but not less than once every six months.

#### Section 5. Enrollment and Enrollment by Adoption.

5.1 Enrollment. Any applicant who meets the criteria contained in §1(b) or §1(c) of Article II of the tribal Constitution and this Ordinance shall, upon compliance with the rules and regulations of this Ordinance, be enrolled as a member of the Chippewa Cree Tribe by approval of an application for enrollment by the Business Committee.

5.2 Enrollment By Adoption. Any applicant who meets the criteria contained in §2 of Article II of the tribal Constitution and this Ordinance shall, upon compliance with the rules and regulations of this Ordinance, be voted upon at a tribal adoption election, and shall be enrolled by adoption as a member of the Chippewa Cree Tribe by approval of the application for enrollment by adoption in the tribal adoption election and confirmation of the tribal adoption election by the Secretary.

#### 5.3 Tribal Adoption Election.

A. When Held. A tribal adoption election may be held as a special election or at any other tribal election.

B. Method of Voting. Each applicant for enrollment by adoption shall be voted upon individually.

C. Approval By Tribe. An application for enrollment by adoption shall be approved at a tribal adoption election provided that two-thirds or more of the eligible voters cast their ballots at the election and provided that two-thirds of those voting at the election vote in favor of the application.

D. Confirmation by Secretary. An enrollment by adoption by tribal adoption election shall be valid only upon confirmation by the Secretary.

5.4 Criteria for Enrollment By Adoption. An applicant for enrollment by adoption must:

- A. Be a citizen of the United States.
- B. Be a resident of the State of Montana.
- C. Possess one-half degree Indian blood.
- D. Have never been enrolled with another tribe.

5.5 Ineligibility For Enrollment. Any applicant who is already a duly enrolled member of another federally-recognized Indian tribe, or who has in the past been a duly enrolled member of any such tribe, will be ineligible for enrollment or enrollment by adoption, regardless of whether the applicant offers to relinquish or has relinquished his membership with the other tribe.

## Section 6. Determination of Indian Blood.

6.1 Computation. The Indian blood quantum of an applicant shall be determined by adding together the recognized certified Indian blood quanta of the natural father and natural mother and dividing by two.

6.2 Evidence. Blood quantum must be computed from evidence acceptable to

and recognized by the Business Committee and must be in a form acceptable to the Business Committee. Such evidence must be consistent with the official tribal enrollment records as of June 1, 1934, except as blood quanta shown therein are now or hereafter corrected and approved by the Secretary pursuant to this Ordinance. Acceptable and recognized evidence shall include, but not be limited to, certified birth certificates of any state or country, the tribal roll, paternity statements on forms approved by the Business Committee, family history cards, and records of Bureau of Indian Affairs probate files, certified statements of the Superintendent, Tribal Judge, or other person of responsibility naming the father of an applicant after a review of the facts. A copy of the approved paternity statement is attached to this Ordinance as Exhibit A. The Henry Roe Cloud roll shall not be accepted or recognized as evidence of Indian blood quantum.

6.3 Non-Enrolled Parent. The degree of Indian blood of a natural parent of an applicant, who is not a member of the Tribe, will be considered as contributing to the degree of Indian blood of the applicant only if the non-enrolled parent is recognized on the Reservation as being an Indian and provides acceptable evidence of his degree of Indian blood.

6.4 Married Parents. In cases of application for enrollment by an applicant whose natural mother was married at the time of the applicant's birth, there shall be a rebuttable presumption that the mother's husband at the time of the applicant's birth is the natural father of the applicant. The presumption may be rebutted by acceptable and recognized evidence.

6.5 Unmarried Parents. In cases of application for enrollment by an applicant born out of wedlock, the Indian blood degree of the applicant's natural father may be

used to compute the applicant's Indian blood degree only if a paternity statement, signed by the natural father on a form approved by the Business Committee is filed with the Enrollment Committee, and acceptable and recognized evidence establishes such paternity. A birth certificate of the applicant showing the name of the natural father or a statement signed by the applicant's natural mother naming the father of the applicant will not alone be sufficient to establish paternity.

6.6 Blood Corrections. Blood corrections, including corrections of Indian blood, shall be made only by the Business Committee and shall be subject to approval of the Secretary. Blood corrections of basic enrollees which result in blood quanta different than those shown on the official tribal enrollment records as of June 1, 1934, may be made only in the following circumstances:

A. A basic enrollee or one of his descendants requests a blood degree correction.

B. An evident mathematical error exists in the official tribal enrollment records of June 1, 1934, for a basic enrollee child of a basic enrollee parent, and definite evidence is on record as to the blood degree of the other parent.

#### Section 7. Eligibility of Adopted Children For Enrollment.

7.1 Non-Indian Children. Non-Indian children adopted by members of the Tribe shall not be eligible for enrollment.

7.2 Indian Children. Children of Indian descent and descendants from Indians who are not members of the Tribe, who are adopted by members of the Tribe, shall only be eligible for enrollment by adoption.

7.3 Children of Tribal Members. Children of tribal members adopted by non-members or non-Indians shall be eligible for enrollment if they meet the criteria for enrollment.

Section 8. Loss of Membership and Disenrollment.

8.1 Loss of Membership. A member shall lose his membership in the Tribe whenever the member shall:

A. Voluntarily be enrolled with another tribe, band or community of Indians, or voluntarily remain on the roll of another tribe, band or community of Indians for thirty days after notice of the enrollment.

B. Be away from the Reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Loss of membership by a parent shall include loss of membership of his absentee children, and extension of membership of a parent shall include extension of membership of his absentee children.

C. Voluntarily relinquish his membership in the Tribe by filing an affidavit with the Business Committee requesting disenrollment.

8.2 Grounds for Disenrollment. Pursuant to this Ordinance and other lawful regulations of the Business Committee, a member may be disenrolled at any time for one or more of the following reasons:

A. The member has lost his membership under Paragraph 8.1.

B. The member lacks the degree of Indian blood required as of the date of his enrollment or enrollment by adoption.

C. The member was enrolled or enrolled by adoption after June 1, 1934, and it is subsequently discovered that the member is, in fact, not the natural child of a parent who was a member of the Tribe as of the date of the child's birth.

D. The member was enrolled by adoption and his enrollment is subsequently found to have been secured by fraud or misrepresentation of any evidence, application or data presented in connection with his application.

### Section 9. Enrollment Procedure

9.1 Application. All enrollments and enrollments by adoption shall be by application to the Business Committee on approved forms.

9.2 Where Obtained. Application forms for enrollment may be obtained from the Business Committee office or Superintendent's office.

9.3 Contents of Application Form. The form "Application for Enrollment" shall contain the following information:

- A. Whether the application is for enrollment as a matter of right or enrollment by adoption.
- B. Name and address of the applicant.
- C. Indian, maiden, or other name by which applicant is known.
- D. The date and place of birth of the applicant.
- E. Residence of parents at time of applicant's birth.
- F. If the application is made by a person other than the applicant, the name, address and relationship, if any, of the person making the application.
- G. The name, address, and degree of Indian blood of each natural parent of the applicant.
- H. Certification that the information provided in the application for enrollment is true.
- I. Certification by the Enrollment Committee that the applicant has never been enrolled with another tribe.

9.4 Action by Enrollment Committee. Upon receipt of an application, the Enrollment Committee shall consider the application as soon as is reasonably feasible. Upon consideration, the Enrollment Committee may:

A. Act upon the application by recommending approval or denial to the Business Committee.

B. Request more data or evidence in support of the application.

9.5 Enrollment — Effectiveness. An enrollment pursuant to SI(b) or SI(c) of Article II of the tribal Constitution shall, subject to the provisions hereof, be effective upon the date of birth of the applicant; provided, however, that no applicant shall be entitled to retroactive per capita or dividend payments.

9.6 Enrollment by Adoption — Effectiveness. An enrollment by adoption pursuant to §2 of Article II of the tribal Constitution shall be effective as of the date of confirmation of the tribal adoption election by the Secretary; provided, however, that no applicant shall be entitled to retroactive per capita or dividend payments.

9.7 Action by Business Committee. Upon receipt of the recommendation of the Enrollment Committee, the Business Committee shall take action upon an application as soon as is reasonably feasible. Upon consideration, the Business Committee may:

A. Act upon an application for enrollment as a matter of right by approving or denying the application.

B. Act upon an application for enrollment by adoption by approving or denying the application and, in case of approval, call a tribal adoption election.

C. Request more data or evidence in support of the application; or,

D. Set the matter for hearing as the Business Committee in its discretion deems appropriate.

Within 30 days thereafter, the Committee shall notify the applicant of the action taken and shall notify the applicant of his right to a hearing before the Business Committee upon his application. The determination of the Business Committee shall be final.

#### Section 10. Final Hearing

10.1 Notice. If a hearing is requested by the applicant or deemed necessary by the Business Committee, a written notice of hearing shall be given to the applicant not less than 30 days before the hearing. The notice shall contain a brief statement of the reason for the hearing, shall be designed reasonably to notify the applicant of the nature of the hearing and the evidence to be presented, and shall advise him of his right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at his own expense and that the Business Committee may be represented by general counsel for the Tribe.

10.2 Hearing Procedure. Hearings shall be governed by the following rules of procedure:

A. The applicant must request a hearing within 30 days after being notified of the action of the Business Committee pursuant to Paragraph 9.7.

B. The applicant may present testimony of witnesses and other evidence and may be represented by counsel at his own expense.

C. The Business Committee may have the advice and assistance at the hearing of general counsel for the Tribe.

D. The Chairman of the Business Committee or the Vice Chairman

shall preside. No formal rules of evidence or procedure need be followed, but the Business Committee shall proceed to ascertain the facts in a reasonable and orderly fashion.

E. The hearing may be continued at the discretion of the Business Committee.

F. At the final close of the hearing, the Committee may take immediate action or take the application under advisement.

G. The Business Committee shall notify the applicant within 15 days after its decision.

10.3 Secretarial Appeal. The decision of the Business Committee is final, except that an appeal to the Secretary pursuant to federal regulations is hereby authorized. The authority of the Secretary in any such appeal shall be limited as follows:

A. The appeal shall not be de novo and shall be on the record presented to and considered by the Business Committee.

B. Findings of fact of the Business Committee may be modified only if there is no support therefor in the record on appeal.

C. The decision of the Business Committee may be modified only if required by law under the findings of fact.

10.4 Newly Discovered Evidence — Reopening. If at any time the applicant discovers new evidence, material to the application, which the applicant could not with reasonable diligence have discovered and produced for the Business Committee, the applicant shall be entitled to petition the Business Committee to reopen the application. Upon a finding by the Business Committee that the petition complies with this Paragraph, the Business Committee shall reconsider the application upon the newly-discovered evidence and the previous record. The determination of the

Business Committee as to whether the petition complies with this paragraph shall be final.

10.5 Ineligibility For Final Hearing Or Reopening. After denial of his application in a tribal adoption election, an applicant for enrollment by adoption shall be ineligible for a final hearing or for reopening his application on the basis of newly-discovered evidence.

## Section II. Disenrollment Procedure.

II.1 Initiation of Proceeding. A disenrollment proceeding may be initiated by the Business Committee.

II.2 Notice. A member who is the subject of a disenrollment proceeding shall be given written notice of a hearing not less than 30 days before the hearing. The notice of hearing shall contain a brief statement of the reasons for disenrollment of the member, shall be designed reasonably to notify the member of the nature of the hearing and the evidence to be presented, and shall advise him of his right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at his own expense and that the Business Committee may be represented by general counsel for the Tribe.

II.3 Hearing Procedure. Hearings shall be governed by the following rules of procedure:

A. The member may present the testimony of witnesses and other evidence and may be represented by counsel at his own expense.

B. The Business Committee may have the advice and assistance at the hearing of general counsel for the Tribe.

C. The Chairman of the Business Committee or the Vice Chairman

ROCKY BOY'S AGENCY  
BOX ELDER, MONTANA  
59521

\_\_\_\_\_  
(Date)

CERTIFICATE OF ENROLLMENT AND DEGREE OF INDIAN BLOOD

To Whom It May Concern

This is to certify that \_\_\_\_\_  
is an enrolled member of the Rocky Boy's Reservation, Box Elder, Montana  
Chippewa Cree Tribe. He (She) is unallotted, and his (her) name appears  
opposite No. \_\_\_\_\_ on our Census Record dated  
\_\_\_\_\_. His (her) degree of Indian  
blood is \_\_\_\_\_

His (her) birthdate is \_\_\_\_\_  
Month Day Year

Prepared By:

\_\_\_\_\_  
Superintendent

shall preside. No formal rules of evidence nor procedure need be followed, but the Committee shall proceed to ascertain the facts in a reasonable and orderly fashion.

D. The hearing may be continued at the discretion of the Business Committee.

E. At the final close of the hearing, the Business Committee may take immediate action by disenrolling or refusing to disenroll the member, or may take the disenrollment matter under advisement.

F. The Business Committee shall notify the member within 15 days after its decision.

11.4 Secretarial Appeal. The decision of the Business Committee is final, except that an appeal to the Secretary pursuant to federal regulations is hereby authorized. The authority of the Secretary in any such appeal shall be limited as follows:

A. The appeal shall not be de novo and shall be on the record presented to and considered by the Business Committee.

B. Findings of fact of the Business Committee may be modified only if there is no support therefor in the record on appeal.

C. The decision of the Business Committee may be modified only if required by law under the findings of fact.

11.5 Newly-Discovered Evidence — Reopening. If at any time the member discovers new evidence, material to the disenrollment matter, which the member could not with reasonable diligence have discovered and produced for the Business Committee, the member shall be entitled to petition the Business Committee to reopen the matter. Upon a finding by the Business Committee that the

petition complies with this Paragraph, the Business Committee shall reconsider the disenrollment matter upon the newly-discovered evidence and previous record. The determination of the Business Committee as to whether the petition complies with this paragraph shall be final.

Section 12. Reinstatement of Membership.

A member of the Tribe who has lost his membership for any reason shall not be eligible for reinstatement or re-enrollment by adoption.

Section 13. Minors, Incompetents.

13.1 Minors. Enrollment of minors is the responsibility of the parents, guardian, or next of kin. An application for enrollment of a minor should be filed immediately after his birth in order to prevent the loss of per capita or dividend payments.

13.2 Incompetents. Applications for enrollment of incompetents may be filed by parents, guardian, or next of kin.

Section 14. Maintenance of Tribal roll

The Business Committee shall maintain a current tribal roll. The tribal roll shall be made current by:

A. Adding the names of members newly enrolled, including those enrolled by adoption, citing the authority for and the resolution numbers of all such enrollments.

B. Deleting the names of deceased members and making appropriate notations upon receipt of evidence of death.

C. Deleting the names of members who have lost their membership for any reason and making appropriate notations, citing authority for and the resolution numbers of all such disenrollments.

D. Making corrections in names, dates of birth and family relationships, pursuant to this Ordinance.

E. Preparing a supplemental roll annually.

Section 15. Distribution of Tribal Assets.

The tribal membership roll shall be used for the distribution of tribal assets only after its approval by the Secretary.

Section 16. Finality of Tribal Roll.

The Business Committee shall enact a resolution annually accepting the tribal roll as correct and current.

Section 17. Cost of Preparation of Tribal Roll.

All tribal costs incurred in preparation and maintenance of the tribal roll shall be paid for by appropriate withdrawals from available tribal funds.

Section 18. Effective Date of Ordinance.

This Ordinance shall be effective from the date of its approval by the Secretary and shall govern all pending and future membership matters.

CERTIFICATION

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe, hereby certify that the Business Committee is composed of NINE members of whom Five members constituting a quorum were present at a special meeting thereof, duly called, noticed, convened and held this 3rd day of August 1977; and the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of Four members and -0- against and that the foregoing Ordinance has not been rescinded or amended in any way.

ATTEST

*Joseph A. Klette*  
Chairman, Business Committee

*John L. Peterson*  
Secretary

NOTED \_\_\_\_\_

RECEIVED \_\_\_\_\_

APPROVED ✓ \_\_\_\_\_

FORWARDED \_\_\_\_\_

DISAPPROVED \_\_\_\_\_

*Leo Buehler*  
Superintendent, Rocky Boy's Reservation

STATE OF MONTANA )

COUNTY OF \_\_\_\_\_ ) ss.

AFFIDAVIT OF PATERNITY

Child's name \_\_\_\_\_

Date of birth \_\_\_\_\_

Place of birth \_\_\_\_\_

Mother's name \_\_\_\_\_

Occupation at time of this birth \_\_\_\_\_

Amount of Schooling \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I am the natural father of \_\_\_\_\_, born \_\_\_\_\_, and that I wish the child's birth to be re-registered to include my name as the natural father. I further certify that the child is born out of wedlock.

\_\_\_\_\_  
SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,

19\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State  
of Montana, residing at \_\_\_\_\_

EXHIBIT A



imprisoned for a term of not less than (1) month and not more than six (6) months.

Practitioners and agents under their supervisors action in the course of a professional practice are exempt from this section.

Section III. Criminal Possession of "Dangerous Drugs"

A person commits the offense of criminal possession of "Dangerous Drugs" if he possesses any dangerous drug as defined in this Act.

Any person convicted of criminal possession of Marijuana or its derivatives in any amount, the aggregate weight of which does not exceed six (60) grams of Marijuana.

A person convicted of criminal possession of "Dangerous Drugs" not otherwise provided for in Sub-Section (B) shall be imprisoned not to exceed six (6) months.

A person under the age of Eighteen (18) years or under, convicted of a first violation under this section, shall be presumed to be entitled to a deferred imposition of sentence.

Section IV. Fraudulently Obtaining "Dangerous Drugs"

A person commits the offense of fraudulently obtaining "Dangerous Drugs" if he obtains or attempts to obtain a dangerous drug by (a) fraud, deceit, misrepresentation or subterfuge; (b) falsely assuming the title of, or representing himself to be a manufacturer, wholesaler, practitioner, pharmacist, owner of a pharmacy, or other persons authorized to possess "Dangerous Drugs;" (c) the use of a forged, altered or fictitious prescription; (d) the use of a false name or a false address on a prescription or; (e) the concealment of a material fact.

Section V. Inhalation of Dangerous Substances

A person commits the crime of inhalation of a dangerous substance if he inhales said dangerous substance, possesses a dangerous substance with the intent to inhale it or provides it to others for similar purposes.

Section VI. Penalty for Fraudulently Containing Dangerous Drugs or Altering the Labels of Dangerous Drugs

A person convicted of criminal possession of "Dangerous Drugs" fraudulently containing dangerous drugs or altering labels of dangerous drugs shall be imprisoned for a term of not less than (1) month and not more than six (6) months. If the person is a practitioner or agent under their supervisors action in the course of a professional practice, the term of imprisonment shall not exceed (6) months.

Section VII. Altering Labels on "Dangerous Drugs"

A person commits the offense of altering labels on "Dangerous Drugs" if he affixes a false, forged, or altered label to a package or receptacle containing a "Dangerous Drug," or otherwise misrepresents the package containing a "Dangerous Drug."

NOW THEREFORE BE IT ORDAINED, THAT the Chippewa Cree Tribal Business Committee hereby direct the Law Enforcement Officials to enforce said Ordinance.

=====

The foregoing ordinance was duly adopted on October 18, 1984, by a vote of five (5) members for and zero (0) members against, by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in it by Section 1-1, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
CHAIRMAN

  
SECRETARY/TREASURER

Enrollment  
Procedures  
on p. 6

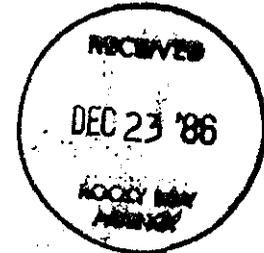
# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## MEMBERSHIP ORDINANCE OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION OF MONTANA

ORDINANCE NO. 1-86



### Section 1. General Provisions and Purposes.

1.1 Name. This ordinance shall be known as the "Chippewa Cree Membership Ordinance."

1.2 Findings. The Chippewa Cree tribal Constitution provides for the terms upon which membership in the Chippewa Cree Tribe will be granted, forfeited, or denied, and empowers the Chippewa Cree Business Committee to regulate tribal membership. Accordingly, the Chippewa Cree Business Committee finds it in the best interest of all members and potential members to provide specific rules and regulations governing membership.

1.3 Burden of Proof and Standard of Proof. The burden of proof shall be upon the applicant to establish all elements of his entitlement to enrollment or enrollment by adoption under the tribal constitution and rules and regulations of this Ordinance, unless otherwise stated herein. Any matter to be proven under the Ordinance must be proven to the satisfaction of the Business Committee by a preponderance of the evidence.

### Section 2. Definitions.

2.1 Adoption. The term "adoption" shall mean enrollment by adoption.

2.2 Basic Enrollee. The term "basic enrollee" shall mean an enrolled member of the Chippewa Cree Tribe as of June 1, 1934.

2.3 Business Committee. The term "Business Committee" shall mean the governing body of the Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana.

2.4 Enrollment Committee. The term "Enrollment Committee" shall mean the Enrollment Committee of the Business Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation of Montana.

2.5 Enrollment. The term "enrollment" shall refer to enrollment as a matter of right unless the context clearly indicates that it also includes enrollment by adoption.

2.6 Residence. The term "residence" shall mean the true, fixed, permanent home to which one has the intention of returning whenever he is

absent therefrom.

2.7 Away From The Reservation. The term "away from the Reservation" shall mean "not a resident of the Reservation."

2.8 Person. The term "person" shall mean any human being of any age, whether or not an enrolled member.

2.9 Reservation. The term "Reservation" shall mean the Rocky Boy's Reservation of Montana.

2.10 Secretary. The term "Secretary" shall mean the Secretary of the Interior or his duly authorized representative.

2.11 Superintendent. The term "Superintendent" shall mean the Officer in charge of the Rocky Boy's Agency of the Bureau of Indian Affairs or his duly authorized representative.

2.12 Tribal Member Member. The terms "tribal member" and "member" shall mean any person who is a duly enrolled member of the Chippewa Cree Tribe, unless the context clearly indicates otherwise.

2.13 Tribal Roll. The term tribal roll shall mean the official membership roll of the Chippewa Cree Tribe as of June 1, 1934 as corrected from time to time. Censuses of Indian population of the Reservation made from time to time shall not be deemed to be the tribal roll.

2.14 Tribe. The term "Tribe" shall mean the Chippewa Cree Tribe.

Section 3. Membership of the Chippewa Cree Tribe.

The membership of the Chippewa Cree Tribe shall comprise the following persons:

A. All members of the Rocky Boy's Band of Chippewas enrolled as of June 1, 1934.

B. All persons born after June 1, 1934 to any member of the Chippewa Cree Tribe resident on the Rocky Boy's Reservation at the time of birth.

C. All persons possessing one-half or more degree Indian blood, born after June 1, 1934, to any member of the Chippewa Cree Tribe not a resident on the Rocky Boy's Reservation at the time of birth.

D. All persons possessing one-half or more degree Indian blood, and resident in the State of Montana, enrolled by adoption after June 1, 1934.

E. The foregoing subsections A through D shall not be deemed to reinstate any member who has heretofore lost his membership in any manner.

Section 4. Enrollment Committee.

The Business Committee shall appoint an Enrollment Committee of two tribal members who are members of the Business Committee and one tribal member who is not. The terms of office of members of the Enrollment Committee shall be two years and shall coincide with those of members of the Business Committee.

The Enrollment Committee shall review all applications for enrollment and, in accordance with this Ordinance, shall recommend to the Business Committee approval or denial. The Enrollment Committee shall have authority to require the applicant to furnish such evidence in support of the application for enrollment as it deems necessary to make appropriate recommendations to the Business Committee.

The Enrollment Committee shall meet as often as necessary, but not less than once every six months.

Section 5. Enrollment and Enrollment by Adoption.

5.1 Enrollment. Any applicant who meets the criteria contained in S1(b) or S1(c) of Article II of the tribal Constitution and this Ordinance shall, upon compliance with the rules and regulations of this Ordinance, be enrolled as a member of the Chippewa Cree Tribe by approval of an application for enrollment by the Business Committee.

5.2 Enrollment by Adoption. Any applicant who meets the criteria contained in S2 of Article II of the tribal Constitution and this Ordinance shall, upon compliance with the rules and regulations of this Ordinance, be voted upon at a tribal adoption election; and shall be enrolled by adoption as a member of the Chippewa Cree Tribe by approval of the application for enrollment by adoption in the tribal adoption election and confirmation of the tribal adoption election by the Secretary.

5.3 Tribal Adoption Election.

A. When Held. A tribal adoption election may be held as a special election or at any other tribal election.

B. Method of Voting. Each applicant for enrollment by adoption shall be voted upon individually.

C. Approval by Tribe. An application for enrollment by adoption shall be approved at a tribal adoption election provided that two-thirds or more of the eligible voters cast their ballots at the election and provided that two-thirds of those votins at the election vote in favor of the application.

D. Confirmation by Secretary. An enrollment by adoption by tribal adoption election shall be valid only upon confirmation by the Secretary.

5.4 Criteria for Enrollment by Adoption. An applicant for enrollment by adoption must:

- A. Be a citizen of the United States.
- B. Be a resident of the State of Montana.
- C. Possess one-half degree Indian blood.

Section 6. Determination of Indian Blood.

6.1 Computation. The Indian blood quantum of an applicant shall be determined by adding together the recognized certified Indian blood quanta of the natural father and natural mother and dividing by two.

6.2. Evidence. Blood quantum must be computed from evidence acceptable to and recognized by the Business Committee and must be in a form acceptable to the Business Committee. Such evidence must be consistent with the official tribal enrollment records as of June 1, 1934, except as blood quanta shown therein are now or hereafter corrected and approved by the Secretary pursuant to this Ordinance. Acceptable and recognized evidence shall include, but not be limited to, certified birth certificates of any state or country, the tribal roll, paternity statements on forms approved by the Business Committee, family history cards, and records of Bureau of Indian Affairs probate files, certified statements of the Superintendent, Tribal Judge, or other person of responsibility naming the father of an applicant after a review of the facts. A copy of the approved paternity statement is attached to this Ordinance as Exhibit A.

6.3 Non-Enrolled Parent. The degree of Indian Blood of a natural parent of an applicant, who is not a member of the Tribe, will be considered as contributing to the degree of Indian blood of the applicant only if the non-enrolled parent is recognized on the Reservation as being an Indian and provides acceptable evidence of his degree of Indian blood.

6.4 Married Parents. In cases of application for enrollment by an applicant whose natural mother was married at the time of the applicant's birth, there shall be a rebuttable presumption that the mother's husband at the time of the applicant's birth is the natural father of the applicant. The presumption may be rebutted by acceptable and recognized evidence.

6.5 Unmarried Parents. In cases of application for enrollment by an applicant born out of wedlock, the Indian blood degree of the applicant's natural father may be used to compute the applicant's Indian blood degree only if a paternity statement, signed by the natural father on a form approved by the Business Committee is filed with the Enrollment Committee, and acceptable and recognized evidence establishes such paternity. A birth certificate of the applicant showing the name of the natural father or a statement signed by the applicant's natural mother

namings the father of the applicant will not alone be sufficient to establish paternity.

6.6 Blood Corrections. Blood corrections, including corrections of Indian blood, shall be made only by the Business Committee and shall be subject to approval of the Secretary. Blood corrections of basic enrollees which result in blood quanta different than those shown on the official tribal enrollment records as of June 1, 1934, may be made only in the following circumstances:

A. A basic enrollee or one of his descendants requests a blood degree correction.

B. An evident mathematical error exists in the official tribal enrollment records of June 1, 1934, for a basic enrollee child of a basic enrollee parent, and definite evidence is on record as to the blood degree of the other parent.

Section 7. Eligibility of Adopted Children for Enrollment.

7.1 Non-Indian Children. Non-Indian children adopted by members of the Tribe shall not be eligible for enrollment.

7.2 Indian Children. Children of Indian descent and descendants from Indians who are not members of the Tribe, who are adopted by members of the Tribe, shall only be eligible for enrollment by adoption.

7.3 Children of Tribal Members. Children of tribal members adopted by non-members or non-Indians shall be eligible for enrollment if they meet the criteria for enrollment.

Section 8. Loss of Membership and Disenrollment.

8.1 Loss of Membership. A member shall lose his membership in the Tribe whenever the member shall:

A. Voluntarily be enrolled with another tribe, band or community of Indians, or voluntarily remain on the roll of another tribe, band or community of Indians for thirty days after notice of the enrollment.

B. Be away from the Reservation for a period of ten years unless within that period he applies to the Business Committee for extension of his membership and the Business Committee acts favorably upon such application. Loss of membership by a parent shall include loss of membership of his absentee children, and extension of membership of a parent shall include extension of membership of his absentee children.

C. Voluntarily relinquish his membership in the Tribe by filing an affidavit with the Business Committee requesting disenrollment.

8.2 Grounds for Disenrollment. Pursuant to this Ordinance and

other lawful regulations of the Business Committee, a member may be disenrolled at any time for one or more of the following reasons:

A. The member has lost his membership under Paragraph 8.1.

B. The member lacks the degree of Indian blood required as of the date of his enrollment or enrollment by adoption.

C. The member was enrolled or enrolled by adoption after June 1, 1934, and it is subsequently discovered that the member is, in fact, not the natural child of a parent who was a member of the Tribe as of the date of the child's birth.

D. The member was enrolled by adoption and his enrollment is subsequently found to have been secured by fraud or misrepresentation of any evidence, application or data presented in connection with his application.

Section 2. Enrollment Procedure.

9.1 Application. All enrollments and enrollments by adoption shall be by application to the Business Committee on approved forms.

9.2 Where Obtained. Application forms for enrollment may be obtained from the Business Committee office or Superintendent's office.

9.3 Contents of Application Form. The form "Application for Enrollment" shall contain the following information:

A. Whether the application is for enrollment as a matter of right or enrollment by adoption.

B. Name and address of the applicant.

C. Indian, maiden, or other name by which applicant is known.

D. The date and place of birth of the applicant.

E. Residence of parents at time of applicant's birth.

F. If the application is made by a person other than the applicant, the name, address and relationship, if any, of the person making the application.

G. The name, address, and degree of Indian blood of each natural parent of the applicant.

H. Certification that the information provided in the application for enrollment is true.

9.4 Enrollment Effectiveness. An enrollment pursuant to S1(b)

or S1(c) of Article II of the tribal Constitution shall, subject to the provisions hereof, be effective upon the date of birth of the applicants; provided, however, that no applicant shall be entitled to retroactive per capita or dividend payments.

9.5 Enrollment by Adoption -- Effectiveness. An enrollment by adoption pursuant to S2 of Article II of the tribal Constitution shall be effective as of the date of confirmation of the tribal adoption election by the Secretary; provided, however, that no applicant shall be entitled to retroactive per capita or dividend payments.

9.6 Action by Business Committee. Upon receipt of the recommendation of the Enrollment Committee, the Business Committee shall take action upon an application as soon as is reasonably feasible. Upon consideration, the Business Committee may:

A. Act upon an application for enrollment as a matter of right by approving or denying the application.

B. Act upon an application for enrollment by adoption by approving or denying the application and, in case of approval, call a tribal adoption election.

C. Request more data or evidence in support of the application; or,

D. Set the matter for hearing as the Business Committee in its discretion deems appropriate.

Within 30 days thereafter, the Committee shall notify the applicant of the action taken and shall notify the applicant of his right to a hearing before the Business Committee upon his application. The determination of the Business Committee shall be final.

#### Section 10. -- Final Hearing

10.1 Notice. If a hearing is requested by the applicant or deemed necessary by the Business Committee, a written notice of hearing shall be given to the applicant not less than 30 days before the hearing. The notice shall contain a brief statement of the reason for the hearing, shall be designed reasonably to notify the applicant of the nature of the hearing and the evidence to be presented, and shall advise him of his right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at his own expense and that the Business Committee may be represented by general counsel for the Tribe.

10.2 Hearings Procedure. Hearings shall be governed by the following rules of procedure:

A. The applicant must request a hearing within 30 days after being notified of the action of the Business Committee pursuant to

Paragraph 9.7.

B. The applicant may present testimony of witnesses and other evidence and may be represented by counsel at his own expense.

C. The Business Committee may have the advice and assistance at the hearings of general counsel for the Tribe.

D. The Chairman of the Business Committee or the Vice Chairman shall preside. No formal rules of evidence or procedure need be followed but the Business Committee shall proceed to ascertain the facts in a reasonable and orderly fashion.

E. The hearings may be continued at the discretion of the Business Committee.

F. The Business Committee shall notify the applicant within days after its decision.

10.3 Ineligibility, End Final Hearings Or Reopening. After denial of his application in a tribal adoption election, an applicant for enrollment by adoption shall be ineligible for a final hearing or for reopening his application on the basis of newly discovered evidence.

Section 11. Disenrollment Procedure.

11.1 Initiation of Proceedings. A disenrollment proceeding may be initiated by the Business Committee.

11.2 Notice. A member who is the subject of a disenrollment proceeding shall be given written notice of a hearing not less than 30 days before the hearing. The notice of hearing shall contain a brief statement of the reasons for disenrollment of the member, shall be designed reasonably to notify the member of the nature of the hearing and the evidence to be presented, and shall advise him of his right to be present at the hearing, to present testimony of witnesses and other evidence, to be represented by counsel at his own expense and that the Business Committee may be represented by general counsel for the Tribe.

11.3 Hearings Procedure. Hearings shall be governed by the following rules of procedure:

A. The member may present the testimony of witnesses and other evidence and may be represented by counsel at his own expense.

B. The Business Committee may have the advice and assistance at hearings of general counsel for the Tribe.

C. The Chairman of the Business Committee or the Vice Chairman shall preside. No formal rules of evidence nor procedure need be followed, but the committee shall proceed to ascertain the facts in a reasonable and orderly fashion.

D. The hearing may be continued at the discretion of the Business Committee.

E. At the final close of the hearing, the Business Committee may take immediate action by disenrolling or refusing to disenroll the member, or may take the disenrollment matter under advisement.

F. The Business Committee shall notify the member after its decision.

11.4 Secretarial Appeal. The decision of the Business Committee is final, except that an appeal to the Secretary pursuant to federal regulations is hereby authorized. The authority of the Secretary in any such appeal shall be limited as follows:

A. The appeal shall not be de novo and shall be on the record presented.

B. Findings of fact of the Business Committee may be modified only if there is no support therefore in the record on appeal.

C. The decision of the Business Committee may be modified only if required by law under the findings of fact.

11.5 Newly-Discovered Evidence - Reopening. If at any time the member discovers new evidence, material to the disenrollment matter, which the member could not with reasonable diligence have discovered and produced for the Business Committee, the member shall be entitled to petition the Business Committee to reopen the matter. Upon a finding by the Business Committee that the petition complies with this Paragraph, the Business Committee shall reconsider the disenrollment matter upon the newly-discovered evidence and previous record. The determination of the Business Committee as to whether the petition complies with this Paragraph shall be final.

Section 12. Minors, Incompetents.

12.1 Minors. Enrollment of minors is the responsibility of the parents, guardian, or next of kin.

12.2 Incompetents. Applications for enrollment of incompetents may be filed by parents, guardian, or next of kin.

Section 13. Maintenance of Tribal Roll.

The Business Committee shall maintain a current tribal roll. The tribal roll shall be made current by:

A. Adding the names of members newly enrolled, including

those enrolled by adoption, citing the authority for and the resolution numbers of all such enrollments.

B. Deleting the names of deceased members and making appropriate notations upon receipt of evidence of death.

C. Deleting the names of members who have lost their membership for any reason and making appropriate notations, citing authority for and the resolution numbers of all such disenrollments.

D. Making corrections in names, dates of birth and family relationships, pursuant to this Ordinance.

E. Preparing a supplemental roll annually.

Section 15. Distribution of Tribal Assets.

The tribal membership roll shall be used for the distribution of tribal assets only after its approval by the Secretary.

Section 16. Finality of Tribal Roll.

The Business Committee shall enact a resolution annually accepting the tribal roll as correct and current.

Section 17. Cost of Preparation of Tribal Roll.

All tribal costs incurred in preparation and maintenance of the tribal roll shall be paid for by appropriate withdrawals from available tribal funds.

Section 18. Effective Date of Ordinance.

This Ordinance shall be effective from the date of its approval by the Secretary and shall govern all pending and future membership matters.

CERTIFICATION

I, THE UNDERSIGNED AS SECRETARY/TREASURER OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS OF WHOM SIX MEMBERS CONSTITUTING A QUORUM WERE PRESENT AT A REGULAR MEETING THEREOF, DULY CALLED, NOTICED, CONVENED AND HELD THIS 25TH DAY OF MARCH, 1986 AND THE FOREGOING ORDINANCE WAS DULY ADOPTED AT SUCH MEETING BY THE AFFIRMATIVE VOTE OF FOUR MEMBERS FOR AND ONE AGAINST AND THAT THE FOREGOING ORDINANCE HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

  
-----  
CHAIRMAN

  
-----  
SECRETARY/TREASURER

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

STATE OF MONTANA)

COUNTY OF ) ss.

## AFFIRDAVIT OF PATERNITY

Child's name \_\_\_\_\_

Date of birth \_\_\_\_\_

Place of birth \_\_\_\_\_

Mother's name \_\_\_\_\_

Occupation at time of this birth \_\_\_\_\_

Amount of Schooling \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I am the natural father of \_\_\_\_\_, born \_\_\_\_\_, and that I wish the child's birth to be re-registered to include my name as the natural father. I further certify that the child is born out of wedlock.

\_\_\_\_\_  
SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the state of Montana, residing at \_\_\_\_\_

EXHIBIT A

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

ROCKY BOY'S AGENCY  
BOX ELDER, MONTANA 59521

-----  
(DATE)

## CERTIFICATE OF ENROLLMENT AND DEGREE OF INDIAN BLOOD

To Whom It May Concern

This is to certify that -----  
is an enrolled member of the Rocky Boy's Reservation, Box Elder, Montana  
Chippewa Cree Tribe. He (She) is unallotted, and his (her) name appears  
opposite No. ----- on our Census Record dated  
----- His (her) degree of Indian  
blood is -----

His (her) birthdate is -----  
MONTH DAY YEAR

Prepared By:

-----  
Superintendent

EMPLOYMENT RIGHTS ORDINANCE  
of the  
CHIPPEWA CREE TRIBE

Section 1: Declaration of Policy

As a guide to the interpretation and application of this Ordinance, the public policy of the Chippewa Cree Tribe is declared to be as follows:

Like land, water, and minerals, jobs, subcontracts and contracts in the private sector on or near the Rocky Boy Reservation are an important resource for Indian people and Indians must use their rights to obtain their rightful share of such opportunities as they become available. Indians have unique and special employment, subcontract and contract rights and Chippewa Cree Tribal Government has the inherent sovereign power to pass laws to implement and enforce those special rights on behalf of Indians. Indians are also entitled to the protection of the laws that the Federal Government has adopted to combat employment discrimination, and tribal governments can and should play a role in the enforcement of those laws. The Chippewa Cree Tribe believes it is important to establish an employment rights program and office in order to use the aforementioned laws and powers to increase employment of Indian workers and businesses and to eradicate discrimination against Indians.

Section 2: Definitions

- A. "Employee" means any person employed for remuneration.
- B. "Employer" means any person, partnership, corporation or other entity that employs, for wages, two or more employees.

- C. "Covered Employer" means any employer employing two or more employees who during any 30-day period, spend, cumulatively, 40 or more hours performing work within the exterior boundaries of the Rocky Boy Reservation.
- D. "Entity" means any person, partnership, corporation, joint venture, government, governmental enterprise, or any other natural or artificial person or organization. The term "entity" is intended to be as broad and encompassing as possible to ensure the Ordinance's coverage over all employment and contract activities within the Tribe's jurisdiction, and the term shall be so interpreted by the Commission and the courts.
- E. "Commission" means the Chippewa Cree Tribal Employment Rights Commission established by this Ordinance.
- F. "Commercial Enterprise" means any activity by the Chippewa Cree Tribe or of the federal or state governments that is not a traditional government function as defined by the Internal Revenue Service.
- G. "Indian" means any member of a federally-recognized tribe.
- H. "Local Indian" means any member of a federally-recognized tribe who resides within the exterior boundaries of the Rocky Boy Reservation.

### Section 3: Indian Preference in Employment

All covered employers, for all employment occurring within the exterior boundaries of the Rocky Boy Reservation, shall give preference to qualified Indians, with the first preference to local Indians, in all hiring, promotion, training, lay-offs, and all other aspects of employment. Such employers shall comply with the rules, regulations, guidelines and orders of the Chippewa Cree Tribal Employment Rights Commission which set forth the specific obligations of employers in regard to Indian preference and local Indian preference. These requirements shall not apply to any direct employment by the Chippewa Cree Tribe

or by the federal, state or other governments or their subdivisions. It shall apply to all contractors or grantees of such governments and to all commercial enterprises operated by such governments.

#### Section 4: Indian Preference in Contracting

All entities awarding contracts or subcontracts for supplies, services, labor and materials in an amount of \$5,000. or more where the majority of the work on the contract or subcontract will occur within the exterior boundaries of the Rocky Boy Reservation, shall give preference in contracting and subcontracting to qualified entities that are certified by the Commission as 51% or more Indian owned and controlled by local Indians. These requirements shall not apply to the award of contracts awarded directly by the Chippewa Cree Tribal Council for approval. Tribal programs or divisions other than commercial enterprises shall not be required to comply with these requirements but shall be required, when submitting a contract to the Chippewa Cree Tribal Council for approval, to indicate, as part of the submission to the Committee, the steps taken to award the contract to a local Indian contractor. These requirements shall apply to all subcontracts awarded by a tribal, federal or state direct contractor or grantee, whether or not the prime contract was subject to these requirements. All covered entities shall comply with the rules, regulations, guidelines and orders of the Commission which set forth the specific obligations of such entities in regard to Indian preference in contracting and subcontracting. The Commission shall establish a system for certifying firms as Indian preference and local Indian preference eligible.

#### Section 5: Unions

Any covered employer who has a collective bargaining agreement with one or more unions shall obtain written agreement from such union(s) stating that the union shall comply with Indian preference laws, and with the rules, regulations and guidelines of the Chippewa Cree Tribe. Such agreement shall be subject to the

approval of the District

Section 6: Commission; Members; Compensation; Quorum

- A. There is created a Chippewa Cree Tribal Employment Rights Commission.
- B. The Commission shall be composed of five commissioners appointed by the Chippewa Cree Tribal Council. The Committee shall designate one of such commissioners as Commission Chairman. The Commission shall serve at the pleasure of the Council until replaced.
- C. Members of the Commission shall be entitled to receive, upon presentation of proper vouchers, such mileage and per diem payments as are in effect for Commissioners of the Chippewa Cree Tribe or for committees or officers of the Chippewa Cree Tribal Council.
- D. A majority of the Commission shall constitute a quorum to transact business. When a vacancy occurs in the Commission, the remaining members may exercise all the powers of the Commission until the vacancy is filled.

Section 7: Powers of the Commission

The Commission has the full power, jurisdiction and authority to:

- A. Formulate, adopt, amend and rescind rules, regulations and guidelines necessary to carry out the provisions of this Ordinance. Except when an emergency exists, the Commission shall provide the public with a reasonable time for comment before promulgating any final regulations.
- B. Require each covered employer or entity to submit to the Commission an acceptable compliance plan indicating how it will comply with this Ordinance, before a covered employer or entity may commence work within the exterior boundaries of the Rocky Boy Reservation.
- C. Impose numerical hiring goals and timetables that specify the minimum number of Indians a covered employer must hire, by craft or skill level.

- D. Require covered employers to establish or participate in such training programs as the Commission determines necessary in order to increase the pool of qualified Indians on the Rocky Boy Reservation as quickly as possible.
- E. Establish in conjunction with Tribal employment and training programs, a tribal hiring hall or skills bank and impose a requirement that no covered employer may hire a non-Indian until the tribal hiring hall or bank has certified that no qualified Indian is available to fill the vacancy, with a first preference in referral to local Indians.
- F. Prohibit covered employers from using qualification criteria or other personnel requirements that serve as barriers to Indian employment unless the employer can demonstrate that such criteria or requirements are required by business necessity. In developing regulations to implement this requirement, the Commission shall adopt the EEOC guidelines on these matters to the extent that they are appropriate. The Commission shall have the right to impose its own requirements in addition to or in lieu of EEOC guidelines when necessary to address unique qualification problems confronting Indians.
- G. To enter into agreements with unions to insure union compliance with this Ordinance. Such agreements shall in no way constitute recognition or endorsement of any union.
- H. Impose contract and subcontract preference requirements, with a first preference to local Indian firms, and establish and operate a system for certifying firms as eligible for Indian preference and local Indian preference.

