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SECTION ONE GENERAL PROVISIONS

- I. **Short Title:** This ordinance may be referred to as Forest Products Harvesting ordinance of the Chippewa Cree Tribe of the Rocky Boy's Reservation.
- II. **Authority:** This ordinance is enacted pursuant to the Article VI, Section 1(p) of the Constitution and By-Laws of the Chippewa Cree Tribe of the Rocky Boy's Reservation.
- III. **Findings:** The Tribal Council finds that:
 - A. The self-governing capabilities, political integrity, health and welfare, and economic security of the Chippewa-Cree Tribe are protected and enhanced by Tribal control and regulation of forest products management in order to protect forest resources which are essential for preserving a health natural environment and for maintaining economic, recreation, aesthetic, religious, cultural and other traditional values.
 - B. The Tribal council is empowered to exclude non-members from forestlands of the Reservation and to regulate, condition, limit, and restrict non-member use of Indian forestland.
 - C. Reservation population growth is accompanied by increasing unregulated utilization of Indian forestlands. Such utilization causes adverse impacts upon forest productivity, forest soils, water quality, air quality, and terrestrial and aquatic habitat. Therefore, there exists an immediate need to regulate forest practices on Indian forestlands in order to protect and preserve Indian forestlands and forest resources.
 - D. Increasing economic value of forest products, along with increasing recognition of the non-economic values of forests is resulting in conflict between proponents of competing uses and to benefit all Reservation residents and forest users.
 - E. There is a serious threat to Indian forestlands arising from trespass and unauthorized harvesting of Indian resources. Therefore, there exists an immediate need to establish and codify forest trespass jurisdiction in order to effectively enforce Tribal regulation and Federal policy.
- IV. **Declaration of Policy:** It is the policy of the Tribal Council, in furtherance of prudent management of Indian forestlands and forest resources, to:
 - A. Implement Tribal civil regulatory jurisdiction over forest products harvesting from Indian forest land to the greatest extent allowable under law; and

B. Seek a balance between use, development and preservation of Indian forest products with intent to provide forest products for:

1. personal use of Tribal members;
2. commercial use by value-added industries providing employment opportunities for Tribal members;
3. the economic benefits of the Tribe through timber sales to the tribal members in order to increase employment and to generate tribal economy; and
4. other non-commodity producing uses.

V. Conformity of Terms: All terms used herein shall conform with the meaning of those terms set out on 25 U.S.C. 3103 and 25 C.F.R. 163.1 except to the extent that the application of such terms is rendered inconsistent with the purposes of this Ordinance.

SECTION TWO DEFINITIONS

I. Definitions: For the purposes of this Ordinance the following definitions will apply:

A. Authorized Officer means any:

1. officer of the Tribal Fish and Wildlife Conservation Program;
2. any peace officer of the Chippewa-Cree Tribe; and
3. any law enforcement officer of the United States authorized by this ordinance, regulations promulgated pursuant to this Ordinance, or federal law to enforce this Ordinance.

B. Commercial means a product to be sold or resold.

C. Contract means a valid formal contract for sale of Rocky Boy Indian Reservation forest products.

D. Contractor means the party who enters into a formal contract for sale of Rocky Boy Reservation Indian forest products to purchase products harvested from Indian forestland.

E. Department means the Tribal Forestry Department.

- F. **Department Head** means the Department Head of the Tribal Forestry Department or his/her authorized representative.
- G. **Employee** means any person working under a paid permit of another person.
- H. **Forest or Forest Land** means a land parcel at least one acre in size, including timberland and woodland, which is characterized by a more or less dense and extensive tree cover; contains, or once contained, at least ten percent tree crown cover, and is not developed or planned for exclusive non-forest use.
- I. **Forest Products** means marketable products extracted from Indian forest land including but not limited to: timber products (lumber, lath, crating, ties, bolts, logs, pulpwood, fuel wood, posts, poles, and split products), bark, Christmas trees, stays, branches, firewood, berries, mosses, roots, syrups, herbs, and other marketable material extracted from or utilized on Indian Forest Land.
- J. **Forest Resources** means all the benefits derived from Indian forestland, including forest products, soil productivity, water, fisheries, wildlife, recreation, and aesthetic or other traditional values of such land.
- K. **Harvesting** means the preparation for removal, transport and disposal of forest products from the point of extraction in the forest to a point of delivery.
- L. **Indian** means and enrolled member of a federal recognized Indian tribe.
- M. **Indian Forest Land** means Indian land, including commercial and non-commercial timberland and woodland that is considered chiefly valuable for the production of forest products or to maintain watershed or other land values enhanced by forest cover, regardless whether a formal inspection and land classification has been taken.
- N. **Indian Land** means land for which title is held by or on behalf of the Chippewa-Cree Tribe.
- O. **Member** means a person who is enrolled as a member of the Chippewa Cree Tribe.
- P. **Non-Member** means a person who is not enrolled as a member of the Chippewa-Cree Tribe.
- Q. **Performance Bond** means a surety bond, which secures payment of damages to the Chippewa-Cree Tribe to protect such Tribe against injury caused by actions of a contractor or permittee.
- R. **Permit** means a valid forest products harvesting permit issued by the Chippewa-Cree Tribal Forestry Department.

- S. **Permittee** means the holder of a valid forest products harvesting permit issued in his/her name by the Chippewa-Cree Tribal Forestry Department.
- T. **Person** means any individual, partnership, association, corporation, and any other entity composed of individuals.
- U. **Regulation or Regulations** means any regulation promulgated pursuant to this Ordinance.
- V. **Reservation** means the Rocky Boy Reservation.
- W. **Secretary** means the Secretary of the Interior or his/her authorized representative.
- X. **Trespass** means the removal of forest products from Indian forestland or the severance or injury of forest products on Indian forestland except when authorized by law and applicable Federal or Tribal regulations.
- Y. **Tribal Council or Council** means the duly elected governing body of the Chippewa-Cree Tribe.
- Z. **Tribe or Tribal** means of or pertaining to the Chippewa-Cree Tribe.

SECTION THREE ADMINISTRATION

- I. **Natural Resources Sub-Committee:** The Natural Resource Sub-Committee shall oversee departmental functions and implementation of this code and regulations thereof. The Sub-Committee is made up of five members chosen by the Chippewa Cree Tribal Business Committee. All the members of the Sub-Committee shall be from elected council members. One of the five members shall be nominated as a chair of the Sub-Committee.
- II. **Meetings:** The Sub-Committee shall meet once every month to review the implementation of this code and enforcement activities.
- III. **Functions of the Sub-Committee:**
 - A. Oversee all the activities of the Natural Resource Department and to review the implementation of this code and regulations thereof and enforcement activities.
 - B. Promulgate regulations to implement the provisions of this code.
 - C. Any other functions as suggested by the Business Committee or regulations.

IV. Tribal Natural Resources Department:

Tribal Natural Resources Department shall be responsible for all forest products harvesting activities and administration. Following shall be the functions of the Department:

- A.** Make such rules and regulations and establish such services, as it deems necessary to carry out the provisions and purposes of this Code, subject to the approval of the Sub-Committee and Business Committee.
- B.** Recommend to the Business Committee broad policies and long-range programs for the management of forest product harvesting and preservation of forest resources.
- C.** Issue forest products harvesting permit and perform necessary functions to prepare the contract for forest products harvesting.
- D.** Be responsible for the enforcement of laws, including setting fines and civil penalties, for the protection of forest products.
- E.** Establish rewards or bounties for information leading to the identification and prosecution of violators of this Code.
- F.** Prescribe qualifications, training and salary schedules for Department employees.
- G.** Provide for the assembly and distribution of information to the public relating to the forest products.
- H.** Assist in search and rescue operations.
- I.** Conduct investigations, inquiries or hearings as necessary to enforce this Code.
- J.** Establish forest products management units, special condition and restricted areas for the preservation and management of forest products harvesting, with the approval of the Business Committee.
- K.** Use forest products for research or other educational purposes.
- L.** Enter into inter-governmental agreements with tribal, federal, state or local governments and their political subdivisions, or enter into agreements with private entities, subject to Business Committee approval.
- M.** Prescribe seasons, possession limits and other regulations pertaining to the forest product harvesting, with the approval of the Business Committee.