Section 8: Director; Qualifications; Staff; Duties

- A. The Commission shall have exclusive authority to appoint, direct, suspend or remove the Director of the Commission.
- B. The Director shall have such administrative ability, education and training as the Commission determines. He may be removed by the Commission for cause.
- C. The Director shall have authority to hire staff, to expend funds appropriated by the Chippewa Cree Tribal Council, and to obtain and expend funding from federal, state or other sources to carry out the purposes of the Commission, subject to approval by the Chippewa Cree Tribal Council.
- D. The Director shall administer the policies, authorities, and duties prescribed for him in this Ordinance and delegated to him by the Commission pursuant to Section 9.

Section 9: Delegation of Authority

The Commission shall delegate to the Director the authority to carry out the day-to-day operations of the Commission and such other authority as is convenient or necessary to the efficient administration of this Ordinance, except that the Commission may not delegate its power or duty to:

- A. Adopt, amend and rescind rules, regulations, or guidelines.
- B. To conduct hearings or to impose sanctions pursuant to Section 15.

Section 10: Intergovernmental Relationships

The Commission acting through the Director is authorized to enter into cooperative relationships with federal employment rights agencies, such as EEOC and OFCCP, in order to eliminate discrimination against Indians on and off the Rocky Boy Reservation.

## Section 11: Employment Rights Fee

An employment rights fee, to raise revenue for the operation of the Commission, is imposed as follows:

- A. Every covered employer with a construction contract in the sum of \_\_\_\_\_ or more shall pay a one-time fee of 1% of the total amount of contract. Such fee shall be paid by the employer prior to commencing work on the Rocky Boy Reservation. However, where good cause is shown, the Director may authorize a construction contractor to pay said fee in installments over the course of the contract.
- B. Every covered employer, other than construction contractors, with twenty (20) or more employees working on the Rocky Boy Reservation, or with gross sales on the Rocky Boy Reservation of \$100,000. or more shall pay a one-time fee of \_\_\_\_% of his employees \_\_\_\_\_ payroll which shall be paid within 30 days after the \_\_\_\_\_. This fee shall not apply to education, health, governmental, or non-profit employers nor to utilities franchised by the Chippewa Cree Tribe.
- C. The Director shall be responsible for collecting said fees pursuant to any rules and regulations adopted by the Commission. Said fees shall be paid to the Chippewa Cree Tribal Treasurer and shall be credited to the general account of the Chippewa Cree Tribe.

## Section 12: Complaints

Any individual, group of individuals or organization that believes any covered employer or entity, or the Commission has violated any requirements imposed by this Ordinance or regulations issued pursuant to it, may file a complaint with the Director. The complaint shall be in writing and shall provide such information as is necessary to enable the Director to carry out an investigation. the Director shall investigate every complaint filed with him.

If upon investigation he has reason to believe a violation has occurred, he shall proceed pursuant to the provisions of Section 15. Within 20 days after receipt of the complaint, and on a regular basis thereafter, the Director shall provide the complaining party with a written report on the status of the complaint.

### Section 13: Investigations

On his own initiative or pursuant to a complaint, the Director or any field compliance officer designated by the Director shall make such public or private investigations within the Rocky Boy Reservation as he or the Commission deems necessary to determine whether any covered employer or other covered entity has violated any provision of this Ordinance or any rule or order hereunder, or to aid in prescribing rules, regulations and guidelines hereunder. the Director or his delegate may enter, during business hours, the place of business or employment of any employer for the purpose of such investigations, and may require the covered employer or entity to submit such reports as he deems necessary to monitor compliance with the requirements of this Ordinance or any rule or order hereunder.

### Section 14: Power to Require Testimony and Production of Records

For the purpose of investigations or hearings which, in the opinion of the Director or the Commission, are necessary and proper for the enforcement of this Ordinance, a Commissioner, the Director, or any field compliance officer designated by the Director may administer oaths or affirmations, subpoena witnesses, take evidence, and require, by citation, the production of books, papers, contracts, agreements or other documents, records or information which the Director or the Commission deems relevant or material to the inquiry.

### Section 15: Enforcement

A. When, after conducting an investigation, initiated by a complaint pursuant to Section 12 or a self-initiated investigation pursuant to Section 13, the

Director has reason to believe a violation of this Ordinance or regulations issued pursuant to it has occurred, the Director shall notify the covered employer or entity in writing, specifying the alleged violations. However, he may withhold the name(s) of the complaining party if he has reason to believe such party shall be subject to retaliation. The Director shall seek to achieve an informal settlement of the alleged violation. If he is unable to do so, he shall issue a formal notice of non-compliance, which shall also advise the covered employer or entity of his right to request a hearing.

- B. The formal notice shall set out the nature of the alleged violation and the steps that must be taken to come into compliance. It shall provide the employer or entity with a reasonable time, which in no event shall be less than five days from the date of receipt of such notice, to comply, unless the Director has reason to believe irreparable harm will occur during that period, in which case he may require that compliance occur within fewer than five days. If the party fails or refuses to comply, he may request a hearing before the Commission which shall be held no sooner than five days and no later than 30 days after the date for compliance set forth in the Director's notification to the party charged of a violation, unless an expedited hearing is deemed necessary by the Commission to avoid irreparable harm. If a party fails or refuses to comply and does not request a hearing, the Commission may proceed pursuant to subsection E.
- C. If the party requests a hearing pursuant to subsection B, and the Director has good cause to believe that there is a danger that the party requesting the hearing will remove itself or its property from the jurisdiction of the Tribe prior to the hearing, he may, in his discretion, require the party to post a bond with the Commission in an amount sufficient to cover possible monetary damages that may be assessed against the party at the hearing. If

the party fails or refuses to post said bond, the Commission may proceed pursuant to subsection E. The Director may also petition Chippewa Cree Tribal Court for such interim and injunctive relief as is appropriate to protect the rights of the Commission and other parties during the dependency of the complaint and hearing proceedings.

- D. Any hearing held pursuant to subsection B shall be conducted by the Commission. Conduct of the hearing shall be governed by the rules of practice and procedure which may be adopted by the Commission. The Commission shall not be bound by technical rules of evidence in the conduct of hearings under this Ordinance, and no informality in any proceeding, as in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission. No stenographic record of the proceedings and testimony shall be required except upon arrangement by, and at the cost of the party charged.
- E. If, after the hearing, the Commission determines that the violation alleged in subsection A occurred and that the party charged has no adequate defense in law or fact, or if no hearing is requested, the Commission may:
1. Deny such party the right to commence business on the Rocky Boy Reservation;
  2. Suspend such party's operation within the Rocky Boy Reservation;
  3. Terminate such party's operation with the Rocky Boy Reservation;
  4. Deny the right of such party to conduct any further business within the Rocky Boy Reservation;
  5. Impose a civil fine on such party in an amount not to exceed \$500. for each violation;
  6. Order such party to make payment of back pay to any aggrieved Indian;
  7. Order such party to dismiss any employees hired in violation of the Chippewa Cree Tribe's employment rights requirements;
  8. Order the party to take such other action as is necessary to ensure compliance with this Ordinance or to remedy any harm caused by a violation of this Ordinance, consistent with the requirements of 25

The Commission's decision shall be in writing, shall be served on the charged party by registered mail or in person no later than thirty days after the close of the hearing provided in subsection E. Where the party's failure to comply immediately with the Commission's orders may cause irreparable harm, the Commission may move the Tribal Court, and the Tribal Court shall grant, such injunctive relief as necessary to preserve the rights of the beneficiaries of this Ordinance, pending the party's appeal or expiration of the time for appeal.

Section 16: Appeals

A. An appeal to the Tribal Court may be taken from any final order of the Commission by any party adversely affected thereby. Said appeal must be filed no later than 20 days after the party receives a copy of the Commission's decision. The Tribal Court shall uphold the decision of the Commission unless it is demonstrated that the decision of the Commission is arbitrary, capricious or in excess of the authority of the Commission. The appeal shall be taken by serving a written notice of appeal with the Tribal Court, with a copy to the Director within twenty days after the date of the entry of the order. The notice of appeal shall:

1. Set forth the order from which appeal is taken;
2. Specify the grounds upon which reversal or modification of order is sought;
3. Be signed by applicant.

Except as provided in subsection F, the order of the Commission shall abate pending the determination of the Tribal Court. However, the Director may petition and, for good cause shown, the Court may order the party requesting a hearing to post a bond sufficient to cover monetary damages that the Commission assessed against the party or to assure the party's compliance with other sanctions or remedial actions imposed by the

Commission's Order if that Order is upheld by the court. If the order of the Commission is reversed or modified, the Court shall by its mandate specifically direct the Commission as to further action in the matter, including making and entering any order or orders in connection there with, and the limitations, or conditions to be contained therein.

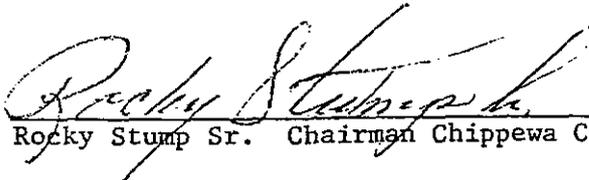
If the Commission's order is upheld on appeal, or if no appeal is sought within 20 days from the date of party's receipt of the Commission's order, the Commission shall petition the court and the court shall grant such orders as are necessary and appropriate to enforce the orders of the Commission and the sanctions imposed by it.

- B. If at any stage in the enforcement process, the Commission has reason to believe there is a danger that a party will remove itself or its property from the jurisdiction of the Tribal Court, such that the Commission or the Court will not be able to collect monetary damages or TERO fees that are (a) owned by that party pursuant to any outstanding order of the Commission or Court, or (b) which may be owed if the charges set or any outstanding notice of violations are upheld, the Commission may petition the Tribal Court pursuant to the rules and procedures of that Court to attach and hold sufficient property of the party to secure compliance or for such other relief as is necessary and appropriate to protect the rights of the Commission and other affected parties.

#### Section 17: Confiscation and Sale

If, 21 days after a decision by the Commission pursuant to subsection (f) of Section 15 no appeal has been filed, or 30 days after a decision by the court on an appeal from a decision by the Commission pursuant to subsection (A) of Section 16 a party has failed to pay monetary damages imposed on it or otherwise complied with an order of the Commission or the Court, the Commission may

petition the Court to order the tribal police to confiscate, and hold for sale, such property of the party as is necessary to ensure payment of said monetary or to otherwise achieve compliance. Said petition shall be accompanied by a list of property belonging to the party which the Commission has reason to believe is within the jurisdiction of the Tribal Court, the value of which approximates the amount of monetary damages at issue. If the Court finds the petition to be valid, it shall order the tribal police to confiscate and hold said property or as much as is available. The tribal police shall deliver in person or by certified mail, a notice to the party informing it of the confiscation and of its right to redeem said property by coming into compliance with the order outstanding against it. If 30 days after confiscation the party has not come into compliance, the Court shall order the police to sell said property and use the proceeds to pay any outstanding monetary damages imposed by the Commission and all costs incurred by the Court and police in the confiscation and sale. Any proceeds remaining shall be returned to the party.

  
Rocky Stump Sr. Chairman Chippewa Cree Tribe

TRIBAL COUNCIL OF THE CHIPPEWA CREE TRIBE  
ROCKY BOY INDIAN RESERVATION  
ROCKY BOY, MONTANA

ORDINANCE NO. 1-87

STATEMENT OF PURPOSE: THERE IS HEREBY PROMULGATED AN ORDINANCE TO REGULATE THE OPERATION AND CONDUCT OF GAMING ACTIVITIES, WHICH INCLUDES BINGO AND THE USE OF DEVICES SUCH AS KENO AND POKER MACHINES, AND PULLTABS AND TO PRODUCE REVENUE FOR THE SUPPORT OF PROGRAMS WHICH PROMOTE THE PUBLIC HEALTH, EDUCATION AND WELFARE OF THE RESERVATION RESIDENTS.

AN ORDINANCE REGULATING AND LICENSING GAMES OF CHANCE AND CERTAIN CARD GAMES:  
DEFINING TERMS: PROVIDING FOR INSPECTIONS OF PREMISES AND INVESTIGATIONS OF  
LICENSE APPLICANTS: PROVIDING FOR HEARING ON APPLICATIONS AND REVOCATIONS OF  
LICENSES: LIMITING THE NUMBER OF GAMES THAT CAN BE PLAYED IN ANY PREMISES:  
PROVIDING FOR PAYMENT OF FEES: AND AUTHORIZING PENALTIES FOR VIOLATIONS.

WHEREAS, The Chippewa Cree Business Committee of the Chippewa Cree Tribe hereby enacts, The Card Games Act and the BINGO, KENO, and INSTANT WIN Act, and Raffles Act, and has in said acts provided for licensing and regulation by Tribal governments; and,

WHEREAS, The Chippewa Cree Business Committee of the Rocky Boy Reservation deems it is in the public interest to exercise the authority delegated in these acts and enact regulations and licensing provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CHIPPEWA CREE BUSINESS COMMITTEE OF THE ROCKY BOY'S RESERVATION:

SECTION 1. This ordinance will be cited as the Chippewa Cree Gaming Ordinance.

SECTION 2. As used in this ordinance, unless the context otherwise requires, the following terms shall have the following meaning:

(A) "Gaming Commission" a five member commission appointed by the Chippewa Cree Business Committee to handle all gaming matters.

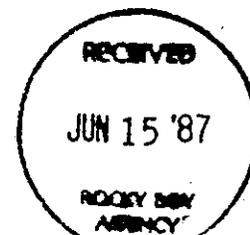
(B) "Game of Chance" a specific kind of game of chance commonly known as:

(1) "BINGO", "KENO" in which prizes are awarded on the basis of designated numbers or symbols selected at random; and such prizes must be in tangible personal property or cash only.

(2) "INSTANT WIN" which is conducted by purchase of a ticket and breaking open or tearing open labels for instant win cash. Prizes must be in tangible personal property or cash only.

(3) "RAFFLES" which are conducted by drawing for prizes. Prizes must be in tangible personal property or cash only.

(4) "PULL TABS" which are conducted by the purchase of a ticket and breaking open labels for instant win cash. Prizes shall be in tangible personal property or cash.



(K) "ELECTRONIC POKER and KENO" is a game conducted on a machine in which the card games of poker or keno is simulated. Prizes shall be in tangible personal property or cash.

(L) "Equipment" means:

(1) With respect to BINGO and KENO, the receptacle and objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system and all other articles essential to the operation, for the conduct and playing of Bingo or Keno.

(2) With respect to INSTANT WIN, the implements, devices and machines designed, intended or used for the conduct of instant win and the identification of the winning number or unit and the ticket or other evidence of the right to participate in instant win.

(3) With respect to RAFFLES, the implements, devices and machines designated, intended or used for the conduct of raffles and the identification of the winning number or unit and the ticket or other evidence of the right to participate in raffles.

(4) With respect to Keno or Electronic Pokers, the electronic machines that, upon this insertion of cash is available to play or simulate the play of the game of Keno or Poker, utilizing a video display and microprocessors in which, by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash.

(D) "Authorized Card Games" Card games known as: Bridge, Cribbage, Hearts, Panquinque, Pitch, Rummy, Whist, Solo, Twenty-One, and Poker, and Pinochle, or other games as designated by action and approval by the Tribal Business Committee.

(E) "Card Game" Any game played with cards for which the prize is money or any item of value.

(F) "Gaming Table" A piece of furniture used as a surface for playing any authorized card game.

(G) "Gaming Machine" Any implement, device, equipment or machine designed, intended or used for the conduct of: Poker, Instant Win and Raffles or the receptacle and master board used for the conduct of Bingo or Keno.

(H) "Gaming License" A license issued by the Chippewa Cree Gaming Commission to a qualified person under which it shall be lawful for the licensee to provide a place and equipment for the conduct of authorized card games, pools, raffles, pull tabs. A gaming license is issued by the Chippewa Cree gaming commission for a specified period: not to exceed two (2) weeks.

(I) "Licensee" The person to whom a license is issued.

(J) "Person" Any individual, Co-Partnership or Corporation who owns or operates premises which have been licensed by the Chippewa Cree Commission.

(K) "Minor" Any individual under the age of eighteen (18) years.

(C) "Premise" Any building, structure, lot or parcel of real property under the control of any person.

(D) "Tribal Bingo Game" means the current on-going tribally owned and operated game which is operated for and is sanctioned by the Chippewa Cree Business Committee and includes Bingo, Concessions, Electronic Poker-Keno, and Pull Tabs or other games as designated by action and approval by the Tribal Business Committee.

(E) "Tax-exempt" means any organization which has been officially recognized by the Internal Revenue Service as a tax-exempt, not-for-profit corporation.

(F) "Social Games" means games solely for prizes or prizes of minimal value or traditional forms of Indian gambling engaged in or by individuals as a part of or in conjunction with tribal ceremonies or celebrations.

SECTION 3. The Chippewa Cree Tribe, through the Chippewa Cree Development Company, will be the only organization on the Rocky Boy Reservation that is authorized to have Tribal Bingo games and Poker and Keno machines and Keno games and Bingo machines and other gaming devices and machines.

SECTION 4. There shall be appointed by the Chippewa Cree Business Committee a Tribal Gaming Commission designated to regulate and handle gaming matters.

SECTION 5. Gaming licenses may be issued to qualified applicants as herein provided. No person shall permit the operation or conduct of any card game or game of chance on his/her premise until he/she has obtained a gaming license. This shall not be construed to prohibit social games played in private homes or residences.

SECTION 6. No gaming license shall be issued to:

(A) A person who is not a citizen of the United States.

(B) A person who is not an enrolled member of the Chippewa Cree Tribe.

(C) A person whose license issued under this ordinance or resolution of any City, State or Tribal government relating to gaming has been revoked for cause.

(D) A person who is not owner and operator of the premise licensed by the Chippewa Cree Gaming Commission.

(E) Minors.

SECTION 7. A gaming license may be denied if the Gaming Commission deems that the place of location for which the license is sought is unsuitable for the conduct of authorized gaming operations.

SECTION 8. Prior to the issuance of a license, the applicant will file an application in writing, signed by the applicant and directed to the Gaming Commission. The application will specify the location of the premises where authorized activities or games are to be conducted under the license applied for. The application will state the names of all individuals and persons financially interested in the premises. The license application will set forth the number of gaming tables and other authorized activities that are to be used on the premises.

The applicant must further authorize the Bureau of Indian Affairs' Resident Agent to investigate the applicants character, background and associations, as well as the suitability of the premises for gaming.

SECTION 9. If any person or individual named on the application is ineligible for the issuance of a gaming license, none will be issued for premises.

SECTION 10. In all cases in which the premises where the authorized gaming operation for which a gaming license is sought are not wholly owned by applicant, the applicant will furnish with his/her application a statement of the name and address of the owner or owners of such premises and a copy of all agreements whereby the applicant is entitled to possession of the premises. In all cases in which the premises are wholly owned or partly owned by the applicant, the applicant will furnish to the Gaming Commission complete information pertaining to the interests held under any mortgage, deed, deed of trust, bonds or debentures, pledge of corporate stocks, voting trust agreements or other device whatever.

SECTION 11. If the Gaming Commission determines that a landlord or financier by reason of the extent of his/her holdings, or his/her inherent control financially, cannot in fact be separated from the gaming operation, and that as a practical matter, a single entity exists regardless of the form of the organization, it will require that all such persons be named on the license. Without limiting the generality of the foregoing, such a situation may be deemed to exist in any instance where any owner of premises leases the same to operators under terms which are not in accordance with usual and accepted business practices. In any case the Tribal member must have at least 51% interest or ownership.

SECTION 12. A licensee will report to the Gaming Commission all leases to which they are a party on any premises where gaming is conducted no later than thirty (30) days after the effective date of the lease.

SECTION 13. An applicant for a gaming license who is seeking the granting of a privilege, then the burden of proving his/her qualifications to receive any license is at all times on the applicant. An applicant is deemed to accept any risk of adverse public notice, embarrassment, criticism or other action or financial loss which may result from action with respect to an applicant and expressly waives any claim for damages as of a suit thereof.

SECTION 14. Each applicant will promptly furnish the Gaming Commission with any and all additional information pertaining to the application which the Gaming Commission may require.

SECTION 15. A separate application is required for each premise for which a gaming license is sought, irrespective of the ownership of such premises.

SECTION 16. Upon the filing of the application herein above prescribed and upon the payment of the required fees, the Gaming Commission shall deliver the application and accompanying documents to the Bureau of Indian Affairs resident Law Enforcement Agent, who shall conduct the investigation mentioned above and who shall within one (1) month of receipt thereof, unless the Gaming Commission has granted an extension, deliver the application and accompanying documents back to the Gaming Commission.

If his investigation has revealed any information that would make the applicant ineligible for issuance of a gaming license, he shall deliver evidence of the same to the Gaming Commission. The Commission shall at its next regular meeting following receipt thereof, or at any special meeting called for that purpose, consider the application and shall notify the applicant of the hearing. The Commission may in its discretion decline to authorize a gaming license if the applicant is ineligible, or in the judgement of the Commission, it would be in the best interest of the Tribe to refuse such license. Upon such refusal, the gaming license fee paid by the applicant, less the sum of seventy-five (75) dollars which shall be retained as an application fee, shall be returned to the applicant. The Gaming Commission, may in its discretion, require any individual named in the application to testify before it. Failure to appear and answer questions constitutes grounds for denial of the application. All proceedings of the Commission regarding the granting or declining of a gaming license shall be at public meetings and are reviewable by the Tribal Attorney, if any.

SECTION 17. Every gaming license issued pursuant to this Ordinance shall set forth the name of the person to whom it is issued and the location of the premises where business is to be carried on by such gaming license. If the gaming licensee is a partnership, it shall set forth the names of the officers and directors. The gaming license shall be signed by the licensee or its president and shall be non-transferable.

The gaming license issued pursuant to this Ordinance shall be posted in a conspicuous place on the premise in respect to which it is issued and shall state the games authorized, and shall be exhibited to any Peace Officer on request. It is unlawful for any licensee to operate more than one premise under one license. Any duly authorized representative of the Gaming Commission or any peace officer shall have the right at any time to make an examination of the premises of any licensee to determine whether this ordinance is being complied with.

SECTION 18. The Gaming Commission may upon its own motion, and shall upon a written verified complaint of any other person, investigate the action and operation of any licensee hereunder and shall have the power to temporarily suspend or permanently revoke a gaming license issued under the provisions of this Ordinance for the violation of any provision hereof.

SECTION 19. Upon the filing with the Gaming Commission a verified complaint charging the licensee with any act which would be cause of a suspension or revocation of the gaming license; the Gaming Commission shall forthwith issue a citation directing the licensee to appear before the Commission within ten (10) days after the date of service of said citation, and by filing his/her verified answer to the complaint, show cause if there is any reason why his/her gaming license should not be suspended or revoked. Service of the citation may be affected by mailing a true copy thereof with a true copy to the address of record or personally by any peace officer. Failure of the licensee to answer shall be deemed an admission by him/he of the truthfulness of the charge made and thereon the Gaming Commission shall be authorized to forthwith suspend or revoke the license.

SECTION 20. Upon filing of the answer, the Gaming Commission shall fix the time and place of the hearing on the charges made. The notice of hearing shall be given to the complainant and the licensee.

notice of hearing shall be served in the same manner as the citation herein provided, with the notice of the hearing to the complainant, there shall be attached a true copy of the answer. The Gaming Commission shall hear the evidence presented. The hearing shall be conducted in accordance with the rules of evidence in effect in the courts of the Chippewa Cree Tribe. The complainant shall have the right to open or close the hearing. The Gaming Commission shall render its decision in writing, stating the reasons therefore, twenty (20) days after conclusion of the hearing. Notice of the decision shall be served upon the parties or their counsel in the manner herein provided for other notices. Should the Commission determine to revoke, cancel or suspend a gaming license previously issued by it, the Commission shall notify the licensee giving reasons therefore. The action of the Commission is reviewable by the Tribal Attorney.

SECTION 21. After suspension or revocation of a license, the Gaming Commission shall have the power to renew the same if, in its discretion, a proper showing therefore has been made.

SECTION 22. No gaming shall be carried on under any license issued under the provisions of this ordinance except in the name of the licensee. No license shall be effective until a permit shall have been first secured under the laws.

SECTION 23. No minor may enter a room used for the conduct of games of chance or authorized card games.

SECTION 24. No game of chance or authorized card games may be operated in any premises, licensed hereunder, during religious and other ceremonial activities.

SECTION 25. A gaming license issued pursuant to this ordinance may be suspended or revoked in the manner herein provided for:

(A) Operating a premises which is disorderly; a nuisance, public or private; or in which breaches of the peace or disturbances occur.

(B) Permitting persons who are visibly intoxicated to participate in gaming activities.

(C) Employing in any capacity in or about any licensed establishment, any individual who has been denied a gaming license.

(D) For a violation of this ordinance if such a violation is found to have occurred by the Gaming Commission after a hearing as herein provided, regardless of whether such violation results or resulted in a conviction in any criminal proceedings.

SECTION 26. No licensee who has been issued a gaming license shall refuse any service to any individual by reason of such individuals race, color, sex, culture, social origin, political or religious ideas, but this section shall not be construed to prevent a licensee from refusing to serve or evicting from the premises an disorderly or drunken individual or any individual improperly attired according to general standards of the premises.

SECTION 27. No licensee shall employ any person in any capacity while that person is in full employment of a law enforcement agency.

SECTION 28. No gaming license shall be issued to or held by any person holding office in or employed by the Chippewa Cree Tribe or any political sub-division thereof when the duties of such office or agency have to do with the enforcement of the gaming laws and these regulations.

SECTION 29. Any person not otherwise licensed hereunder who desires to operate authorized games for a period not to exceed two (2) weeks on any premises, may apply to the Gaming Commission for a gaming license, but which may be revoked by action of the Commission without hearing provided shall be payable annually in advance of licenses to be issued.

SECTION 30. Hours of operating or conducting games of chance on authorized card games will be determined by the Gaming Commission.

SECTION 31. Fees: Fees for gaming license, gaming tables, pools, pulltabs, raffles etc. will be required and such fees will be determined by the gaming commission.

SECTION 32. Any gaming license issued pursuant to this ordinance shall be deemed to be a revocable privilege, and no holder thereof shall acquire any vested rights therein or thereunder.

SECTION 33. All receipts from licenses, fees, fines collected under the provisions of this ordinance shall be paid into the Chippewa Cree Tribal Treasurer. These fees are to be designated in a special gaming account to be used by the gaming commission as needed.

SECTION 34. This ordinance is effective within the exterior boundaries of the Rocky Boy's Reservation.

SECTION 35. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance.

SECTION 36. Fraternal Organizations, Tax Exempt and Not For Profit Organizations, Celebration Committee, and Religious and Civic Groups shall receive special exempt from the provisions of this ordinance. However, the above groups shall obtain prior written approval to this ordinance. The fees are likewise waived for the above referred to organizations or groups. Special exemptions allowed will be determined by the gaming commission.

SECTION 37. The Chippewa Cree Tribe shall supervise the administration of this ordinance and may adopt, amend, and repeal rules and regulations governing the holding, operating and conducting of any gaming activities which shall be in accordance with and shall not violate the provisions of this ordinance or of any management contract approved by the Chippewa Cree Tribe. The Chippewa Cree Tribe shall provide for the rental or purchase of the premises and equipment required for the operation of tribal gaming activities and shall provide that all Tribal gaming activities will be held, operated and conducted in conformity with the provisions of this ordinance, any management contract and all federal laws or regulations which govern such gaming activities.

SECTION 38. The Chippewa Cree Tribe shall upon recommendations made by the Chippewa Cree Development Company select a manager for tribal gaming operations pursuant to the employment policies of the Chippewa Cree Tribe or under a management contract negotiated with the Chippewa Cree Tribe.

SECTION 39. The manager, the manager's officers and directors and the officers and employees responsible for the holding, operation and conduct of tribal gaming activities, shall be of good moral character and shall not have been convicted of any felony or misdemeanor involving moral turpitude, and, as a condition of and to their contract or employment, shall agree to any lawful means of testing, including but not limited to polygraph testing at any time and without prior notice. The manager shall provide bonding at a level to be determined by the Chippewa Cree Tribe. Any management contract shall provide that the sole forum for enforcement of the contract, as agreed between, the parties thereto, shall be the Chippewa Cree Tribal Court or Federal District Court. All employees, Gaming Commission members, and any other individuals associated with the gaming activities of this ordinance must meet a pass background investigation performed by the BIA resident agent or the FBI.

SECTION 40. The manager shall maintain a permanent record containing the name and address of each players who received a prize if required by and in accordance with the requirements of the Internal Revenue Code or any other Federal law.

SECTION 41. When any merchandise prize is awarded its value shall be listed as the current retail price in the commercial trade area of the Chippewa Cree Reservation.

SECTION 42. The equipment used in the gaming activity and the method of play shall be such that each card or chance shall provide an equal opportunity to be a winner. If the activity is the game known as bingo, the objects or balls to be drawn shall be essentially the same size, shape, weight, balance and all characteristics that may influence their selection. All of the objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all players present. For any one game of bingo, the receptacle and the caller must be present in the room and all numbers announced shall be plainly audible or visible to the players in the room and also audible or visible to the players. The cards or sheets of the players shall be part of a deck, group or series of cards, no two of which shall be alike, and which deck, group or series shall not be so prepared or arranged as to prefer any card.

SECTION 43. If the gaming activity is bingo, any player shall be entitled to call for a verification of all numbers drawn at the time a winner is determined, and for a verification of the objects or balls remaining in the receptacle that are not yet drawn. The verification shall be made in the immediate presence of the officer designated to be in charge of the occasion.

SECTION 44. All persons who hold, operate or conduct, or assist in holding or conducting a tribal bingo game and other Tribal activity shall be deemed to be employees of the Chippewa Cree Development Company and shall wear legible tags evidencing their names and any number assigned.

SECTION 45. Any person who violates any provision of this ordinance, or any rule or regulation authorized thereunder, shall be guilty of a criminal offense punishable by a fine of not more than, or by imprisonment in a tribal jail for not more than six (6) months, or both

SECTION 46. Any person who violates any provision of this ordinance, or any rule or regulation authorized hereunder, shall also be liable for a civil penalty plus court costs for each violation.

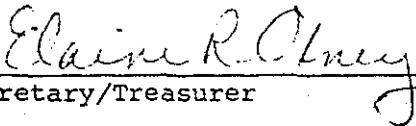
SECTION 47. The Chippewa Cree Tribal Courts shall have jurisdiction over all violations of this ordinance and over all persons who are parties to a management contract entered pursuant hereto and may, in addition to the penalties prescribed, grant such other relief as it deems necessary and proper for the enforcement of this ordinance and any other provisions of any management contract entered pursuant hereto including but not limited to injunctive relief.

SECTION 48. The Chippewa Cree Gaming Commission will have the right and power to confiscate any and all gambling machines and/or devices that are illegal, or that do not conform to the definitions or requirements of this ordinance or for which no permit has been granted.

---

The foregoing ordinance was duly adopted on April 13, 1987, by a vote of seven (7) members for and zero (0) members against, by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in it by Section 1-1, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
\_\_\_\_\_  
Chairman, Business Committee

  
\_\_\_\_\_  
Secretary/Treasurer

**TABLE OF CONTENTS**

	PAGE
AUTHORIZATION.....	3
ARTICLE I - ELECTION BOARD MEMBERSHIP.....	3
Composition of the Tribal Election Board.....	3
Length of Term.....	3
Conduct of Election Board Members.....	3
Compensation.....	4
ARTICLE II - VOTER REQUIREMENTS.....	4
Voter Qualifications.....	4
Voter Registration.....	4
ARTICLE III - CANDIDATE REQUIREMENTS.....	4
Candidate Eligibility.....	4
Filing Fee.....	5
Filing Time.....	5
Writing-in Candidate.....	5
Insure Candidate Qualifications.....	5
ARTICLE IV - NOTICE OF ELECTION.....	5
Time of Election.....	5
Place of Election.....	6
Notice Requirements.....	6
Form of Notice.....	6
Preparation of Election.....	6
Event of Death.....	6
ARTICLE V - BALLOTING PROCEDURES.....	6
Voting Booth.....	6
Ballot Box.....	7
Methods of Voting.....	7
Deposits of Ballots.....	7
Interpretation of the Ballot.....	7
Watchers.....	7
Absentee Voting.....	8
Placement of Names of Candidates.....	9
Individual Voting.....	9
Electioneering at the Booths.....	9
ARTICLE VI - CANVASSING/CERTIFICATION SAFEKEEPING.....	9
Canvass of Ballots.....	9
Certification of Election Results.....	10
Safe Keeping of Ballots.....	10
Opening of Locked Box.....	10
ARTICLE VII - PROTEST OR CHALLENGE.....	10
Protest and Challenge of Candidates.....	10
Protest or Challenge of Election.....	11
ARTICLE VIII - VIOLATION OF ELECTION ORDINANCE.....	11
ARTICLE IX-PROCEDURES FOR AMENDING ELECTION ORDINANCE..	11
ARTICLE X - APPENDIX.....	12
Registration Form.....	12
Certification Form.....	13
Form of Notice.....	14
Form of Ballot.....	15

# ORDINANCE NO. 1-89

## AUTHORIZATION

An Ordinance governing the Elections on the Rocky Boy Indian Reservation as authorized by the Chippewa Cree Constitution Article VIII, Section 2.

## ARTICLE I - ELECTION BOARD MEMBERSHIP

### SECTION 1. COMPOSITION OF THE TRIBAL ELECTION BOARD

There shall be an impartial Election Board consisting of five (5) members responsible for calling and conducting all tribal elections. Three (3) of the five (5) board members shall be those tribal member who are serving as the Election Board for the County Election Precinct No. 28 which includes the reservation.

The tribal members who constitute the precinct Election Board shall appoint two (2) other adult tribal members to serve with them for tribal election purposes. Those two (2) Board members shall meet the qualifications set forth in Article IV, Section 2 of the Chippewa Cree Constitution and shall be subject to the provisions of Article V, Section 3.

In addition, the Tribal Secretary-Treasurer shall serve as clerk of the Election Board in a non-voting capacity.

### SECTION 2. LENGTH OF TERMS

The three precinct Election Board Members shall serve a three year term. The initial appointments of the two non-precinct board member shall be one (1) member for two (2) year term and the other for a three (3) year term. Thereafter, appointments shall be for three years. Members may be appointed to successive terms.

An individual shall not serve as member of the Business Committee and member of the Election Board at the same time. Should any member of the Election Board file as candidate for tribal elective office, he shall request official release from the Tribal Election Board.

### SECTION 3. CONDUCT OF ELECTION BOARD

Election Board Members are not to be absent from the duties of their positions from the opening of the polls until all ballots have been counted. In addition, the Election Board Members shall not express any preference for any candidates. Failure to perform the duties shall be considered an offense defined as election tampering in Article VIII, Section 1.

#### **SECTION 4. COMPENSATION OF ELECTION BOARD AND OTHERS**

Election board and other workers at the election shall be paid the Federal minimum wage plus \$1.00 per hour. There shall be no more than two interpreters assigned to work during the election. Poll watchers shall not be eligible for pay unless paid by the candidate who arranged for their respective services.

#### **ARTICLE II - VOTER REQUIREMENTS**

##### **SECTION 1. VOTER QUALIFICATIONS**

All duly enrolled tribal members eighteen years of age or older on election day shall be eligible to vote provided the voter is registered; as further required in this ordinance regardless of place of residence.

##### **SECTION 2. VOTER REGISTRATION**

The Tribal Election Board shall establish and maintain a register of eligible voters for tribal elections. A voter, to get on this list shall, on form provided, certify to the Election Board Secretary at least ten (10) working days before the election that he is a qualified voter. As long as a registered voter votes in the last Tribal election, his registration will continue.

#### **ARTICLE II - CANDIDATE REQUIREMENTS**

##### **SECTION 1. CANDIDATE ELIGIBILITY**

To be eligible for membership on the Business Committee, candidate must have the following qualifications:

- a) Be a member of the Tribe.
- b) Must have physically resided within the general area which encompasses the main body of the reservation or on any land under the jurisdiction of the tribe for two (2) years immediately prior to the date of the general election.
- c) Must be at least twenty-five (25) years of age on the date of the election.
- d) Should a potential candidate have been convicted of a felony involving dishonesty in any State or Federal court or convicted by tribal court of a misdemeanor involving dishonesty or bribery in handling tribal affairs, such persons shall not be entitled to be a candidate until five (5) years after completion of his penalty.

## **SECTION 2. FILING FEES**

Any member who wishes to file as candidate shall pay a filing fee as follows:

1. For Business Committee - \$15.00
2. For Chairmanship of Business Committee - \$25.00
3. For Tribal Chief Judge - \$15.00 and Associate Judge - \$15.00

The filing fees shall be paid to the Election Board Clerk to help defray election expenses. Such fees shall not be refunded unless the Election Board declares the candidate does not meet candidate qualifications. All filing fees shall be deposited in the Chippewa Cree Tribe's special General Account and used to offset the Election Board expenses for Tribal Elections.

## **SECTION 3. FILING TIME**

A petition for any tribal elected office position shall be filed with the Rocky Boy's Chippewa Cree Tribal Secretary at least twenty (20) days but not more than thirty (30) days before the day of election. The Secretary shall record on each petition the minute, hour, day, month and year of the time of filing. An exception will be made for filing time only for the special 1989 Primary and General election based on the Election Board's discretion.

## **SECTION 4. WRITE-IN CANDIDATES**

No Elective office shall be filled by write-in candidates.

## **SECTION 5. INSURE CANDIDATE QUALIFICATIONS**

The Election Board shall be responsible for insuring that only persons who meet the qualifications are accepted as candidates for elective office.

## **ARTICLE IV - NOTICE OF ELECTION**

### **SECTION 1. TIME OF ELECTION**

A tribal election to elect officers as prescribed by the tribal Constitution on even numbered years with the exception of 1989 Special Election to allow implementation of ordinance 1-89. A primary election shall be held in June and a general election shall be held in November on dates fixed by the Election Board. In so far as possible election dates shall be coordinated to coincide with local and state election dates. The polls shall be open from 8:00 a.m. to 8:00 p.m. local time on the day of election.

## **SECTION 2. PLACE OF ELECTION**

The place of the election shall be at a public building on the Rocky Boy's Reservation, Montana.

## **SECTION 3. NOTICE REQUIREMENTS**

A notice of election in the form as hereinafter specified shall be posted in public places ten (10) days before Election. A duplicate notice shall be posted in the Tribal Office at Rocky Boy's Reservation and the United States Post Office in Havre and Box Elder, Montana. A duplicate notice will be published for one (1) issue in the Havre Daily News at Havre, Montana at least two (2) days prior to the day fixed for the election.

## **SECTION 4. FORM OF NOTICE**

The notice of election shall contain a list of all candidates for the respective tribal offices designated in the nominating petition of each candidate. The notice of election shall further contain the election date, the time of opening and closing of the polls, the polling place of the election and the qualifications of voters. The notice of elections shall be substantially as in the form attached.

## **SECTION 5. PREPARATION FOR ELECTION**

It shall be the duty of the Tribal Election Board with assistance from Tribal personnel to provide supplies, material and necessary forms to hold a tribal election. The Board shall also provide notices to alternate members in the event a Board member is unable to serve and call a pre-election meeting to discuss voting procedures and make other preparation for holding a satisfactory and fair election.

## **SECTION 6. IN THE EVENT OF DEATH**

In the event of a candidate's death between the primary and general election, the candidate receiving the next highest number of votes from the primary will qualify as a candidate for the general election.

# **ARTICLE V - BALLOTING PROCEDURES**

## **SECTION 1. VOTING BOOTHS**

There shall be provided at the polling place substantial separate voting booths with curtains, to ensure secret balloting. A writing surface and marking pencils shall be provided.

## **SECTION 2. BALLOT BOX**

The Ballot Box shall be of substantial construction equipped with a lock. Immediately prior to the opening of the polls, the Chairman of the Election Board shall open the ballot box in the presence of the other members of the Election Board to show that no ballots are contained in the ballot box and he shall then lock the ballot box and retain the key in his possession until after the balloting has been completed and counted.

## **SECTION 3. METHODS OF VOTING**

Each voter must first register on the registration form provided. The Election Board shall determine if such person is eligible and qualified to vote by comparing with the list of registered voters, and all qualified voters will be provided with a ballot. All voting shall be done by secret ballot. No one else other than each individual voter shall be allowed in each voting booth at one time, except that an interpreter may help the voter as set forth below.

## **SECTION 4. DEPOSITS OF BALLOTS**

After the ballots have been properly marked, they must be placed in the ballot box by the elector and the voters right to secrecy will be protected.

## **SECTION 5. INTERPRETATION OF THE BALLOT**

When requested to do so by a voter who does not understand the ballot, at least one (1) member of the Election Board who speak the Chippewa Cree and English language and one impartial tribal member, who has been designated by the Election Board as an interpreter shall in the presence of each other, read and translate the ballot to said voter and instruct the voter on the method of voting. Such members of the Election Board shall not advise or otherwise intimidate the voter into voting for a certain candidate.

## **SECTION 6. WATCHERS**

Any candidate may name a tribal member to act as watcher at an election. The watchers shall have the right to be present at the polling place but outside the booths and to watch the Election Board, the balloting, the counting and the recording of the results of the election. It shall be the duty of the watcher to watch, listen and observe and counting for all candidates voted for and can insist upon a fair count but shall have no further authority then to challenge the results thereof.

Watchers shall not give out any information as to the counting until the public announcements by the Chairman of the Election Board. A watcher shall receive no compensation for his services.

The appointment in writing by the candidate of a watcher shall be filed before the day of the election with the Secretary of the

Tribal Election Board or upon the day of the election with the Chairman of the Election Board.

#### **SECTION 7. ABSENTEE VOTING**

A qualified elector who will be absent from the Rocky Boy Indian Reservation on election day may vote as herinafter provided. Absentee main-in voting will be determined by the outcome of January 1989 Election.

a) Time for voting absentee.

At any time within the period beginning at 8:00 a.m. local time, three (3) regular working days next preceding the election, and ending at 12:00 noon, the day preceding the election, an elector expecting to be absent may appear before the Tribal Secretary-Treasurer who is serving as the Election Clerk, and apply for an official ballot to be voted as such election as an absent voter's ballot. The Election Board shall prescribe the form of application, which shall be signed by the applicant. (see appendix)

b) Absentee voting location.

A voting area and ballot box shall be provided and maintained at the Tribal Office with the necessary supplies.

c) Absentee voting process.

Upon execution and receipt of an application for absent voter's ballot, the Election Clerk shall enter the name of applicant on the register provided thereof. The application for absentee ballot shall require the applicant, under oath before the Election Clerk to affirm that he/she does indeed expect to be absent on day of election from the Rocky Boy Indian Reservation.

The voter shall vote his ballot and place it in an envelope (to be provided) marked "Rocky Boy Reservation Election of (month), (day), (year), Absent Voter's Ballot", seal the ballot and place it in a larger envelope endorsed with voter's name and signature. and personally deposit it in the absent voter's ballot box. The clerk shall safely keep the locked ballot box and election supplies in his office.

d) Absentee voter register.

The ballot or ballots used by absent voters shall be one of the official ballots for such election, beginning with ballot one and following consecutively according to the number of such applications. The Clerk shall keep a register of the absent voters including their signatures and, at the time election supplies are delivered to the polling places, a list of the absent voters shall be delivered to the polling place on

election day.

e) Processing absentee voter ballots.

On election day, the absent voter's ballot box shall be delivered to the Tribal polling place and to the custody of the Election Board thereof.

1) After the poll close, the Election Board shall open the absent voter's ballot box and determine that the absent voters ballots correspond to the register of absent voters. Those not corresponding shall not be discarded but kept separate and destroyed at the time other ballots are destroyed.

2) The Absent voter's ballot shall be taken from its exterior envelope, and enclosed in the interior envelope be deposited in the regular ballot box of the polling place to be counted as provided.

**SECTION 8. PLACEMENT OF NAMES OF CANDIDATES**

The names of the candidates for each respective office shall be placed upon the ballot in the respective order to correspond with the time of filing.

**SECTION 9. INDIVIDUAL VOTING**

All voting must be for individual candidates for each respective office. For each respective office, the two (2) candidates receiving the highest votes in the Primary Election shall be on the ballot in the General Election. The ballots will not be prepared as to provide for slate voting.

**SECTION 10. ELECTIONEERING AT THE BOOTHS**

No person including Election Board members shall be allowed to electioneer within the building or within fifty (50) feet of the building where and when the election is in progress and it will be the duty of the Chairman of the Election Board to arrange with the Chief of Police for the assistance of the Tribal Police to maintain order about the building during the election.

**ARTICLE VI - CANVASSING/CERTIFICATION/SAFEKEEPING**

**SECTION 1. CANVASS OF BALLOTS**

At the hour fixed for the closing of the polls, the Election Board and Clerk shall close the polls and immediately proceed to count the votes cast on each ballot for each candidate or proposition and certify in writing under their signatures to the Business Committee the correct total number of the votes cast for each candidate and for each proposition if any. The person receiving the largest number of votes cast in the General Election shall be the person elected to office. In case of a tie vote between the last two (2) candidate for any respective

office; the method for determining the winner, the Election Board shall consult with the two (2) candidate and if a satisfactory decision cannot be reached the winner shall be determined by run off balloting process. It shall be unlawful for any person or persons, except the duly qualified Election Board and Clerk of election, to interfere in any election or to aid and assist or attempt to aid and assist the Election Board and Clerk in conducting the election or canvassing the ballots cast at any election.

## **SECTION 2. CERTIFICATION OF ELECTION RESULTS**

The Election Board shall certify the results of the election to the Secretary who shall post the results of such election in the Tribal Office at Rocky Boy's Agency, Montana.

## **SECTION 3. SAFE KEEPING OF BALLOTS**

Upon completion of ballot count, the election Board shall place in an envelope marked (a)Ballots; (b)Unused Ballots; and (c)Stubs. These shall be placed in a locked box, sealed with election seal and signed by all the Election Board. The locked and sealed box shall be delivered to the Tribal Chief of Police, Law and Order Department by a Police Officer and Chairman of the Election Board. The ballots and other election material shall be locked for the duration of the positions elected (2) years - (4) years. The key of locked box shall be maintained by the Tribal Secretary-Treasurer who is authorized by the Tribal Constitution to serve as the Clerk of the Election Board.

## **SECTION 4. OPENING OF LOCKED BOX**

The sealed and locked box containing the ballots and other election materials shall be opened with a Court Order only for any protest or recount pursuant to other sections of this ordinance. The protestor(s), the clerk, three (3) members of the Election Board and the Tribal Judge signing the Court Order shall be present at the opening of the sealed and locked box.

## **ARTICLE VII - PROTEST OR CHALLENGE**

### **SECTION 1. PROTEST AND CHALLENGE OF CANDIDATES**

Procedures for protesting the Qualification of Candidates for Tribal Office.

1. Appeals will be accepted only on complaints against qualifications and procedures outlined in the Constitution which stipulates the qualification requirements for candidates.
2. Appeals must be filled five (5) days prior to the date of the election to the Election Board.
3. The Tribal Election Board shall have full authority to determine the validity of qualifications and procedures of all appeals.

## **SECTION 2. PROTEST OR CHALLENGE OF ELECTION**

Only a candidate defeated in the election shall be eligible to contest the results of an election. The protest or challenge must be filed within five (5) calendar days after the election results have been posted. Protest shall be filed with any member of the Election Board. Protest shall be in writing and set forth valid reasons, based on the Tribe's Constitution or Election Ordinance as to why the results of the election shall not be final.

On any protest or challenge of election the decision of Election Board may be appealed to the Tribal Court.

Demands for re-holding an election must be accompanied by a cash deposit of \$250.00 to cover costs of such election.

## **ARTICLE VIII - VIOLATION OF ELECTION ORDINANCE**

### **SECTION 1. - VIOLATION OF ORDINANCE**

Any Tribal Election Board Member or any Tribal Member who willfully or purposely violates any portion of this Election Ordinance will be subject to prosecution by the Tribal Court as a Class B Offense and subject to \$300.00 fine or three (3) month jail sentence.

## **ARTICLE IX-ADOPTION OR AMENDMENT OF THE ELECTION ORDINANCE**

### **SECTION 1. ADOPTION OR AMENDMENT OF ORDINANCE**

For purpose of adopting or amending an election ordinance, the Election Board is empowered to call and conduct a referendum election. In such election, a majority of those who vote shall determine whether the proposal is adopted or rejected provided at least thirty (30) percent of the registered voters participate in the balloting.



## CERTIFICATION

I, the undersigned as Secretary of the Chippewa Cree Tribal Election Board of the Rocky Boy's Reservation hereby certify a referendum vote was held on January 3, 1989, whereby 249 qualified registered tribal member voters approved this election ordinance by an affirmative vote of 187 members for and 60 against and 355 member not voting.

---

Chairman, Chippewa Cree Election Board  
Rocky Boy's Reservation

---

Secretary, Chippewa Cree Election Board  
Rocky Boy's Reservation

---

Clerk, Chippewa Cree Election Board  
Rocky Boy's Reservation

---

Member, Chippewa Cree Election Board  
Rocky Boy's Reservation

---

Member, Chippewa Cree Election Board  
Rocky Boy's Reservation

---

Member, Chippewa Cree Election Board  
Rocky Boy's Reservation

Protest Fee Options - 106 Members for \$250.00  
85 Members for \$ 50.00  
55 Members for \$125.00

Absentee Mail-In was disapproved by Affirmative Vote of 196 Members for and 51 Against.

FORM OF NOTICE

CHIPPEWA CREE TRIBE  
ROCKY BOY'S RESERVATION

NOTICE OF ELECTION

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ an election for tribal officers of the Chippewa Cree Tribe of Rocky Boy's Reservation will be held at the Multi-Purpose Building at Rocky Boy's Reservation, Montana. Polls for said election will be open for voting between the hours of 8:00 a.m. and 8:00 p.m. The following offices:

Chairman of Rocky Boy's Business Committee

(Names of Candidates)

Member, Rocky Boy's Business Committee

(Names of Candidates)

Chief Judge of Chippewa Cree Tribal Court

(Names of Candidates)

Associate Judge of Chippewa Cree Tribal Court

(Names of Candidates)

Persons eligible to vote in the election must possess the following qualifications: Such person must be a duly enrolled member of the Chippewa Cree Tribe of Rocky Boy's Reservation, must be eighteen (18) years of age or older.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 19\_\_

Secretary, Business Committee  
Chippewa Cree Tribe

**FORM OF BALLOT**

The ballot shall be in substantially the following form:

**CHIPPEWA CREE TRIBE  
ELECTION OF OFFICERS**

**BALLOT**

STATE OF MONTANA            )  
                                  )    ss.  
ROCKY BOY'S RESERVATION )

I hereby represent that I am eighteen (18) years or older and that I am a duly enrolled member of the Chippewa Cree Tribe of Indians and qualified to vote in accordance with the Constitution of the Chippewa Cree Tribe. I acknowledge receipt of a ballot for the election of tribal officers.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Signature of elector

.....  
(perforation)

Instructions: Vote for one (1) candidate for each of the following offices. Place X in the box opposite the name of the candidate of your choice for each office.

**CHAIRMAN OF CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE**

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

**FORM OF BALLOT**

**MEMBER TRIBAL BUSINESS COMMITTEE**

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

**ASSOCIATE JUDGE - CHIPPEWA CREE TRIBAL COURT**

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

NAME OF CANDIDATE \_\_\_\_\_ /\_\_\_/

**OPTION FOR ABSENTEE VOTING: MAIL-IN (NON-RESIDENTS)**

A QUALIFIED ELECTOR WHO WILL BE ABSENT FROM THE ROCKY BOY INDIAN RESERVATION ON ELECTION DAY MAY VOTE AS HEREINAFTER PROVIDED.

**A. NON-RESIDENT ABSENTEE VOTER:**

1. ANY CHIPPEWA CREE TRIBAL MEMBER WHO IS A REGISTERED VOTER MAY VOTE BY ABSENTEE PROVIDED HE OR SHE MAKES A WRITTEN NOTARIZED STATEMENT OF REQUEST FOR EACH ELECTION. THE WRITTEN NOTARIZED STATEMENT MUST SHOW PROOF OF ELECTOR'S SIGNATURE AND THE REASON HE OR SHE WILL BE ABSENT ON THE DAY OF THE ELECTION. REQUESTS FOR AN ABSENTEE BALLOT MUST BE RECEIVED TEN(10) DAYS PRIOR TO THE DAY OF ELECTION. THE REQUEST MUST BE MAILED TO THE ELECTION BOARD CLERK.

**B. PROCEDURES:**

1. UPON RECEIPT OF AN APPLICATION FOR ABSENT VOTER'S BALLOT, THE ELECTION CLERK SHALL ENTER THE NAME OF APPLICANT ON THE REGISTER AFTER VERIFYING THE APPLICANT IS A QUALIFIED VOTER. THE CLERK WILL THEN SIGN THE ELECTOR'S NAME TO THE OFFICIAL VOTER REGISTRATION BOOK.

THE ABSENTEE VOTER WILL THEN BE MAILED A BALLOT UPON WHICH THE CHIPPEWA CREE CHARTER SEAL HAS BEEN AFFIXED. THE ABSENTEE VOTER SHALL VOTE HIS BALLOT AND PLACE IT IN AN ENVELOPE MARKED: "ROCKY BOY RESERVATION ELECTION, OF (MONTH) \_\_\_\_\_ . (DAY) \_\_\_\_\_ (YEAR) \_\_\_\_\_ ABSENT VOTER'S BALLOT", SEAL THE BALLOT ENVELOPE AND PLACE IT IN A LEGAL SIZE ENVELOPE ENDORSED WITH VOTER'S NAME AND SIGNATURE, AND MAIL IT TO THE ELECTION BOARD CLERK OF ROCKY BOY.

- C. 1. THE MAIL-IN ABSENTEE BALLOT MUST BE RECEIVED BY 5:00 P.M. THE DAY BEFORE THE ELECTION. UPON RECEIPT OF THE ABSENTEE BALLOT THE ELECTION CLERK SHALL PUT THE ENVELOPE IN A LOCKED ABSENTEE BALLOT BOX. ON ELECTION DAY THE ABSENT VOTER'S BALLOT BOX SHALL BE DELIVERED TO THE TRIBAL POLLING PLACE PLACED IN CUSTODY OF THE ELECTION BOARD MEMBERS.
2. AFTER THE POLLS CLOSE, THE ELECTION BOARD MEMBERS SHALL OPEN THE ABSENT VOTER'S BALLOT BOX AND DETERMINE THAT THE ABSENT VOTER'S BALLOT CORRESPOND TO THE REGISTER OF THE ABSENT VOTERS. ANY BALLOT THAT HAS BEEN DETERMINED TO BE INVALID SHALL BE KEPT SEPARATE AND NOT COUNTED, HOWEVER, ANY INVALID BALLOTS SHALL BE KEPT WITH ALL THE OTHER ELECTION BOARD MEMBERS.
3. THE ABSENT VOTER'S BALLOT SHALL BE TAKEN FROM ITS EXTERIOR ENVELOPE, AND STILL ENCLOSED IN THE INTERIOR ENVELOPE, BE DEPOSITED IN THE REGULAR BALLOT BOX OF THE POLLING PLACE TO BE COUNTED AS PROVIDED.

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## A N O R D I N A N C E

NO: 2-89

MAKING IT A TRIBAL OFFENSE FOR ANY PERSON TO ENGAGE IN THREATS, HARASSMENT, INTIMIDATION, OR HARM TO THE PERSON OR PROPERTY OF ANY MEMBER OF THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE, EMPLOYEE OF THE CHIPPEWA CREE TRIBE, APPOINTED MEMBER OF TRIBAL SUB-COMMITTEE OR THEIR IMMEDIATE FAMILY AS A RESULT OF SAID MEMBER OR EMPLOYEE PERFORMING HIS OR HER DUTIES IN SERVICE TO THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION;

WHEREAS, THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE IS THE GOVERNING BODY OF THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION BY THE AUTHORITY OF THE CONSTITUTION AND BY-LAWS OF THE CHIPPEWA CREE TRIBE APPROVED ON THE 23RD DAY OF NOVEMBER, 1935, PURSUANT TO THE INDIAN REORGANIZATION ACT OF JUNE 18, 1934; AND

WHEREAS, in order to provide for the proper conduct of tribal government, tribal administration, and the provision of services through tribal programs there is a critical need to protect members of the Chippewa Cree Business Committee, appointed members of tribal sub committee and their immediate families from threats, harrassment, intimidation or does harm to their person or property resulting from said Business Committee Members or employees performing thier duties in service to the Chippewa Cree Tribe of the Rocky Boy's Reservation, and

WHEREAS, this ordinance is being adopted to provide protection to members of the Chippewa Cree Tribal Business Committee, employees of the Chippewa Cree Tribe, appointed members of tribal sub committees and their immediate families so that said members and employees can adequately perform their duties without fear of reprisal.

THEREFORE BE IT ORDAINED, that the Chippewa Cree Tribal Business Committee enacts this Tribal Ordinance as an addendum to the Chippewa Cree Law & Order Code, Title IV Chapter 9 and said Title and Chapter is amended to add a new section 9.7, threats or intimidation of Tribal Officials. A person who willingly

(1) engages in threats, harrassment, intimidation or does harm to the person or property of any member of the Business Committee, Tribal Employee, Appointed member of a Tribal Sub Committee or their immediate family, and (2) such threat, harrassment, intimidation or harm is engaged in for the purpose of improperly influencing made by the aforementioned officials in carrying out their public duties or is engaged in for purpose of retribution for the making of such a decision commits a Class A Offense.

BE IT FURTHER RESOLVED, that the Chippewa Cree Tribal Business Committee hereby directs the Chippewa Cree Tribal Police and the Tribal Court to enforce this Ordinance.

---

The foregoing Ordinance was duly adopted on July 06, 1989, by a vote of Seven ( 7 ) members for and Zero ( 0 ) members against, by the Chippewa Cree Tribal Business Committee pursuant to authority vested in it by Section 1-1, Article VI, of the Tribal constitution and By-Laws ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)

  
Chairman Business Committee

  
Secretary Business Committee

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## A n O r d i n a n c e

No. 3-89

AMENDING THE LAW AND ORDER CODE OF THE CHIPPEWA CREE TRIBE AND ADDING PARAGRAPH 1.10, 1.11, 1.12 TO CHAPTER 1, TITLE I OF THE LAW AND ORDER CODE OF THE CHIPPEWA CREE TRIBE PROVIDING FOR THE DISQUALIFICATION OR REMOVAL OF JUDGES, AND THE APPOINTMENT OF SPECIAL JUDGES, SPECIAL COUNSEL, AND APPELLATE JUDGES.

WHEREAS, the Chippewa Cree Tribe is a federally recognized Indian tribe as defined by the Indian Reorganization Act of June 18, 1934 and under its Constitution and Bylaws has full power and authority to enact resolutions and ordinances providing for maintenance of law and order on the Rocky Boy's Reservation; and

WHEREAS, in order to provide for equal protection to all persons within the jurisdiction of the Chippewa Cree Tribe and to provide for the proper conduct of the tribal court and judges it is necessary to make provisions for the disqualification or removal of tribal judges, the substitution of judges, and the appointment of special judges, special counsel and appellate judges.

NOW THEREFORE BE IT ORDAINED, that the Chippewa Cree Tribal Business Committee hereby amends the Law and Order Code of the Chippewa Cree Tribe by adding after paragraph 1.9 of Chapter 1 of Title I the following paragraphs:

### 1.10 Disqualification and Removal of Judges

No judge shall be qualified to act as such in any case where he/she is prejudiced for or against any of the parties in the action. Nor shall any judge be qualified to act in any case wherein any relative by marriage or blood in the First or Second Degree is a party.

Any party to an action may upon affidavit move to disqualify for cause and good cause having been shown such judge shall be disqualified. Any judge may remove himself/herself with or without giving cause for such removal. The denial of a motion to disqualify is subject to immediate appeal. A motion to disqualify must be made at least 10 days before the day scheduled for trial except that the motion may be made at any time if cause can be shown which was not known nor could be discovered with due diligence prior to the commencement of the trial.

### 1.11 Substitution of Judges

If any judge shall remove himself/herself or be disqualified or removed pursuant to paragraph 1.10 from acting in a particular case the Chief Judge shall cause to be selected a substitute judge from a list of certified substitutes approved by the Tribal Business Committee. The Clerk of Court shall maintain an approved list of certified judges.

The qualifications for substitute judges except for appointments made pursuant to paragraph 1.12 (a) shall be:

1. The person must be of 25 years of age, an enrolled member of the Chippewa Cree Tribe, and be otherwise qualified to run for elective office in accordance with the Constitution and Bylaws of the Chippewa Cree Tribe.

2. Preference will be given first to elected judges, secondly to past judges, and thirdly to other tribal members qualified by training or experience, except that the Court in its discretion may appoint a special judge under the circumstances cited in paragraph 1.12.

### 1.12 Appointment of Special Judges, Special Counsel, and Appellate Judges.

a) When in the discretion of the Chief Judge or the judge acting his stead, a cause of action involves issues of law and/or fact which are of such extraordinary complexity that the court, in the interest of justice, requires the assistance of a judge specially qualified in the area of expertise at issue, such special judge shall be appointed provided that such appointment is submitted to the Tribal Business Committee for approval. In such extraordinary cases the Court with approval may also appoint special counsel to assist the sitting judge except that the special counsel may not act in the judges stead.

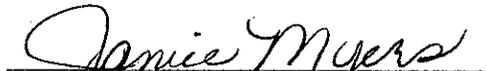
b) Three judges of the Tribal Court of the Chippewa Cree Tribe, except the trial judge, shall be appointed by the Chief Judge of the Tribal Court to sit at such times and places as they may find proper and necessary to hear appeals from judgements made by any judge at trial. Preference for the appointment of appellate judges shall be in accordance with paragraph 1.11 of this chapter except appointments that are made pursuant to paragraph 1.12 (a) of this chapter. Appellate judges are subject to the provisions for disqualification and removal in paragraph 1.10 of this chapter.

**BE IT FURTHER ORDAINED**, that all inconsistent ordinances, amendments, or resolutions are hereby rescinded and are of no further affect.

BE IT FURTHER ORDAINED, that the Clerk of Court will cause to be printed copies of this amendment and make them available to present and future users of the Law and Order Code.

THE FOREGOING ORDINANCE WAS ADOPTED ON <sup>10TH</sup> AUGUST, 1989, BY A VOTE OF FIVE ( 5 ) MEMBERS FOR AND THREE ( 3 ) MEMBERS AGAINST, BY THE CHIPPEWA CRIBE TRIBAL BUSINESS COMMITTEE PURSUANT TO AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1985, PURSUANT TO SECTION 16 OF THE ACT ON JUNE 19, 1984 (48 STAT. 949) AND AMENDED APRIL 22, 1972.

  
\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

  
\_\_\_\_\_  
SECRETARY, BUSINESS COMMITTEE

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4727 - Finance Office  
(406)-395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## A N O R D I N A N C E

No. 4-89

AMENDING THE CHIPPEWA CREE LAW AND ORDER CODE, CHAPTER 11, PARAGRAPH 5<sup>10</sup>  
"POSSESSION OF DANGEROUS DRUGS" TO EXCLUDE FROM ITS COVERAGE THE  
POSSESSION AND USE OF PEYOTE BY NATIVE AMERICAN CHURCH MEMBERS FOR  
SACRAMENTAL PURPOSES.

WHEREAS, The Chippewa Cree Tribe is a federally recognized Tribe organized under the Indian Reorganization Act of June 18, 1934 and under its Constitution and By-Laws approved November 23, 1935 and amended April 22, 1973 and, as such, has full power and authority to enact resolutions and ordinances for the maintenance of law and order within the Rocky Boy's Reservation; and,

WHEREAS, The Rocky Boy's Reservation was created for the purpose of establishing a permanent homeland for our Chippewa Cree Tribal members within which we can perpetuate our existence as an Indian Nation and continue to practice our customs and religion free from interference and impediment; and,

WHEREAS, The U.S. Government, including the Bureau of Indian Affairs, has recently made policy decisions which attempt to interfere with and impede the free exercise of religion including the practices of the Native American Church; and,

WHEREAS, It was not the intent of the Chippewa Cree Tribal Business Committee in passing Chapter 11, paragraph 5 of the Law and Order code to make it an offense for Native American Church members to possess and use peyote for sacramental purposes.

THEREFORE BE IT ORDAINED, That Chapter 11, paragraph 5 of the Law and Order Code of the Chippewa Cree Tribe is amended by adding at the end of Chapter 11, paragraph 5 the following language:

It is not an offense under this section or any other section of this Code for a member of the Native American Church to possess and use peyote for sacramental purposes.

BE IT FURTHER ORDAINED, That the Tribal Secretary is to make copies of this amendment available to users of the Law and Order Code and other interested parties.

The foregoing ordinance was duly adopted on September 7, 1989, by a vote of Six(6) members for and Zero(0) members against, by the Chippewa Cree Business Committee pursuant to the authority vested in it by article VI, sections (e) and (p) of the Tribal Constitution and By-Laws ratified by the Tribe on November 2, 1935 (amended April 22, 1973) pursuant to section 16 of the act of June 18, 1934 (48 stat. 984).

  
CHAIRMAN

  
SECRETARY/TREASURER

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4210 - Finance Office  
(406)-395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO. 1-90

AMENDING THE LAW AND ORDER CODE OF THE CHIPPEWA CREE TRIBE AND CHANGING SUBSECTION 2.3 PENALTIES PART (1) TO COMPLY WITH THE RESTRICTIONS IN THE CHIPPEWA CREE TRIBAL CONSTITUTION ON IMPRISONMENT AND FINE LIMITS.

WHEREAS, THE CHIPPEWA CREE TRIBE IS A FEDERALLY RECOGNIZED TRIBE AS DEFINED BY THE INDIAN REORGANIZATION ACT OF JUNE 18, 1934 AND UNDER ITS CONSTITUTION AND BYLAWS HAS FULL POWER AND AUTHORITY TO ENACT RESOLUTIONS AND ORDINANCES PROVIDING FOR MAINTENANCE OF LAW AND ORDER ON THE ROCKY BOY'S RESERVATION; AND

WHEREAS, the current Chippewa Cree Law and Order Code violates the Tribal Constitution and requires correction.

NOW THEREFORE, BE IT ORDAINED, that the Chippewa Cree Business Committee hereby amends the Law and Order Code of the Chippewa Cree Tribe, by changing title IV public security part two: offenses chapter 2 subsection 2.3 part (1) to read class AA offenses for which the maximum penalty is six (6) months imprisonment, or a fine of five hundred dollars (\$500.00), or both;

BE IT FURTHER ORDAINED, that applicable penalties for class AA offenses throughout the Law and Order Code will be amended to coincide with this Ordinance.

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

THE FOREGOING ORDINANCE WAS ADOPTED ON 7TH JUNE, 1990, BY A VOTE OF EIGHT (8) MEMBERS FOR AND ZERO (0) AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1935, PURSUANT TO SECTION 16 OF THE ACT ON JUNE 18, 1934 (48 STAT. 948) AND AMENDED APRIL 22, 1973.

*Rocky Stump*  
\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

*Janice Myers*  
\_\_\_\_\_  
SECRETARY, BUSINESS COMMITTEE

Chief Rocky Boy

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4727 - Finance Office  
(406)395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO: 1-91

Amending the Law & Order Code of the Chippewa Cree Tribe, Adopting a new Title, "Title VIII, Enterprise Zone Ordinance", to the Law & Order Code of the Chippewa Cree Tribe providing for the establishment of an Enterprise Zone;

WHEREAS; the Chippewa Cree Tribe is a Federally Recognized Tribe as defined by the Indian Reorganization Act of June 18, 1934 and under its Constitution and Bylaws "Article VI Powers of the Committee," the Business Committee has full power and authority to enact resolutions and ordinances providing for the maintenance of Law & Order on the Rocky Boy's Reservation, and:

WHEREAS; it is the intent of the Chippewa Cree Tribe to establish an Enterprise Zone for the purpose of Business Development, employment and the stabilization of the the deferring economy, and;

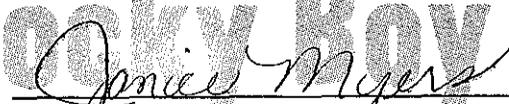
NOW THEREFORE BE IT ORDAINED; that the Chippewa Cree Tribe Business Committee hereby amends the Law & Order Code of Chippewa Cree Tribe by adopting a new Title, "Title VIII Enterprise Zone Ordinance", and herein attached;

BE IT FURTHER ORDAINED, that all inconsistent ordinances, amendments, or resolutions are hereby rescinded and are of no further affect, and;

BE IT FURTHER ORDAINED, that the Clerk of Court or The Tribal Secretary Treasurer will cause to be printed copies of this amendment and make them available to present and future users of the Law & Order Code.

THE FOREGOING ORDINANCE WAS ADOPTED ON THE 16 DAY OF July, 1991  
BY A VOTE OF six (6) MEMBERS FOR; AND zero (0) MEMBERS  
AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO  
THE AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL  
CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1935,  
PURSUANT TO SECTION 16 OF THE ACT ON JUNE 18, 1934 (48 STAT. 948) AND  
AMENDED APRIL 22, 1973.

  
CHAIRMAN, BUSINESS COMMITTEE

  
SECRETARY, BUSINESS COMMITTEE

CHIPPEWA-CREE TRIBE OF ROCKY BOY'S RESERVATION

ENTERPRISE ZONE ACT OF 1991

TABLE OF CONTENTS

SECTION

1. Title
2. Declaration of Need, Legislative Findings and Statement of Purpose
3. Definitions
4. Enterprise Zone Authority
5. Enterprise Zone Application
6. Enterprise Zone of Designation
7. Administration of Zones
8. Zone Assistance
9. Industrial Development Bonds
10. Rules and Regulations
11. Federal Designation
12. Administrative and Court Appeal

THE CHIPPEWA-CREE TRIBE OF THE ROCKY BOY'S RESERVATION

ENTERPRISE ZONE ACT OF 1991

BE IT ENACTED BY THE PEOPLE OF THE CHIPPEWA-CREE TRIBE OF THE ROCKY  
BOY'S RESERVATION

Section 1. Title

This Act shall be known and may be cited at the Chippewa-Cree  
Tribe of the Rocky Boy's Reservation Enterprise Zone Act.

Section 2. Declaration of Need, Legislative Findings and  
Statement of Purpose

The Tribal Council of the Chippewa-Cree Tribe of the Rocky Boy's  
Reservation hereby finds and declares:

a. That the jurisdictional area of the Chippewa-Cree Tribe of  
the Rocky Boy's Reservation is an area of economic distress and  
underdevelopment, and that a need can be identified for new business,  
employment and economic opportunities within the jurisdiction of the  
Reservation. Such development activities are necessary to alleviate  
extreme symptoms of economic need, both on the part of the Tribe as a  
community and among individual tribal members;

b. That participation in economic matters by the Chippewa-Cree  
Tribe of the Rocky Boy's Reservation as a business organization and  
governmental entity can have a beneficial effect on the economic well  
being of the Tribe and its individual members;

c. That development oriented around tribal enterprises, as well  
as private sector ventures, is a desirable economic strategy for the  
Chippewa-Cree Tribe of the Rocky Boy's Reservation;

d. That a critical need exists for the Chippewa-Cree Tribe of  
the Rocky Boy's Reservation to concentrate its development efforts on  
diversified and balanced economic programs within the jurisdiction of  
the Reservation and in surrounding areas;

e. That the Tribe should be prepared to act as a catalyst for  
business activity, as well as the primary planning, legal and  
management entity for tribal businesses.

f. That the health, safety and welfare of the people of the  
Chippewa-Cree Tribe of the Rocky Boy's Reservation are improved by  
the development of business and employment opportunities on and near  
the reservation.

g. It is therefore, the purpose of this Act to create  
employment and business growth and to stimulate new economic activity  
on the Rocky Boy's Reservation by generating the legal instruments  
and physical infrastructure to support business and industry, by  
providing tax and other forms of incentive for entrepreneurial  
activity, by exercising tribal sovereignty, and by designing tribally  
owned lands and an enterprise zone.

### Section 3. Definitions

As used in this Act, unless the context otherwise suggests:

- 1) "Authority" means the Enterprise Zone Authority of the Chippewa-Cree Tribe of the Rocky Boy's Reservation.
- 2) "Enterprise Zone" means an area owned by the Chippewa-Cree Tribe of the Rocky Boy's Reservation declared by the Authority to be eligible for the benefits of this Act.
- 3) "Qualified Business" means any person, corporation or other entity engaged in the active conduct of a trade or business, limited to the business location within the enterprise zone and not extending to related interests or business locations outside the zone:
  - a) With at least fifty (50%) of its employees performing substantially all of their functions within the enterprise zone; and
  - b) With individuals from one (1) or more of the following three (3) categories constituting at least fifty percent (50%) of the business employees:
    - i) Members of the Chippewa-Cree Tribe of the Rocky Boy's Reservation or members of federally recognized tribes residing within the zone or within fifty (50) miles of any portion of the zone; or
    - ii) Individuals who have been unemployed for at least the entire year prior to obtaining employment with the qualified business; or
    - iii) Individuals who have received public assistance payments, based on need and intended to alleviate poverty, for at least the entire year prior to obtaining employment with the business.
- 4) "Qualified Property" means:
  - a) Any tangible personal property located in an enterprise zone used predominantly by the taxpayer in the zone in the active conduct of a trade or a business; and
  - b) Any real property located in such zone which:
    - i) Was used predominantly by the taxpayer in the active conduct of a trade or business; or
    - ii) Was the principal residence of the taxpayer on the date of the sale or exchange
  - c) Any interest in a corporation, partnership, or other entity if, for the most recent taxable year of such entity ending before the date of the sale or exchange, such entity was a qualified business.

5) "Qualified Employee" means any employee who works for a qualified business.

6) "Indian Country" means any land defined in 18 U.S.C. Sect. 1151 (a) (b) (c).

#### Section 4. Enterprise Zone Authority

1) For the purpose of implementing provisions of the Act, there is hereby created the Enterprise Zone Authority of the Chippewa-Cree Tribe of the Rocky Boy's Reservation, consisting of (4) members. The Authority shall be appointed as follows: Each Commissioner shall serve four (4) years, provided that, in order to stagger the expiration of terms of office, one of the original Commissioners shall be appointed for a term of one (1) year, one for the term of two (2) years, one for the term of three (3) years, and one for the term of four (4) years.

2) All members shall serve until such time as their successors are qualified and appointed.

3) The (entity to be named) shall serve as staff for the Authority and carry out the administrative duties and functions as directed by the Authority.

#### Section 5. Enterprise Zone Application

1)The Executive Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation or any political subdivision of the Tribe, by act of the appropriate legislative body, may designate any area or areas within their jurisdiction to be an economically distressed area. The Executive Committee of the Tribe or any political subdivision of the Tribe may then make written application to the Authority to have such area or areas designated as an enterprise zone. Such application shall include a description of the location of the area or areas in question and such other information as the authority may by rule require.

2)Upon receipt of an application from the Executive Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation or any political subdivision of the Tribe, the Authority shall review the application to determine whether the area or areas described in the application qualify to be designated an enterprise zone.

3)The Authority shall complete its review of all applications within sixty (60) days of date of submission. It may extend this period by another sixty (60) days if circumstances warrant. If the Authority denies the application, it shall inform the Executive Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation or any political subdivision of the Tribe of the reasons for the denial.

## Section 6. Enterprise Zone Designation

1)General Eligibility Criteria--Any area or areas within the jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation may be designated an the enterprise zone, provided that it:

- a)Is Indian country as defined in 18 U.S.C. Sect.1151(a)(b)(c);
- b)Is an area of pervasive poverty, unemployment and economic distress.

2)Specific Eligibility Criteria--Any area meets the criteria of subsection 1(b) of this section if:

(a)The average unemployment rate in the area during all of the 18 months preceding the application for which data are available was at least one and one half (1 1/2) times the average national rate of unemployment for such period; or

(b)the poverty rate (as determined by the most recent census data available) for the entire area designated as an enterprise zone was at least twenty (20) percent.

3)Period of Designation Any area designated by the Chippewa Cree Tribe of the Rocky Boy's Reservation shall remain eligible for all benefits of the enterprise zone program for a period to end on December 31 of the twentieth (20th) year following designation.

4)Revocation of Designation--The Authority may revoke designation of any area as an enterprise zone if it no longer meets the criteria for designation as described in this Act.

## Section 7. Administration of Enterprise Zones

The Authority shall administer the Act and shall have the following powers and responsibilities:

1)To identify areas as eligible for designation as an enterprise zone;

2)To monitor the implementation of this Act and submit reports evaluating the effectiveness of the program and any suggestions for alterations in the Act to the Executive Committee of the Chippewa Cree Tribe of the Rocky Boy's Reservation by June 30 of each year.

3)To promulgate all necessary rules and regulations in accordance with the provisions of the General Revenue and Taxation Code of the Chippewa Cree Tribe of the Rocky boy's Reservation and any other Act of the Tribe intended to carry out the goals of this Act;

4)To nominate one or more area of the Rocky Boy's Reservation for federal enterprise zone designation.

5)To assist any qualified employer in obtaining the benefits of any incentive provided by law under this program and to certify qualified employers to be eligible for the benefits of this Act.

## Section 8. Zone Assistance

1)The Authority shall establish for a public display a master business license that shall certify that a business applying for benefits of the program has obtained all necessary tribal permits, licenses, certificate, approvals, registrations, charters or any other form of permission required by law to engage in business in an enterprise zone.

2)The Authority shall provide information and appropriate assistance to persons desiring to engage in business in a zone regarding tribal licenses, permits, certificates, approvals, registrations, charters, and any other forms of permissions required by law to engage in business within the jurisdiction of the Chippewa Cree Tribe of the Rocky Boy's Reservation.

3)Irrespective of any authority for determining if any requested licenses, permits, certificates, approvals, registrations, charters, or any other forms of permission required by law to be issued shall remain with the tribal agency otherwise legally authorized to issue the license.

## Section 9. Industrial Development Bonds

1)The Chippewa Cree Tribe shall waive any fees normally charged for connection with local water service to businesses and/or infrastructure necessary to support business development in an enterprise zone through the issuance of tax-exempt industrial development bonds.

## Section 10. Rules and Regulation

1)In order to carry out the goals of this Act, the Authority which is hereby authorized to promulgate administrative regulations for enterprise zones, may exempt designated zones from the provisions of any regulation, in part or whole, which has been promulgated by another tribal regulatory agency. The rules and regulations dealing with enterprise zones promulgated by the Authority under this Act shall supersede all other tribal laws or regulations dealing with the same area.

2)No tribal regulations promulgated to protect public health or safety shall be waived or altered under terms of the enterprise zone program.

## Section 11. Federal Designation

1)If any portion of an area designated as an enterprise zone under this Act is included in an area nominated for enterprise zone designation by an agency of the federal government, the area designated under this Act shall be enlarged, if necessary, to include the area selected by the federal agency as an enterprise zone.

2)Any area that is designated as an enterprise zone under the federal law shall automatically and without any additional action by the Tribe of the Authority be designated as an enterprise zone under this Act.

## Section 12. Administration and Tribal Court Appeal

Appeal may be taken of any decision of the "Authority" in the exercise of its power under this title. Such appeal will be to the Chippewa Cree Business Committee. Appeal to Tribal Court may be taken of any decision of the Business Committee made pursuant to this title; provided that such appeal shall be "on the record" and the court shall provide no remedy against the tribe that includes monetary damages or detriment to the Tribal Treasury or trust.

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4727 - Finance Office  
(406)395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO: 2-91

AMENDING THE LAW & ORDER CODE OF THE CHIPPEWA CREE TRIBE ADOPTING A NEW TITLE, "TITLE IX, BUSINESS LICENSE CODE" TO THE LAW & ORDER CODE OF THE CHIPPEWA CREE TRIBE PROVIDING FOR BUSINESS LICENSING PROCEDURES;

WHEREAS, the Chippewa Cree Tribe is a Federally Recognized Tribe as defined by the Indian Reorganization Act of June 18, 1934, and under its Constitution and Bylaws "Article VI, Powers of the Committee," the Business Committee has full power and authority to enact resolutions on the Rocky Boy's Reservation, to provide for the regulation of Business and Economic Affairs and to provide for the general health, safety, and welfare of all reservation residents;

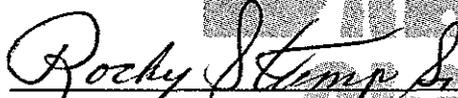
WHEREAS, it is the intent of the Chippewa Cree Tribe to establish a Business Code for the purpose of monitoring and regulating Business activities on the Rocky Boy's Reservation, and;

NOW THEREFORE BE IT ORDAINED, that the Chippewa Cree Tribal Business Committee hereby amends the Law & Order Code of the Chippewa Cree Tribe by adopting a new Title, "Title IX, Business License Code", as herein attached, and;

BE IT FURTHER ORDAINED, that all inconsistent ordinances, amendments or resolutions are hereby rescinded and are of no further effect, and;

BE IT FURTHER ORDAINED, that the Clerk of Court or the Tribal Secretary Treasurer will cause to be printed copies of this amendment and make them available to present and future users of the Law & Order Code.

THE FOREGOING ORDINANCE WAS ADOPTED ON THE 16 DAY OF July, 1991, BY A VOTE OF six (6) MEMBERS FOR AND zero (0) MEMBERS AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1935, PURSUANT TO SECTION 16 OF THE ACT ON JUNE 18, 1934 (48 STAT. 948) AND AMENDED APRIL 22, 1973.

  
\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

  
\_\_\_\_\_  
SECRETARY, BUSINESS COMMITTEE

CHIPPEWA CREE TRIBE

BUSINESS LICENSE

CODE

TABLE OF CONTENTS

- Chapter 1: Purpose
- Chapter 2: Definitions
- Chapter 3: Trade, Business, or Professional License--  
Entities Required to obtain
- Chapter 4: Procedures
- Chapter 5: Posting
- Chapter 6: Duration
- Chapter 7: Failure to Apply For License
- Chapter 8: Sanctions
- Chapter 9: Disposition of Funds

ROCKY BOY'S INDIAN RESERVATION  
CHIPPEWA-CREE BUSINESS LICENSE CODE

Chapter 1. Purpose: This Code has the following purposes:

- A. To make it possible for the Chippewa Cree Tribe to monitor and regulate Business Development on the Rocky Boy's Reservation.
- B. To ensure that land available for commercial use is utilized to further tribal goals as much as possible, so that other reservation resources are not abused or exploited, and so the health, safety welfare, and morals of Reservation residents are not threatened.
- C. To ensure that people who benefit from regular use of reservation land and other reservation resources contribute to tribal efforts to protect and rationally develop those resources.

Chapter 2-Definitions

- A. For the purpose of this code "Trade, Business or Professional" means any activity whose goal is financial gain, or advantages to the person (s) who engage in the activity. It includes provisions of service.
- B. "The Court" except where otherwise specified, means the Chippewa Cree Tribal Court having jurisdiction over Civil actions.
- C. "The Reservation " means the land within the exterior boundaries of the Rocky Boy's Indian Reservation and including any lands described as "Indian country" in 18 USC 1151 (a)(b)(c). over which the Chippewa Cree Tribe has jurisdiction.
- D. "Temporary License" means a permit to do business on the Rocky for a period not to exceed 10 days.
- E. "The Tribe" means the Chippewa Cree Tribe.

Chapter 3. TRADE, BUSINESS OR PROFESSIONAL LICENSE ENTITIES REQUIRED TO OBTAIN

- A. Every entity, including, but not limited to, an individual, a group of individuals, a sole proprietorship, partnership, association, joint ventures, or corporation, which, prior to the effective date of this code, was engaged in a trade, business, or profession, or commercial activity of any sort within the exterior boundaries of the reservation shall, prior to December (1)and each calendar year thereafter, file with the Chippewa Cree Tribal Secretary/Treasurer, an application for a business license which, upon issuance, shall entitle such entity to engaging in the kind (s) of business activity at the location (s) listed in the application.

- B. Every entity, including, but not limited to, an individual, group of individuals, sole proprietorship, partnership, association, joint venture, or corporation, intending to engage in a trade, business, profession, or commercial activity of any sort within the exterior boundaries of the reservation, but which was not engaged in such activity prior to December, 1991, shall prior to commencing business within the exterior boundaries of the reservation, and prior to December 1 of each calendar year thereafter, file with the Chippewa Cree Tribal Secretary/Treasurer, an application for a business license, which, upon issuance, shall entitle said entity to engage in the kind (s) of business activity at the location (s) listed in the application.
- C. Each application shall be accompanied by a fee set by tribal resolution on a yearly basis which shall constitute the license fee.
- D. An application for a temporary license shall be accompanied by a fee set by tribal resolution on a yearly basis which shall constitute the license fee.
- E. No license fee shall be required:
- (a) of any church, welfare agency, Rocky Boy's Pow-Wow Committee, or other organization, recognized by the tribe, engaged in raising funds for charitable and religious purposes.
  - (b) of any school, athletic or educational organization, who may charge fees for football games, baseball games, basketball games, social dances, where such receipts from such activities do not accrue to the personal benefit of any individual.
  - (c) of any enrolled member of the tribe trading and selling traditional arts and crafts items who do not have an established place of business.
- F. A copy of the license application form may be obtained during regular business hours at the office of the Chippewa Cree Tribal Secretary/Treasurer. The license required to be obtained under the provisions of this subchapter shall be in addition to all other license fees and permits required by law.

#### Chapter 4. Procedures

- A. Within 10 working days after receipt of an application and fee, as provided for in Chapter 3, the Chippewa Cree Business Committee shall issue to said applicant a tribal license to engage in business activity on the Reservation. Said license shall indicate the kind (s) and location (s) of business activity for which the entity has been licensed.

- B. A temporary license shall be issued on the same day by the Secretary/Treasurer upon the completion of the application mentioned in Chapter 3 and when the appropriate fees have been collected.
- C. Notwithstanding subchapter A of this chapter, no license shall be granted to any entity until it has presented proof to the Chippewa Cree Business Committee that it has complied with all tribal requirements established as conditions of commencing business on the Reservation, including but not limited to the following:
- (a) Pursuant to the Tribal Employment Rights Office codes, evidence that the entity has submitted to the appropriate enforcing agency the compliance plans required by those ordinances and has had such plans approved by the enforcement agency (s);
- D. Notwithstanding subchapter A of this chapter, where the Chippewa Cree Tribal Business Committee has reason to believe that an entity applying for a license, pursuant to Chapter 3, shall, if permitted to commence business on the Reservation, present a danger to the health, safety, welfare, or morals of residents of the Reservation, the Chippewa Cree Tribal Business Committee shall, within 10 working days, provide said entity with a written notice setting out the reason it believes the entity presents such a danger and noticing a date for a hearing, said hearing to be held no later than 10 days after the delivery of said notice. At said hearing the entity shall be given an opportunity to demonstrate that its business activity does not present a danger to the health, safety, welfare, or morals of the residents of the Reservation. The Chippewa Cree Tribe Business Committee shall establish necessary procedures for said hearing that comply with the requirements of due process. However, the formal rules of evidence shall not apply. If the Chippewa Cree Business Committee finds, by a preponderance of the evidence, that a danger does exist, they shall, within 2 days, so notify said entity, in writing, stating the reasons for their finding. Said entity may appeal the Chippewa Cree Business Committee's decision to the Chippewa Cree Tribal Court and shall be entitled to an expedited hearing on the matter. Either party may appeal the court's decision pursuant to the appeal provisions in the Chippewa Cree Law and Order Code.

## Chapter 5. POSTING

Every entity issued a license pursuant to chapter 4 shall post it in a conspicuous place at the business location listed on the license, or, if it lists more than one location, it shall post a notice indicating the location at which the license is posted.

## Chapter 6. DURATION

All license issued under this title shall remain in effect for ten (10) days in the case of a temporary permit or for the duration of the calendar year for which issued unless revoked as provided by this title or under the provisions of any other Tribal Code and shall expire at midnight on the 31st day of December of each year. No license may be transferred to any other party.