- N. Bring suit in the name of the Tribe against any person, entity, or organization, including public entities, to restrain or enjoin them from violating this Code or regulations thereof.
 - O. Exercise such additional powers and duties as are necessary to fully carry out the provisions of this Code.
- V. **Director.** The Director of the Natural Resources Department shall be responsible for administration, conservation and management of the forest products and their harvesting within the reservation.
- VI. **Functions of the Director:**
- A. Oversee the supervisors' or staffs' duty.
 - B. Implement and enforce this code and regulations thereof.
 - C. Recommend Sub-Committee for necessary changes in regulations and forest products harvesting policy.
 - D. Develop a forest products management plan and recommend to the Sub-Committee and the Business Committee.
 - E. Any other administrative functions suggested by the regulations and directed by the Business Committee or Sub-Committee.

SECTION FOUR SALE OF FOREST PRODUCTS

I. Contract Requirements:

- A. Harvesting of forest products of an estimated value equal to or exceeding fifteen thousand dollars (\$15,000.00);
 - 1. shall be done under Formal Contract for Sale of Rocky Boy Reservation Forest Products;
 - 2. shall not commence until the contract has been executed, approved by the Secretary, and signed by the Tribal Chairman and Secretary; and
 - 3. shall be conducted pursuant to the terms and conditions of the contract.
- B. The estimated value of forest products to be harvested shall be an amount equivalent to the fair market value.

II. Contractor Eligibility and Responsibilities:

A. Any person who is 18 years of age or older may purchase forest products offered for sale.

B. The purchaser is responsible for:

1. performing in compliance with the terms and conditions of the contract;
2. compliance with this Ordinance and the regulations; and
3. the actions of his employees and agents while they are engaged in contract activities.

III. Performance Bond: All contractors shall post a performance bond in form and amounts specified in the contract.

IV. Contract Personal in Nature: A contract is personal in nature and may not be transferred or assigned. No person shall obtain a contract by fraud or misrepresentation, and a contract so obtained shall be void and of no effect.

**SECTION FIVE
FOREST PRODUCTS HARVESTING PERMITS**

I. Permit Requirements:

Except as provided in Chapter III of this code, harvesting of forest products shall require a permit and shall not commence until the responsible person has been issued a permit. Timber harvesting shall be conducted pursuant to the terms and conditions of the permit, this code and the regulations thereof.

II. Application for a Permit:

A person applying for a permit shall be required to provide the following information:

- A. Name, age and address of the applicant;
- B. Species and quantity of forest products;
- C. Any other information as the Director deems necessary.

III. Issuance of Permit:

- A. Permit shall be issued by the Department.

B. Permits may be issued to:

1. any tribal member 18 years of age or older; or
2. a non-member, 18 years of age or older, in limited circumstances as stipulated in the regulations.

C. The Tribal Forest Products Harvesting Permit Form will be used for all permits.

IV. Permittee's Responsibilities, Availability of Permit:

A. The permittee is responsible for compliance with this Ordinance, the regulations, and any permits issued pursuant to them. The permittee is responsible for the actions for his employees, family members, or other persons who are acting under the permit.

B. The permittee is responsible for having the permit present at the harvest site whenever harvesting activities subject to the permit are underway; and for having the permit, or a copy thereof, accompany forest products under transport.

V. Term of Permit:

A. Forest product harvesting permits shall be issued for a period not to exceed one year, commencing on the date of issuance.