## Chapter 7. FAILURE TO APPLY FOR A LICENSE

- A. An entity doing business on the Reservation which fails to obtain a license as provided in this code shall in addition to being required to immediately obtain such a license and pay the requisite fee, be fined \$50.00 per day for each day it operated on the Reservation without a license, unless good cause is shown to the Chippewa Cree Business Committee as to why such a license had not been obtained in a timely manner. If the Chippewa Cree Business Committee becomes aware that an entity is conducting business on the reservation without a license, there shall be delivered, by hand, notice to the entity informing it that it is operating on the Reservation in violation of this code and that it shall, within 2 days, obtain such a license and pay such fines as are indicated in the letter.
3. Any entity doing business on the Reservation without a license which fails to obtain a license within the time period required by the Chippewa Cree Business Committee as provided for in subsection A above, or any entity whose license to do business has been revoked by any court or agency of competent jurisdiction pursuant to any provision of this or any other tribal code, shall immediately cease to carry out business on the reservation; provided that, upon a showing of good cause, the Chippewa Cree Business Committee may grant the entity a reasonable period during which to conclude his business so long as, during that time, the continuations of such business does not endanger the health, safety, welfare, or morals of residents of the Reservation. Where notice to cease business issued by the Chippewa Cree Business Committee, it shall be hand delivered to the business entity by an employee of the Chippewa Cree Business Committee.

## Chapter 8. SANCTIONS

- A. If an entity doing business on the Reservation that has been directed by the Chippewa Cree Business Committee or the court to cease doing business on the Reservation, either pursuant to the revocation of its license to do business on the Reservation under any other tribal code, fails to comply, the Chippewa Cree Business Committee shall petition the court for a show cause as to why said business shall not be ordered to stop doing business and/or why said business shall not be excluded from the Reservation.

Where the Chippewa Cree Business Committee alleges that the business presents a danger to the health, safety, welfare, or morals of residents of the Reservation, the court shall hold an expedited hearing. If said entity fails to appear or fails to show good cause, the court shall order the tribal police to take appropriate action which may include the following but is not limited to:

(1) Where the person or persons engaging in business are not members of the Chippewa Cree Tribe, the court shall order the police to physically remove all such persons from the Reservation along with any personal property used in the conduct of said business that can be removed without causing permanent damage to it. For property which cannot be so removed, such as a building the court shall order, and the police shall implement, the incapacitation of said property by padlocking or other means so that it can no longer be used to carry out business.

(2) Where the person or persons doing business in violation of this code are Tribal members, they shall be ordered by the court to cease and desist from conducting business and all personal property shall be impounded, padlocked, or otherwise incapacitated so that it cannot be used to carry out any further business on the Reservation. A corporation, partnership, or other entity shall be considered a tribal "member" for purposes of this chapter.

(3) An entity excluded or incapacitated under this provision shall be granted a new license to engage in business activity on the Reservation only if:

(a) No less than six months have passed since the date of the exclusion order; and

(b) The entity has paid all costs incurred by the tribe in carrying out the exclusion or incapacitation order and has paid such fine as the court deems appropriate, but not to exceed \$500.00.

(c) Notwithstanding the provisions of subchapter (a) and (b) of this chapter, the Chippewa Cree Business Committee may, for good cause, deny such an entity a new license, may attach such conditions as are appropriate upon the granting of a license, or may waive or mitigate the provisions of subchapter (a) and (b) of this chapter.

#### Chapter 9 DEPOSITION OF FUNDS

License fees payable under this title shall be placed by the Secretary/Treasurer into the Tribal general account and used to cover administration costs of the Tribes licensing procedures.

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4727 - Finance Office  
(406)395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO: 3-91

Amending the Law & Order Code of the Chippewa Cree Tribe, Adopting a new Title, "Title X" Corporation Code", to the Law & Order Code of the Chippewa Cree Tribe providing for the establishment of a Corporation Code.

WHEREAS, the Chippewa Cree Tribe is a Federally Recognized Tribe as defined by the Indian Reorganization Act of June 18, 1934 and under its Constitution and Bylaws "Article VI Powers of the Committee" the Business Committee has full power and authority to enact resolutions and ordinances providing for the maintenance of Law & Order on the Rocky Boy's Reservation, and;

WHEREAS; it is the intent of the Chippewa Cree Tribe to establish a Corporation Code for the purpose of Business Development;

NOW THEREFORE BE IT ORDAINED; that the Chippewa Cree Tribal Business Committee hereby amends the Law & Order Code of the Chippewa Cree Tribe by adopting a new Title, "Title X, Corporation Code", as herein attached:

BE IT FURTHER ORDAINED; that all inconsistent ordinances, amendments or resolutions are hereby rescinded and are of no further affect, and;

BE IT FURTHER ORDAINED; that the Clerk of Court or the Tribal Secretary Treasurer will cause to be printed copies of this amendment and make them available to present and future users of the Law & Order Code.

THE FOREGOING ORDINANCE WAS ADOPTED ON THE 8 DAY OF November, 1991, BY A VOTE OF six ( 6 ) MEMBERS FOR AND zero ( 0 ) MEMBERS AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1935, PURSUANT TO SECTION 16 OF THE ACT ON JUNE 18, 1934 (48 STAT. 948) AND AMENDED APRIL 22, 1973.

  
CHAIRMAN, BUSINESS COMMITTEE

  
SECRETARY, BUSINESS COMMITTEE

Chief Rocky Boy

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4727 - Finance Office  
(406)395-4282 or 4285 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

AN ORDINANCE

NO: 1-92

ADOPTING AS ORDINANCE FOR THE CHIPPEWA CREE TRIBE, PROVIDING A "CODE OF ETHICS" FOR TRIBAL ELECTED AND APPOINTED OFFICIALS (BUSINESS COMMITTEE, JUDGES, SUB-COMMITTEES, ELECTION BOARD) OF THE CHIPPEWA CREE TRIBE.

WHEREAS, the Chippewa Cree Tribe is a Federally Recognized Tribe as defined by the Indian Reorganization Act of June 18, 1934, and under its Constitution and By-Laws, "Article VI, Powers of the Committee", the Business Committee has full power and authority to enact ordinances on the Rocky Boy's Reservation, to provide for the general health, safety, and welfare of all reservation residents; and

WHEREAS, the Chippewa Cree Tribal Business Committee through its Constitutional powers feels it is necessary to ensure the survival of the Chippewa Cree Tribe and its people. In honor of that grant of powers, requires the council members to carefully guard the reputation of elected and appointed officials for honesty, integrity and impartiality; and

WHEREAS, the Chippewa Cree Tribal Business Committee recognizes that elected and appointed officials should reflect the important qualities of the Chippewa Cree customs in dealing with people in honesty, pity, courtesy in listening to others, promptness in dealing with conflicts and matters arising before the council and a standard of personal behavior which will not betray the trust placed in the council by the members of the Chippewa Cree Tribe;

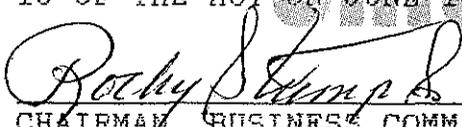
NOW THEREFORE BE IT ORDAINED; that the Chippewa Cree Tribal Business Committee hereby adopts a "Code of Ethics" herein attached, providing for the official conduct of Tribal Elected and Appointed Officials, and,

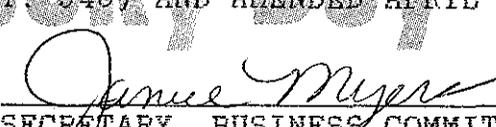
BE IT FURTHER ORDAINED; that all inconsistent ordinances, amendments or resolutions are hereby rescinded and are of no further affect, and,

BE IT FURTHER ORDAINED; that the Tribal Secretary and Personnel Officer will cause to be printed copies of the "Code of Ethics" and make them available to present and future Elected and Appointed Officials of the Chippewa Cree Tribe.

-----

THE FOREGOING ORDINANCE WAS ADOPTED ON THE 14th DAY OF February 1992 BY A VOTE OF Five (05) MEMBERS FOR AND FOUR (4) MEMBERS AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI OF THE TRIBAL CONSTITUTION AND BYLAWS, RATIFIED BY THE TRIBE ON NOVEMBER 2, 1985, PURSUANT TO SECTION 16 OF THE ACT ON JUNE 18, 1934 (STAT. 948) AND AMENDED APRIL 22, 1973.

  
CHAIRMAN, BUSINESS COMMITTEE

  
SECRETARY, BUSINESS COMMITTEE

## **CODE OF ETHICS FOR CHIPPEWA CREE TRIBAL ELECTED AND APPOINTED OFFICIALS**

Elected and appointed officials (including judges, Tribal Chairman, Councilmen, sub-committees, Rocky Boy School Board of Trustees, and Election Board members) of the Chippewa Cree Tribe are expected to maintain especially high standards of honesty, integrity, impartiality and conduct to ensure the proper performance of Tribal Business and the continued trust and confidence of Tribal Members in their Government. Officials are expected to comply with all Federal and Tribal laws, ordinances, regulations and guidelines. The conduct of officials would reflect the qualities of courtesy, consideration, loyalty to the Chippewa Cree Tribe, a deep sense of responsibility for public trust, promptness in dealing with and serving the members of the Chippewa Cree Tribe, and a standard of personal behavior which will be a credit to the individual and the Tribe. These principals apply to official conduct and to private conduct which affects in any way the ability of the elected and appointed officials of the Tribe to effectively accomplish the work of the Tribe.

### **1. ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES**

**A. Standards of Conduct:** Elected and appointed officials are expected to maintain high standards of honesty, integrity, impartiality,, and other ethical and moral conduct and to avoid any actions, whether on or off duty, which could reflect

adversely on the Tribe or would jeopardize the officials fitness for duty or effectiveness in dealing with other Tribal officials or with the public.

**B. PROHIBITED ACTIVITIES:**

(1) An elected or appointed official shall avoid any action whether or not specifically prohibited by this code, which might result in, or create the appearance of:

(a) Using public office for the private gain for himself, his family, or his friends;

(b) Giving preferential treatment to any person, except as authorized or required by law;

(c) Impeding Tribal efficiency or economy;

(d) Losing independence or impartiality;

(e) Affecting adversely the confidence of the public in the integrity of the Tribal Government.

(2) An elected or appointed official shall not make nor participate in a substantial manner in any decision if he or she has an interest in the results of the decision.

(a) if the matter is before the Tribal council for vote, the interested official shall vote "present";

(b) if the decision is one which an official would be expected to make if he or she had no interest, the matter shall be referred to the next higher authority without recommendation by the official having an interest.

(3) Nepotism, an elected or appointed official shall not be involved or participate in any decision when he or she is

related in the first degree, ( meaning husband, wife, son, daughter, sister, brother).

(4) Elected and appointed officials will not engage in personal activities or interests while on salaried time by the Tribe.

## 2. GIFTS, ENTERTAINMENT AND FAVORS

A. Soliciting or Accepting Gifts: Except as provided in paragraph B of this section, an elected or appointed official shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, or loan, regardless of its value, for himself, his relations or friends, from any person who: (this is with the exception of gift giving such as hats, notebooks, pens etc..) ;

(1) Has or is seeking to obtain contractual or other financial relations with the Tribe;

(2) Conducts operations or activities that are regulated by the Tribe; or

(3) Has interests that may be substantially affected by the performance or non-performance of the officials duties.

### B. EXCLUSIONS

(1) An official may accept:

(a) Food and refreshments in the ordinary course of an official luncheon or business dinner or other official meeting.

(b) Unsolicited advertising or promotional material of nominal value such as pens, hats, pencils, notepads,

calendars and other similar items.

(c) Suitable mementos or awards of nominal value for a meritorious public contribution or achievement.

(2) All gifts of more than nominal value shall be considered gifts to the Chippewa Cree Tribe and shall be deposited with the Tribal Secretary Treasurer.

### **3. TRIBAL PROPERTY**

A. GENERAL RESPONSIBILITY; Officials shall be held accountable for Tribal property and monies entrusted to them in connection with their official duties. It is each official's responsibility to protect and conserve Tribal property and to use it economically and for official purposes only.

B. EMBEZZLEMENT OF TRIBAL PROPERTY; Officials shall not covert, even temporarily on a loan for personal use any Tribal property or equipment; nor use Tribal purchase authority, even though reimbursement is made for personal acquisitions.

### **4. OTHER CONDUCT**

A. SCOPE OF AUTHORITY; Elected and appointed officials shall not engage in any conduct or activity which is in excess of their authority or is otherwise contrary to any Law or Tribal policy.

B. HABITUAL USE OF INTOXICANT; An official who habitually uses intoxicants to excess may be subject to removal pursuant to resolution #122-90 "Declaring it to be policy of the Chippewa Cree Tribe that all Tribal Departments, branches and entities maintain a drug and alcohol free work environment and

amending the Tribal personnel policies and procedures to provide a drug testing policy for all Tribal officials and employees and to provide policies for maintaining a drug and alcohol free workplace."

C. FRAUD OR FALSE STATEMENTS IN A TRIBAL MATTER;

Whoever, in a matter within the jurisdiction of the Chippewa Cree Tribe or the United States Government, knowingly or willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be subject to immediate dismissal and criminal prosecution by the Tribe or the United States.

D. Any elected or appointed official of the Chippewa Cree Tribe that is receiving a salary, will be cautious of their time and will not engage in any activity that will have an adverse affect on the Tribe.

E. Any elected or appointed official will be accountable for their time that is being paid by the Tribe, this will include Travel time .

F. Any elected or appointed official of the Tribe will conduct themselves in a respectful manner while on travel status and will be held accountable for time at meetings, workshops, etc.

## 5. ADMINISTRATIVE ENFORCEMENT PROCEDURES

A. The Chippewa Cree Tribal Business Committee will administer and enforce this code of ethics in relation to Tribal Law and the constitution and Bylaws affording all persons charges in violation of this code with due process.

## 6. SANCTIONS

A. Violations of this code by an elected or appointed official may cause for appropriate corrective, remedial or disciplinary action, which may be in addition to any criminal or civil penalty provided by law.

B. Such disciplinary action may include, but is not limited to, the following:

(1) Elected and Appointed Officials: Official reprimand: censure: suspension: or expulsion. Provided, that the decision of the Business Committee shall be binding and a final administrative act.

(2) Elected and Appointed officials charges in violation of this code must be given written notice of the violation with a five (5) working day notice to respond in writing requesting a hearing by the Business Committee which must be held in a timely manner or within ten (10) working days after receiving the notice of appeal for a hearing.

(3) The decision made by the Business Committee in the hearing will be final.

TRIBAL COUNCIL OF THE CHIPPEWA CREE TRIBE  
ROCKY BOY INDIAN RESERVATION  
ROCKY BOY, MONTANA 59521

ORDINANCE NO. 1-87/92

STATEMENT OF PURPOSE: THERE IS HEREBY PROMULGATED AN ORDINANCE TO REGULATE THE OPERATION AND CONDUCT OF GAMING ACTIVITIES, WHICH INCLUDES BINGO AND THE USE OF DEVICES SUCH AS KENO AND POKER MACHINES, AND PULLTABS AND TO PRODUCE REVENUE FOR THE SUPPORT OF PROGRAMS WHICH PROMOTE THE PUBLIC HEALTH, EDUCATION AND WELFARE OF THE RESERVATION RESIDENTS.

AN ORDINANCE REGULATING AND LICENSING GAMES OF CHANCE AND CERTAIN CARD GAMES: DEFINING TERMS: PROVIDING FOR INSPECTIONS OF PREMISES AND INVESTIGATIONS OF LICENSE APPLICANTS: PROVIDING FOR HEARING ON APPLICATIONS AND REVOCATIONS OF LICENSES: LIMITING THE NUMBER OF GAMES THAT CAN BE PLAYED IN ANY PREMISES: PROVIDING FOR PAYMENT OF FEES: AND AUTHORIZING PENALTIES FOR VIOLATIONS.

WHEREAS, The Chippewa Cree Business Committee of the Chippewa Cree Tribe hereby enacts, The Card Games Act and the BINGO, KENO, and INSTANT WIN Act, and Raffles Act, and has in said acts provided for licensing and regulation by Tribal governments; and,

WHEREAS, The Chippewa Cree Business Committee of the Rocky Boy Reservation deems it is in the public interest to exercise the authority delegated in these acts and enact regulations and licensing provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE CHIPPEWA CREE BUSINESS COMMITTEE OF THE ROCKY BOY'S RESERVATION:

SECTION 1. This ordinance will be cited as the Chippewa Cree Gaming Ordinance.

SECTION 2. As used in this ordinance, unless the context otherwise requires, the following terms shall have the following meaning:

(A) "Gaming Commission" a five member commission appointed by the Chippewa Cree Business Committee to handle all gaming matters.

(B) "Game of Chance" a specific kind of game of chance commonly known as:

(1) "BINGO", "KENO" in which prizes are awarded on the basis of designated numbers or symbols selected at random; and such prizes must be in tangible personal property or cash only.

(2) "INSTANT WIN" which is conducted by purchase of a ticket and breaking open or tearing open label for instant win cash. Prizes must be in tangible personal property or cash only.

(3) "RAFFLES" which are conducted by drawing for prizes/ Prizes

must be in tangible personal property or cash only.

(4) "PULL TABS" which are conducted by purchase of a ticket and breaking open label for instant win cash. Prizes shall be in tangible personal property or cash.

(5) "ELECTRONIC POKER AND KENO" is a game conducted on a machine in which the card games of poker or keno is stimulated. Prizes shall be in tangible personal property or cash.

(C) Equipment means:

(1) With respect to BINGO and KENO, the receptacle and objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or objects used to cover them, the boards or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system and all other articles essential to the operation, for the conduct and playing of Bingo or Keno.

(2) With respect to INSTANT WIN, the implements, devices and machines designed, intended to used for the conduct of instant win and the identification of the winning number or unit and the ticket or other evidence of the right to participate in instant win.

(3) With respect to RAFFLES, the implements, devices and machines designated, intended or used for the conduct of raffles and the identification of the winning number or unit and the ticket or other evidence of the right to participate in raffles.

(4) With respect to Keno or Electronic Pokers, the electronic machines that, upon this insertion of cash is available to play or simulate the play of the game of Keno or Poker, utilizing a video display and microprocessors in which, by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash.

(D) "Authorized Card Games" Card games known as: Bridge, Cribbage, Hearts, Panguingue, Pitch, Rummy, Whist, Solo, and Poker, and Pinochle, or other games as designated by action and approval by the Tribal Business Committee.

(E) "Card Game" Any game played with cards for which the prize is money or any item of value.

(F) "Gaming Table" A piece of furniture used as a surface for playing any authorized card game.

(G) "Gaming Machine" Any implement, device, equipment or machine designed, intended or used for the conduct of: Poker, Instant Win and Raffles or the receptacle and master board used for the conduct of Bingo or Keno.

(H) "Gaming License" A license issued by the Chippewa Cree Gaming

Commission to a qualified person under which it shall be lawful for the license to provide a place and equipment for the conduct of authorized card games, pools, raffles, pull tabs. A gaming license is issued by the Chippewa Cree gaming commission for specified period: not to exceed two (2) weeks.

(I) "Licensee" The person to whom a license is issued.

(J) "Person" Any individual, Co-Partnership or Corporation who owns or operates premises which have been licensed by the Chippewa Cree Commission.

(K) "Minor" Any individual under the age of eighteen (18) years.

(L) "Premise" Any building structure, lot or parcel of real property under control of any person.

(M) "Tribal Bingo Games" means the current on-going tribally owned and operated is operated for and is sanctioned by the Chippewa Cree Business Committee and includes Bingo, Concessions, Electronic Poker-Keno, and Pull Tabs or other games as designated by action and approval by the tribal Business Committee.

(N) "Tax-exempt" means any organization which has been officially recognized by the Internal Revenue Service as a tax-exempt, not-for-profit corporation.

(O) "Social Games" means games solely for prizes or prizes of minimal value or traditional forms of Indian gambling engaged in or by individuals as a part of or-in conjunction with tribal ceremonies or celebrations.

SECTION 3. The Chippewa Cree Tribe, through the Chippewa Cree Development Company, will be the only organization on the Rocky Boy Reservation that is authorized to have Tribal Bingo games and Poker and Keno machines and Keno games and Bingo machines and other gaming devices and machines.

SECTION 4. There shall be appointed by the Chippewa Cree Business Committee a Tribal, Gaming Commission designated to regulate and handle gaming matters.

SECTION 5. Gaming licenses may be issued to qualified applicants as herein provided. No person shall permit the operation or conduct of any card game or game of chance on his/her premise until he/she has obtained a gaming license. This shall not be constructed to prohibit social games played in private homes of residence.

SECTION 6. No gaming license shall be issued to:

(A) A person who is not a citizen of the United States.

(B) A person who is not an enrolled member of the Chippewa Cree

Tribe.

(C) A person whose license issued under this ordinance or resolution of any City, State or Tribal government relating to gaming has been revoked for cause.

(D) A person who is not owner and operator of the premise licensed by the Chippewa Cree Gaming Commission.

(E) Minors.

SECTION 7. A gaming license may be denied if the Gaming Commission deems that the place of location for which the license is sought is unsuitable for the authorized gaming operations.

SECTION 8. Prior to the issuance of a license, the application will file an application in writing, signed by the applicant and directed to the gaming Commission. The application will specify the location of the premises where authorized activities or games are to be conducted under the license applied for. The application will state the names of all individuals and persons financially interested in the premises. The license application will set forth the number of gaming tables and other authorized activities that are to be used on the premises.

The applicant must further authorize the Bureau of Indian Affairs Resident Agent to investigate the applicants character, background and associations, as well as the suitability of the premises for gaming.

SECTION 9. If any person or individual named on the application is ineligible for the issuance of a gaming license, none will be issued for premises.

SECTION 10. In all cases in which the premises where the authorized gaming operation for which a gaming license is sought are not wholly owned by applicant, the applicant will furnish with his/her application a statement of the name and address of the owners of such premises and a copy of all agreements whereby the applicant is entitled to possession of the premises. In all cases in which the premises are wholly owned or partly owned by the applicant, the applicant will furnish to the Gaming Commission complete information pertaining to the interests held under any mortgage, deed, deed of trust, bonds or debentures, pledge of corporate stocks, voting trust agreements of other device whatever.

SECTION 11. If the Gaming Commission determines that a landlord or financier by reason of the extent of his/her holdings, or his/her inherent control financially, cannot in fact be separated from the gaming operation, and that as a practical matter, a single entity exists regardless of the form of the organization, it will require that all such person be named on the license. Without limiting the generality of the foregoing, such a situation may be deemed to exist in any instance where any owner of premises leases the same to operators under terms which are not in accordance with usual and

accepted business practices. In any case the Tribal member must have at least 51% interest or ownership.

SECTION 12. A licensee will report to the Gaming Commission all leases to which they are a party on any premises where gaming is conducted no later than thirty (30) days after the effective date of the lease.

SECTION 13. An applicant for a gaming license who is seeking the granting of a privilege, then the burden of proving his/her qualifications to receive any license is at all times on the applicant. An applicant is deemed to accept any risk of adverse public notice, embarrassment, criticism or other action or financial loss which may result from action with respect to an applicant and expressly waives any claim for damages as of a suit thereof.

SECTION 14. Each applicant will promptly furnish the Gaming Commission with any and all additional information pertaining to the application which the Gaming Commission may require.

SECTION 15. A separate application is required for each premise for which a gaming license is sought, irrespective of the ownership of such premises.

SECTION 16. Upon the filing of the application herein above prescribed and upon the payment of the required fees, the Gaming Commission shall deliver the application and accompanying documents to the Bureau of Indian Affairs resident Law Enforcement Agent, who shall conduct the investigation mentioned above and who shall within one (1) month of receipt thereof, unless the Gaming Commission has granted an extension, deliver the application and accompanying documents back to the Gaming Commission.

If this investigation has revealed any information that would make the applicant ineligible for issuance of gaming license, he shall deliver evidence of the regular information to the Gaming Commission. The Commission shall at its next regular meeting following receipt thereof, or at any special meeting called for that purpose, consider the application and shall notify the applicant of the hearing. The Commission may in its discretion decline to authorize a gaming license if the applicant is ineligible, or in the judgement of the Commission, it would be in the best interest of the tribe to refuse such license. Upon such refusal, the gaming license fee paid by the applicant, less the sum of seventy-five (75) dollars which shall be retained as an application fee, shall be returned to the applicant. The Gaming Commission, may in its discretion, be returned to the applicant. The Gaming Commission, may in its discretion, require any individual named in the application to testify before it. Failure to appear and answer questions constitutes grounds for denial of the application. All proceedings of the Commission regarding the granting or declining of a gaming license shall be at public meetings and are reviewable by the Tribal Attorney, if any.

SECTION 17. Every gaming license issued pursuant to this Ordinance shall set forth the name of the person to whom it is issued and the location of the premises where business is to be carried on by such gaming license. If the gaming licensee is a partnership, it shall set forth the names of the officers and directors. The gaming license shall be signed by the licensee or its president and shall be non-transferable.

The gaming license issued pursuant to this Ordinance shall be posted in a conspicuous place on the premise in respect to which it is issued and shall state the games authorized, and shall be exhibited to any Peace Officer on request. It is unlawful for any licensee to operate more than one premise under one license. Any duly authorized representative of the Gaming Commission or any peace officer shall have the right to determine whether this ordinance is being complied with.

SECTION 18. The Gaming Commission may upon its own motion, and shall upon a written verified complaint of any other person, investigate the action and operation of any licensee hereunder and shall have the power to temporarily suspend or permanently revoke a gaming license issued under the provisions of this Ordinance for the violation of any provision hereof.

SECTION 19. Upon the filing with the Gaming Commission a verified complaint charging the licensee with any act which would be cause of a suspension or revocation of the gaming license; the Gaming Commission shall forthwith issue a citation directing the licensee to appear before the Commission within ten (10) days after the date of service of said citation, and filing his/her verified answer to the complaint, show cause if there is any reason why his/her gaming license should not be suspended or revoked. Service of the citation may be affected by mailing a true copy thereof with a true copy to the address of record or personally by any peace officer. Failure of the licensee to answer shall be deemed admission by him/she of the truthfulness of the charge made and thereon the Gaming Commission shall be authorized to forthwith suspend or revoke the license.

SECTION 20. Upon filing of the answer, the Gaming Commission shall fix the time and place of the hearing on the charges, made. The notice of hearing shall be given to the complainant and the licensee.

Upon notice of hearing shall be served in the same manner as the citation herein responded, with the notice of the hearing to the complainant, there shall be attached a true copy of the answer. The Gaming Commission shall hear the evidence presented. The hearing shall be conducted in accordance with the receipt of evidence in effect in the courts of the Chippewa Cree Tribe. The complainant shall have the right to open or close the hearing. The Gaming Commission shall render its decision in writing, stating the reasons therefore, twenty (20) days after conclusion of the hearing. Notice of the decision shall be served upon the parties

or their counsel in the manner herein provided for other notices. Should the Commission determine to revoke, cancel or suspend a gaming license previously issued by it, the Commission shall notify the license giving reasons therefore. The action of the Commission is reviewable by the Tribal Attorney.

SECTION 21. After suspension or revocation of license, the Gaming Commission shall have the power to renew the same if, in its discretion, a proper showing therefore has been made.

SECTION 22. No gaming shall be carried on under any license issued under the provisions of this ordinance except in the name of the licensee. No license shall be effective until a permit shall have been first secured under the laws.

SECTION 23. No minor may enter a room used for the conduct of games of chance or authorized card games.

SECTION 24. No game of chance or authorized card games may be operated in any premises, licenses hereunder, during religious and other ceremonial activities.

SECTION 25. A gaming license issued pursuant to this ordinance may be suspended or revoked in the manner herein provided for:

(A) Operating a premises which is disorderly; a nuisance, public or private; or in which breaches of the peace or disturbances occur.

(B) Permitting persons who are visibly intoxicated to participate in gaming activities.

(C) Employing in any capacity in or about any licenses establishment, any individual who has been denied a gaming license.

(D) For a violation of this ordinance if such a violation is found to have occurred by the Gaming Commission after a hearing as herein provided, regardless of whether such violation results or resulted in a conviction in any criminal proceedings.

SECTION 26. No licensee who has been issued a gaming license shall refuse any service to any individual by reason of such individuals race, color, sex, culture, social origin, political or religious ideas, but this section shall not be construed to prevent a licensee from refusing to serve or evicting from the premises a disorderly or drunken individual or any individual improperly attired according to general standards of the premises.

SECTION 27. No licensee shall employ any person in any capacity while that person is in full employment of a law enforcement agency.

SECTION 28. No gaming license shall be issued to or be held by any person holding office or employed by the Chippewa Cree Tribe or any

political sub-division thereof when the duties of such office or agency have to do with the enforcement of the gaming laws and these regulations.

SECTION 29. Any person not otherwise licensed hereunder who desires to operate authorized games for a period not to exceed two (2) weeks on any premises, may apply to the Gaming Commission for a gaming license, but which may be revoked only by action of the Commission without hearing provided shall be payable annually in advance of licenses to be issued.

SECTION 30. Hours of operating or conducting games of chance on authorized card games will be determined by the Gaming Commission.

SECTION 31. Fees: Fees for gaming license, gaming tables, pools, pulltabs, raffles etc. will be required and such fees will be determined by the gaming commission.

SECTION 32. Any gaming license issued pursuant to this ordinance shall be deemed to be a revocable privilege, and no holder thereof shall acquire any vested rights therein or thereunder.

SECTION 33. All receipts from licenses, fees, fines collected under the provisions of this ordinance shall be paid into the Chippewa Cree Tribal Treasurer. These fees are to be designated in a special gaming account to used by the gaming commission as needed.

SECTION 34. This ordinance is effective within the exterior boundaries of the Rocky Boy's Reservation.

SECTION 35. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance.

SECTION 36. Fraternal Organizations, Tax Exempt and Not For Profit Organization, Celebration Committee, and Religious and Civic Groups shall receive special exempt from the provisions of this ordinance, However, the above groups shall obtain prior written approval to this ordinance. The fees are likewise waived for the above referred to organizations or groups. Special exemptions allowed will be determined by the gaming commission.

SECTION 37. The Chippewa Cree Tribe shall supervise the administration of this ordinance and may adopt, amend, and repeal rules and regulations governing the holding, operating and conducting of any gaming activities which shall be in accordance with and shall not violate the provisions of this ordinance or of any management contract approved by the Chippewa Cree Tribe. The Chippewa Cree Tribe shall provide for the rental or purchase of the premises and equipment required for the operation of tribal gaming activities and shall provide that all Tribal gaming activities will be held, operated and conducted in conformity with the provisions

of this ordinance, any management contract and federal laws or regulations which govern such gaming activities.

SECTION 38. The Chippewa Cree Tribe shall upon recommendations made by the Chippewa Development Company select a manager for tribal gaming operations pursuant to the employment policies of the Chippewa Cree Tribe or under a management contract negotiated with the Chippewa Cree Tribe.

SECTION 39. The manager, the manager's officers and directors and the officers and employees responsible for the holding, operation and conduct of tribal gaming activities, shall be of good moral character and shall not have been convicted of any felony or misdemeanor involving moral turpitude, and, as a condition of and to their contract or employment, shall agree to any lawful plans of testing, including but not limited to polygraph testing at any time but without prior notice. The manager shall provide bonding at a level to be determined by the Chippewa Cree tribe. Any management contract shall provide that the sole forum for enforcement of the contract, as agreed between, the parties thereto, shall be the Chippewa Cree tribal Court or Federal District Court. All employees, Gaming Commission members, and any other individuals associated with the gaming activities of this ordinance must meet a pass background investigation performed by the BIA resident agent or the FBI.

SECTION 40. The manager shall maintain a permanent record containing the name and address of each players who received a prize if required by and in accordance with the requirements of the Internal Revenue Code or any other Federal law.

SECTION 41. When any merchandise prize is awarded its value shall be listed as the current retail price in the commercial trade area of the Chippewa Cree Reservation.

SECTION 42. The equipment used in the gaming activity and the method of play shall be such that each card or chance shall provide and equal opportunity to be a winner. If the activity is the game known as bingo, the objects or balls to be drawn shall be essentially the same size, shape, weight, balance and all characteristics that may influence their selection. All of the objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all players present. For any one game of bingo, the receptacle and the caller must be present in the room and all numbers announced shall be plainly audible or visible to the players in the room and also audible or visible to the players. The cards or sheets of the players shall be part of a deck, group or series of cards, no two of which shall be alike, and which deck, group or series shall not be so prepared or arranged as to prefer any card.

SECTION 43. If the gaming activity is bingo, any player shall be entitled to call for a verification of all numbers drawn at the

time a winner is determined, and for a verification of the objects or balls remaining in the receptacle that are not yet drawn. The verification shall be made in the immediate presence of the officer designated to be in charge of the occasion.

SECTION 44. All persons who hold, operate or conduct, or assist in holding or conducting a tribal bingo game and other Tribal activity shall be deemed to be employees of the Chippewa Cree Development Company and shall wear legible tags evidencing their names and any number assigned.

SECTION 45. Any person who violates any provision of this ordinance, or any rule or regulation authorized thereunder, shall be guilty of a criminal offense punishable by a fine of Five-Hundred Dollars (\$500.00), or by imprisonment in a tribal jail for not more than six (6) months, or both.

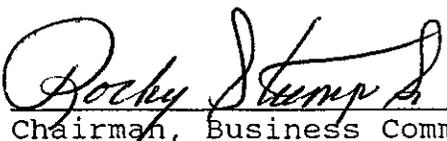
SECTION 46. Any person who violated any provision of this ordinance, or any regulation authorized hereunder, shall also be liable for a civil penalty plus court costs for each violation.

SECTION 47. The Chippewa Cree Tribal Courts shall have jurisdiction over all regulations of this ordinance and over all persons who are parties to a management contract entered hereto and may, in addition to the penalties prescribed, grant such other relief as it deems necessary and proper for the enforcement of this ordinance and any other provisions of any management contract entered pursuant hereto including but not limited to injunctive relief.

SECTION 48. The Chippewa Cree Gaming Commission will have the right and power to confiscate any and all gambling machines and/or devices that are illegal, or that do not conform to the definitions or requirements of this ordinance or for which no permit has been granted.

---

The foregoing ordinance was duly adopted on April 13, 1987, by a vote of seven (7) members for and zero (0) members against, by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in or by Section 1-1, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
Chairman, Business Committee

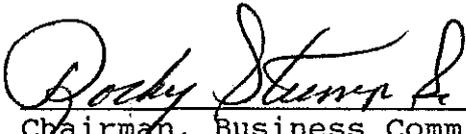
\_\_\_\_\_  
Secretary/Treasurer

A M E N D M E N T TO ORDINANCE 1-87/92

SECTION 1, DELETED TWENTY-ONE

SECTION 45, INCLUDED - \$500.00

The foregoing ordinance as amended was duly adopted on July 6, 1992, by a vote of Seven (7) members for and Zero (0) members against, by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in or by Section 1-1, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
\_\_\_\_\_  
Chairman, Business Committee

  
\_\_\_\_\_  
Secretary/Treasurer

# CHIPPEWA CREE TRIBE



**ORDINANCE 2-92**

**TO ESTABLISH AND RECOGNIZE  
STONE CHILD COLLEGE**

**APPROVED:  
OCTOBER 1, 1992**

# **CHIPPEWA CREE TRIBE TRIBAL ORDINANCE**

Pursuant to the authority vested in the Chippewa Cree Tribe, by its Constitution, and particularly by Article VI, Sections 1 g. thereof, and its authority to provide for the health, safety, morals, and welfare of the Tribe, the Tribal Business Committee of the Chippewa Cree Tribe hereby charters a public corporation known as Stone Child College (hereinafter referred to as the College), and enacts this ordinance which shall constitute the charter of the College.

In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, grants, etc., the College shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

## **I. Declaration of Need**

It is hereby declared:

- a. That the Chippewa Cree Business Committee recognizes the critical need for quality post-secondary educational programs to be located on the Rocky Boy Indian Reservation.
- b. That a building and/or site will be provided by the Chippewa Cree Tribal Business Committee to fulfill the Tribal Colleges Goals and Objectives.
- c. That the Rocky Boy Indian Reservation needs an organization to promote and conduct research and development activities that promote effective growth through education.
- d. That the Rocky Boy Indian Reservation further needs a professional organization that can provide technical assistance to all tribal programs and institutions.

## **II. Purpose**

A. To provide quality post-secondary education in the areas of:

1. General Studies - Liberal Arts option
2. Human Services Technology
3. General Business
4. Secretarial Science
5. Computer Science - Data Processing
6. Secretarial Science - 1 year
7. Building Trades - 2 year

The College will be sensitive to the community needs in areas of post-secondary education as future needs may dictate.

- B. The Chippewa Cree Tribal Business Committee will provide the site and building which formerly housed the Rocky Boy Tribal High School to the College for development. The Business Committee will provide other land and buildings in the future as needs of the College grow.
- C. The College will conduct research and development activities in an ongoing capacity. These activities will be based on present and future educational needs of the Rocky Boy Indian Reservation.
- D. The College will, upon request, provide technical assistance to any tribal organization. The assistance provided will be in all areas of the College's expertise. This section, in no way, obligates College operational funds.

### **III. Definitions**

The following terms, wherever used or referred to in this ordinance shall have the following respective meanings, unless a different meaning clearly appears from the context:

- a. "Board" means the Board of Directors of the College.
- b. "Council" means the Chippewa Cree Business Committee.
- c. "Federal Government" includes the United States of America, the Bureau of Indian Affairs, the Indian Health Service, the Department of Education, or any other agency or instrumentality, corporate or otherwise of the United States of America.

### **IV. Organization**

- 1. The affairs of the College shall be managed by a Board of Directors composed of nine persons.
  - a. The Board members shall be appointed by the Chippewa Cree Business Committee. Each member must be an enrolled member of the Chippewa Cree Tribe. The terms of members are staggered membership terms and members may serve no more than two consecutive terms. When a vacancy occurs, the Board of Trustees will appoint a member for the remainder of the term of the incumbent. Members are entitled to mileage and actual expenses incurred for each meeting.
  - b. The officers of the Board shall consist of a Chairperson, Vice-Chairperson, and a Secretary. The officers will be elected from among the membership for a period of one year; annual re-election is permissible. Election of the officers will be conducted by voice vote unless a secret ballot is requested by declaration. If an office is vacated prior to the expiration of the term, the Board will appoint a member for the term of the incumbent; the newly elected officer will serve the remainder of the unexpired term.
  - c. The duties of the Chairperson will include presiding at meetings and appointing all committees and committee members. The Chairperson will vote on all matters. In the absence of the Chairperson, the Vice-Chairperson will preside and will perform such duties



# STONE CHILD COLLEGE

Rocky Boy Route • Box 1082  
Box Elder, Montana 59521  
Phone (406) 395-4313  
FAX (406) 395-4836



As of this day forward, dated April 23, 1995, We the people of Rocky Boy hereby make the following demands:

- (1) The present four council members be removed from the SCC Board of Regents immediately. Those four council members are: Roger St. Pierre, Bruce Sunchild, Kenny Blatt, and Kelly Eagleman;
- (2) From here after the council members shall never sit on the SCC college board;
- (3) Only community members shall serve on the SCC College Board;
- (4) The present board members (consisting of 4 council members, one student board member and four community members have already began the damage of jeopardizing the accreditation of SCC by making the following motions that passed (a) threatening the college president's job, the board decided not to renew the presidents letter of appointment, and gave no reason, nor would they allow her in the board meeting; (b) giving the college business manager full spending authority and having her report to the Board chairperson (violation of SCC policies);
- (5) **The present college board has now jeopardized the accreditation of SCC. SCC has no autonomy (no freedom from political intervention).** If SCC loses their accreditation then the most damage will be done to the college students. SCC students will lose their financial aid (PELL), college credits will not transfer to another college, and SCC will lose their funding. Even more seriously the college board will be subject to numerous law suits from the students for jeopardizing their education and their future.
- (6) Community meetings are to be held monthly, with the council members present.
- (7) A full financial report must be made to the public immediately.

as are prescribed for the Chairperson. the Secretary will record the minutes, keep records, and keep a current membership list.

- d. The Board of Directors shall not receive compensation for their services but shall be entitled to compensation for expenses, including traveling expenses, incurred in the discharge of their duties.
  - e. The Secretary, or designee, shall keep complete and accurate records of all meetings and action taken by the Board.
2. The Board shall have the authority to exercise, by majority vote of those present and voting, any and all powers delegated to the College by this Ordinance or any amendments thereto except as provided in Article VI, Section 5a, for the adoption of resolutions.
  3. The Board shall meet on the fourth Tuesday of each month at a time and place announced by the Chairperson. Other meetings may be called by the Chairperson or two members of the Board. All meetings will be open to the public.
  4. A majority of five (5) members of the Board shall constitute a quorum.
  5. Standing Committees will be as follows: (1) Executive, (2) Curriculum, (3) Library. The duties of the committees will be to prepare and submit a written report recommending board action on any item referred to it. Special Ad Hoc Committees may be appointed at any time by the chairperson.
  6. The regular order of business shall be as follows: 1) Call to order, 2) Roll Call, 3) Approval of Minutes, 4) Pending Business, 5) Committee Reports, 6) New Business, 7) Correspondence, 8) Date of Next Meeting, and 9) Adjournment.
  7. Roberts Rules of Order will prevail on questions of parliamentary law.

## **V. Powers**

1. The College shall have perpetual existence in its corporate name.
2. The Stone Child College Board of Directors shall have the following powers which it may exercise consistent with the purposes for which it is established:
  - a. To contract and be contracted with; to act as trustee under and trust incidental to the principal objects of the Corporation; to receive, hold, administer, and expand funds and property subject to such trust; to borrow money, contract debts and to do all of the above in its corporate name;

- b. To adopt and use a corporate seal.
- c. To purchase, take, receive or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real (other than trust land) or personal property, or any interest therein, wherever situated within the boundary of the Rocky Boy Indian Reservation;
- d. To elect or appoint officers and agents of the Corporation, and define their duties and fix their compensation;
- e. To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of the Rocky Boy Indian Reservation or the United States, for the administration of the affairs of the Corporation.
- f. To engage in any education endeavor that will further the socio-economic well-being of the college or to undertake any activity of any nature whatever, not inconsistent with federal law or the Constitution and Ordinances of the Chippewa Cree Tribal Council.
- g. to make and perform contracts and agreements of every description not inconsistent with federal law or with any provisions of the Constitution and ordinances of the Chippewa Cree Tribal Council, with any persons, association, or Corporation, with any municipality or any county, or with the United States or the State of Montana.
- h. To have and exercise all powers necessary or convenient to effect any or all of the programs for which the Corporation is organized that are not inconsistent with the laws of the Chippewa Cree Tribal Council or with federal law.
- i. To cooperate with other similar associations in creating central, regional, or national agencies for any of the purposes for which this Corporation is formed, and to become a member of or stockholder of, such agencies as are now or hereafter may be, in existence.
- j. To receive grants of private, State or Federal funds to aid in the furtherance of the purposes of this Corporation.
- k. To confer certificates, diplomas and post secondary degrees to student who have satisfactorily completed an approved course of study.
- l. To prescribe courses of study, programs, textbooks, and materials to be used, to charge tuition, board, rent, student union fees, building fees or other fees necessary to operate the college.
- m. The several statements contained in each clause of this article shall in no way limited or restricted by references to, or inference from the terms of any other clauses with the exception of clause 1, with which all other clauses must comport.

3. No ordinance or other enactment of the Tribe with respect to the operation, or disposition of Tribal property shall be applicable to the College in its operation pursuant to this ordinance unless the Council shall specifically so state.

## **VI. Miscellaneous**

1. The College shall submit a detailed annual report, signed by the Chairman of the Board, to the Council showing information as the College or the Council shall deem pertinent.
2. During his tenure and for one year thereafter, no official or employee of the College shall voluntarily acquire any interest, direct or indirect in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any project. If any such officer or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as an officer or employee, the officer or employee, in any such event, shall immediately disclose his interest in writing to the College and such disclosure shall be entered upon the minutes of the College, and the officer or employee shall not participate in any action by the College relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office.
3. All projects of the College shall be subject to the planning, zoning, sanitary and building regulations applicable to the locality in which the planned project is situated.
4. The property of the College is declared to be educational property used for essential educational purposes and any such property and the College are exempt from all taxes and special assessments of the Tribe.
5. All property including funds acquired or held by the College pursuant to this Ordinance shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall any judgement against the College be a change or lien upon such property; Provided, however, that the provisions of this section shall not apply to or limit the right of obligee to pursue any remedies for the enforcement of any pledge or lien given by the College on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance.

## **VII. Cooperation in Connection with Project**

1. For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Chippewa Cree Tribe agrees that:
  - a. It will not levy or impose any real or personal property taxes or special assessments upon the College or any projects of the College.

- b. It will furnish or cause to be furnished to the College and the recipients of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other projects on the Reservation.
- c. Insofar as it may lawfully do so, it will grant such deviations from any present or future building code of the Tribe as are reasonable and necessary to promote economics, efficiency, and the development and administration of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the sites and surrounding territory of any project as are reasonable and necessary for the development and protection of such project and the surrounding territory.
- d. It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.
- e. It will join in any disposition of project property or interest therein by the College and make assignments or other appropriate disposition of the underlying land as permitted by law, where such action is required by law, to grant the maximum interest therein permitted by law.
- f. This section will not be abrogated, changed or modified without the consent of the Bureau of Indian Affairs or the Department of Education.

## 2. MISSION STATEMENT:

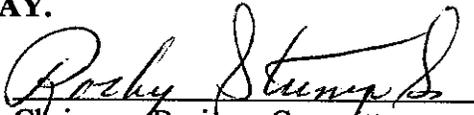
Stone Child College was established by Chippewa Cree Tribal Ordinance to coordinate and regulate all higher education on the Rocky Boy Indian Reservation. The College is authorized to develop and operate programs granting post-secondary degrees and certificates and/or enter into agreements with public or private agencies to offer post-secondary education on the Rocky Boy Reservation. Stone Child College, in its commitment to quality education, will be responsible for the following:

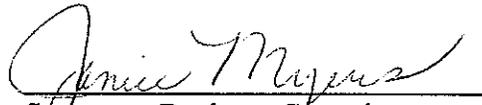
1. The individual Stone Child College student with a sense of individualism, a sense of identity and self-worth, and provide a trail of successes through cultural, traditional, technological counseling, and training from faculty, family, tribal/community members,
2. Stone Child College students with dedicated, adaptable, qualified, student-centered staff to provide an intellectual, cultural, social, psychological, physical, and aesthetically challenging educational atmosphere,
3. Stone Child College students with encouragement to seek financial opportunities through On-the-Job Training, Cooperative Education, Job Training Partnership Act, scholarships, private and public grants, etc., to enhance self-reliance and self-esteem and to become financially independent and contributing citizens of their communities.

With respect to any financial assistance contracted between the College and the Federal Government, the College shall obtain the approval of the Board of Directors. The College Board of Directors shall be responsible for the final authority of its operations.

# CERTIFICATION

I, THE UNDERSIGNED, AS SECRETARY OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS OF WHOM EIGHT (8) MEMBERS CONSTITUTING A QUORUM WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENEED, AND HELD THIS FIRST (1) DAY OF OCTOBER, 1992 AND THAT THE FOREGOING ORDINANCE WAS DULY ADOPTED, AT SUCH A MEETING BY THE AFFIRMATIVE VOTE OF SEVEN (7) FOR AND ONE (1) MEMBER ABSTAINED AND THAT THIS ORDINANCE HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

  
Chairman, Business Committee

  
Secretary, Business Committee

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4210 - Finance Office  
(406)-395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO.: 3-92

AMENDING THE LAW & ORDER CODE OF THE CHIPPEWA CREE TRIBE ADOPTING A NEW TITLE, "TITLE X, TOBACCO CODE" TO THE LAW & ORDER CODE OF THE CHIPPEWA CREE TRIBE PROVIDING FOR REGULATION AND TAXES ON TOBACCO PRODUCTS;

WHEREAS, the Chippewa Cree Tribe is a Federally Recognized Tribe as defined by the Indian Reorganization Act of June 18, 1934, and under its Constitution and Bylaws "Article VI, Powers of the Committee," the Business Committee has full power and authority to enact resolutions on the Rocky Boy's Reservation, to provide for the regulation of Business and Economic Affairs and to provide for the general health, safety, and welfare of all reservation residents;

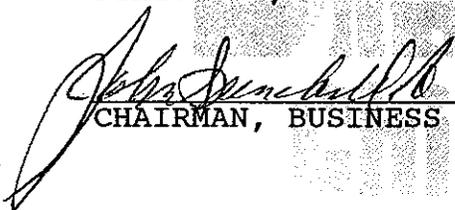
WHEREAS, it is the intent of the Chippewa Cree Tribe to establish a Tobacco Code for the purpose of monitoring and regulating business activities on the Rocky Boy Reservation, and;

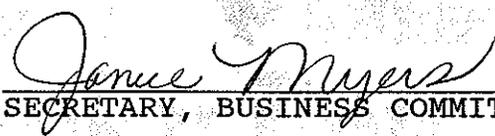
NOW THEREFORE BE IT ORDAINED, that the Chippewa Cree Tribal Business Committee hereby amends the Law & Order code of the Chippewa Cree Tribe by adopting a new Title, "Title X, Tobacco Code", as herein attached, and;

BE IT FURTHER ORDAINED, that the Clerk of Court or the Tribal Secretary Treasurer will cause to be printed copies of this amendment and make them available to present and future users of the Law & Order Code.

-----

THE FOREGOING ORDINANCE WAS ADOPTED ON THE 14TH DAY OF DECEMBER 1992, BY A VOTE OF EIGHT (8) MEMBERS FOR AND ZERO (0) MEMBERS AGAINST, BY THE CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 1-P, ARTICLE VI, OF THE TRIBAL CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 2, 1935, PURSUANT TO SECTION 16 OF THE ACT OF JUNE 18, 1934 (48 STAT. 948) AND AMENDED APRIL 22, 1973.

  
\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

  
\_\_\_\_\_  
SECRETARY, BUSINESS COMMITTEE

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4210 - Finance Office  
(406)-395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## TITLE X - TOBACCO

S 101 Definitions - As used in this chapter, unless otherwise noted, the following definitions apply:

1. "Tobacco" means cigarettes, cigars, chewing tobacco, snuff, and any ingredient used to make such.
2. "State" means the State of Montana, Department of Revenue.
3. "Agreement" means the Cigarette Cooperative Agreement, Chippewa Cree Tribe and the State of Montana.
4. "Distributor" means any person who maintains a valid license with the State; or engages in the wholesale distribution of tobacco within the exterior boundaries of the reservation.
5. "Retailer" means any person who maintains a valid Business license to sell tobacco products with the exterior boundaries of the reservation.
6. "Import" means to receive into any person possession or custody first after its arrival and coming to rest at a destination within the Rocky Boy's Reservation of any tobacco product shipped or transported into this reservation from a point of origin outside this reservation.
7. "Person" means any person, firm, association, joint stock company, syndicate or corporation.
8. "Quota" means the annual quota of cigarettes to be sold to Indians on the Rocky Boy's Reservation free of the state tax on a yearly basis.

### S 102 License

#### (a) Application

All distributors and retailers shall obtain from the Chippewa Cree Tribe an annual Business License to sell tobacco products within the exterior boundaries of the Rocky Boy's Reservation.

(b) Fee

As set by Resolution No. 92-91, a fee schedule for the purchase of a Chippewa Cree Business License. Failure to renew their license shall result in the retailer's establishment being subject to closure and the retailers quota of cigarettes subject to redistribution by the Business Committee.

S 103 Tax Rates

(1) A tax of 5 cents per pack of cigarettes and cigars containing 20 or less cigarettes or cigars per pack is hereby imposed upon all packs sold within the exterior boundaries of the Rocky Boy's Reservation. In all packs of cigarettes or cigars containing more than 20 per pack, each cigarettes or cigars shall have a tax of 1/4 of one cent thereon.

(2) A tax of 5% of the retail price is hereby imposed upon all types of tobacco sold at a retail outlet within the exterior boundaries of the Rocky Boy's Reservation.

S 104 Statement and Payments

(1) Every person or entity listed on the tribal resolution authorizing quota cigarette sales within the exterior boundaries of the Rocky Boy's Reservation shall submit a monthly statement indicating the total retail sales of tobacco sold for the previous month. Such statement shall indicate the type and amount of tobacco sold and any other pertinent information the Business Committee may prescribe. Such statements are due to the Secretary/Treasurer of the Business Committee by the 20th day of the month following the tax period addressed.

(2) Accompanying such statement shall be the payment of tax which the retailer owes to the Chippewa Cree Tribe.

S 105 Penalty for failure to file statement - Failure to pay Taxes when due.

(1) Failure to file statement.

Any retailer who fails to file a statement as required by this ordinance shall pay a penalty of 12% of the total tax due plus interest at the rate of 2% per month based upon the total tax due together with the penalty assessed. Interest shall be computed from the date the taxes were due until paid. The Business Committee may waive the penalty, but not the interest, if reasonable cause is found for not paying the interest.

S 106 Quota Cigarettes

All cigarettes sold by retailers shall be purchased from a distributor selected by (the Business Committee). The distributor shall not collect the state tax on these quota cigarettes, but shall stamp the quota cigarettes and receive a refund for all prepaid taxes from the state. The quota cigarettes may be shipped at any time during the year as designated by the retailer.

S 107 Unstamped Cigarettes

The Chippewa Cree Business Committee, by this ordinance, prohibits the sale of unstamped cigarettes and hereby require those retailers selling quota cigarettes to sell at or above minimum prices that are set by state law. The minimum price to tribal members shall not include the state tax.

S 108 Penalty for Violation - Selling Unstamped Cigarettes

Any person or retailer who violates this ordinance shall be assessed a fine of \$500. and may be prohibited from doing business within the exterior boundaries of the Rocky Boy's Reservation as the Business Committee may deem appropriate.

S 109 Disposition of tax payments

All monies derived from the cigarette tax shall be deposited by the Secretary/Treasurer in the general account to be used for Tribal Governmental purposes.

**CHIPPEWA CREE TRIBAL  
GAMING ORDINANCE**

June 14, 1993

## TABLE OF CONTENTS

<b>CHAPTER ONE - PRELIMINARIES</b>	1
1.1 <u>Short Title</u>	1
1.2 <u>General Policy</u>	1
1.3 <u>Right to license</u>	2
1.4 <u>Scope of regulations</u>	2
<b>CHAPTER TWO - DEFINITIONS</b>	2
2.1 <u>Definitions</u>	2
<b>CHAPTER THREE - GAMING OWNERSHIP</b>	7
3.1 <u>Gaming ownership; use of net revenues</u>	7
<b>CHAPTER FOUR - GAMING</b>	8
4.1 <u>Licenses required</u>	8
4.2 <u>License required for equipment</u>	9
4.3 <u>Licensing influential people</u>	9
4.4 <u>Licensing persons conducting tournaments</u>	11
4.5 <u>Restrictions on person denied license</u>	11
4.6 <u>Operation and maintenance of gaming device</u>	12
4.7 <u>Gaming must be conducted with legal tender</u>	12
<b>CHAPTER FIVE - GAMING COMMISSION</b>	12
5.1 <u>Creation; number of members</u>	12
5.2 <u>Appointment; chairman; terms; removal</u>	12
5.3 <u>Discharge of duties</u>	12
5.4 <u>Salaries</u>	13
5.5 <u>Administrative and clerical services</u>	13
5.6 <u>Meetings; quorum</u>	13
<b>CHAPTER SIX - POWERS AND DUTIES OF COMMISSION</b>	14
6.1 <u>General powers and duties</u>	14
6.2 <u>Appointment of agent for service</u>	15
6.3 <u>Records of Commission</u>	16
<b>CHAPTER SEVEN - APPLICATION PROCESS</b>	17
7.1 <u>Procedures for forwarding applications</u>	17
<b>CHAPTER EIGHT - ELIGIBILITY DETERMINATION</b>	18
8.1 <u>Background investigation</u>	18
8.2 <u>Privacy Act and false statement</u>	20
8.3 <u>Confidentiality</u>	21
8.4 <u>Eligibility Determination</u>	21
8.5 <u>Renewal</u>	23

<b>CHAPTER NINE - MANAGEMENT CONTRACTS</b>	<b>24</b>
9.1 <u>Scope</u>	24
9.2 <u>Requirements</u>	24
9.3 <u>Submission; time; fees</u>	24
9.4 <u>Background investigations</u>	25
9.5 <u>Application form; information required</u>	25
9.6 <u>Listing of individuals</u>	27
9.7 <u>Accounting</u>	29
9.8 <u>Audits; submission</u>	29
9.9 <u>Reporting</u>	30
9.10 <u>Term limits</u>	30
9.11 <u>Termination</u>	31
9.12 <u>Assignments</u>	31
9.13 <u>Effective date</u>	31
9.14 <u>Prohibitions</u>	31

<b>CHAPTER TEN - COMMISSION REGULATIONS</b>	<b>31</b>
10.1 <u>Required provisions</u>	31
10.2 <u>Control of internal fiscal affairs</u>	32
10.3 <u>Periodic financial reports</u>	33
10.4 <u>Duties of Chippewa Cree Tribal auditor</u>	33
10.5 <u>Computation and reporting of winnings</u>	33

<b>CHAPTER ELEVEN - HEARING PROCEDURES</b>	<b>34</b>
11.1 <u>Investigations</u>	34
11.2 <u>Emergency order suspending licenses</u>	37
11.3 <u>Complaint; answer</u>	38
11.4 <u>Hearing</u>	39
11.5 <u>Procedure</u>	40
11.6 <u>Amended or supplemental pleadings</u>	41
11.7 <u>Contempt</u>	41
11.8 <u>Written decision and order of Commission; rehearing</u>	41

<b>CHAPTER TWELVE - JUDICIAL REVIEW</b>	<b>42</b>
12.1 <u>Judicial review</u>	42
12.2 <u>Record on review</u>	43
12.3 <u>Additional evidence taken by Commission</u>	44
12.4 <u>Appeal to appellate court</u>	44

<b>CHAPTER THIRTEEN - MISCELLANEOUS PROVISIONS</b>	<b>45</b>
13.1 <u>Investigative fund</u>	45
13.2 <u>Declaratory judgment</u>	45
13.3 <u>Injunctions</u>	46
13.4 <u>Prosecution</u>	46
13.5 <u>Gaming or employment in gaming prohibited for persons under 21</u>	46
13.6 <u>Criminal Violations and Penalties</u>	47
13.7 <u>Severability Clause</u>	48

## **RIGHTS**

- 1.3 Right to license - No applicant for a license, management contract or other affirmative Chippewa Cree Tribal Gaming Commission approval, has any right to such license, management contract or the granting of the approval sought. Any license or management contract issued or other Chippewa Cree Tribal Gaming Commission approval granted pursuant to the provisions of this is a revocable privilege, and no holder acquires any vested right therein or thereunder.

## **SCOPE**

1.4 Scope of regulations governing Class I, Class II and Class III Gaming; Exemptions

- (a) All gaming on the Rocky Boy's Indian Reservation must be conducted within the parameters of this Ordinance, 25 CFR 501 *et seq.*, the Federal Indian Gaming Regulatory Act found at 25 U.S.C §§ 2701 *et seq.*, and any gaming compact governing Class III Gaming which the Tribe may enter into with the State of Montana. These laws and regulations provide that:
- (i) Class I Gaming is not subject to the Indian Gaming Regulatory Act and is within the exclusive jurisdiction of the Tribe;
  - (ii) Class II Gaming is subject to the Indian Gaming Regulatory Act and is conducted under the jurisdiction of the Tribe and the National Indian Gaming Commission; and
  - (iii) Class III Gaming is subject to the Indian Gaming Regulatory Act and shall be regulated according to the provisions contained within the Chippewa Cree Tribal Gaming Ordinance and any Tribal/State gaming compact entered into between the Chippewa Cree Tribe and the State of Montana.
- (b) Tax exempt and Not For Profit Organizations, Celebration Committee, Fraternal Organizations and Religious and Civic Groups shall receive special exemptions from the provisions of the this Title. However, these groups must obtain prior written approval from the Tribal Gaming Commission for this exemption. The Tribal Gaming Commission shall also determine whether to charge these groups or organizations appropriate fees for conducting their gaming.

## **CHAPTER TWO - DEFINITIONS**

- 2.1 Definitions - As used in this Title, the words and terms defined in Chapter Two, inclusive, have the following meanings ascribed to them throughout this Title unless the context requires otherwise.

- 2.2 "Applicant" defined - "Applicant" means any person who applies for or is about to apply for a Chippewa Cree Tribal gaming license or management contract, under the provisions of this Title, or approval of any act or transaction for which Chippewa Cree Tribal Gaming Commission approval is required or permitted under the provisions of this Title.
- 2.3 "Application" defined - "Application" means a request for issuance of a tribal gaming license, management contract or approval of any act or transaction for which Chippewa Cree Tribal Gaming Commission approval is required or permitted under the provisions of this Title.
- 2.4 "Background Investigations" defined - "Background Investigations" mean an investigation conducted by the Chippewa Cree Tribal Gaming Commission of key Employees, Primary Management Officials, Individually Owned Gaming Operators, and Management Contractors pursuant to this Title and the Indian Gaming Regulatory Act as a condition precedent to the issuance of a gaming license or management contract.
- 2.5 "Bingo" defined - "Bingo" means the game of chance as defined in Chapter Two, § 11.
- 2.6 "Business Committee or Chippewa Cree Business Committee" - "Business Committee or Chippewa Cree Business Committee" means the governing body of the Chippewa Cree Tribe.
- 2.7 "Chairman" defined - "Chairman" means the Chairman of the Chippewa Cree Tribal Gaming Commission.
- 2.8 "Chippewa Cree Tribal Gaming Commission" - "Chippewa Cree Tribal Gaming Commission" means that body of five individuals appointed by the Chippewa Cree Business Committee to oversee and control the activity of gaming within the exterior boundaries of the Rocky Boy's Indian Reservation.
- 2.9 "Chippewa Cree Tribal Attorney" - "Chippewa Cree Tribal Attorney" means the attorney or attorneys within a law firm hired by the Chippewa Cree Tribe to provide general legal counsel or advice on those legal issues confronting the Chippewa Cree Tribe.
- 2.10 "Class I Gaming" defined - "Class I Gaming" means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Chippewa Cree Tribal ceremonies or celebrations.
- 2.11 "Class II Gaming defined - "Class II Gaming" means: (i) the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) which is played for prizes, including monetary prizes, with cards bearing numbers or other designations in which the holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined, and in which the game is won by the first person who covers

a previously designated arrangement of numbers or designations on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo; and (ii) card games that are explicitly authorized by the laws of the State of Montana or are not explicitly prohibited by the laws of the State of Montana and are played at any location in the State of Montana, but only if such card games are played in conformity with those laws and regulations (if any) of the State of Montana regarding hours or periods of operations of such card games or limitations on wagers or pot sizes in such card games. The term "Class II Gaming" does not include any banking card games, including baccarat, chemin de fer, or blackjack (21), or electric or electromechanical facsimiles of any game of chance or slot machines of any kind.

- 2.12 "Class III Gaming" defined - "Class III Gaming" means all forms of gaming that are not defined above as Class I Gaming or Class II Gaming, except that Class III gaming includes any video facsimile of games defined as Class II games and those Class II games set forth in Chapter Two, § 11, above when played at locations other than at the same location as a bingo game or played subject to agreed upon limitations not in conformance with State law or regulations.
- 2.13 "Commissioner" defined - "Commissioner" means a member of the Chippewa Cree Tribal Gaming Commission.
- 2.14 "Establishment" defined - "Establishment" means any premises wherein any gaming is done.
- 2.15 "Gaming" and "Gambling" defined - "Gaming" or "gambling" means to deal, operate, carry-on, conduct, maintain or expose for play any game as defined in the Chippewa Cree Tribal Law and Order Code Title \_\_\_\_, Chapter Two, §§ 10, 11, 12.
- 2.16 "Gaming compact" defined - "Gaming compact" means a negotiated agreement, required by § 2710(d)(1) of the Indian Gaming Regulatory Act, between the Tribe and the State of Montana entered into for the purposes of governing the conduct of Class III Gaming activities carried on within the exterior boundaries of the Rocky Boy's Indian Reservation or within the exterior boundaries of any property held in trust by the Federal Government for the Chippewa Cree Tribe.
- 2.17 "Gaming device" defined - "Gaming device" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the system or device which affects a game solely by stopping its operation so that the outcome remains undetermined.
- 2.18 "Gaming license" defined - "Gaming license" means any license issued by the Chippewa Cree Tribe or any political subdivision thereof pursuant to this Title and the Indian

Gaming Regulatory Act which authorizes the person or entity named therein to engage in, conduct or be directly connected with the operation of a gaming establishment.

- 2.19 "Hearing examiner" defined - "Hearing examiner" means a Commissioner of the Chippewa Cree Tribal Gaming Commission or other authorized person designated by the Chippewa Cree Tribal Gaming Commission to conduct investigative hearings.
- 2.20 "Indian Gaming Regulatory Act" defined - "Indian Gaming Regulatory Act" means the Act passed by the Congress in 1988, contained at 25 U.S.C. § 2701 et seq., to provide clear standards or regulations for the conduct of gaming on Indian lands.
- 2.21 "Individually Owned Gaming Operator" defined - "Individually Owned Gaming Operator" means any individual or entity whom the Chippewa Cree Tribe allows to privately own a gaming operation or establishment to conduct gaming within the exterior boundaries of the Rocky Boy's Indian Reservation or within the exterior boundaries of any property held in trust by the Federal Government for the Chippewa Cree Tribe.
- 2.22 "Key employee" defined - "Key employee" means any person, as determined by the Tribal Gaming Commission, who is directly connected with the operation of a gaming establishment licensed to conduct any Class II or Class III Gaming including but not limited to:
- (a) Bingo Operators;
  - (b) Cashiers;
  - (c) Change Personnel;
  - (d) Counting room personnel;
  - (e) Dealers;
  - (f) Employees whose duties are directly involved with the repair or distribution of gaming equipment;
  - (g) Security personnel;
  - (h) Shift or pit bosses;
  - (i) Supervisors or managers; and
  - (j) Ticket writers.

"Key employee" does not include persons engaged in preparing or serving food or beverages.

- 2.23 "License" defined - "License" means a gaming license.
- 2.24 "License fees" defined - "License fees" means any moneys required by law to be paid to obtain or renew a gaming license.
- 2.25 "Licensed gaming establishment" defined - "Licensed gaming establishment" means any premises licensed pursuant to the provisions of this Title wherein or whereupon gaming is conducted.
- 2.26 "Licensee" defined - "Licensee" means any person or entity to whom a valid gaming license has been issued.
- 2.27 "Management contract" defined - "Management contract" means an agreement entered into for the operation and management of Class II and Class III gaming activities that the Chippewa Cree Tribe or an individually owned gaming operator may engage in under the Indian Gaming Regulatory Act including all collateral agreements to such contract that relate to the gaming activity.
- 2.28 "National Indian Gaming Commission" defined - "National Indian Gaming Commission" means the Commission established within the Department of the Interior delegated the power to oversee the activities of Class II Gaming conducted on the Chippewa Cree Tribe; to promulgate the regulations implementing the Indian Gaming Regulatory Act; and to approve ordinances, resolutions or compacts adopted by the Chippewa Cree Tribe governing the control of Class II and Class III Gaming.
- 2.29 "Net revenues" defined - "Net revenues" means the gross revenues of a Chippewa Cree licensed gaming activity less amounts paid out as, or paid for, prizes and total operating expenses, excluding management fees. The term does not include:
- (a) Counterfeit money or tokens;
  - (b) Coins of other countries which are received in gaming devices;
  - (c) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed; or
  - (d) Cash received as entry fees for contests or tournaments in which patrons compete for prizes.
- 2.30 "Operation" defined - "Operation" means the conduct of gaming.
- 2.31 "Party" defined - "Party" means the Chippewa Cree Tribal Gaming Commission and any licensee or other person appearing of record in any investigative hearing or proceedings for judicial review of any action, decision or order of the Chippewa Cree Tribal Gaming

Commission.

- 2.32 "Primary management official" defined - "Primary management official" means any individual the Chippewa Cree Tribal Gaming Commission licenses to participate in the conduct and oversight of the management of Class II and Class III Gaming (as provided by any gaming compact).
- 2.33 "Quarter" and "calendar quarter" defined - "Quarter" or "calendar quarter" means a period of 3 consecutive months commencing on the 1st day of January, April, July or October in any year.
- 2.34 "Respondent" defined - "Respondent" means any licensee or other person against whom a complaint has been filed with the Chippewa Cree Tribal Gaming Commission or the Tribal Court pursuant to this Title.
- 2.35 "Slot machine" defined - "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token, or similar object, or upon payment of any consideration, is available to play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by the machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or anything of value, whether the payoff is made automatically from the machines or in any other manner.
- 2.36 "Temporary license" defined - "Temporary license" means a license which is valid only for a period not to exceed 90 days from the date of issue during which time the Chippewa Cree Tribal Gaming Commission conducts a background investigation.
- 2.37 "Tribe or Tribal" defined - "Tribe or Tribal" means the Chippewa Cree Tribe.
- 2.38 "Tribal Gaming Commission" defined - "Tribal Gaming Commission" means the Chippewa Cree Tribal Gaming Commission.

## CHAPTER THREE - GAMING OWNERSHIP

- 3.1 Gaming ownership; use of net revenues.
- (a) Except as provided in subsection (b), the Chippewa Cree Tribe shall have the sole proprietary interest in any Class II or Class III Gaming operation and shall have the sole responsibility for the operation of any Class II Gaming operation and the sole responsibility for any Class III Gaming as provided in any Tribal/State gaming compact.

- (b) The Chippewa Cree Tribe, in exercising its inherent sovereignty, may allow individuals or other entities to own or have the sole proprietorship of any gaming operation subject to the licensing requirements and regulations provided in this Title.
- (c) No less than sixty percent (60%) of the net revenues from any individually owned (sole proprietorship) gaming operation shall be paid to the Chippewa Cree Tribe whom shall use such income only as provided for in subsection (d). The owner of such privately owned gaming operation shall pay an assessment fee to the National Indian Gaming Commission as provided under 25 CFR, § 514.1.
- (d) The Chippewa Cree Tribe shall use the net revenues received from all Class II and Class III Gaming operations solely for:
  - (i) Chippewa Cree governmental operations and programs;
  - (ii) the general welfare of the Chippewa Cree Tribe or its members, provided that any plan to distribute the net revenues as per capita payments must be approved by the Assistant Secretary - Indian Affairs before such distribution;
  - (iii) the promotion of the Chippewa Cree Tribe's economic development;
  - (iv) donations to charity organizations as defined by the Chippewa Cree Tribe; and
  - (v) the funding of local federal, state and county governmental agencies.

## **CHAPTER FOUR - GAMING**

### **4.1 Licenses required.**

- (a) No person or entity shall deal, operate, carry on, conduct, maintain, manage or expose for play on the Rocky Boy's Indian Reservation any Class II or Class III gaming operation without having first procured a Chippewa Cree Tribal gaming license pursuant to this Title.
- (b) No person or entity shall knowingly permit any Class II or Class III gaming operation to be conducted, operated, or carried on in any house or building or other location owned by him, in whole or part, by any person or entity who is not licensed under this Title.

4.2 License required for equipment, services or property delivered or furnished for gaming interest or revenues.

- (a) No person or entity shall:
  - (i) Lend, let, lease or otherwise deliver or furnish any gambling device or machine covered by the definitions of Class II or Class III gaming, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a Chippewa Cree Tribal gaming license; or
  - (ii) Furnish services or property, real or personal, on the basis of contract, lease or license, pursuant to which that person receives payment based on earnings or profits or otherwise from any Class II or Class III game without having first procured a Chippewa Cree Tribal gaming license.
- (b) The Tribal Gaming Commission may require the licensing of any person or entity who:
  - (i) Repairs, rebuilds or modifies any gaming device; or
  - (ii) Manufactures or distributes chips or gaming tokens for use on the Rocky Boy's Indian Reservation.
- (c) If the Tribal Gaming Commission finds a person or entity described in subsections (a) and (b) ineligible to receive a license, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Tribal Gaming Commission. Any other agreement between the licensee and the person or entity must be terminated upon receipt of notice of the action by the Tribal Gaming Commission. Any agreement between a licensee and a person or entity described in subsections (a) and (b) shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Tribal Gaming Commission that the person or entity may not receive a license. Failure to expressly include this condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If an application for a gaming license is not presented to the Tribal Gaming Commission within 30 days after demand, the Tribal Gaming Commission may pursue any remedy or combination of remedies provided in this Title.

4.3 Licensing influential people over gaming operation of licensee; remuneration, contracts and employment prohibited for certain unsuitable or unlicensed persons.

- (a) Each employee, agent, guardian, personal representative, lender, holder of indebtedness or any other person or entity of a gaming licensee who, in the

opinion of the Tribal Gaming Commission, has the power to exercise a significant influence over the licensee's operation of a gaming establishment may be required to apply for a license;

- (b) A person required to be licensed pursuant to subsection (a) shall apply for a license within 30 days after the Tribal Gaming Commission requests that the person or entity do so;
- (c) If a person required to be licensed under subsection (a):
  - (i) Does not apply for a license within 30 days after being requested to do so by the Tribal Gaming Commission;
  - (ii) Is denied a license; or
  - (iii) Has his license revoked by the Tribal Gaming Commission, the licensee shall terminate the person's association in any capacity in which he is required to be licensed and shall not permit him to exercise a significant influence over the operation of the gaming establishment upon being notified by registered or certified mail of that action.
- (d) A key employee, primary management official, an individually owned gaming operator, management contractor or affiliate thereof shall not pay to any person whose employment has been terminated pursuant to subsection (c) any remuneration for any service performed in any capacity in which the person is required to be licensed, except for amounts due for services rendered before the date of receipt of notice of the action by the Tribal Gaming Commission.
- (e) Any contract or agreement for personal services or for the conduct of any activity at the licensed gaming establishment between a gaming licensee, management contractor, or an affiliate thereof and a person terminated pursuant to subsection (c) is subject to termination. Every such agreement shall be deemed to include a provision for its termination without liability on the part of the licensee or management contractor upon a finding by the Tribal Gaming Commission that the person may not be licensed or management contract approved and therefor cannot be associated with a gaming enterprise. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this Title to terminate the agreement.
- (f) As used in this section, "affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with a key employee, primary management official, management contractor or individually owned gaming operator.

4.4 Licensing persons conducting tournaments or contests in association with gaming licensee; termination of association.

- (a) Any person who conducts a tournament or contest on behalf of or in conjunction with a gaming licensee or management contractor may be required by the Tribal Gaming Commission to be licensed. Any person so required must apply for a license within 30 days after the decision of the Tribal Gaming Commission requiring him to obtain the license.
- (b) If any person required to be licensed pursuant to subsection (a);
  - (i) Does not apply for a license within 30 days after the decision of the Tribal Gaming Commission that he must be licensed, and the Tribal Gaming Commission finds him unsuitable for that reason; or
  - (ii) Is denied a license, the gaming licensee or management contractor with whom he is associated shall terminate that association upon notification from the Tribal Gaming Commission by registered or certified mail of the action.

4.5 Restrictions on person denied license.

- (a) A person or entity who has had its application for a license denied by the Tribal Gaming Commission:
  - (i) Is not entitled to profit from its investment in a:
    - (A) Corporation;
    - (B) Partnership;
    - (C) Limited partnership; or
    - (D) Joint venture, whom has applied for or been granted a license.
  - (ii) Shall not retain its interest in a corporation, partnership, limited partnership or joint venture beyond that period prescribed by the Tribal Gaming Commission.
  - (ii) Shall not accept more for its interest in a corporation, partnership, limited partnership or joint venture than he paid for it or the market value on the date of the denial of the license or the finding of unsuitability.
- (b) The Tribal Gaming Commission may proceed pursuant to Chapter Eleven to

enforce the provisions of subsection (a).

4.6 Operation and maintenance of gaming device; Approval of Tribal Gaming Commission.

- (a) The Tribal Gaming Commission shall maintain a list of approved gaming devices.
- (b) Any person or entity who operates or maintains any gaming device of a specific model, or which includes a significant modification, which the Tribal Gaming Commission has not approved for operation, is subject to sanctions as provided in Chapters Eleven and Thirteen.
- (c) The Tribal Gaming Commission shall adopt regulations relating to gaming devices and their significant modification.

4.7 Gaming must be conducted with legal tender or tokens, chips or other instrumentalities approved by Commission. All gaming must be conducted with chips, tokens or other instrumentalities approved by the Tribal Gaming Commission or with the legal tender of the United States.

## CHAPTER FIVE - GAMING COMMISSION

5.1 Creation; number of members - The Chippewa Cree Tribal Gaming Commission, consisting of five members, is hereby created.

5.2 Appointment; chairman; terms; removal.

- (a) The Chippewa Cree Business Committee shall appoint the members of the Tribal Gaming Commission.
- (b) The first three members appointed by the Business Commission to the Tribal Gaming Committee shall serve four year terms with the first of these three appointed serving as the Chairman of the Tribal Gaming Commission. The fourth and fifth members appointed by the Business Committee shall serve two year terms. After the initial terms, the term of office for each member of the Tribal Gaming Commission is 4 years.
- (c) Any Commissioner may be removed by majority vote of the Business Committee if, in the Business Committee's opinion, that Commissioner is guilty of malfeasance in office or neglect of duty.

5.3 Discharge of duties; certain political activities prohibited; oaths.

- (a) The Tribal Gaming Commission members shall devote such time to the business

of the Tribal Gaming Commission as may be necessary to the discharge of their duties.

- (b) Before entering upon the duties of their office, each Commissioner shall subscribe to the constitutional oath of office and, in addition, swear that they are not actively engaged in nor have a direct pecuniary interest in gaming activities.

5.4 Salaries. - The Chairman and Commissioners of the Tribal Gaming Commission are entitled to an honorarium to be determined by the Business Committee.

5.5 Administrative and clerical services and equipment of Tribal Gaming Commission; administrative costs.

- (a) The Chippewa Cree Tribe shall furnish to the Tribal Gaming Commission such administrative and clerical services and such furnishings, equipment, supplies, stationary, books, motor vehicles and all other things as the Tribal Gaming Commission and the Business Committee deem necessary or desirable in carrying out the Tribal Gaming Commission functions.
- (b) Except as otherwise provided in this Title, all costs of administration incurred by the Tribal Gaming Commission on behalf of the Chippewa Cree Tribe shall be paid by the Chippewa Cree Tribe.

5.6 Meetings; quorum; background investigations.

- (a) Regular and special meetings of the Tribal Gaming Commission may be held, at the discretion of the majority of the Tribal Gaming Commission members, at such times and places as it may deem convenient, but at least one regular meeting quarterly.
- (b) A majority of Commissioners is a quorum of the Tribal Gaming Commission.
- (c) With the concurrence of a majority of the Tribal Gaming Commission members, background investigations and investigative hearings may be conducted by one or more members of the Tribal Gaming Commission or by a designated hearing examiner as authorized by the Tribal Gaming Commission, or by other means as provided in any gaming compact.

## **CHAPTER SIX - POWERS AND DUTIES OF COMMISSION**

### **6.1 General powers and duties of Tribal Gaming Commission.**

- (a) The provisions of this Title with respect to Chippewa Cree Tribal gaming licenses must be administered by the Tribal Gaming Commission, which shall administer the licenses for the protection of the public and in the public interest in accordance with the policy of the Chippewa Cree Tribe.
- (b) The Tribal Gaming Commission and their agents may:
  - (i) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are sold or distributed.
  - (ii) Inspect all equipment and supplies in, upon or about such premises.
  - (iii) Summarily seize and remove from such premises and impound any equipment or supplies for the purpose of examination and inspection.
  - (iv) Demand access to and inspect, examine, photocopy and audit all papers, books and records of applicants and licensees, on their premises, or elsewhere as is practicable, and in the presence of the licensee, management contractor or his agent, to verify the net income produced by any gaming business and all other matters affecting the enforcement of the policy or any of the provisions of this Title.
  - (v) Determine the eligibility for and the issuance of gaming licenses to key employees, primary management officials, individually owned gaming operators or management contractors other than the Chippewa Cree Tribe in conducting Class II and Class III Gaming with prompt notification to the National Indian Gaming Commission of such issuance of license.
- (c) For the purpose of conducting audits after the cessation of gaming by a licensee or management contractor, the former licensee or management contractor shall furnish, upon demand of an agent of the Tribal Gaming Commission, books, papers and records as necessary to conduct the audits. The former licensee or management contractor shall maintain all books, papers and records necessary for audits for a period of 1 year after the date of the surrender or revocation of the former licensee's gaming license or management contract. If the former licensee or management contractor seeks judicial review of a deficiency determination or files a petition for a redetermination, he must maintain all books, papers and records until a final order is entered on the determination.

- (d) The Tribal Gaming Commission may investigate pursuant to Chapter Eleven for the purpose of prosecution, any suspected administrative or criminal violation of the provisions of this Title. For the purpose of the administration and enforcement of this Title, the Tribal Gaming Commission and investigative personnel of the Tribal Gaming Commission have the powers of a peace officer of the Chippewa Cree Tribe.
- (e) For the purpose of protecting members of the Tribal Gaming Commission and their property, and providing security at meetings of the Tribal Gaming Commission, the Tribal Gaming Commissioners and their agents, whose duties include the enforcement of this Title, have the power of a peace officer of the Chippewa Cree Tribe.
- (f) The Tribal Gaming Commission or any of its members have full power and authority to issue subpoenas, compel the attendance of witnesses at any place within the jurisdiction of the Chippewa Cree Tribe, administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions under the Chippewa Cree Tribal Law and Order Code. The Tribal Gaming Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making false oath in any matter before the Tribal Gaming Commission is guilty of perjury. The Tribal Gaming Commission may appoint designated hearing examiners who may administer oaths and receive evidence and testimony under oath.
- (g) The Tribe may appoint the Tribal Gaming Commission or any member thereof as, or as a part of, the negotiation team to represent the Tribe in its negotiations with the State of Montana for entering any Class III gaming compact.
- (h) The Tribal Gaming Commission may exercise any proper power and authority necessary to perform the duties assigned to it by the Business Committee, and is not limited by any enumeration of powers in this Title.

6.2 Appointment of agent for service; notification to the National Indian Gaming Commission.

- (a) The Chairman of the Tribal Gaming Commission is the designated agent to receive all service of documents, determinations and correspondence from the National Indian Gaming Commission and from other persons or entities as provided by this Title.
- (b) The Tribe shall send written notification to the National Indian Gaming Commission designating the Chairman of the Tribal Gaming Commission as the Tribe's agent for service on gaming matters.

- (c) Any management contractor or individually owned gaming operator operating a gaming operation on the Rocky Boy's Indian Reservation shall send to the National Indian Gaming Commission and the Chairman of the Tribal Gaming Commission a written designation of the agent who will receive service of notice, correspondence and other information from the National Indian Gaming Commission and the Tribal Gaming Commission.

6.3 Records of Commission; report to Business Committee by Tribal Gaming Commission.

- (a) The Tribal Gaming Commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the Tribal Gaming Commission.
- (b) The Tribal Gaming Commission shall maintain a file of all applications for licenses under this Title, together with a record of all action taken with respect to those applications.
- (c) The Tribal Gaming Commission may maintain such other files and records as it may deem desirable.
- (d) Except as provided in this subsection and subsection (e), all information and data that:
  - (i) is required by the Tribal Gaming Commission to be furnished to it under this Title or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant;
  - (ii) pertains to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the Tribal Gaming Commission from any source;
  - (iii) is provided to the members, agents or employees of the Tribal Gaming Commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential;  
or
  - (iv) is obtained by the Tribal Gaming Commission from a manufacturer, distributor or operator relating to the manufacturing of gaming devices;

is to be strictly confidential and may only be revealed in whole or in part in the course of the necessary administration of this Title or upon the lawful order of a court of competent jurisdiction. The Tribal Gaming Commission may reveal such information and data to the National Indian Gaming Commission, to an authorized agent of any agency of the United States Government, and any state or any political subdivision of the State of Montana pursuant to regulations

adopted by the Tribal Gaming Commission or pursuant to a tribal/state gaming compact.

- (e) Before the approval of the tribal budget by the Business Committee, the Tribal Gaming Commission shall submit to the Business Committee a report on the net revenues and average depreciation of all licensees.
- (f) Notice of the content of any information or data furnished or released pursuant to subsection (d) may be given to any applicant or licensee in a manner prescribed by regulations adopted by the Tribal Gaming Commission.
- (g) The files, records of the Tribal Gaming Commission are open at all times to inspection by the National Indian Gaming Commission and its authorized agents.
- (h) All files, records, reports and other information pertaining to gaming matters in the possession of the Business Committee must be made available to the Chippewa Cree Tribal Gaming Commission as is necessary to the administration of this Title.

## **CHAPTER SEVEN - APPLICATION PROCESS**

### **7.1 Procedures for forwarding applications and reports for key employees, primary management officials and individually owned gaming operators to the National Indian Gaming Commission; granting of gaming license.**

- (a) When a key employee or a primary management official, as determined by the Tribal Gaming Commission, begins work at a gaming operation or in conjunction with a management contractor, or an individually owned gaming operator applies for a gaming license, the Tribal Gaming Commission shall:
  - (i) send to the National Indian Gaming Commission a completed application containing all the information necessary from Chapter Eight, § 1 for the applicant;
  - (ii) conduct a background investigation pursuant to Chapter Eight, § 1 to determine the eligibility of the key employee and primary management official to continue employment in the gaming operation or to determine whether the individually owned gaming operator is eligible for a gaming license;
  - (iii) file with the National Indian Gaming Commission an investigative report pursuant to Chapter Eight, § 4(c) after the background investigation and eligibility determination are completed. This report shall be filed within

60 days after the employee begins work, or the individually owned gaming operator begins operations.

- (b) No key employee or primary management official may be kept employed in a gaming operation who does not receive a gaming license after 90 days of beginning work, nor shall an individually owned gaming operator continue to conduct gaming without obtaining a gaming license within 90 days of beginning operations.
- (c) The Tribal Gaming Commission may issue a gaming license to an applicant if, within 30 days after filing the report and information as required by subsection (a), the National Indian Gaming Commission notifies the Tribal Gaming Commission that there are no objections to issuing the gaming license to the applicant. Should the National Indian Gaming Commission not notify the Tribal Gaming Commission within the 30 days as required by this subsection, then the Tribal Gaming Commission may or may not license the applicant as is appropriate in light of the Tribal Gaming Commission's determination of eligibility pursuant to Chapter Eight, § 4.
- (d) If within the 30 day period after the Tribal Gaming Commission sends the National Indian Gaming Commission the information as required by subsection (a), the National Indian Gaming Commission notifies the Tribal Gaming Commission that there are objections to licensing the applicant based upon the investigative report and the application, the Tribal Gaming Commission shall reconsider the application in light of the National Indian Gaming Commission's objections. However, the Tribal Gaming Commission shall make or have the final decision on whether to issue a gaming license to the applicant.

## **CHAPTER EIGHT - ELIGIBILITY DETERMINATION**

### **8.1 Background investigation of qualifications of applicants; application contents; and notification to the National Indian Gaming Commission.**

- (a) The Tribal Gaming Commission shall cause a background investigation to be conducted on the qualifications of each gaming license applicant for a key employee, primary management official and individually owned gaming operator under this Title. Such background investigation shall include a request by the Tribal Gaming Commission for the following information on each applicant pursuant to an application on forms furnished by the Tribal Gaming Commission:
  - (i) Full names(s), other name(s) whether oral or written, Social Security

Number, birthdate, birth place, citizenship, gender, language(s) used/understood;

- (ii) Current and for the past 5 (five) years:
  - (A) business and employment positions held;
  - (B) ownership interests in those businesses;
  - (C) business and residential addresses; and
  - (D) drivers license number(s);
- (iii) The names and addresses of at least 3 (three) personal references, including 1 (one) personal reference acquainted with the applicant during each period of residence listed Chapter Eight, § 1(a)(ii);
- (iv) The applicant's current business and residential telephone numbers;
- (v) A description of any existing or previous business relationships with Indian Tribes, including ownership interests in those businesses;
- (vi) A description of any existing or previous business relationship(s) with the gaming industry generally, including ownership in those businesses;
- (vii) The names and addresses of each licensing or regulatory agency that the applicant has applied to for a license and/or permit relating to gaming, whether or not such license or permit was granted;
- (viii) A listing of each felony, either on-going or resulting in conviction stating for each:
  - (A) the charge;
  - (B) the name and address of the court handling the proceedings; and
  - (C) the date and disposition of the matter;
- (ix) A list of each misdemeanor conviction or on-going prosecution (not minor traffic violations) within the last 10 years from the date of application providing the names of the courts involved and the dates and dispositions of the cases;
- (x) A list of each criminal charge, not minor traffic citations, whether

convicted or not, where such criminal charge was alleged within 10 years of the application, which criminal charge is not otherwise listed in subsections (viii) and (ix) above, giving the names and addresses of the courts involved and the dates and dispositions of the cases;

- (xi) The names and addresses of any licensing or regulatory agency whom the applicant has applied for an occupational license or permit, whether or not granted;
- (xii) A current photograph;
- (xiii) The fingerprints of the applicant, which fingerprints shall be submitted by the Tribal Gaming Commission to the BIA residential Criminal Investigator and the Criminal Investigation Division of the FBI for a background check, such fingerprints to be placed on Form FD-258 (Applicant Fingerprint Card) supplied by the National Indian Gaming Commission; and
- (xiv) Any other information the Chippewa Cree Tribe or the Tribal Gaming Commission deems relevant.

8.2 Privacy Act and false statement notifications on the application form.

- (a) Each application form the Tribal Gaming Commission requires the applicant to complete in applying for a gaming license must contain the following notification on the Privacy Act:

**In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be employed in a gaming operation. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or prosecutions or when pursuant to a requirement by a tribe or the National Indian**

**Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to hire you in a primary management official, key employee position or grant you a license as an individually owned gaming operator.**

**The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.**

- (b) Each application form the Tribal Gaming Commission requires to be filled out by an applicant must also contain the following:

**A false statement on any part of your application may be grounds for not hiring you or for firing you after you begin work. Also, you may be punished by fine or imprisonment (U.S. Code, Title 18, section 1001).**

8.3 Confidentiality. The Chippewa Cree Tribe, Tribal Gaming Commission and their agents must conduct the background investigation in such a manner as to keep confidential the identity of each person interviewed during and after the investigation.

8.4 Eligibility Determination.

- (a) After receiving the information contained in Chapter Eight, § 1(a), the Tribal Gaming Commission will make a determination as to whether the applicant is eligible to receive a gaming license in order to become a key employee, primary management official or individually owned gaming operator based upon the applicant's:
- (i) prior activities;
  - (ii) criminal record (if any);
  - (iii) reputation;

- (iv) habits; and
  - (v) associations;
- (b) Should the Tribal Gaming Commission, in light of adopted standards in § (a), determine that the applicant would pose a threat to the public interest or the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in gaming, that person shall not be employed as a key employee primary management official in any gaming operation or be granted a license to conduct gaming operations as an individually owned gaming operator.
- (c) Before the Tribal Gaming Commission issues a gaming license to a key employee, a primary management official or individually owned gaming operator, the Tribal Gaming Commission shall forward to the National Indian Gaming Commission the investigative report on each applicant as well as a copy of the eligibility determination made by the Tribal Gaming Commission for a gaming license on each applicant. The investigative report must include:
- (i) the steps taken by the Tribal Gaming Commission in conducting the background investigation;
  - (ii) the results of the investigation;
  - (iii) the conclusion the Tribal Gaming Commission reached; and
  - (iv) the basis for the conclusion;
- (d) Should the Tribal Gaming Commission determine that an applicant is not eligible for a gaming license, the Tribal Gaming Commission must notify the National Indian Gaming Commission of this determination forwarding copies of the eligibility determination and investigative report along with the notification.
- (e) If satisfied that an applicant is eligible to receive a Chippewa Cree Tribal gaming license, and upon tender of all license fees and taxes as required by law or regulation of the Tribal Gaming Commission, and the faithful performance of all requirements imposed by law or regulation or the conditions of the license, the Tribal Gaming Commission shall issue and deliver to the applicant a license entitling him to conduct, be employed in or engage in the gaming operation for which he is licensed. The Tribal Gaming Commission shall prepare and maintain a written record of the specific terms and conditions of any license issued and delivered and of any modification to the license. A duplicate of the record must be delivered to the applicant or licensee and the National Indian Gaming Commission.

- (f) A gaming license must not be issued to a person whose gaming license has previously been revoked pursuant to this Title, or to whom the issuance or renewal of a gaming license has been denied, except upon the unanimous approval of the Tribal Gaming Commissioners.
- (g) All licenses issued under the provisions of this Title must be kept in a file by the Tribal Gaming Commission created solely for license purposes in order to be inspected by the National Indian Gaming Commission and by authorized Tribal officials. Also, if a gaming compact between the State of Montana so authorizes, the license file may be inspected by state, county, city or town officials.

8.5 Renewal of Chippewa Cree Tribe gaming licenses; penalties.

- (a) Subject to the power of the Tribal Gaming Commission to deny and revoke any Tribal gaming license, any Tribal license in force may be renewed by the Tribal Gaming Commission for the next succeeding license period upon proper application for renewal as required by applicable law, gaming compacts and the regulations of the Tribal Gaming Commission.
- (b) All Chippewa Cree Tribal gaming licenses are subject to renewal on the 1st day of each calendar year, as the Tribal Gaming Commission so determines.
- (c) Application for renewal must be filed with the Tribal Gaming Commission and all Chippewa Cree Tribal license fees and taxes as set by the Chippewa Cree Tribe must be paid to the Treasurer of the Chippewa Cree Tribe on or before the date respectively provided by law for each fee or tax.
- (d) Any person failing to pay any Chippewa Cree Tribal license fees or taxes due at the times respectively provided shall have their gaming licenses revoked.
- (e) No person or entity previously granted a Chippewa Cree Tribal gaming license shall be subject to a subsequent background investigation unless the Tribal Gaming Commission receives information that requires the Tribal Gaming Commission to conduct the investigation again.
- (f) Upon renewal of any Chippewa Cree Tribal license, the Tribal Gaming Commission shall issue an appropriate renewal certificate or validating device or sticker, which must be attached to each Chippewa Cree Tribal gaming license so renewed. The National Indian Gaming Commission must also be notified of any such renewal.
- (g) If any licensee fails to renew his license as provided in this section, the Tribal Gaming Commission may order the immediate closure of all his gaming activities or prohibit him from involvement in his capacity as a key employee, primary

management official or individually owned gaming operator until the license is renewed by application and the payment of necessary fees, taxes, interest and any penalties.

## CHAPTER NINE - MANAGEMENT CONTRACTS

- 9.1 Scope. All Class II and Class III gaming operations which are conducted pursuant to a management contract shall be in accordance with this Title and the Indian Gaming Regulatory Act.
- 9.2 Requirements for review and approval.
- (a) With the National Indian Gaming Commission's approval, the Tribe may enter into a management contract for the operation of Class II or Class III gaming operations;
  - (b) All management contracts shall be written and will become effective only after the Tribe and the management contractor have entered into such contract and the National Indian Gaming Commission has approved such contract. Approval shall be evidenced by a document dated and signed by the Chairman of the National Indian Gaming Commission. No other means of approval shall be valid.
- 9.3 Submission; time; fees.
- (a) For management contract approval by the National Indian Gaming Commission, the Tribe shall submit in its request:
    - (i) the management contract containing those required provisions of Title 25 of the Code of Federal Regulations, § 531.1, the original signatures of the Tribal Chairman and the management contractor along with a representation that the contract as submitted is the entire agreement between the parties;
    - (ii) a letter from the Tribal Chairman setting out the authority that the Tribal Chairman has to execute the contract on behalf of the Tribe together with the Business Committee's resolution granting the Tribal Chairman the authority to execute the contract;
    - (iii) a list of the persons and entities required to be identified according to Chapter Nine, §§ 4 and 6 and the information required under Chapter Nine, § 5 for Class II and Class III Gaming contracts;
    - (iv) a three (3) year business plan setting forth the parties, goals, objectives,

budgets, financial plans, and related matters; and

- (v) if applicable, justifications for wanting to contract for a term of seven (7) years instead of five (5) years and for a management contract fee in excess of thirty percent but no more than forty percent.
- (b) The Chippewa Cree Tribe or a management contractor shall submit the management contract to the National Indian Gaming Commission for approval upon execution of the contract with sufficient time for the National Indian Gaming Commission to complete its background investigation by the time the individual is to assume management responsibility for, or the management contractor is to begin managing, the gaming operation. The contract must also be submitted for approval with sufficient time for the National Indian Gaming Commission to complete its approval within ten (10) days of any proposed change in financial interest.
- (c) The management contractor shall pay the fees as required by 25 CFR §537.3 to the National Indian Gaming Commission necessary for the National Indian Gaming Commission to complete the background investigations.

9.4 Background investigations.

- (a) For submittal to the National Indian Gaming Commission, the Chippewa Cree Tribe shall conduct a background investigation on the following persons or entities for each Class II and Class III Gaming management contract application:
  - (i) each person with management responsibility for the management contract;
  - (ii) each person who is a director of a corporation that is a party to the management contract;
  - (iii) the ten persons who have the greatest direct or indirect financial interest in the management contract;
  - (iv) any entity with a financial interest in the management contract; and
  - (v) on any other identified person with a direct or indirect financial interest in the management contract otherwise designated by the National Indian Gaming Commission.

9.5 Application form; information required.

- (a) Where any natural person is identified in Chapter Nine, § 3(a)(iii), the management contractor shall provide to the Tribal Gaming Commission and the

National Indian Gaming Commission the following:

- (i) the items contained in Chapter Eight, § 1(a)(i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x);
  - (ii) a current photograph, driver's license number, a list of all languages spoken;
  - (iii) business and employment positions held, and business and residence addresses currently and for the previous ten (10) years; the city, state and country of residence from age eighteen (18) to the present;
  - (iv) a complete financial statement showing all sources of income for the previous three (3) years along with the assets, liabilities and net worth of the individual as of the date of submission of this information.
- (b) The management contractor shall provide the fingerprints for each natural person identified in Chapter Nine, § 3(a)(iii), to the BIA residential Criminal Investigator and the Criminal Investigation Division of the FBI for a background check on form FD-258 (Applicant Fingerprint Card) supplied by the National Indian Gaming Commission;
- (c) Any person who has a direct or indirect financial interest in a management contract or management responsibility for a management contract shall respond within thirty days to written or oral questions propounded by the National Indian Gaming Commission;
- (d) Each person required to submit information under this section shall sign and submit the following statement in compliance with the Privacy Act of 1974:

**Solicitation of the information in this section is authorized by 25 U.S.C. 2701 *et seq.* The purpose of the requested information is to determine the suitability of individuals with a financial interest in, or having management responsibility for, a management contract. The information will be used by the National Indian Gaming Commission members and staff and Indian tribal officials who have need for the information in the performance of their official duties. The information may be disclosed to appropriate federal, tribal, state, or foreign law enforcement and regulatory agencies in connection with a background investigation or when relevant to civil, criminal or regulatory agencies investigations or prosecutions or investigations of activities while associated**

**with a gaming operation. Failure to consent to the disclosures indicated in this statement will mean that the Chairman of the National Indian Gaming Commission will be unable to approve the contract in which the person has a financial interest or management responsibility.**

**The disclosure of a person's Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing the information provided.**

- (e) Each person required to submit information under this section shall sign and submit the following statement on false statements:

**A false statement knowingly and wilfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which I have a financial interest or management responsibility, or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission. Also, I may be punished by fine or imprisonment (U.S Code, title 18, section 1001).**

9.6 Listing of individuals within an entity; information required.

- (a) The management contractor for each entity identified in Chapter Nine, § 4(a)(iv), under Background Investigations, shall provide to the Chippewa Cree Tribe and the National Indian Gaming Commission the following:
- (i) each of the ten (10) largest beneficiaries or trustees of the entity if the entity is a trust;
  - (ii) each of the ten (10) largest partners of the entity when the entity is a partnership; and
  - (iii) each person who is a director or who is one of the ten (10) largest holders of the issued and outstanding stock alone or in combination with another stockholder who is a spouse, parent, child or sibling of the entity when the entity is a corporation.
- (b) The management contractor shall also provide;
- (i) the full names, other names used (oral or written), social security

number(s), birth dates, places of birth, citizenship, and gender of each individual identified in subsection (a) of this section;

- (ii) copies of documents establishing the existence of the entity, such as the partnership agreement, the trust agreement, or the articles of incorporation;
  - (iii) copies of documents designating the person who is charged with acting on behalf of the entity;
  - (iv) copies of bylaws or other documents that provide the day-to-day operating rules for the organization;
  - (v) a description of any previous business relationships with Indian tribes, including ownership interests in those businesses;
  - (vi) a description of any previous business relationships with the gaming industry generally, including ownership interests in those businesses;
  - (vii) the name and address of any licensing or regulatory agency with which the entity has filed an application for a license or permit relating to gaming, whether or not such license or permit was granted;
  - (viii) the information required by Chapter Eight, § 1, (a) subsections (viii), (ix) and (x) for the entity and each individual identified in subsection (a) of this section; and
  - (ix) the complete financial statements of the entity for the previous three (3) fiscal years.
- (c) Each entity with a direct or indirect financial interest in the management contract shall respond within thirty (30) days to written or oral questions propounded by the National Indian Gaming Commission.
- (d) Each entity required to submit information under this section shall sign and submit the following statement for false statements:

**A false statement knowingly and wilfully provided in any of the information pursuant to this section may be grounds for not approving the contract in which we have a financial interest, or for disapproving or voiding such contract after it is approved by the Chairman of the National Indian Gaming Commission. Also, we may be punished by fine or imprisonment (U.S. Code, title 18,**

**section 1001).**

**9.7 Accounting.**

- (a) The management contractor shall establish and maintain satisfactory accounting systems and procedures for the gaming operation that shall, at a minimum:
  - (i) contain an adequate system of internal accounting controls;
  - (ii) permit the preparation of financial statements in accordance with generally accepted accounting principles;
  - (iii) be conducive to an audit as provided in Chapter Nine, § 8 and Chapter 10 § 2(b) and (c);
  - (iv) allow the Class II and Class III gaming operation, the Chippewa Cree Tribe and the National Indian Gaming Commission to calculate the annual fees as provided by § 514.1 of Title 25, Code of Federal Regulations;
  - (v) permit the calculation and payment of the manager's fees; and
  - (vi) allow the allocation or division of operating expenses or overhead expenses among the Chippewa Cree Tribe, the Tribal gaming operation, the management contractor and any other user of shared facilities and services.

**9.8 Audits; submission.**

- (a) The Tribe shall engage an independent certified public accountant to provide an annual audit of the financial statements of each gaming operation on the Rocky Boy's Indian Reservation. Such financial statements shall be prepared in accordance with generally accepted accounting principles and the audit(s) shall be conducted in accordance with generally accepted auditing standards. Audit(s) of the gaming operation required under this section may be conducted in conjunction with any other independent audit of the Tribe, provided that the requirements of this Title are met.
- (b) The Chippewa Cree Tribe shall submit to the Tribal Gaming Commission a copy of the record of the report(s) and management letter(s) setting forth the results of each annual audit within 120 days after the end of each fiscal year of the gaming operation.
- (c) The Chippewa Cree Tribe shall reconcile its quarterly fee assessment reports, submitted under 25 CFR part 514, with its audited financial statements and make

available to the National Indian Gaming Commission any reconciliation upon request by the National Indian Gaming Commission's authorized representative.

9.9 Reporting; access; guaranteed payment to Tribe; and development and construction costs.

- (a) The management contractor shall:
  - (i) be required to provide the Tribe with not less than monthly financial reports which are verifiable or which contain all the information necessary to prepare such reports;
  - (ii) provide the Tribal Gaming Commission with immediate access to the gaming operation, including its books and records. The Tribal Gaming Commission shall have the right to verify the daily gross revenues and income from the gaming operation and have access to any other gaming related information the Tribal Gaming Commission deems appropriate.
- (b) The management contract shall itself provide:
  - (i) a minimum guaranteed monthly payment to the Tribe in a sum certain that has preference over the retirement of development and construction costs; and
  - (ii) an agreed upon maximum dollar amount for the recoupment of development and construction costs.

9.10 Term limits and compensation of the management contract.

- (a) The term of the management contract shall not exceed five (5) years unless the Tribe requests that the National Indian Gaming Commission authorize the management contract for seven (7) years, provided the capital investment required and the income projections for the gaming operation will require such additional time.
- (b) A management contract shall detail the method of compensating and reimbursing the management contractor. Should the management contract provide that the management contractor be compensated by a percentage fee, this fee shall not be more than 30 percent of the net revenues of the gaming operation, provided the National Indian Gaming Commission determines that such fee is reasonable. The National Indian Gaming Commission may grant the management contractor 40 percent of the net revenues of the gaming operation if the National Indian Gaming Commission finds that the capital investment requires a 40 percent return and the income projections for the gaming operation necessitate the additional fee.

9.11 Termination; modification; dispute resolution.

- (a) The management contract shall provide the mechanisms necessary to provide for the termination and modification (subject to 25 CFR § 535.1) of the management contract. The termination of the contract shall not need approval of the National Indian Gaming Commission.
- (b) Provisions or mechanisms must be contained in the management contract to deal with disputes that may arise between:
  - (i) the management contractor and the Tribe;
  - (ii) the management contractor and customers; and
  - (iii) the management contractor and gaming operation employees.

9.12 Assignments; subcontracting; ownership interests.

- (a) The management contract must indicate whether and to what extent contract assignments and subcontracting are permissible;
- (b) The management contract must also provide to what extent changes in the ownership interests in the management contract require advance approval by the Chippewa Cree Tribe.

9.13 Effective date. The management contract shall not become effective unless and until it is approved by the National Indian Gaming Commission, the date of the signatures of the parties notwithstanding.

9.14 Prohibitions. Any management contract the Tribe enters into for the operation of gaming shall not transfer, or in any other manner, convey any interest in land or other real property, unless specific statutory authority exists and unless clearly specified in writing in the management contract.

## CHAPTER TEN - COMMISSION REGULATIONS

10.1 Required provisions.

- (a) The Tribal Gaming Commission shall, from time to time, adopt, amend or repeal such regulations, consistent with the policy, objectives and purposes of this Title as it may deem necessary or desirable in the Chippewa Cree Tribe's interest in carrying out the policy and provisions of this Title.

- (b) Such regulations must, without limiting the general powers herein conferred, include the following:
- (i) Prescribe the method and form of application which gaming license applicants must follow and complete before the Tribal Gaming Commission considers such application. The application form shall include the language for notification of the Privacy Act and false statements as set out in Chapter Eight, § 2 and request the information required in Chapter Eight, § 1.
  - (ii) Prescribe the manner and procedure of all hearings conducted by the Tribal Gaming Commission or any designated hearing examiner of the Tribal Gaming Commission, including special rules of evidence applicable thereto and notices thereof.
  - (iii) Require any applicant to pay all or any part of the fees and costs of the investigation of such applicant.
  - (iv) Prescribe the manner and method of collection and payment of fees and issuance of licenses.
  - (v) Define and limit the area, games and devices permitted, and the method of operation of such games and devices for the purposes of this Title.
  - (vi) Prescribe under what conditions the nonpayment of a gambling debt by a licensee shall be deemed grounds for revocation or suspension of his license.
  - (vii) Require any applicant or licensee to waive any privilege with respect to any testimony at any hearing or meeting of the Tribal Gaming Commission, except any privilege afforded by the Constitutions of the United States or Chippewa Cree Tribe.
  - (viii) Prescribe the qualifications of, and the conditions under which attorneys, accountants and others are permitted to practice before the Tribal Gaming Commission.

10.2 Control of internal fiscal affairs of Class II and Class III gaming operations; external audits. The Tribal Gaming Commission shall by regulation:

- (a) Prescribe minimum procedures for adoption by each Class II and Class III gaming operation owned by either the Chippewa Cree Tribe, private individuals or entities to exercise effective control over their internal fiscal affairs, which procedures shall include but are not limited to provisions for:

- (i) The safeguarding of assets and revenues, especially the recording of cash and evidences of indebtedness; and
  - (ii) Reliable records, accounts and reports of transactions, operations and events, including reports to the Tribal Gaming Commission and Business Committee.
- (b) Provide for the adoption and use of external audits by independent accountants holding a permit to practice public accounting in the State of Montana.
- (c) For every audit required pursuant to this Title:
- (i) The independent accountants shall submit an audit report which must express an unqualified or qualified opinion or, if appropriate, disclaim an opinion on the statements taken as a whole in accordance with standards for the accounting profession established by rules and regulations of the Montana Board of Public Accountants. The preparation of statements without an audit does not constitute compliance with this subsection.
  - (ii) The examination and audit must disclose whether the accounts, records and control procedures maintained by the gaming operation are as required by the regulations of the Tribal Gaming Commission.

10.3 Periodic financial reports from Class II or Class III gaming operations. The Tribal Gaming Commission shall by regulation require periodic financial reports from each Class II and Class III gaming operation, and:

- (a) Specify standard forms for reporting the financial condition, results of operations and other relevant financial information;
- (b) Formulate a uniform code of accounts and accounting classifications to assure consistency, comparability and effective disclosure of financial information; and
- (c) Prescribe the intervals at which such information shall be furnished.

10.4 Duties of Chippewa Cree Tribal auditor. The Chippewa Cree Tribal auditor shall, in performing regular audits of the Tribal Gaming Commission and when directed by a concurrent resolution of the Business Committee, ascertain whether the control and related practices prescribed by Chapter Nine, §§ 8 and 9 inclusive, are being efficiently, effectively and equitably administered.

10.5 Computation and reporting of winnings, compensation and net revenue. The Tribal Gaming Commission shall adopt regulations which prescribe the manner in which winnings, compensation from gaming and gaming devices, and net revenue must be

computed and reported by the gaming operation.

## **CHAPTER ELEVEN - HEARING PROCEDURES**

### **11.1 Investigations; disciplinary proceedings; administrative remedies.**

- (a) A Tribal Gaming Commissioner or designated hearing examiner shall make appropriate investigation to:
  - (i) Determine whether there has been any violation of this Title or any regulations adopted hereunder;
  - (ii) Determine any facts, conditions, practices or matters which are necessary or proper to aid in the enforcement of any law or regulation;
  - (iii) Aid in adopting regulations;
  - (iv) Secure information as a basis for recommending amendments relating to this Title.
- (b) If after any investigation the Commissioner or designated hearing examiner is satisfied that a license or prior approval by the Tribal Gaming Commission of any transaction for which the approval was required or permitted under the provisions of this Title should be limited, conditioned, suspended or revoked or that any provision of this Title be enforced, the Commissioner or designated hearing examiner shall initiate a hearing before the Tribal Gaming Commission by filing a complaint with the Tribal Gaming Commission in accordance with Chapter Eleven, § 3. The complaint shall include a summary of the evidence bearing on the matter and the transcript of any testimony taken in an investigative hearing.
- (c) Upon receipt of the complaint, the Tribal Gaming Commission shall review the allegations therein and all matters presented in support thereof and shall conduct further proceedings in accordance with Chapter Eleven, §§ 3 to 8, inclusive.
- (d) After the provisions of subsections (a), (b) and (c) have been complied with, the Tribal Gaming Commission may:
  - (i) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment or the management contract of any management contractor;
  - (ii) Order a licensed gaming establishment or management contractor to keep

an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment; and/or

- (iii) Civilly fine each person or entity or both, who was licensed:
  - (A) Not less than fifty dollars (\$50.00) nor more than five thousand dollars (\$5,000.00) for each separate violation of any provision herein or regulation adopted pursuant to this Title which is the subject of an initial or subsequent complaint;
- (iv) Recommend that criminal charges be filed by the Tribal Prosecutor or by the Tribal Attorney against any violator pursuant to Chapter 13, § 6.
- (v) Enforce any other provision of this Title.
- (e) For the second violation of any provision of this Title by any licensed gaming establishment or individual licensee, the Tribal Gaming Commission shall revoke the license of the establishment or person.
- (f) If any key employee, primary management official, individually owned gaming operator or management contractor is convicted of any violation involving fraud, theft, larceny, cheating, gaming offense or other crime of immoral behavior, the Tribal Gaming Commission shall, after a hearing as provided in this Chapter, revoke, condition or suspend the individual's gaming license or management contract as is deemed appropriate.
- (g) The Tribal Gaming Commission may revoke a gaming license or management contract if the Tribal Gaming Commission finds after a hearing as provided in this Chapter that the licensee or management contractor misstated or otherwise misled the Tribal Gaming Commission in respect to any fact contained within any application for the gaming license or management contract, or subsequent to being issued such:
  - (i) Committed, attempted or conspired to do any of the acts prohibited by this Title;
  - (ii) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, mechanical device or any other cheating device whatever, the use of which is prohibited by statute, ordinance or compact;

- (iii) Concealed or refused to disclose any material fact to or otherwise defied any investigation by the Tribal Gaming Commission;
  - (iv) Committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee, management contractor or upon the premises of a licensed gaming establishment;
  - (v) Been convicted in any jurisdiction of any offense involving or relating to gambling;
  - (vi) Accepted employment without prior Tribal Gaming Commission approval in a position for which he could be required to be licensed under this Title after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the Tribal Gaming Commission;
  - (vii) Been refused the issuance of any license to engage in or be involved with gaming, or had any such license revoked or suspended;
  - (viii) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment for any reason relating to improper gambling activities or any illegal act;
  - (ix) Continuously defied any investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or
  - (x) Been convicted of any felony or gross misdemeanor other than one constituting a violation of this Title.
- (h) If the Tribal Gaming Commission limits, conditions, suspends or revokes any license or imposes a fine, it shall issue a written decision and order therefor and file this document with the National Indian Gaming Commission. The Tribal Gaming Commission shall also have the decision and order served upon all affected parties.
- (i) Any such limitation, condition, revocation, suspension or fine so made is effective unless or until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

11.2 Emergency order suspending licenses.

- (a) The Tribal Gaming Commission may issue an emergency order for suspension, limitation or conditioning of a license or management contract, or may issue an emergency order requiring a licensed gaming establishment or management contract to keep an individual licensee from the premises of the licensed gaming establishment or not to pay such licensee any remuneration for services or any profits, income or accruals on the licensee's investment in the licensed gaming establishment, or may confiscate or impound the property of such licensee in the following manner:
- (i) An emergency order may be issued only when the Tribal Gaming Commission believes that:
    - (A) There has been a violation of Chapter 13, § 6;
    - (B) Such action is necessary for the immediate preservation of the public peace, health, safety, morals, good order or general welfare of the Tribe or tribal members.
  - (ii) The emergency order must set forth the grounds upon which it is issued, including a statement of facts constituting the alleged emergency necessitating such action. Any emergency order which impounds or confiscates property must state the reasons that the Tribal Gaming Commission believed the property would be removed from the reservation thereby denying the Tribe an adequate remedy.
  - (iii) An emergency order may be issued only with the approval of and upon signature by not less than three members of the Tribal Gaming Commission.
  - (iv) The emergency order is effective immediately upon issuance and service upon the licensee or resident agent of the licensee or upon the person or entity or management contractor involved or resident agent of the entity involved. The emergency order may suspend, limit, condition or take other action in relation to the license of one or more persons in an operation without affecting other individual licensees or the licensed gaming establishment. The emergency order remains effective until further order of the Tribal Gaming Commission or final disposition of the case.
  - (v) Within 5 days after issuance of an emergency order, the Tribal Gaming Commission shall cause a complaint to be filed and served upon the person, entity or management contractor involved in accordance with the

provisions of Chapter Eleven, § 3.

- (vi) Thereafter, the person, entity or management contractor against whom the emergency order has been issued and served is entitled to a hearing before the Tribal Gaming Commission in accordance with Chapter Eleven, §§ 3 to 8, inclusive, and to judicial review of the decision and order of the Tribal Gaming Commission in accordance with Chapter Twelve, §§ 1 to 4, inclusive.

11.3 Complaint; answer; failure to answer or appear; notice of hearing.

- (a) The complaints referred to in Chapter Eleven, §§ 1 and 2 must be a written statement of charges which must set forth in ordinary and concise language the acts or omissions with which the respondent is charged. The complaint must specify the statutes and regulations which the respondent is alleged to have violated, and how the respondent's acts or omissions violated such statutes and regulations.
- (b) A complaint may be filed by either a licensee or a patron whenever a licensee refuses payment of alleged winnings to a patron, the licensee and the patron are unable to resolve the dispute to the patron's satisfaction and the dispute involves:
  - (i) At least \$500.00, upon which the licensee shall immediately notify the Tribal Gaming Commission; or
  - (ii) Less than \$500.00, upon which the licensee shall inform the patron of his right to request that the Tribal Gaming Commission conduct an investigation.
- (c) A licensee, applicant for a license or an applicant for a management contract may file a complaint asking for clarification of any question of construction or validity of any rule or regulation contained under this Title.
- (d) Upon the filing of the complaint, the Tribal Gaming Commission shall serve a copy of the complaint upon any party not having notice of the complaint either personally or by registered or certified mail at the party's address on file with the Tribal Gaming Commission.
- (e) Except as provided in subsection (f), the respondent must answer within 20 days after the service of the complaint. The respondent's answer:
  - (i) Must state in short and plain terms the defenses to each claim asserted.

- (ii) Must admit or deny the facts alleged in the complaint.
  - (iii) Must state which allegations the respondent is without knowledge or information to form a belief as to their truth. Such allegations shall be deemed denied.
  - (iv) Must affirmatively set forth any matter which constitutes an avoidance or affirmative defense.
  - (v) May demand a hearing. Failure to demand a hearing constitutes a waiver of the right to a hearing and to judicial review of any decision or order of the Tribal Gaming Commission, but the Tribal Gaming Commission may order a hearing even if the respondent so waives this right.
- (f) Failure to answer or to appear at the hearing constitutes an admission by the respondent of all facts alleged in the complaint. The Tribal Gaming Commission may take action based on such an admission and on other evidence without further notice to the respondent. If the Tribal Gaming Commission takes action based on such an admission, it shall include in the record which evidence was the basis for the action.
  - (g) The Tribal Gaming Commission shall determine the time and place of the hearing as soon as it is reasonably practical after receiving the respondent's answer or the time for the answer to be submitted has elapsed. The Tribal Gaming Commission shall deliver or send by registered or certified mail a notice of hearing to all parties at least 10 days before a hearing.

11.4 Hearing: Subpoena; payment of fees, subsistence and transportation for witness; deposition.

- (a) Prior to a hearing before the Tribal Gaming Commission, and during a hearing upon reasonable cause shown, the Tribal Gaming Commission shall issue subpoenas and subpoenas duces tecum at the request of a party. All witnesses appearing pursuant to subpoena, other than parties, officers or employees of the Tribe or any political subdivision thereof, are entitled to receive fees and mileage in the same amounts and under the same circumstances as provided by law for witnesses in civil actions in the Tribal Court. Witnesses entitled to fees or mileage who attend hearings at points so far removed from their residences as to prohibit return thereto from day to day are entitled, in addition to witness fees and in lieu of mileage, to the per diem compensation for subsistence and transportation authorized for tribal officers and employees for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearings. Fees, subsistence and transportation expenses must be paid by the party

at whose request the witness is subpoenaed. The Tribal Gaming Commission may award as costs the amount of all such expenses to the prevailing party.

- (b) The testimony of any material witness residing within or without the Rocky Boy's Reservation may be taken by deposition in the manner provided by the Chippewa Cree Tribal Law and Order Code.

#### 11.5 Procedure; use of affidavit.

- (a) At all hearings before the Tribal Gaming Commission other than investigative hearings:
  - (i) Oral evidence may be taken only upon oath or affirmation administered by the Tribal Gaming Commission.
  - (ii) Every party has the right to:
    - (A) Call and examine witnesses;
    - (B) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Tribal Gaming Commission;
    - (C) Cross-examine opposing witnesses on any matters relevant to the issues of the case, even though the matter was not covered in a direct examination;
    - (D) Impeach any witness regardless of which party first called him to testify; and
    - (E) Offer rebuttal evidence.
  - (iii) If the respondent does not testify in his own behalf, the respondent may be called and examined as if under cross-examination.
  - (iv) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

- (v) The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.
  - (vi) The hearing must be reported either stenographically or by tape recorder.
- (b) The Tribal Gaming Commission may take official notice of any generally accepted information or technical or scientific matter within the field of gaming, and of any other fact which may be judicially noticed by the courts of the Chippewa Cree Tribe. The parties must be informed of any information, matters or facts so noticed, and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities, the manner of such refutation to be determined by the Tribal Gaming Commission.
- 11.6 Amended or supplemental pleadings. The Tribal Gaming Commission may, before submission of the case for decision, permit the filing of amended or supplemental pleadings and shall notify all parties thereof, and provide a reasonable opportunity for objections thereto.
- 11.7 Contempt. If any person in proceedings before the Tribal Gaming Commission disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during the hearing or so near the place thereof as to obstruct the proceeding, the Tribal Gaming Commission may certify the facts to the Chippewa Cree Tribal Court. The Court shall thereupon issue an order directing the person to appear before the Court and show cause why he should not be punished for contempt. The Court order and a copy of the statement of the Tribal Gaming Commission must be served on the person cited to appear. Thereafter the Court has jurisdiction of the matter, and the same proceedings must be had, the same penalties may be imposed and the person charged may purge himself of the contempt in the same way as in the case of a person who has committed a contempt in the trial of a civil action before the Chippewa Cree Tribal Court.
- 11.8 Written decision and order of Commission; rehearing.
- (a) After the hearing of a contested matter, the Tribal Gaming Commission shall render a written decision on the merits which must contain findings of fact, a determination of the issues presented and the sanction(s) or penalty to be imposed, if any. The Tribal Gaming Commission shall thereafter make and enter its written order in conformity to its decision. No member of the Tribal Gaming Commission who did not hear the evidence may vote on the decision. The affirmative votes of a majority of the whole Tribal Gaming Commission are required to impose any sanction or penalty. Copies of the decision and order

must be served on the parties personally or sent to them by registered or certified mail. The Tribal Gaming Commission shall send a copy of the decision to the National Indian Gaming Commission. The decision is effective upon such service, unless the Tribal Gaming Commission orders otherwise.

- (b) The Tribal Gaming Commission may rehear the matter, upon motion made within 10 days after service of the decision and order. The motion must not be granted except upon a showing that there is additional evidence which is material and necessary and reasonably calculated to change the decision of the Tribal Gaming Commission, and that sufficient reason existed for failure to present the evidence at the hearing of the Tribal Gaming Commission. The motion must be supported by an affidavit of the moving party or his counsel, showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced at the hearing. Upon rehearing, rebuttal evidence to the additional evidence must be permitted. The Tribal Gaming Commission may limit the evidence solely to the new evidence not available during the original hearing, or hear the matter de novo, depending upon the circumstances of the case. After rehearing, the Tribal Gaming Commission may modify its decision and order as the additional evidence may warrant. Copies of this decision are to be disseminated in accordance with subsection (a).

## **CHAPTER TWELVE - JUDICIAL REVIEW**

### **12.1 Judicial review; Petition; intervention; stay.**

- (a) Any person aggrieved by a final decision or order of the Tribal Gaming Commission made after hearing or rehearing by the Tribal Gaming Commission pursuant to Chapter Eleven, §§ 3 to 8, inclusive, may obtain a judicial review thereof in the Tribal Court. A rehearing before the Tribal Gaming Commission need not be sought prior to seeking judicial review.
- (b) The judicial review must be initiated by filing a petition with the Tribal Court within 20 days after the effective date of the Tribal Gaming Commission's final decision or order. A petition may not be filed in Tribal Court either before the aggrieved party has properly utilized the Tribal Gaming Commission's hearing or rehearing procedures, or while a petition for rehearing or a rehearing is pending before the Tribal Gaming Commission. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.
- (c) Copies of the petition must be served upon the Tribal Gaming Commission and all other parties of records, or their counsel of record, either personally or by certified mail.

- (d) The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.
- (e) The filing of the petition does not stay enforcement of the decision or order of the Tribal Gaming Commission, but the Tribal Gaming Commission may grant a stay upon such terms and conditions as it deems proper.

12.2 Record on review.

- (a) Upon written request of petitioner and upon payment of such reasonable costs and fees as the Tribal Gaming Commission may prescribe, the complete record for the hearing before the Tribal Gaming Commission, or such parts thereof as are designated by the petitioner, must be prepared by the Tribal Gaming Commission for the Tribal Court's review.
- (b) The complete record must include copies of:
  - (i) All pleadings in the case;
  - (ii) All notices and interim orders issued by the Tribal Gaming Commission in connection with the case;
  - (iii) All stipulations;
  - (iv) The decision and order appealed from;
  - (v) A transcript of all testimony, evidence and proceedings at the hearing;
  - (vi) The exhibits admitted or rejected; and
  - (vii) Any other papers in the case.
- (c) The original of any document may be used in lieu of a copy thereof. The record on review may be shortened by stipulation of all parties to the review proceedings.
- (d) The complete record must be filed with the reviewing court within 30 days after service of the petition for review, but the Court may allow the Tribal Gaming Commission additional time to prepare and transmit the record.

12.3 Additional evidence taken by Commission; review confined to record; court may affirm, remand or reverse.

- (a) The Tribal Court may, upon motion therefor, order that additional evidence in the case be taken by the Tribal Gaming Commission upon such terms and conditions as the Court may deem just and proper. The motion must not be granted except upon a showing that the additional evidence is material and necessary and that sufficient reason existed for failure to present the evidence at the hearing of the Tribal Gaming Commission. The motion must be supported by an affidavit of the moving party or his counsel showing with particularity the materiality and necessity of the additional evidence and the reason why it was not introduced in the Tribal Gaming Commission hearing. Rebuttal evidence to the additional evidence must be permitted. In cases in which additional evidence is presented to the Tribal Gaming Commission, the Tribal Gaming Commission may modify its decision and order as the additional evidence may warrant and shall file with the Tribal Court a transcript of the additional evidence together with any modifications of the decision and order, all of which become a part of the record on review.
- (b) The review must be conducted by the Tribal Court sitting without a jury, and must not be a trial de novo, but is confined to the record on review.
- (c) The Tribal Court may affirm the decision and order of the Tribal Gaming Commission, remand the case for further proceedings or reverse the Tribal Gaming Commission's decision if the substantive rights of the petitioner have been prejudiced because the decision was:
  - (i) In violation of constitutional provisions;
  - (ii) In excess of the statutory authority or jurisdiction of the Tribal Gaming Commission;
  - (iii) Made upon unlawful procedure;
  - (iv) Unsupported by any evidence; or
  - (v) Arbitrary or capricious or otherwise not in accordance with the law.

12.4 Appeal to appellate court; exclusive method of review for disciplinary hearings; certain actions not subject to judicial review.

- (a) Any party aggrieved by the final decision of the Chippewa Cree Tribal Court after a review of the decision and order of the Tribal Gaming Commission may

appeal to the Chippewa Cree Appellate Court. The Appellate Court shall follow the same procedure thereafter as in appeals in civil actions, and may thereafter, reverse or modify the decision as the record and law warrant.

- (b) The judicial review by the Trial and Appellate Courts afforded in this Chapter is the exclusive method of review of the Tribal Gaming Commission's actions, decisions and orders in disciplinary hearings held pursuant to Chapter Eleven, §§ 3 to 8, inclusive.

## **CHAPTER THIRTEEN - MISCELLANEOUS PROVISIONS**

### **13.1 Investigative fund.**

An investigative fund is hereby created as a special revenue fund for the purposes of paying all expenses incurred by the Tribal Gaming Commission for investigation of an application for a license. The special revenue of the investigative fund is the money received by the Chippewa Cree Tribe from the respective applicants. The amount to be paid by each applicant is the amount determined by the Tribal Gaming Commission in each case.

### **13.2 Declaratory judgment; limitations on injunctive relief.**

- (a) The Tribal Gaming Commission, any applicant or licensee may obtain a judicial determination of any question of construction or validity of the provisions contained under this Title or any regulation of the Tribal Gaming Commission by bringing an action for a declaratory judgment in Tribal Court.
- (b) When an action is brought by a person other than the Tribal Gaming Commission, the Tribal Gaming Commission must be made a party to the action and the tribal attorney must be served with a copy of the complaint and is entitled to appear in the action.
- (c) Statutes, regulations and this Title reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the Tribe.
- (d) The filing of a complaint for judicial determination under this section does not stay enforcement of any Tribal Gaming Commission action. The Tribal Gaming Commission may grant a stay upon appropriate terms.
- (e) In any proceeding brought under this section, the Tribal Court shall not grant any injunctive relief or relief based upon any other extraordinary common law writ

to:

- (i) Any applicant for a management contract;
- (ii) Any person who has been ordered by the Tribal Gaming Commission to submit his application for licensing or management contract;
- (iii) Any person seeking judicial review of an action of the Tribal Gaming Commission which is subject to the provisions of Title.

### 13.3 Injunctions.

- (a) The tribal attorney, at the direction of the Tribal Gaming Commission, may institute a civil action in tribal court against any person subject to this Title to restrain a violation of this Title.
- (b) The Chippewa Cree Tribal Court shall give priority over other civil actions to an action brought pursuant to this section.
- (c) An action brought against a person pursuant to this section does not preclude a criminal action or administrative proceeding against that person.

### 13.4 Prosecution by tribal attorney of violations of criminal gaming laws.

- (a) If the tribal prosecutor fails to file a complaint for a criminal offense due to a violation of this Title, within 15 days after the Tribal Gaming Commission so requests in writing, the Tribal Gaming Commission may recommend to the tribal attorney that he file a complaint as the facts may warrant, and thereafter proceed as appropriate to complete the prosecution. Upon a written recommendation to prosecute from the Tribal Gaming Commission, the tribal attorney may so file the matter without leave of court and has exclusive charge of the prosecution.
- (b) If the tribal prosecutor declines to prosecute a gaming offense after receiving a written request to do so from the Tribal Gaming Commission, he may respond in writing to the Tribal Gaming Commission within the 15-day period specified in subsection (a) and state the reasons why he so declines.

### 13.5 Gaming or employment in gaming prohibited for persons under 21.

- (a) A person under the age of 21 years shall not:
  - (i) Play, or be allowed to play, any Class II or Class III game,

- (ii) Loiter, or be permitted to loiter, in or about any room or premises wherein any Class II or Class III game is operated or conducted.
- (iii) Be employed as a gaming employee except in a counting room.
- (b) Any licensee, employee, management contractor or other person who violates or permits the violation of any of the provisions of this section and any person, under 21 years of age, who violates any of the provisions of this section is guilty of an offense and subject to a \$5,000 fine, one year imprisonment, or both.
- (c) In any prosecution or other proceeding for the violation of any of the provisions of this section, it is no excuse for the licensee, employee, management contractor or other person to plead that he believed the person to be 21 years old or over.

### 13.6 Criminal Violations and Penalties.

- (a) Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this Title may act as an immediate revocation of all licenses which have been issued to the violator, and in addition, the court may, upon application of the tribal attorney or tribal prosecutor, order that no new or additional license under this Title be issued to the violator, or be issued to any persons for the room or premises in which the violation occurred, for 1 year after the date of the revocation.
- (b) Any person who willfully fails to report, pay or truthfully account for and pay any license fee or tax imposed by the provisions of this Title, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof, shall be guilty of an offense and is subject to a penalty of up to a \$5,000 fine, one year imprisonment, or both.
- (c) Any person who willfully violates, attempts to violate, or conspires to violate any of the provisions of Chapter Four shall be guilty of an offense and is subject to a penalty up to \$5,000 fine, one year imprisonment, or both.
- (d) A licensee who puts additional games or slot machines into play or displays additional games or slot machines in a public area without first obtaining all required licenses and approval shall be guilty of an offense and is subject to a penalty up to a \$5,000 fine, one year imprisonment, or both.
- (e) Any person who violates any of the provisions of this Title, the penalty for which is not specifically fixed in this Title shall be guilty of an offense and is subject to a penalty up to a \$5,000 fine, one year imprisonment, of both.
- (f) Any person who operates, carries on or exposes for play any Class II or Class III

gaming after his license becomes subject to renewal, and thereafter fails to apply for renewal as provided in this section, is guilty of an offense and, in addition to being subject to a penalty of up to a \$5000 fine and/or one year imprisonment, is liable to the Chippewa Cree Tribe for all license fees, taxes and penalties which would have been due upon application for renewal.

- (g) Any person or entity who has violated any of the provisions of this Title or this section and does not fall within the criminal jurisdiction of the Chippewa Cree Tribe, is subject to the civil jurisdiction of the Tribe and is thereupon subject to a civil fine of up to \$5,000.00 per violation, subject to immediate gaming license revocation, suspension or limitation, to property impoundment and confiscation, and/or to removal from the Rocky Boy's Reservation as the Tribal Gaming Commission or the Tribal Court deems appropriate. These sanctions are in addition to the administrative violation and remedies available to the Tribal Gaming Commission.

#### 13.7 Severability Clause.

If any provision of this Title is held invalid, such invalidity shall not affect the other provisions of this Title.

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4210 - Finance Office  
(406)-395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

CHIPPEWA CREE TRIBE  
ROCKY BOY RESERVATION  
BOX ELDER, MONTANA 59521

NO. 1-93

## A M E N D M E N T T O O R D I N A N C E #3-63

At a Regular meeting of the Chippewa Cree Tribal Business Committee on February 10, 1993 Ordinance #3-63 was amended as follows:

" SECTION 1. B. TERM OF OFFICE- TERM OF OFFICE IN THE HOUSING AUTHORITY BOARD WILL BE FOUR (4) YEAR TERM AND STAGGERED. THREE (3) MEMBERS TO BE APPOINTED FOR TWO YEAR TERMS AND TWO (2) MEMBERS TO BE APPOINTED FOR FOUR (4) YEAR TERMS AND THEREAFTER ALL APPOINTMENTS SHALL BE FOR FOUR (4) YEAR TERMS."

### CERTIFICATION

The foregoing Chippewa Cree Housing Authority Ordinance #3-63 as amended was duly adopted on February 10, 1993 by a vote of eight (8) members for and zero (0) members against by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in or by Section 1-p, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
CHAIRMAN, BUSINESS COMMITTEE

  
SECRETARY, BUSINESS COMMITTEE

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)-395-4478 or 4210 - Finance Office  
(406)-395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

CHIPPEWA CREE TRIBE  
ROCKY BOY RESERVATION  
BOX ELDER, MONTANA 59521

NO: 2- 93

AMENDMENT OF ORDINANCE #2-86  
TRIBAL EMPLOYMENT RIGHTS ORDINANCE

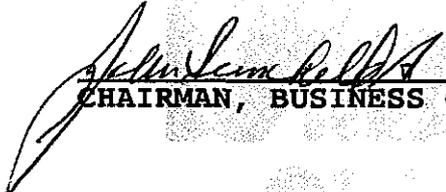
At a Special meeting of the Chippewa Cree Tribal Business Committee on February 17, 1993 Ordinance #2-86 was amended as follows:

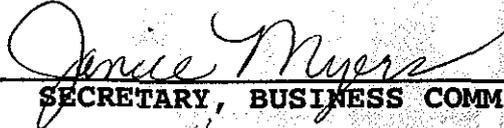
" SECTION 11. A. EMPLOYMENT RIGHTS FEE: EVERY COVERED EMPLOYER WITH A CONSTRUCTION CONTRACT IN THE SUM OF \_\_\_\_\_ OR MORE SHALL PAY A ONE-TIME FEE OF 2% OF THE TOTAL AMOUNT OF CONTRACT. SUCH FEE SHALL BE PAID BY THE EMPLOYER PRIOR TO COMMENCING WORK ON THE ROCKY BOY RESERVATION. HOWEVER, WHERE GOOD CAUSE IS SHOWN, THE DIRECTOR MAY AUTHORIZE A CONSTRUCTION CONTRACTOR TO PAY SAID FEE IN INSTALLMENTS OVER THE COURSE OF THE CONTRACT."

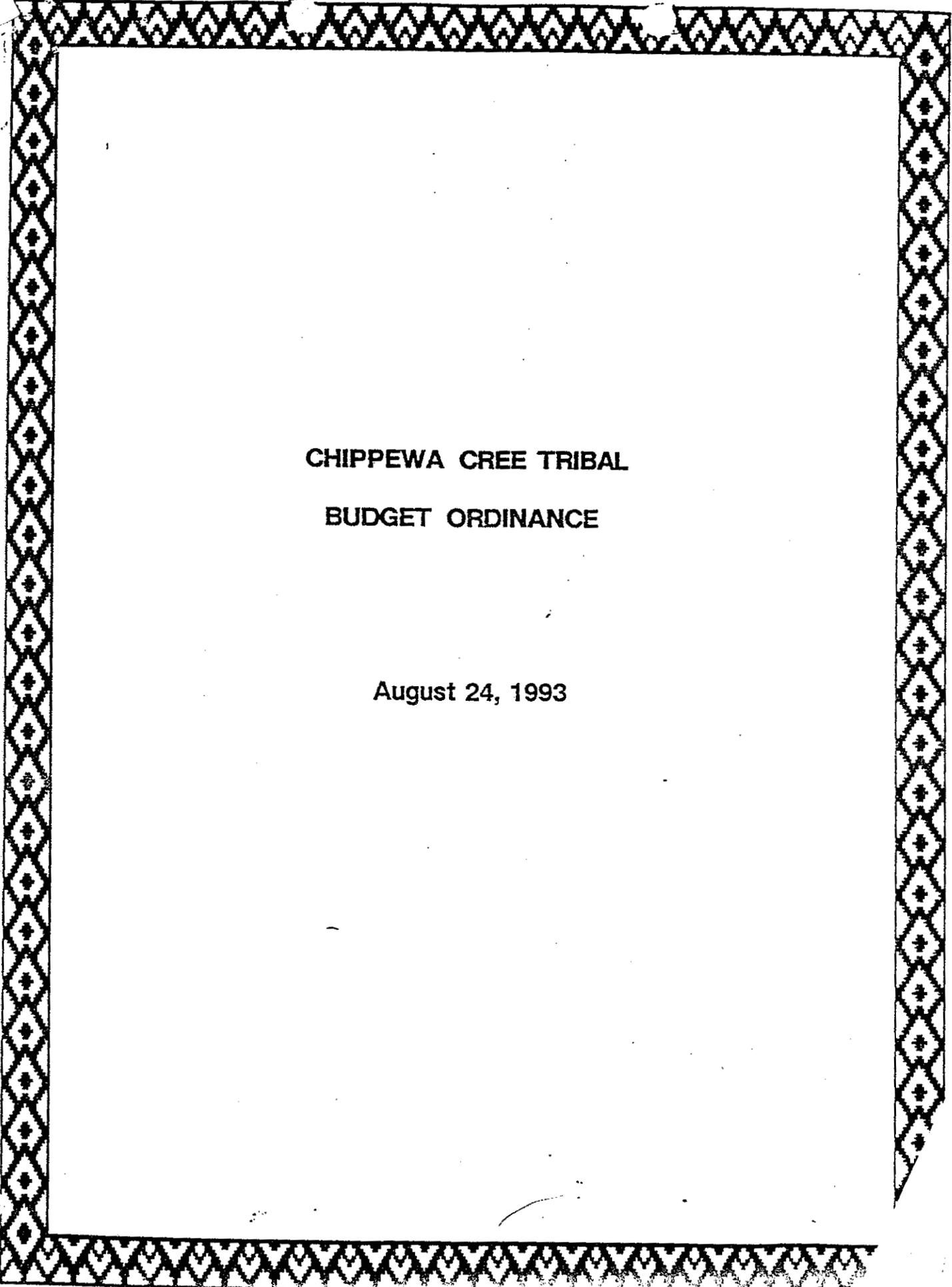
"ONE TIME FEE IS CHANGED FROM ONE PERCENT (1%)  
TO TWO PERCENT (2%)"

CERTIFICATION

The foregoing Employment Rights Ordinance #2-86 as amended was duly adopted on February 17, 1993 by a vote of five (5) members for and zero (0) members against by the Business Committee of the Chippewa Cree Tribe, pursuant to Authority vested in or by Section 1-p, Article VI of the Constitution and By-Laws of the Tribe, ratified by the Tribe on November 2, 1935, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
\_\_\_\_\_  
CHAIRMAN, BUSINESS COMMITTEE

  
\_\_\_\_\_  
SECRETARY, BUSINESS COMMITTEE



**CHIPPEWA CREE TRIBAL  
BUDGET ORDINANCE**

**August 24, 1993**

## Table of Contents

<b>SECTION ONE - PRELIMINARIES</b> .....	1
1.1 <u>Short Title</u> .....	1
1.2 <u>Authority and Purpose</u> .....	1
<b>SECTION TWO - DEFINITIONS</b> .....	2
2.1 <u>Definitions</u> .....	2
<b>SECTION THREE - ESTABLISHMENT OF FISCAL YEAR</b>	
<b>REVENUES</b> .....	5
3.1 <u>Identification of Tribal Revenues</u> .....	5
3.2 <u>Identification of Grants, Contracts, Miscellaneous Funds</u> .....	5
3.3 <u>Use of Funds Identified, Grant Matching Funds</u> .....	5
3.4 <u>Tribal Reserve Funds</u> .....	5
<b>SECTION FOUR - ESTABLISHMENT OF BUDGET AUTHORITY</b> .....	6
4.1 <u>Establishment by Tribal Resolution</u> .....	6
4.2 <u>Permanent Fiscal Year Budget Package</u> .....	6
4.3 <u>Funds, Contracts, Grants Not Identified</u> .....	6
<b>SECTION FIVE - DEVELOPMENT OF TRIBAL BUDGET</b> .....	7
5.1 <u>Chairman's Budget Recommendations</u> .....	7
5.2 <u>Business Committee Review/Adoption of Proposed Budget</u> .....	7
<b>SECTION SIX - ADOPTION OF TRIBAL BUDGET</b> .....	7
6.1 <u>Changes To the Proposed Budget</u> .....	7
6.2 <u>Final Budget Preparation</u> .....	7
<b>SECTION SEVEN - ASSIGNMENT OF AUTHORITY AND RESPONSIBILITY</b> .....	8
7.1 <u>Authority and Responsibility of the Business Committee</u> .....	8
7.2 <u>Authority and Responsibility of Program Committees, Boards or Subcommittees</u> .....	8
7.3 <u>Authority and Responsibility of the Chairman</u> .....	8
7.4 <u>Authority and Responsibility of the Chief Financial Officer</u> .....	8
7.5 <u>Authority and Responsibility of Managers/Directors</u> .....	9
7.6 <u>Limitations on Authority</u> .....	9
<b>SECTION EIGHT - REGULAR AND EMERGENCY BUDGET AMENDMENTS</b> .....	10
8.1 <u>Budget Line Item Amendments</u> .....	10
8.2 <u>Regular Budget Amendments</u> .....	10
8.3 <u>Emergency Amendments</u> .....	10
8.4 <u>Limitations on Amendments</u> .....	10
<b>SECTION NINE - ENFORCEMENT</b> .....	11
9.1 <u>Business Committee, Chairman, Chief Financial Officer.</u> .....	11

9.2	<u>Tribal Court</u> .....	11
9.3	<u>Civil and Criminal Remedies</u> .....	11
9.4	<u>Severability Clause</u> .....	11
9.5	<u>Protection of Tribal Employees and Whistle Blowers</u> .....	12
<b>SECTION TEN - REFORMATION</b> .....		12
10.1	<u>Modification: Rescission</u> .....	12
<b>CERTIFICATION</b> .....		12

**CHIPPEWA CREE TRIBE  
LAW AND ORDER CODE**

**Title 2-93 - Budget Ordinance**

Be it enacted by the Business Committee of the Chippewa Cree Tribe in a meeting assembled on September 23, 1993, the following:

**SECTION ONE - PRELIMINARIES**

**TITLE**

- 1.1 Short Title - This title is known and may be cited as the Chippewa Cree Tribal Budget Ordinance.

**AUTHORITY AND PURPOSE**

- 1.2 Authority and Purpose of Tribe Concerning Budget Control

- (a) The Chippewa Cree Tribal Business Committee is empowered to enact this Budget Ordinance pursuant to Article VI, Sections 1(h) and (p) of the duly adopted and approved Chippewa Cree Tribal Constitution and Bylaws (as amended). Article VI, Section 1(h) authorizes the Chippewa Cree Tribe "To appropriate available tribal funds for tribal governmental operations except that any proposed expenditure exceeding the tribe's anticipated annual income shall be subject to approval by a referendum vote."
- (b) As governed and empowered by this Constitutional provision, the Chippewa Cree Business Committee believes this Tribal Budget Ordinance is necessary to ensure fiscal accountability by the Business Committee and the Tribe's programs, projects and entities.
- (c) The specific purpose of this Ordinance is to control the use and expenditure of any and all Chippewa Cree Tribal funds, including but not limited to: funds generated from Tribal businesses and assets, and funds derived from contracts, grants and gifts from outside governments and entities. Thus, the Business Committee, all Tribal programs, projects and entities, all Tribal officials and all employees of the Tribe, its programs and its entities are prohibited from expending funds except as authorized under this Ordinance.

## SECTION TWO - DEFINITIONS

- 2.1 Definitions - As used in this Title, the words and terms defined in Section Two, inclusive, have the following meanings ascribed to them throughout this Title unless the context requires otherwise.
- 2.2 "Anticipated Annual Income" defined - "Anticipated Annual Income" means that amount of financial resources the Tribe predicts will be available from all funding sources for Tribal operations during the forthcoming fiscal year.
- 2.3 "Budget Authority Resolution" defined - "Budget Authority Resolution" means that formal resolution passed by the Business Committee setting forth the total authorized amount of dollars available for the Tribe's operations for the next fiscal year. This resolution identifies the source of the funds that the Tribe intends to operate the Tribal programs, projects and entities with for the coming fiscal year.
- 2.4 "Budget Justification Package" defined - "Budget Justification Package" means the written reports from the Tribe's programs, projects and entities, the Budget Authority Resolution, public comments and any other information the Business Committee utilizes as authority in adopting the Tribe's final fiscal year budget.
- 2.5 "Budget Ordinance" defined - "Budget Ordinance" means the law enacted by the Chippewa Cree Business Committee, pursuant to Article VI, Section 1(p), of the Chippewa Cree Tribal Constitution and Bylaws, designed to govern and control the internal fiscal affairs of the Chippewa Cree Tribe.
- 2.6 "Budget Oversight" defined - "Budget Oversight" means that authority the Business Committee retains under this Ordinance to ensure that the fiscal year budget adopted by the Business Committee is being followed.
- 2.7 "Business Committee or Chippewa Cree Business Committee" defined - "Business Committee or Chippewa Cree Business Committee" means the governing body of the Chippewa Cree Tribe.
- 2.8 "Certificate of Deposit" defined - "Certificate of Deposit" means a written acknowledgment by a bank of a deposit with a promise to pay the depositor or the depositor's designee.
- 2.9 "Chairman" defined - "Chairman" means the Chairman of the Chippewa Cree Tribal Business Committee.
- 2.10 "Chief Financial Officer" defined - "Chief Financial Officer" means the Secretary-Treasurer of the Business Committee, as created and authorized under Article III, Section 3, of the Chippewa Cree Tribal Constitution and Bylaws, and who shall, in addition to rendering those services as contained in the Constitution and Bylaws, also perform the duties as provided in this Ordinance.
- 2.11 "Chippewa Cree Tribal Funds" or "Tribal Funds" or "Tribal Revenues" defined - "Chippewa Cree Tribal Funds" or Tribal Funds" or "Tribal Revenues" means those dollars identified in the Budget Authority Resolution which dollars will be available for Tribal operations during the next fiscal year.

- 2.12 "Contract" defined - "Contract" means any P.L. 93-638 agreement, self-governance compact or other agreement the Tribe enters into with another government, organization or entity in which funds are given to the Tribe pursuant to that agreement and the Tribe agrees to provide the services or duties to the public as such agreement requires.
- 2.13 "Director" or "Chief" or "Interim Official" defined - "Director" or "Chief" or "Interim Official" means any manager, Tribal employee or Business Committee Member who is in direct control over any Tribal program, project or entity.
- 2.14 "Emergency" or "Emergencies" defined - "Emergency" or "Emergencies" mean a determination by the Business Committee of a threat to the Tribe, Tribal members or Tribal property under circumstances which warrant the reprogramming of Tribal funds.
- 2.15 "Final Fiscal Year Budget" defined - "Final Fiscal Year Budget" means the last formal plan adopted by the Business Committee and sent to the Bureau of Indian Affairs setting forth the Tribe's specific intentions for utilizing and disbursing the Tribe's funds for the next fiscal year
- 2.16 "Fiscal Controls" defined - "Fiscal Controls" mean those set of guidelines and procedures required to be adopted by the Business Committee pursuant to this Ordinance for the governance and regulation of the special reserves fund.
- 2.17 "Fiscal Year" defined - "Fiscal Year" means the twelve month period starting October 1 and ending September 30 during which the Tribe expends its yearly final fiscal year budget adopted pursuant to this Ordinance.
- 2.18 "Fiscal Year Budget Package" defined - "Fiscal Year Budget Package" means the budget justification package together with the final fiscal year budget as adopted by the Business Committee.
- 2.19 "Gift" defined - "Gift" means the voluntary transfer of funds without compensation from any source whatever to the Tribe for use in the Tribe's final fiscal year budget.
- 2.20 "Grant" defined - "Grant" means the transfer of a financial gift to the Tribe obtained pursuant to an application from the Tribe to the funding source the expenditure of which is designated for a specified project, purpose or item.
- 2.21 "Grant Matching Funds" or "Matching Funds" defined - "Grant Matching Funds" or "Matching Funds" means those Tribal funds the Tribe earmarks to spend on a specified project, program or item in conjunction with a grant.
- 2.22 "Manager" or "Program Manager" defined - "Manager" or "Program Manager" means any director, chief, or interim official who has direct control over the operations of a program, project or entity, regardless of the time served in such position.
- 2.23 "Miscellaneous Funds" defined - "Miscellaneous Funds" means those various financial resources available to the Tribe for the fiscal year budget including gifts but not including contracts or grants.
- 2.24 "Outside Governments" or "Entities" defined - "Outside Governments" or "Entities" means any organization or entity representing or consisting of people not belonging to or being a part or branch of the Chippewa Cree Tribal Government or membership.

- 2.25 "Program Committee" or "Board" or "Sub-Committee" defined - "Program Committee" or "Board" or "Sub-Committee" means the group formed by the Tribe having the authority of direct control and oversight of the activities and employees of a particular Tribal program.
- 2.26 "Proposed Fiscal Year Budget" defined - "Proposed Fiscal Year Budget" means the initial detailed plan set forth by the Chairman and Chief Financial Officer for the Business Committee's consideration on the amounts, utilization and disbursement of the Tribe's financial funds for the coming fiscal year and any adopted changes previous to adoption of the final fiscal year budget.
- 2.27 "Realize" defined - "Realize" means to bring into concrete existence either by letter of credit, vouchers, actual possession or any other means where the Tribe may immediately utilize, without delay or encumbrance, the financial resources identified.
- 2.28 "Reserves" defined - "Reserves" means any carryover funds from the present fiscal year and any savings accounts or other financial devices or tools where Tribal funds have been kept for future use and which accounts and funds can be used for the next fiscal year.
- 2.29 "Special Reserves" or "Tribal Reserves" defined - "Special Reserves" or "Tribal Reserves" mean those Tribal funds not subject to this Ordinance and which are identified by the Business Committee from the Tribe's anticipated annual income for utilization by the Business Committee as the Business Committee deems appropriate.
- 2.30 "Tribal Assets" defined - "Tribal Assets" means businesses, property, rights and cultural possessions the Tribe owns and which have significant monetary value.
- 2.31 "Tribal Budget Expenditure" defined - "Tribal Budget Expenditure" means the outlay of financial resources or Tribal funds in accordance with the Budget Authority Resolution.
- 2.32 "Tribal Business" defined - "Tribal Business" means any commercial endeavor or industrial enterprise undertaken by the Tribe for financial gain.
- 2.33 "Tribal Employee" defined - "Tribal Employee" means any person, other than an independent contractor, working for the Tribe for monetary or other compensation.
- 2.34 "Tribal Official" defined - "Tribal Official" means any Business Committee Member, program manager, Tribal employee or other person representing the Tribe with the Business Committee's permission.
- 2.35 "Tribal Programs" or "Tribal Projects" or "Tribal Entities" defined - "Tribal Programs" or "Tribal Projects" or "Tribal Entities" means any component, service, branch or operation of the Chippewa Cree Tribal Government.
- 2.36 "Tribe or Tribal" defined - "Tribe or Tribal" means the Chippewa Cree Tribe.

**SECTION THREE - ESTABLISHMENT OF FISCAL YEAR  
REVENUES**

- 3.1 Identification of Tribal Revenues - No later than March 31st of each year all Tribal programs, projects and entities shall provide a written report to the Chief Financial Officer which identifies any and all revenues, including reserves and certificates of deposit, that the Tribal officials expect to be received during the next fiscal year. The Tribal Chairman and Chief Financial Officer shall be responsible for ensuring that this requirement and the requirements contained in Section 3.2 are carried out.
- 3.2 Identification of Grants, Contracts, Miscellaneous Funds - No later than March 31st of each year, each Tribal program and entity shall provide a written report to the Chief Financial Officer detailing any and all grants, contracts, or any other miscellaneous funds that the Tribal program, project and entity expects to receive during the next fiscal year.
- 3.3 Use of Funds Identified. Grant Matching Funds - The use of any funds identified under subsections 3.1 and 3.2 shall be detailed in the Budget Authority Resolution under Section Four. No grant, contract, revenues or miscellaneous funds may be expended unless they have been identified, and their use designated and approved in the Budget Authority Resolution or any amendments thereto. The use of Tribal funds for grant matching funds is not permitted unless such Tribal funds have been identified in the Budget Authority Resolution.
- 3.4 Tribal Reserve Funds - The Business Committee may, by appropriate action, establish special reserves that are exempt from this Ordinance, if and only if the Business Committee has formally enacted fiscal controls for such special reserves. Such controls shall at a minimum require that expenditure or commitment of such special reserves can be undertaken only by formal action of at least a three-fourths (3/4) affirmative vote of the Business Committee at a duly called and recorded meeting.

#### SECTION FOUR - ESTABLISHMENT OF BUDGET AUTHORITY

- 4.1 Establishment by Tribal Resolution <sup>10-23</sup> - At its first regular meeting in July, the Business Committee shall review all materials submitted under Section Three, and formally adopt a resolution setting out the total authorized Tribal budget expenditure for the next fiscal year. This resolution shall specifically designate the source of the funds for each authorized activity. The budget authority for the next fiscal year does not become valid until the funding for the budget has been specifically identified. If the fiscal year budget authorizes an activity but fails to identify any funding source the Business Committee's actions are deemed to be null and void and the Tribal Chairman and Chief Financial Officer are expressly prohibited from preparing any budgets for such amounts. The resolution shall also designate the individual Business Committee members who shall act as signatories for all Tribal budget expenditures in conjunction with the Chief Financial Officer. At least three (3) members of the Business Committee, inclusive of the Chairman, shall be so designated. The Resolution enacted under this section shall be called the Budget Authority Resolution.
- 4.2 Permanent Fiscal Year Budget Package - Once enacted, the Budget Authority Resolution shall become a permanent part of the Tribe's budget and budget justification package. The Business Committee, Tribal Chairman, Chief Financial Officer, program committees and program managers and directors are responsible for ensuring strict compliance with the Budget Authority Resolution.
- 4.3 Funds, Contracts, Grants Not Identified - Only those funds, contracts and grants which are properly identified in the Budget Authority Resolution are authorized for expenditure. Thus, the use of any funds not included in the resolution is prohibited. If funding opportunities become available after the Budget Authority Resolution is adopted, the Business Committee may amend the Resolution to include said funding, provided, however, that if matching funds are required the Business Committee shall identify the source of such funds. Any such amendments shall designate the name of the funding source where the funding opportunity is available, the amount of money requested and the Tribal program, project or entity which will be responsible for such funding if the funding is received. If any Tribal program, project or entity seeks funding from a funding source and such search for funding is not disclosed to the Chief Financial Officer or is not otherwise in compliance with this Ordinance, the Business Committee shall have the authority to refuse to accept any or all of such funds received, or to change the use of these funds to the extent allowed by law. The Business Committee may also use any funds received in this manner as an off-set to the Tribal budget and may withdraw any Tribal funds from that program as the Business Committee deems necessary. All amendments provided herein shall be governed under Section Eight of this Ordinance.

## SECTION FIVE - DEVELOPMENT OF TRIBAL BUDGET

- 5.1 Chairman's Budget Recommendations - Based on the information contained in the Budget Authority Resolution, the Tribal Chairman along with the Chief Financial Officer shall prepare and submit to the Business Committee, before the regular meeting in July, a proposed fiscal year budget. The total amount of this proposed budget shall not exceed the amount established in the Budget Authority Resolution and the budget itself shall contain recommendations for use of all grants, contracts, and other funds identified in the Budget Authority Resolution.
- 5.2 Business Committee Review/Adoption of Proposed Budget - After reviewing the Chairman's proposed fiscal year budget, the Business Committee shall make any changes to the proposed budget that it deems appropriate, provided that those changes are consistent with the Budget Authority Resolution. No later than the ~~second~~ regular meeting in August, the Business Committee shall formally adopt a proposed budget for the coming fiscal year. At that meeting, the Business Committee shall schedule a budget review hearing to allow input on the proposed budget from the public. Prior to this hearing date the Business Committee shall make the proposed budget, including the Budget Authority Resolution, identification of grants, contracts and other funds, and any budget justification documents available for public review. This information is to be made a part of the official record of the budget hearing. The budget hearing shall be held in accordance with the Tribe's hearing procedures.

## SECTION SIX - ADOPTION OF TRIBAL BUDGET

- 6.1 Changes To the Proposed Budget - After review of the public comments, the Business Committee shall, no later than the second regular meeting in September, make any necessary changes to the proposed budget and Budget Authority Resolution. Any changes including any amendments to the Budget Resolution are to be accompanied by the additional documentation required to justify such modifications. After all necessary changes, if any, are made, the Business Committee shall adopt the final fiscal year budget by official resolution.
- 6.2 Final Budget Preparation - Once the Business Committee has formally adopted the fiscal year budget package, the Tribal Chairman and Chief Financial Officer are responsible for making all the necessary changes, as approved by the Business Committee, to the proposed fiscal year budget and Budget Authority Resolution in order to convert such into the final fiscal year budget. The final fiscal year budget shall be completed and presented to the Bureau of Indian Affairs Office no later than September 15th of each year.

**SECTION SEVEN - ASSIGNMENT OF AUTHORITY AND  
RESPONSIBILITY**

- 7.1 Authority and Responsibility of the Business Committee - Except as otherwise provided in this Ordinance, neither the Business Committee, nor any individual member of the Business Committee, has the authority to deviate from this Ordinance, its procedures and any budgets adopted under it. Once the final fiscal year budget is adopted, the authority of the Business Committee is limited to budget oversight, except as otherwise provided herein. However, these limitations shall not prevent the Business Committee from taking corrective action, when necessary, to ensure compliance with this Ordinance.
- 7.2 Authority and Responsibility of Program Committees, Boards or Subcommittees - In addition to assisting and overseeing the gathering of financial information as required under Section Three, the Program Committee has the authority to concur with the Chairman and Chief Financial Officer on amending or modifying that Program's budget pursuant to Sections 8.1 and 8.2. The Program Committee shall also make recommendations to the Chairman and Chief Financial Officer on the modifications and/or amendments to that Program's budget as needed. Compliance with this ordinance and program budget shall also be strictly enforced by each Program Committee who shall oversee the budget of their program through monthly financial statements.
- 7.3 Authority and Responsibility of the Chairman - The Tribal Chairman acting as the Chief Executive Officer of the Tribe, shall be responsible for carrying out the terms of this Ordinance and any budgets adopted under it. The Chairman shall report to the Business Committee on all requested or proposed changes or modifications to the final fiscal year budget as well as any matters which might justify such changes or modifications. The Chairman may, with the concurrence of the Chief Financial Officer and program committee, make modifications to the final fiscal year budget for each program, provided such modifications are conducted in compliance with the limitations contained in Section 8.1 of this Ordinance. The Chairman shall have the authority, including disciplinary action, to take whatever actions are necessary and appropriate to carry out the terms of this Ordinance. The Chairman and other members of the Business Committee, as designated in the Annual Budget Authority Resolution pursuant to Section 4.1, shall act as signatories on all Tribal Budget expenditures in conjunction with the Chief Financial Officer.
- 7.4 Authority and Responsibility of the Chief Financial Officer - Once the Tribal budget is properly approved and finalized, the Chief Financial Officer is directly responsible for ensuring that the budget is properly implemented and that any and all unauthorized expenditures are prohibited. In this regard, the Chief Financial Officer shall have the full and complete authority and control to prevent any unauthorized expenditures of funds. The Chief Financial Officer shall immediately report any deviations from the final fiscal year budget to the Tribal Chairman. The Chief Financial Officer shall assure that all programs, projects and entities operated under any grants, contracts and or any other funding arrangements each receive monthly financial statements to ensure budget compliance. No disbursement shall be made and no Tribal budget expenditure shall be allowed unless it shall bear the signature of the Chief Financial Officer and the signature of one of the Individual Business Committee members designated in the annual Budget Authority Resolution.

7.5 Authority and Responsibility of Managers/Directors - All program managers have the direct day to day responsibility to assure that their programs are operated in compliance with the budgets approved under this Ordinance, as well as all other applicable laws and regulations. Program managers shall be directly responsible for obtaining monthly financial statements for their respective programs and projects and they are required to report immediately to the program committee, board or subcommittee, Tribal Chairman and Chief Financial Officer any deviations from their approved fiscal year budget. All managers are required to identify and report to the Chief Financial Officer and their program committee, board or subcommittee, in writing, any matters that prevent compliance with their program's legally adopted budget. This information is to be reported before any steps are taken which are not in compliance with the approved budget. If a program manager learns that an action has been or is about to be taken which is not in compliance with the program's approved budget, the program manager becomes directly and immediately responsible for insuring that the problem is corrected, whether or not he or she is directed to do so by the Chief Financial Officer or Tribal Chairman.

7.6 Limitations on Authority - Unless specifically authorized in this Ordinance, no person, whether elected, appointed, or employed under any position, program, project or entity of the Tribe, has the authority to deviate from this Ordinance. However, this Ordinance is not intended to, nor shall it be construed as preventing the Chippewa Cree Business Committee, if acting in accordance with its overriding responsibility to the Chippewa Cree Tribe, from taking any necessary action to protect and safeguard the rights, resources, or welfare of the Tribe.

**SECTION EIGHT - REGULAR AND EMERGENCY BUDGET  
AMENDMENTS**

- 8.1 Budget Line Item Amendments - The Tribal Chairman, with the concurrence of the Chief Financial Officer and effected program committee, may amend any approved program budget up to a maximum of 10% of the total program budget for that program per any fiscal year provided that no modification under this provision shall be in excess of \$10,000.00 unless it is accomplished in accordance with Section 8.2 below.
- 8.2 Regular Budget Amendments - If, after the Business Committee has formally adopted a final fiscal year budget, an amendment not authorized under Section 8.1 becomes necessary to the final fiscal year budget or to any approved program budget (if the proposed program amendment is over \$10,000.00) and funds have been identified, the Tribal Chairman and the Chief Financial Officer may propose recommended changes to the Business Committee to amend the final fiscal year budget or to amend any program budget (provided the program committee concurs with amending that program's budget). The Business Committee may adopt an amendment to a duly authorized final fiscal year budget or program budget only after the issue has been noticed on the Business Committee's agenda and the proposed amendment has been discussed and voted on at a duly called Business Committee meeting. All amendments must be considered in accordance with the provisions of this Ordinance.
- 8.3 Emergency Amendments - The Business Committee retains the emergency power to reprogram any Tribal funds if a substantial threat exists to the Chippewa Cree Tribe, the Tribe's resources, or Tribal rights. If the Business Committee takes such emergency action, it shall, within 30 days, call a special Business Committee session for the purpose of formally recording their action and for amending the final fiscal year budget and Budget Authority Resolution where necessary to accommodate the changes. Nothing in this Ordinance shall require the Tribal Chairman, the Business Committee, or any other Tribal official, acting during such an emergency, to publicly disclose any information that could adversely impact the legal and/or political standing of the Chippewa Cree Tribe.
- 8.4 Limitations on Amendments - No amendment to the Budget Authority Resolution, or to any final or proposed budget becomes valid until such funds are realized. In addition, no funds not contained in a final fiscal year budget may be advanced nor expended, including grant matching fund obligations, unless and until an amendment to the budget is adopted in accordance with this Ordinance. Any type of Special Consent process the Business Committee may have at its disposal in non-budget situations shall have no binding authority under this Ordinance and any actions enacted in that manner shall be considered null and void.

## SECTION NINE - ENFORCEMENT

- 9.1 Business Committee. Chairman. Chief Financial Officer - The Business Committee, the Tribal Chairman, program committees, boards and subcommittees and the Chief Financial Officer are responsible for assuring compliance with this Ordinance and any resolutions, amendments and budgets adopted under the Ordinance. Nothing in this Ordinance is intended to place limitations on any lawful powers of the Business Committee, Tribal officials or Tribal staff other than those limitations specifically delineated in this Ordinance.
- 9.2 Tribal Court - Any civil claims, challenges and alleged violations of this Ordinance that have not been satisfactorily resolved by the party or parties assigned that responsibility under this Ordinance shall be brought only in the Chippewa Cree Tribal Court. The Business Committee, by adopting this Ordinance, hereby expressly and unequivocally waives the sovereign immunity of the Business Committee (but not the Chippewa Cree Tribe), Business Committee members individually and in their official capacities, and any Tribal officials and employees who violate the provisions of this Ordinance. Civil suits brought pursuant to this waiver of sovereign immunity shall be prosecuted only to the extent of the equitable remedies available under Section 9.3. No violations of this Ordinance shall result in actual, compensatory, consequential, exemplary, punitive or any other type of monetary damages being awarded against the Chippewa Cree Tribe, Chippewa Cree Business Committee, its members individually or in their official capacities, Tribal employees or officials. Nor shall any party bringing suit to enforce the provisions of or to correct any violations to this Ordinance be entitled to attorney or advocate fees from the party being sued or from the Chippewa Cree Tribe. All parties in any legal or administrative proceeding brought in relation to this Ordinance are responsible for the fees of their own attorneys or advocates. With the exception of the criminal remedies in Section 9.3, no other waivers of Tribal sovereign immunity are offered nor are they intended.
- 9.3 Civil and Criminal Remedies - The Tribal Court shall have jurisdiction to impose the equitable remedies of temporary restraining orders, injunctions, mandamus and declaratory relief to correct any infractions under this Ordinance. The Court may also impose any remedy available in the Tribe's Code of Ethics for Chippewa Cree Tribal Elected and Appointed Officials, Tribal Personnel Policies and procedures for violations of this Ordinance provided such remedies do not exact the monetary damages prohibited in Section 9.2. The extent of the equitable remedies utilized for corrective measures under this Ordinance are to be based on the circumstances surrounding the magnitude of each violation. The misuse of Tribal funds for personal gain, intentional violations, fraud and embezzlement of Tribal funds may be deemed criminal offenses and the perpetrator(s) may be charged with the appropriate criminal offense under the Chippewa Cree Tribal Law and Order Code. The conviction of any criminal offenses stemming from a violation of this Ordinance shall carry the strictest penalties available, including restitution to the Tribe. Additional criminal charges may be brought in Federal Court should the Federal Government deem that any federal law has been violated.
- 9.4 Severability Clause - If any provision of this Title is held invalid, such invalidity shall not affect the other provisions of this Title, which shall continue to be in full force and effect.

9.5 Protection of Tribal Employees and Whistle Blowers - A Tribal employee or any other person who has taken action to assure compliance with this ordinance shall have available to them any of the remedies stated in 9.2 and 9.3 above in order to prevent retribution or retaliation for taking such action.

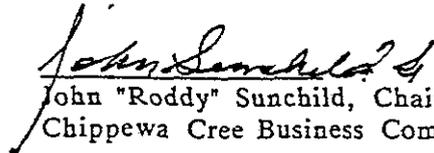
SECTION TEN - REFORMATION

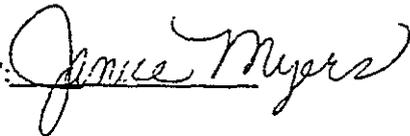
10.1 Modification: Rescission - This Ordinance may not be amended or repealed unless that action is approved by at least three-fourths (3/4) affirmative vote of the Chippewa Cree Business Committee, taken at a regular duly called meeting of the Business Committee, after and only after the proposed action was publicly announced and published for at least 2 weeks prior to the meeting and the item was properly noted on the Business Committee's agenda.

CERTIFICATION

I, the undersigned, as Chairman of the Chippewa Cree Business Committee do hereby certify that the Chippewa Cree Business Committee is composed of NINE members of which EIGHT were present constituting a quorum at a meeting thereof; duly and regularly called, noticed, and convened, and held this 23RD day of SEPTEMBER, 1993; and that this Ordinance was duly adopted by a vote of SEVEN for and ZERO against, and that said Ordinance has not been rescinded or amended in any way.

DATED THIS 23<sup>rd</sup> DAY OF September 1993.

  
John "Roddy" Sunchild, Chairman  
Chippewa Cree Business Committee

ATTEST: 

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4210 - Finance Office  
(406)395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

## AN ORDINANCE

NO. 2-94

**AMENDING ORDINANCE 1-74 TO PROVIDE THAT THE ROCKY BOY 'S INDIAN RESERVATION IS HERETOFORE DECLARED TO BE ON "OPEN RANGE" JURISDICTION AND DECLARING THAT STOCK OWNERS ARE LIABLE TO MOTORISTS FOR DAMAGE RESULTING FROM COLLISIONS WITH LIVESTOCK ONLY IN CASES INVOLVING GROSS NEGLIGENCE.**

-----

**WHEREAS, Article VI Section (1) of the Constitution and Bylaws of the Chippewa Cree Indians of the Rocky Boy's Reservation, authorizes the Tribal Business Committee to promulgate and enforce ordinances governing the conduct of members of the Rocky Boy's Reservation and providing for the maintenance of Law and Order and the Administration of Justice, AND;**

**WHEREAS, The Chippewa Cree Tribal Court has determined that Chippewa Cree Tribal Ordinance no. 1-74, An ordinance of the Chippewa Cree Tribe of the Rocky Boy Reservation, Montana, providing for the Control, Impoundment and Sale of Livestock and Domestic Animals trespassing on the Reservation caused the repeal of the "Open Range" status of the Reservation and changed it to a "closed range" status, AND;**

**WHEREAS, The Chippewa Cree Business Committee wishes to restore the status of the Reservation to "open range" such that a stock owner will be held liable for damages resulting from a motorist's collision with his animal(s) only in cases where the stock owner has exhibited gross negligence by willfully allowing the animals to be put on a public roadway, Now;**

**THEREFORE IT BE ORDAINED, That ordinance No. 1-74 is hereby amended as follows:**

Section 2. Civil Trespass is amended by addition of a new part (c) which shall read as follows:

(c) A livestock owner shall not be held liable for damages resulting from a collision between his livestock and a motor vehicle unless the livestock owner has exhibited gross negligence in willfully allowing his animal (s) to be upon a public right-of-way, provided that a stock owner will not be held liable if such collision occurs when the livestock are upon the roadway during daylight hours for purpose of moving them to pasture or water.

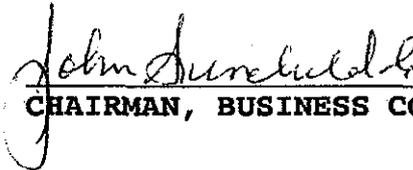
Ordinance No. 1-74 is further amended by the addition of a fourth whereas which shall read as follows:

WHEREAS, the Rocky Boy's Indian Reservation is heretofore declared to be an "open range" jurisdiction and all operators of motor vehicles are hereby put on notice that livestock may be present on the open range at any time and must take this in to account at all times while operating a motor vehicles upon the Rocky Boy's Reservation.

BE IT FURTHER RESOLVED, that the secretary of the Business Committee shall cause the amended ordinance 1-74 to be published by placement in such public places as are frequented by reservation residents or placed in publication which is commonly read by reservation residents and shall also cause it to be distributed to the Tribal Court, Tribal Police and other officers of the court.

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

I, THE UNDERSIGNED, AS SECRETARY OF THE BUSINESS COMMITTEE OR THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS OF WHOM Five (5) CONSTITUTING A QUORUM, WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED AND CONVENED AND HELD THIS 13th Day of April 1994 AND THAT THE FOREGOING ORDINANCE WAS ADOPTED AT SUCH MEETING, BY THE AFFIRMATIVE VOTE OF Four (4) AND Zero (0), AND THAT THIS ORDINANCE HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

  
CHAIRMAN, BUSINESS COMMITTEE

  
SECRETARY, BUSINESS COMMITTEE

# **The Chippewa Cree Tribe of the Rocky Boy's Reservation**

Phone: (406)395-4478 or 4210 - Finance Office  
(406)395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

NO. 3-94

## **BUDGET ORDINANCE ROCKY BOY HEALTH BOARD**

### **Section 1 - Purpose**

The purpose of this Ordinance is to control the use and expenditure of any and all Rocky Boy Health Board funds, included but not limited to: funds generated from assets, and funds received through contracts, grants and gifts from other governments and entities, whether public or private. Thus, the Health Board and its officers and employees are prohibited from expending funds except as authorized under the provisions of this Ordinance. The Rocky Boy Health Board shall be obligated to oversee the preparation of an annual budget for the Rocky Boy Health Center. The Health Board shall be obligated to approve a balanced budget authorizing all expenditures for the coming year.

### **Section 2 - Overview of The Budget Process**

A draft budget will be prepared by the Budget Officer no later than July 30, of each year. The expenditure plan will be presented to the Board of Directors to solicit budget comments and recommendations from the Board. The final budget will be submitted to the Board of Directors no later than August 30, of each year. The final budget shall not obligate more funds that are reasonably expected to become available for expenditure in the coming year and will guide all spending throughout the coming year.

The approved Budget will be reviewed by the Budget Committee at least once a month to monitor budget compliance. The Committee will recommend modifications to the Board when needed to avoid expending more funds than is actually available. The Board will be required to amend the Budget when necessary to maintain a balanced annual budget.

### **Section 3 - Definitions**

**3.1 Fiscal Year** - The fiscal year of the Board shall be from October 1 to September 30, with the exception of the WIC program which is funded from the State of Montana, the fiscal year is June 30, through July 1.

3.2 Budget Committee - The Budget Committee shall consist of the Budget Officer, Tribal Health Director, Chief Medical Officer or Clinical Director and Self-Governance Coordinator. The Board may appoint another member as an alternate. The alternate may attend all Budget Committee meetings but shall not vote or otherwise officially participate only in the absence of one of the above.

3.3 Restricted HEALTH BOARD Revenues - Restricted tribal revenues are those moneys received or reasonably expected to be received by the Rocky Boy Health Board by the terms of a grant or contract award, or other binding commitment made the Health Board must be expended, obligated, or reserved for specific programs, services, or goods, or for identifiable functional purposes. The term "restricted" applies to limitations on the use of funds, not to the source of funds. For example, contract health, m/m, facilities and environmental health project, housing collection funds.

#### SECTION 4 - Review of Past Effort

4.1 Program Manager Reports - Not later than September 1, each program manager utilizing any funds requiring the approval or authority of the Board of Directors shall submit a report either to the Tribal Health Director or Budget Officer as is appropriate. These reports shall summarize the department's goals and objectives for the previous 12 months and cite its achievements. Department revenues and expenditures from all sources will be included. The Tribal Health Director shall take necessary action(s) to ensure that these reports are received on time and are complete and accurate.

4.2 Reports From Program Managers - The Tribal Health Director and Self Governance Coordinator shall review, summarize, and compile the individual department reports into an Annual Report to the Rocky Boy Health Board. These reports shall be made available to the general public or published in the community newsletter.

4.3 Community Review of Past Effort - A public hearing shall be held during the final month of the fiscal year to discuss the performance of the Health Board and its programs during the previous year. The members of the Health Board, Tribal Health Director and programs managers are each required to attend this meeting to present their reports and to answer questions posed by members of the Rocky Boy community. The focus of the meeting shall be to examine the past year's activities.

#### Section 5 - Identification of Budget Authority

5.1 No later than July 15, the Self-Governance Coordinator shall provide a report to the Budget Committee describing the extent and nature of all revenues expected to be received in the following fiscal year from every source.

5.2 Identification of Obligations on these funds - The Budget Officer shall also identify known obligations or restrictions on the use of each of the revenues identified in Section 5.1 and include this in the reported required in that Section.

5.3 Cooperation of All Entity Managers Required - The program managers shall offer his or her complete cooperation in providing in a timely manner the revenue and obligations information needed by the Budget Officer to prepare the reports required in this Section.

5.4 Establishment by Resolution - At its first regular meeting in September, the Health Board shall review all material submitted under this Section, and formally adopt a resolution setting out the total authorized expenditure of funds. Authority for the actual expenditure of the budgeted funds shall not become valid, however, until the projected revenues have been, or are reasonably certain to be realized.

5.5 Permanent Fiscal Year Budget Package - Exceeding this Authority Prohibited - Once enacted, the Budget Authority Resolution shall become a permanent part of the board's Budget and the Health Board, its officers, staff and all other persons authorized to budget, spend, or otherwise obligate funds are prohibited from budgeting, obligating, or disbursing any funds not authorized under this Budget Authority or any duly approved amendments to this authority.

#### Section 6 - Budget Committee

6.1 Authority and Responsibility of the Budget Committee - The Budget Committee shall be authorized to require Budget Officer to provide historical, forecasted, and other fiscal data and reports as it deems necessary to develop the fiscal year Budget and assure that each program is fully complying with the adopted Budget. The Budget Committee may approve the reallocation of funds within a department, program, or other element of the approved Budget as long as the total budgeted amount is not changed for that department, program or element. The Budget Committee will be required to meet monthly to re-evaluate the Budget against actual expenditures. The Budget Committee shall be responsible for recommending to the Board of Directors amendments or modifications to the approved Budget when adjustments are warranted by changing conditions or improved information.

6.2 The Office of Management and Budget shall be responsible for developing and implementing procedures to assure that every person authorized to spend or obligate funds is fully aware of the requirements of this Ordinance and the approved Budget and that these persons receive accurate and timely financial reports on not less than a monthly basis.

6.3 Authority and Responsibility of the Accounting Office - The Accounting Office is responsible for developing, maintaining, and adhering to policies and procedures that prevent the release of funds for unapproved obligations. The Accounting Office is authorized to pay only those obligations which have been included in the approved Budget unless directed in writing by the Health Board to pay additional obligations authorized in conjunction with emergency items described in Section 10.

6.4 Authority and Responsibility of Managers/Directors - All program managers have the direct day to day responsibility to assure that their programs are operated in compliance with the budgets approved under this Ordinance, as well as other applicable laws and regulations. Program managers shall be directly responsible for obtaining monthly financial statements for their respective programs and projects and they are required to report immediately to the Budget Committee, as appropriate, any deviations from their approved budget.

## Section 7 - Regular and Emergency Budget Amendments and Over-Expenditures

7.1 Approved Budget Line Item Over-Expenditure - In no case shall the approved Budget be modified except as provided for below. However, budgets are recognized as being plans to guide expenditures to meet stated and specific program obligations and that actual circumstances may make minor adjustments necessary to responsibly apply the budgeted funds to the program objectives. Adjustments to line items within a program budget shall be allowed with the limits set out below and subject to the approval and oversight of the appropriate authority.

7.2 Program Manager Authority - The manager of a tribal program shall be authorized to overspend any line item within that program's budget by not more than ten per cent (10%) without prior approval as long as the total expenditures for that program do not exceed the total authorized Budget for that program. Necessary line item over-expenditures exceeding ten per cent must be approved in advance as described below.

7.3 Budget Committee Authority - The Budget Committee, as appropriate, shall be authorized to approve a program manager's request to overspend any budgeted line item within a tribal program but not more than ten per cent (10%) as long as a written plan is presented demonstrating where sufficient saving will be realized in other line items within the same program to avoid exceeding the budget limit for the entire program.

7.4 Emergency Over-expenditure or Unbudgeted Expenditure - The Health Board may approve modifications to approved budgets to cover over-expenditures or unbudgeted expenses only if the modification is required by the following:

1. the obligation cannot be canceled by returning the goods purchased,lawfully canceling a contract for service, or by releasing the Health Board from the obligation in some other legal manner and non-payment of the obligation would cause significant harm to either the reputation or credit rating of the Rocky Boy Health Board.

7.5 Regular Budget Amendments - Any proposed amendments or modifications to the approved Budget must be either be initiated by the Budget Committee or be recommended to the Budget Committee by the Tribal Health Director or Budget Officer. If three or more members of the Budget Committee recommend that the Budget be modified the Chairman shall place the modification request on the Health

Board's agenda for action. The Budget Committee shall prepare its written recommendation, or when all committee members do not agree, the various recommendations of its members and present the recommendation(s) to the Health Board to facilitate discussion of the modification proposal. An affirmative vote of a majority of the Health Board shall be required to modify the Budget.

7.6 Emergency Amendments - The Health Board retains the emergency power to reprogram any funds if it is determined that a substantial threat exists to the Chippewa Cree members. Budget Modifications presented to the Board of Directors must be approved by a unanimous vote of all Health Board members.

7.7 Limitations on Amendments - No amendment to the Budget Authority Resolution, or to any authorized or proposed Budget becomes valid until such funds are realized. In addition, no funds not contained in any approved fiscal year budget may be advanced nor expended, including matching fund obligations, unless and until an amendment to the budget is adopted.

#### Section 8 - Enforcement

8.1 Personnel Policy Disciplinary Actions - Any employee who exceeds his/her written spending authority as granted by the approved Budget or by his/her superior shall be subject to the disciplinary actions for misuse of tribal funds as described in the tribe's personnel policy manual. Disciplinary actions may include any or all of the following: written reprimand, probation, suspension without pay, termination, and/or payroll deductions to repay the unauthorized expenditure.

8.2 Court Actions - In addition to the disciplinary actions of section 8.1, the Health Board may also take civil and/or criminal actions against an employee or former employee if it believes the employee's unauthorized expenditure(s) were either made willfully or recklessly with wanton disregard for the employee's responsibilities to protect the tribe and its assets and the employee's action have caused the Health Board significant harm. Such civil and/or criminal suits shall be made under existing or future tribal or federal laws prohibiting the misuse of funds.

#### Section 9 - Severability

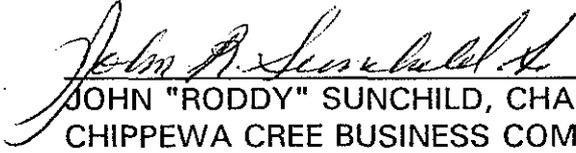
If any part of this Ordinance is held to be invalid the remainder shall continue to be in full force and effect.

#### Section 10 - Amendments To This Ordinance

This Ordinance may be amended or repealed unless that action is approved by an affirmative vote of the Rocky Boy Health Board, taken at a regular duly called meeting of the Board. The Rocky Boy Health Board's action on Section 10 must be ratified by the Chippewa Cree Business Committee.

I, the undersigned, as Chairman of the Chippewa Cree Business Committee do hereby certify that the Chippewa Cree Business Committee is composed of nine (9) members of which eight (8) were present constituting a quorum at a meeting thereof; duly and regularly called, noticed and convened, and held this sixth day of October, 1994; and that this Ordinance was duly adopted by a vote of seven (7) for and one (1) against, and that said Ordinance has not been rescinded or amended in any way.

DATED THIS SIXTH DAY OF OCTOBER, 1994.

  
\_\_\_\_\_  
JOHN "RODDY" SUNCHILD, CHAIRMAN  
CHIPPEWA CREE BUSINESS COMMITTEE

ATTEST:   
\_\_\_\_\_

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406) 395-4478 or 4210 - Finance Office  
(406) 395-4282 or 4321 - Business Committee

RR 1 #544  
Box Elder, MT 59521

To Approve and Adopt Chippewa Cree Tribe Domestic Violence Code.

Ordinance Number 2-97

Whereas on November 6, 1997, the Rocky Boy's Chippewa Cree Tribe voted to approve the Domestic Violence Code as enclosed.

## Chippewa Cree Domestic Violence Code

### CHAPTER 1

#### GENERAL PROVISIONS

**Section 101** . The Chippewa Cree Domestic Violence Code is construed to promote the following:

- Deliver prompt and effective response to victims with fairness and compassion.
- Provide safety and protection to victims and their children.
- Utilize the criminal justice system in setting standards of behavior within the family system.
- Impose consequences upon offenders for domestic violence crime.
- Provide opportunity for offenders to make positive changes in their behavior.
- Prevention of future violence in all families through public education programs.

#### **Section 102. Definitions**

Unless the context otherwise requires:

1. "Domestic violence/abuse" means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense.

- (a) Purposely or knowingly causes physical harm to another family or household member;
- (b) Purposely or knowingly places a family or household member in fear of physical harm; or,
- (c) Purposely or knowingly causes a family or household member to engage involuntarily in sexual activity by force, threat, coerce , or duress.
- (d) Negligently causes bodily injury to a family member with a weapon.

2. Family or household members include:

- (a) Spouses or former spouses
- (b) Adults or minors who have dated or are involved in an on-going intimate relationship regardless of their gender.
- (c) Persons who have a child in common; and
- (d) Minor children of a person in a relationship that is described in paragraphs (a) through (c).

3. "Program of intervention for perpetrators" means a specialized program that accepts court orders and voluntary participants that:

- (a) Offers intake, orientation, and placement in a domestic violence class;
- (b) Offers a minimum of 24 re-education classes;
- (c) Makes available and integrates the specialized function, knowledge and expertise of elders.

4. "Program for victims of domestic" means a specialized program for victims of domestic violence and their children that includes but is not limited to advocacy, shelter, crisis intervention, supportive services, and referral.

5. "Safety plan" means a written outline of actions to be taken by a victim of domestic violence to secure protection and support.

6. "Primary aggressor" means - the most significant aggressor and not necessarily the initial participant in the incident.

7. "Probable cause" means- the existence of facts and circumstances that would lead a reasonable and prudent person to believe that a specific person had committed the crime.

## **CHAPTER 2**

### **CRIMINAL PENALTIES AND PROCEDURES**

**Section 201.** "Crime involving domestic violence" defined.

1. Arson;
2. Assault Offenses Aggravated Assault, Simple Assault, and Intimidation;
3. Burglary, Breaking and Entering;
4. Destruction of Property, Damage, Vandalism of Property
5. Homicide Offenses (Murder and Non negligent Manslaughter, Negligent Manslaughter, and Justifiable Homicide);
6. Kidnapping, Abduction;
7. Sex Offenses, Forcible (Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, and Forcible Fondling);
8. Stolen Property Offenses;
9. Weapon Law violations;
10. Disorderly Conduct;
11. Family Offenses, Non-Violent;
12. **Stalking; see Section 213**
13. Trespass of Real Property; and
14. Intoxication
15. Habitual
16. Harassment

The use of alcohol in the committing of domestic violence or any crime related to domestic violence shall not diminish the seriousness of domestic violence or take precedence over the crime of domestic violence.

**Section 202.** Violation of certain orders for protection is a misdemeanor.

**Section 203** Duties of law enforcement officer to victim of domestic violence; required notice to victim.

1. A law enforcement officer who responds to an allegation of domestic violence shall use all reasonable means to protect the victim and others present from further violence, including:
  - a.) Transporting or obtaining transportation for the victim and any children to a shelter or any other place of safety.
  - b.) Assisting the victim in removing essential personal effects.
  - c.) Assisting the victim and children in obtaining medical treatment, including transporting to medical facility if needed.
  - d.) Giving victim immediate and adequate notice of rights of victims and /or other remedies and services .
  - e.) As part of the notice required by the subsection (d)

Victims of domestic violence who believe that law enforcement protection is needed for their physical safety, have the right to request the officer assist in providing for their safety, including asking for an emergency order for protection that will provide for immediate protection. Victims may also request the police officer assist in obtaining essential personal effects and locating and taking them to a safe place, including but not limited to a shelter, a family member's or friend's residence, or a similar place of safety. If needed, they also have the right to request the police officer assist in obtaining medical treatment. If needed a copy of the report is available from the law enforcement. Be advised the prosecutor will file a criminal complaint against the assailant. Victims also have the right to file a petition requesting a permanent order for protection from domestic violence.

**Section 204. Mandatory arrest for crimes; determination of primary aggressor; required report.**

1. The law enforcement officer shall have 24 hours, without a warrant to arrest and charge a person with the appropriate crime if the officer has probable cause to believe that the person has committed the domestic violence crime, whether the offense is a felony or a misdemeanor, or if it was committed in or outside the presence of the officer.
2. Regardless of the elements of any other crime committed in conjunction the domestic violence shall be considered a separate and distinct offense and shall be charged in addition to any other crime.
3. If a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person alleged to have committed domestic violence. In determining whether a person is the primary aggressor the officer shall consider:
  - (a) Prior complaints of domestic violence;
  - (b) The relative severity of the injuries inflicted on each person;
  - (c) The likelihood of future injury to each person; and
  - (d) Whether one of the persons acts in self-defense and/or in defense of others;
  - (e) The dynamics of domestic violence.

4. A law enforcement officer shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by any party.
5. A law enforcement officer shall not consider the use or abuse of alcohol by either party in making a determination as to whether or not domestic violence has been committed.
6. The employment, economic, educational, social and political status of the alleged perpetrator and/or victim shall not be considered in making an arrest.
7. The law enforcement officer is not required to make an arrest based on who hit who first but shall consider the dynamics of domestic violence and the definition of primary aggressor in determining which party to arrest.
8. In addition to any other report required, a law enforcement officer who does not make an arrest after investigating a complaint of domestic violence or who arrests two or more persons for a crime involving domestic violence must submit a written report setting forth the grounds for not arresting or, in instances where both parties are arrested, describe how the determination was made that both parties acted primarily as aggressors and that neither spouse acted primarily in self-defense.

**Section 205. Mandatory arrest for certain violations of orders for protection.**

When a law enforcement officer has probable cause to believe that a respondent has violated one of the following orders of the court and verifies the existence of the order, the officer shall, without a warrant, arrest the apparent violator whether the violation was committed in or outside the presence of the officer if the orders are issued in accordance with the Chippewa Cree Domestic Violence Code.

1. An order enjoining the respondent from threatening to commit or committing acts of domestic violence against the petitioner or other family or household member.
2. An order prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, either directly or indirectly through family, relations by marriage, friends, and co-workers.

3. An order removing and excluding the respondent from the residence of the petitioner.
4. An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.
5. An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the court.
6. An order requiring the respondent to attend domestic violence classes.
7. An order requiring the respondent to abide by all laws of the Chippewa Cree Nation.  
The petitioner who is granted an order for protection cannot violate or be arrested for violation of her/his own order for protection.

**Section 206. Officials who batter, including enforcement officers; procedure.**

Upon receiving notification that a law enforcement officer is a possible perpetrator:

1. The dispatcher shall immediately notify the Chief of Police. He will respond to the call.
2. Line officers may secure the scene and ensure the safety of all parties, if necessary, and await the response of the Chief of Police. However, under no circumstances will line officers investigate calls regarding other officers.
- 3 . Someone of higher rank than the alleged perpetrator must always be involved in responding. The Criminal Investigator will be notified if the Chief of Police is the alleged perpetrator.

Upon receiving notification that a public official is a possible perpetrator:

1. The dispatcher shall notify the on call criminal investigator who shall respond immediately.

Law enforcement officers and public officials who are suspected of committing the crime of domestic violence shall be subject to all provisions of the Chippewa Cree Violence Code.

**Section 207. Authority of law enforcement officer to seize weapons.**

Domestic violence incidents involving weapons: The responding law enforcement officer:

1. Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
2. Shall seize a weapon that is in the plain view or which is located during a search authorized by a person entitled to consent to the search. The seizure of weapons is without regard to ownership of the weapons; weapons owned by a third party are subject to confiscation when officers conclude that the weapon must be confiscated to protect law enforcement, victims of domestic violence, or others.

**Section 208. Immunity.**

1. Any law enforcement officer or official shall have immunity from any liability in civil or criminal actions when making arrests for crimes involving domestic violence, if they act in good faith when providing protection for domestic violence victims. This also includes public citizens when making a citizens arrest.
2. Law enforcement officers shall have the same immunity with respect to participation in any court proceedings resulting from arrests made for domestic violence or any crimes involving domestic violence.

**Section 209. Conditions of Release**

There shall be a mandatory jail sentence for 72 hours prior to the arraignment of any domestic violence crime, including violation of an order for protection.

**Section 210 Mandatory arrest for violation of conditions for release.**

If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed in accordance with Section 202, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

**Section 211. Role of the court; sentencing; probation conditions**

1. 1st offense; If the alleged assailant pleads guilty or is found guilty, regardless of the severity, the judge shall order a mandatory **30 days** in jail and **\$100.00** fine with a minimum of **15 days** and **6 months probation**.

2. The offender is prohibited from substituting other services or activities such as individual counseling , alcohol treatment or participation in traditional healing practices for participation in a program except those offered through domestic violence program or sought out voluntarily in addition to the required domestic violence program by the offender.

3. In the event the offender does not comply with the domestic violence program and /or other conditions of probation , the court will find the offender in contempt of court and shall impose service of the original sentence during which time the offender must attend the domestic violence program and do community service. Further, the court will order that any resulting contempt of court sentence be served consecutively.

4. Upon any second or subsequent offense, the offender shall be sentenced to a maximum of **60 days** in jail and a **\$300.00** fine with **1 year probation**; minimum of **30 days** in jail and/or any maximum sentencing, fine, rehabilitation, and community service remedies available to the court. An offender shall participate in the program concurrent with any jail and fine sentencing imposed by the court.

**Section 212 Ethics, familial relationships of law enforcement, prosecution, and judges to defendant.**

All public servants shall be expected to perform their duties and proceed in accordance with this code no matter what the employment, educational, social, and political status of the alleged perpetrator and/or victim. Public servants shall be held to the highest professional standards in responding to the crime of domestic violence.

In instances where law enforcement officers respond to a call involving a relative by blood or marriage, the officer shall:

1. Note the relationship on the case report.

In instances where law enforcement officers have responded to a call involving a relative by blood or marriage, the supervisor reviewing the case report shall:

1. Review for accuracy and ensure that appropriate action has been taken.

A law enforcement officer who fails to respond within the appropriate legal parameters when a relative by blood or marriage is suspected of committing the crime of domestic violence shall be subject to disciplinary action.

In instances where prosecutors and judges are involved in making decisions when the alleged perpetrator of a domestic violence crime is a relative by blood or marriage, the prosecutor and/or the judge shall:

1. Refrain from prosecuting or hearing the case of the crime of domestic violence in the event the alleged perpetrator and/or victim is a relative by blood or marriage, whenever possible.

In the event that a prosecutor or judge is a relative by blood or marriage and circumstances do not allow withdrawal from prosecuting or hearing the case, they shall:

1. Be required to maintain the highest professional standards and shall conduct themselves within the legal parameters of the Domestic Violence Code.

Any perceived improprieties shall be referred to the Criminal Investigator's Office for investigation.

### **Section 213. Stalking**

1. Stalking is defined as: purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly:
  - a.) following the stalked person; or
  - b.) harassing, threatening, or intimidating the stalked person, in person or by phone, or by other action, device, or method.
2. Attempts by the other person to contact or follow the stalked person after the accused person has been given actual notice that the stalked person does not want to be contacted or followed constitutes *prima facie* that the accused person purposely or knowingly followed, harassed, threatened, or intimidated the stalked person.

**Section 214. Classification**

Domestic violence crimes are classified as **Class A offenses;** (Chapter 2 Section 2.3 Penalties) therefore, punishable by a maximum of **6 months imprisonment** or a fine of **\$500.00 or both.**

**Certification**

I, the undersigned as Secretary of the Business Committee of the Chippewa Cree Tribe, do hereby certify the Business Committee is composed of Nine (9) members of whom Eight (8) constituted a quorum were present at the meeting thereof duly and regularly called, noticed and convened, and held the 6th day of November, 1997, and the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of Seven for and Zero against.

*But Cor*  
Chairman, Business Committee

*Janice Myers*  
Secretary, Business Committee

2

**DRUG AND ALCOHOL FREE WORKPLACE ORDINANCE  
FOR THE CHIPPEWA CREE TRIBE**

**ORDINANCE NO. 1-99**

**CHAPTER 1. DRUG AND ALCOHOL ORDINANCE**

**A. Drug and Alcohol Free Workplace Ordinance**

1. The Chippewa Cree Tribe, in its endeavor to maintain a workforce free from the detrimental social effects caused by the abuse of alcohol and the use of illegal controlled substances, provides the following ordinance for the eradication of such activities among the Chippewa Cree Tribal Elected Officials, tribal employees, and appointed community board members.

**B. Definitions**

When used in this document the following terms shall have the meaning described to them below.

1. "Working Hours" means the normal assigned time period for the position the employee occupies. For most tribal employees, this is the period from 8:00 a.m. to 4:30 p.m. Monday through Friday. It also includes those periods outside normal hours that an employee is working on special assignments or during an assigned shift. For all employees the term includes those periods outside the normal eight (8) hour work period when the employee is engaged in activities which constitute part of the responsibilities assigned to his position with the Tribe.

The term shall also mean those periods during travel periods when the employee is actually engaged in activities which constitute a part of the responsibilities assigned to his/her position with the Tribe.

2. "Drug Test" or "drug screening" means the analysis of a urine and/or blood sample supplied under controlled conditions by the tribal employee to the testing agency.
3. "Under the influence" shall mean that degree of impairment due to alcohol use or illegal drug use, which would constitute grounds for being charged with driving under the influence if the employee was operating a vehicle in his/her condition, under the laws of the Chippewa Cree Tribe and the state of Montana.
4. "Controlled substances" as used in this document shall mean those substances listed in the Controlled Substances Act 21, USC 801 et. seq., and its accompanying regulations and/or "controlled substances" as defined by the laws of the Chippewa Cree Tribe.

5. "Chippewa Cree Tribe" is an all inclusive term which means all departments, organizations, and entities under the Chippewa Cree Tribe.

**C. Prohibited Activities**

1. The consumption of alcohol or illegal controlled substances by tribal employees during work hours or while otherwise on duty is strictly prohibited, as is the performance of an official duty while under the influence of alcohol or an illegal controlled substance. Violators of this prohibition shall be terminated.
2. Any employee who is convicted of a criminal activity involving the abuse of alcohol or the use of an illegally controlled substance shall be terminated. A conviction is not final unless all appeal remedies under tribal law are exhausted. However, in the interest of public safety an employee may be suspended upon the concurrence of his/her immediate supervisor and the Personnel Officer while his/her appeal is in progress, and if his/her continued performance of duties create a substantial health or safety risk to himself/herself or others.

**D. Drug Testing**

3. Every Tribal employee is required to participate in a regular and periodic drug testing program which will consist of the submission of a urine and/or blood sample under controlled conditions. The urine and/or blood sample will be analyzed for the presence of illegal controlled substances by a Certified Lab. The method for selection of participants in a scheduled periodic test shall be by placement of all employees named into a bin and drawing the requisite number of names, which constitute 10% {per month} of employees on payroll at the time of the scheduled test and/or by random selection under a computer program designed for such purpose and approved by the Tribal Business Committee. {Results of such test shall be verbally conveyed to the appointed drug testing personnel by the Certified Lab. Written results of positive drug tests will be given to the Personnel Officer. The Personnel Officer will take immediate action, as prescribed below.
4. Any employee who is not tested during a one (1) year period, due to his/her name not being drawn within one year period, shall be required to submit to a mandatory drug test prior to the anniversary date of his/her employment.
3. The Tribe requires all persons who are offered and accept a position with the Tribe to submit to a drug screening test before starting work. Drug screening tests help to reduce the chance of hiring individuals who currently use illegal drugs or individuals who use legal drugs in an illegal manner or alcohol at times or in amounts that would indicate a potential for unsafe work performance. The Tribe regrets any inconvenience this may pose for those individuals who do not use or abuse drugs or alcohol.

4. Any employees involved in an accident during working hours, resulting in property damage or injury to himself or other persons, shall be required to submit to a drug test and/or a breathalyzer or blood test to determine the presence of illegal drugs and/or alcohol in the blood stream. Test results secured, pursuant to law enforcement activities, may be utilized.
5. Any employee who tests positive, or has inconclusive test results for an illegal controlled substance, shall be subject to the penalties set forth below.
6. Any employee who tests positive, or has altered or adulterated test results for an illegal controlled substance, shall be immediately terminated.
7. Any tribal employee in a supervisory position, who has reason to believe that an employee under his/her supervision is present in the workplace under the influence of alcohol and/or an illegal controlled substance, shall notify the Drug Tester and/or Police, who upon the establishment of probable cause, shall take appropriate action. This action must be documented in writing. Failure of supervisory employee to report such activity promptly shall be grounds for disciplinary action against the supervisory employee.

#### E. Penalties

In the event an employee is found to have tested positive under this ordinance, the following procedure will take place:

1. The employee will be immediately terminated.

Any employee whose employment is terminated due to positive drug testing, will not be eligible for any employment with the Tribe for a period of one (1) year. After the one (1) year period, the employee must have completed an assessment and proof of successful completion of an approved drug and alcohol program.

Any employee may, within 30 days of the passage of this ordinance, voluntarily admit his/her alcohol and/or illegal drug use and agree to a treatment plan determined by his/her supervisor and the Personnel Officer. Such admission shall not be considered to be a violation of this policy.

Any employee who refuses to submit to a drug test will immediately be terminated.

2. All tribal employees will be terminated immediately, upon a positive drug test result, with no appeal rights.
3. Employees who have collaborated with a physician and the director for clarification of prescribed medication impacting the outcome of the drug test will not be suspended and resolution will be immediate. Employees who test positive for a controlled substance

which has not been prescribed by a physician to the individual will be treated as a positive.

4. Employees who receive an inconclusive test will be re-tested within two days and results will be treated, in that period of time, as a positive test result. Failure to re-test shall be grounds for termination.
5. If at time of testing, the person administering the test notifies the employee of a possible inconclusive or adulterated test, the employee is given the opportunity to re-test immediately. Failure to re-test immediately shall be treated as a positive test result and grounds for termination.

**F. Drug Testing Officials**

1. The Chippewa Cree Tribe shall provide training to a Drug Testing Team consisting of no less than two individuals who will have authority to conduct drug testing. The drug testing team shall provide accurate records to document compliance with this ordinance.
2. The drug testing team shall comply with Section D.1 of this ordinance.
3. When the drug testing team receives notice of a positive drug test, they shall notify the Personnel Officer in accordance with this ordinance. The Personnel Officer shall be responsible to assure compliance with all penalties in this ordinance.

CHIPPEWA CREE TRIBAL LAW & ORDER CODE AMENDMENT

“DRUG PARAPHERNALIA ORDINANCE”

ORDINANCE NO. 299

CHAPTER 1. DRUG PARAPHERNALIA ORDINANCE

A. THE RERERENCED DRUG PARAPHERNALIA ORDINACE:

Be it enacted by the Business Committee of the Chippewa Cree Tribe in a meeting assembled on Sept 2, 1999, the following:

SECTION ONE PRELIMINARIES

Title

- 1.1 Short Title – This title is known and may be cited as the Chippewa Cree Tribal Law & Order Code, Amendment to, Title IV Chapter \_\_\_\_\_, \_\_\_\_\_, “Possession of Drug Paraphernalia”.
- 1.2 Authority and Purpose of Tribe Concerning Possession of Drug Paraphernalia.
  - (a) The Chippewa Cree Tribal Business Committee is empowered to enact this Drug Paraphernalia Ordinance pursuant to Article VI, Section 1 (P) of the duly adopted and approve Chippewa Cree Tribal Constitution and by-laws (ss amended). Article VI, Section 1 (P) authorizes the Chippewa Cree Tribe “To enact ordinances including a comprehensive Law and Order Code, to include (in part) “Criminal Offenses”. The Law and Order Code adopted November 3, 1986 approved by the Secretary of Interior, on February \_\_\_\_\_, 1987. Along, with the empowered authority under the Chippewa Cree Tribal Law and Order Code, Title 1., General Provisions, TABLE OF CONTENTS, Chapter 1., 1.3, Amendments, Modifications, Additions to the Code.
  - (b) As governed and empowered by Chippewa Cree Tribal Constitution, the Chippewa Cree Tribal Council via its Law Enforcement Services, Tribal Prosecutor and Judiciary system, are encountering upon arresting & adjudicating tribal membership having in their possession Drug Paraphernalia and no laws that prohibit Possession of Drug Paraphernalia within the jurisdiction Chippewa Cree Tribe. The Chippewa Cree Tribal Business Committee recognizes this law (Ordinance) is a need for the enforcement of “Drug Paraphernalia”.

## SECTION TWO – DEFINITIONS

- 2.1 Definitions – As used in this title the words and terms defined in section two, inclusive, have the following meanings ascribed to them throughout this Title unless the context requires otherwise.
- 2.2 Drug Paraphernalia: means all equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:
- (a) kits used, intended for use, or designed for use in planting, probating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous can be derived.
  - (b) kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs;
  - (c) isomerization devices used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of dangerous drugs;
  - (d) testing equipment used, intended for use, or designed for use in identifying or in analyzing or in analyzing the strength, effectiveness, or purity of dangerous drugs;
  - (e) scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs;
  - (f) dilutents and adulterants, such as hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting dangerous drugs;
  - (g) separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
  - (h) blenders, bowls, containers, spoons, and mixing devices used, intended for use, or desinged for use in compounding dangerous drugs?
  - (i) capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of dangerous drugs;

- (j) containers and other objects used, intended for use, or designed for use in storing or concealing dangerous drugs;
- (k) objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashish oil, or other dangerous drugs that is ingested into the human body, such as;
  - (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, hashish heads, or punctured metal bowls;
  - (ii) water pipes;
  - (iii) carburetion tubes and devices;
  - (iv) smoking and carburetion masks;
  - (v) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - (vi) miniature cocaine spoons and cocaine vials;
  - (vii) chamber pipes;
  - (viii) carbuetor pipes;
  - (ix) electric pipes;
  - (x) air-driven pipes;
  - (xi) chillums;
  - (xii) bongs;
  - (xiii) ice pipes or chillers

#### DETERMINATION OF WHAT CONSTITUTES PARAPHERNALIA

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) statements by an owner or by anyone in control of the object, under state or federal law relating to any controlled substance or dangerous drug;
- (2) the proximity of the object, in time and space, to a direct violation of this part;
- (3) the proximity of the object to dangerous drugs;
- (4) the existence of any residue of dangerous drugs on the object;
- (5) direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of Title IV, Chapter 10.7 (A) through Title IV Chapter 10.7. The innocence of an owner or of anyone in control of the object as to a direct violation of Title IV Chapter 10.7 (A) through

Title IV Chapter 10.7 (C) does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.

- (6) Instructions, oral or written, provided with the object concerning its use;
- (7) Descriptive materials accompanying the object which explain or depict its use;
- (8) National and local advertising concerning its use;
- (9) The manner in which the object is displayed for sale;
- (10) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a tribal licensed distributor or dealer of tobacco products;
- (11) Direct or circumstantial evidence of the ratio of sales of the object in the total sales of the business.
- (12) The existence and scope of legitimate uses for the object in the community;
- (13) Expert testimony concerning its use.

#### TITLE IV CHAPTER 10.7 (A) CRIMINAL POSSESSION OF DRUG PARAPHERNALIA.

It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into body a dangerous drug. Any person who violates this section is guilty of a misdemeanor and upon conviction shall be imprisoned in the Chippewa Cree Tribal jail for not more than (6) six months, fined not more than \$500.00 or both.

#### TITLE IV CHAPTER 10.7 (B) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing or under circumstances, where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into human body a dangerous drug. Any person who violates this section is guilty of a

misdemeanor and upon conviction shall be imprisoned in the Chippewa Cree Tribal jail for not more than six months and \$500.00 fine or both.

#### TITLE IV CHAPTER 10.7 (C) DELIVERY OF DRUG PARAPHERNALIA

Any person 18 years of age or over violates Title IV Chapter 10.7 (B) by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior is guilty of a misdemeanor and upon conviction shall be imprisoned in the Chippewa Cree Tribal jail for not more than six (6) months and fined \$500.00 or both.

# The Chippewa Cree Tribe of the Rocky Boy's Reservation

Phone: (406)395-4478 or 4210 - Finance Office  
(406)395-4282 or 4321 - Business Committee

Rocky Boy Route, Box 544  
Box Elder, MT 59521

3-99

## Chippewa Cree Tribal Lead-Based Paint Ordinance

Be it enacted by the Business Committee of the Chippewa Cree Tribe in a meeting assembled on  
November 4 of 1999 the following:

### Chapter One - General Provisions

#### 1. Short title and authority

##### 1.1 Short Title

This ordinance may be referred to as the "Chippewa Cree Tribal Lead-Based Paint Ordinance".

##### 1.2 Authority

This ordinance is enacted pursuant to the Constitution of the Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana.

##### 1.3 Declaration of Policy

It is the policy of the Chippewa Cree Tribal council to ensure the protection of the general health and welfare of tribal members, in particular tribal children, from the hazards associated with lead based paint activities by enacting this act and promulgation of regulations thereof.

##### 1.4 Statement of Findings

- (a) The self governing capabilities, political integrity, health and welfare, and economic security of the tribe will be protected and enhanced by tribal governmental and regulation of lead based paint activities which are critical for the health, safety and welfare of the reservation members, in particular children, and of all persons residing within the exterior boundaries of the Reservation.
- (b) Low-level lead poisoning is widespread among American children under the age of 6 years, with minority and low-income communities disproportionately affected.
- (c) At low blood lead levels, lead poisoning in children causes intelligence quotient deficiencies, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and behavior problems.
- (d) Lead exposure in young children is of particular concern, because children absorb lead more readily than adults do and their nervous systems are particularly vulnerable to the effects of lead.
- (e) Through blood-lead screenings conducted on the Rocky Boy's Reservation, children 6 years and under have been identified with low-level and elevated blood lead levels and find that the reservation as a geographic location for positive blood lead screens.
- (f) In order to protect the general health of reservation members, especially children, it is necessary to ensure that lead-based paint abatement professionals, including, but not limited to, workers, supervisors, inspectors, risk assessors, and project designers, are well trained and certified to conduct lead-based paint activities in target housing and child-occupied facilities within the exterior boundaries of the Rocky Boy's Reservation

### 1.5 Purpose

- (a) To encourage effective action to prevent childhood lead poisoning by establishing a workable framework for lead-based paint hazard evaluation and reduction.
- (b) To ensure that the existence of lead-based paint hazards is taken into account in the development of tribal housing policies, tribal health policies, and other tribal policies yet to be identified.
- (c) To reduce the threat of childhood lead poisoning in housing on the Rocky Boy's Reservation.
- (d) To educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.

## Chapter Two – Definitions

### 2. Definitions

Unless the subject or the context otherwise requires, in this ordinance -

- 2.1 **Abatement** means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement does not include renovation, remodeling, landscaping or other activities.
- 2.2 **Accredited Training Program** means a training program that has been accredited by the Tribe under this law and regulations thereof.
- 2.3 **Board** means the Water Resource Sub-Committee assigned to serve as a board under this law, by the Chippewa Cree Tribal Business Committee.
- 2.4 **Certified Person** means a person or entity that performs lead-based paint activities to which the Tribe has issued a certificate of approval, in the discipline enacted by this law and regulations thereof.
- 2.5 **Child-Occupied Facility** means a building, or portion of a building constructed prior to 1978, visited regularly by the same child, (six) 6 years of age or under. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.
- 2.6 **Department** means the Tribal Water Resource Department or the department as assigned by the governing subcommittee of the environment of the Chippewa Cree Tribe.
- 2.7 **Discipline** means one of the specific types or categories of lead-based paint activities identified for which individuals may receive training from accredited programs certified by the Tribe under this law and regulations thereof.
- 2.8 **EPA** means the U.S. Environmental Protection Agency.
- 2.9 **Lead-Based Paint** means paint or other surface coatings that contain lead equal to or in excess of standards established by this law and regulations thereof.
- 2.10 **Lead-Based Paint Activities** means, inspection, risk assessment, abatement, and/or any activities regulated under this law and regulations thereof.
- 2.11 **Lead-based Paint Hazard** means any condition that causes exposure to lead would result in adverse human health effects.
- 2.12 **Person** means any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof, any interstate body; and any department, agency, or instrumentality of the Federal government.
- 2.13 **Regulation** means the regulation promulgated to set up the procedures to implement this Act as authorized by the section 7.4 of this Act.
- 2.14 **Rocky Boy Indian Reservation** means all lands within the exterior borders of the Chippewa Cree Indian Reservation.
- 2.14 **Target Housing** means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling.
- 2.15 **Tribe** means the Chippewa Cree Tribe, a federally recognized Indian Tribe.
- 2.16 **TSCA** means the Toxic Substances Control Act, 15 U.S.C. 2601.

**Chapter Three – Accreditation of Training Programs**

3. Accreditation of training programs may be acquired through application to the Chippewa Cree Tribal Environmental Department.
  - 3.1 Training program providers seeking accreditation to offer lead-based paint activities courses and/or refresher courses may choose any or all of the disciplines described in this law and regulations thereof.
  - 3.2 The training program seeking accreditation must submit an application to the tribe containing information as required by this law and regulations thereof.
  - 3.3 The Department shall audit the training program to verify the contents of the application for accreditation as described in this law and regulations thereof.
  - 3.4 Re-Accreditation of training programs may be acquired upon the submission for re-accreditation application by the training program as described in this law and regulations thereof.

**Chapter Four - Certification**

4. Lead-based paint activities may be conducted only by tribal certified persons including individuals and firms receiving certification under the procedures contained in this law and regulations thereof.
  - 4.1 Persons wishing to be certified by the Tribe to conduct lead-based paint activities within the exterior boundaries of the Rocky Boy Indian Reservation must meet the requirements as set by this law and regulations thereof.
  - 4.2 The Tribe may issue a certificate upon submission of an application demonstrating that the individual meets the appropriate training, education and/or experience requirements as contained in this law and regulations thereof.
  - 4.3 Re-certification to maintain certification in a particular discipline, a certified individual must apply to and be re-certified by the Tribe in that discipline as contained in this law and regulations thereof.

**Chapter Five - Work Practice Standards**

5. Once certified by the Tribe, an individual conducting lead-based paint activities shall comply with the work practice standards for performing the appropriate lead-based paint activities as contained in this law and regulations thereof.
  - 5.1 **Work Practice Standards**
    - (a) Certified individual must perform any lead-based paint activities in compliance with the appropriate requirements as contained in this law and regulations thereof.
    - (b) Only a certified training program shall offer courses that teach the work practice standards for conducting lead-based paint activities including standards developed by EPA pursuant to Title IV of TSCA as contained in this law and regulations thereof.
  - 5.2 **Inspection**
    - (a) Inspection shall be conducted only by a person certified by the Tribe as an inspector or risk assessor and must be conducted according to the procedures contained in this law and regulations thereof.
  - 5.3 **Lead Hazard Screen**
    - (a) Lead hazard screen shall be conducted only by a person certified by the Tribe as a risk assessor and must be conducted according to the procedures contained in this law and regulations thereof.
  - 5.4 **Risk Assessment**
    - (a) Risk assessment shall be conducted only by a person certified by the Tribe as a risk assessor to determine the existence, nature, severity, and location of lead-based paint hazards and must be conducted according to the procedures contained in the law and regulations thereof.
  - 5.5 **Abatement**
    - (a) Abatement shall be conducted only by a person certified by the Tribe and must be conducted according to the procedures contained in this law and regulations thereof.
  - 5.6 **Collection and Sampling**
    - (a) Collection and Sampling of any paint chip, dust, or soil samples shall be collected and analyzed pursuant to the work practice standards contained in this law and regulations thereof.

**Chapter Six – Enforcement****6. Enforcement****6.1 Inspection**

- (a) Authorized representatives of the Department, for the purpose of ascertaining the state of compliance with this law and regulations thereof, shall inspect, at any reasonable time, any property, premises, or place.
- (b) A person may not refuse entry or access to an authorized representative of the Department who presents appropriate credentials when the Department requests entry for purposes of inspection as contained in this law and regulations thereof.

**6.2 Violation and Penalties**

- (a) It is unlawful to engage in lead-based paint activities without accreditation and/or certification as required by this law or regulations thereof.
- (b) Any lead-based paint activities engaged in by any person who violates, disobeys or disregards any provisions of this law, regulations, or order issued pursuant thereto, shall be liable to the people of the reservation for a civil penalty not to exceed five thousand dollars for every such violation. Civil penalty to be assessed after hearing or opportunity to be heard upon the notice of violation. Such penalty may be recovered in an action brought by the tribal attorney or prosecutor in the tribal court.
- (c) In addition, the Department shall have power to commence a civil action seeking appropriate relief, including a temporary or permanent injunction for any violation of this law, regulations, terms or standards thereof. The Department may also assess other civil penalties, including but not limited to, ordering the violation to perform corrective or remedial action to alleviate the violation.

**6.3 Modification, Suspension and Revocation**

- (a) The Department may, upon a finding of non-compliance or upon a finding necessity, either modify, suspend or revoke accreditation or certification after the responsible person has afforded notice and an opportunity to be heard as contained in this law and regulations thereof.

**6.4 Appeal and Review**

- (a) Administrative Appeal
  - (1) A person aggrieved by a final action of the Department may seek review of such action. A decision of the Department shall be appealable to the Board as described in this law and regulations thereof.
- (b) Judicial Review
  - (1) The Tribal court of the Chippewa Cree Tribe shall have jurisdiction to hear and decide all cases arising under this law and implementing regulations and to hear appeals from agency acting upon exhaustion of administrative remedies.
  - (2) The decision of the Tribal Court shall be final.

**Chapter Seven - Miscellaneous Provisions****7. Miscellaneous Provisions****7.1 Severability**

- (a) The provisions of this Ordinance, and if any clause, sentence, paragraph, subdivision or part of the Ordinance shall be adjudged by the tribal court be invalid, such judgement shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation directly involved in the dispute in which such judgement shall be rendered.

**7.2 Choice of Law**

- (a) In any administrative or legal hearing regarding the subject matter of this law or the interpretation of rights and responsibilities arising from such subject matter, the Chippewa Cree Tribal Lead Ordinance shall be applied first. In the absence of the applicable written Tribal law or legal options, the Chippewa Cree Tribe laws, ordinances, customs, and traditions shall apply as provided in the Law and Order Code of the Chippewa Cree Tribe. If no Tribal written Law, legal opinions or Tribal traditional law exists, applicable Federal statutes, regulations, or case law will apply.

**7.3 Amendments**

(a) This Ordinance may be added to, modified, or repealed in part or in full when necessary to take care of unforeseen or unusual problems. For final approval of any amendment, the Business Committee shall comply with the amendment procedures required under the Law and Order Code of the Chippewa Cree Tribe.

**7.4 Regulation**

(a) The governing Subcommittee of the Environment department shall promulgate regulations to implement the provisions of this Ordinance upon recommendation of the Department.

**7.5 Record Keeping**

(a) Accredited training programs and certified individual or firm shall maintain record keeping, and provide upon request to the tribe as required by this law and by implementing regulations.

**7.6 Effective Date**

(a) The Tribal Lead Based Paint Ordinance shall be effective, pursuant to the terms of the tribe's constitution, from the date of the promulgation of the regulations under this Act.

**CERTIFICATION**

I, THE UNDERSIGNED, AS SECRETARY/TREASURER OF THE BUSINESS COMMITTEE OF THE CHIPPEWA CREE TRIBE, HEREBY CERTIFY THAT THE BUSINESS COMMITTEE IS COMPOSED OF NINE MEMBERS, OF WHOM SIX (6) MEMBERS CONSTITUTING A QUORUM WERE PRESENT AT A MEETING, DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD THIS 4<sup>th</sup> DAY OF November, 1999, AND THAT THE FOREGOING RESOLUTION WAS FULLY ADOPTED, AT SUCH MEETING, BY THE AFFIRMATIVE VOTE OF 5 ( ) FOR AND 0 ( ) MEMBERS AGAINST, AND THAT THIS RESOLUTION HAS NOT BEEN RESCINDED OR AMENDED IN ANY WAY.

  
BERT CORCORAN  
CHAIRMAN, BUSINESS COMMITTEE

  
JANICE MYERS  
SECRETARY, BUSINESS COMMITTEE