B. The permittee shall post financial assurance when the Forest Manager determines that such financial assurance is necessary to protect the beneficial owner (the Chippewa-Cree Tribe), against the risk of damage to forest resources posed by the permittee's harvest activities. Such financial assurance shall be in forms and amounts as specified in the regulations.

VI. Permits Personal in Nature: A permit is personal in nature and may not be transferred or assigned. No person shall obtain a permit by fraud or misrepresentation, and a permit so obtained is void and of no effect.

VII. Exemptions: Tribal members harvesting forest products, other than timber products, are exempt from the requirements of this part.

**SECTION SIX
FREE USE HARVESTING**

I. Permit for Free Harvesting:

- A. Tribal members may harvest forest products for their personal use with a permit and without charge.
- B. The Department, by regulation, shall specify the:
 - 1. conditions under which free use harvesting shall be conducted; and
 - 2. type and quantity of forest products that may be harvested under this section
- C. Forest products harvested pursuant to this part shall be for the member's personal use, and shall not be sold or exchanged for other goods or services.
- D. A member who harvests forest products pursuant to this part is responsible for compliance with this Ordinance and the regulations.
- E. The process to apply for a permit shall be as prescribed in the Section 4.02 of this code.

**SECTION SEVEN
SPECIAL CONDITIONS/RESTRICTED AREAS**

- VI. **Special Conditions:** All persons acting pursuant to this code shall be subject to any restrictions, closures of areas, Tribal or Federal laws, and conditions contained in any regulation promulgated pursuant to this code and enacted to protect the safety and welfare of Tribal members, the conservation of Tribal resources, or the preservation of the cultural and spiritual environment of Tribal members.
- VII. **Restricted Areas:** The Tribal Natural Resources Department may, for good cause, with notice, restrict or prohibit access to, or use of, specified areas of forestlands to persons acting pursuant to this code. It is unlawful for any person to gain access to, or use of, any area in violation of any restriction or prohibition.

**SECTION EIGHT
DISPOSITION OF MONEYS AND PROPERTY**

- VII. **Disposition of Fees, Forfeitures, and Money Damages:**
 - A. Except as noted in the section 7.03, all fees from sale of permits, all forfeited bonds, and all money damages that accrue pursuant to this Ordinance shall be treated as proceeds from the sale of forest products from the Indian forest lands upon which the forest products were harvested.
 - B. In the case of money damages assess by the Tribal court after trial or default, the Clerk of Court shall, prepare a written report specifying the results of the adjudication, the amount of any penalty, the status of any bond involved, and damages collected. Within forty-five days of judgment, but not sooner than the close of the redemption period provided for in 10.03 in a case involving property bond, the Clerk shall then proceed as follows:

1. Upon judgment in favor of the Tribe, the Clerk shall submit the written report to the Department and forward the balance of all money damages collected pursuant to adjudication to the Tribal Executive Treasurer for deposit in the account unless an appeal is timely filed.
- C. In the case of a cash penalty assessed by the Tribal Court after trial or default, the money collected shall be disbursed into the Chippewa-Cree Tribe General Fund Account.

VIII. Disposition of Impounded Forest Products and Personal Property:

- A. Confiscated forest products forfeited or impounded as evidence in an adjudication in which the Tribes or the Secretary prevail under this Ordinance shall be sold or otherwise disposed of as determined appropriate by the Tribal Court.
- B. Sale or disposal of confiscated forest products impounded, as evidence shall not be stayed by the filing of an administrative appeal.
- C. Personal property of a judgment debtor used as bond shall, upon expiration of the redemption period, be sold at public auction, with reserve, to the highest bidder, the proceeds from such action, except an amount sufficient to cover the cost of said auction, shall be treated as proceeds from the sale of forest products. Any proceeds from such sale in excess of the judgment amount shall be returned to the debtor. The public auction may be held not sooner than thirty days after expiration of the time for appeal.

SECTION NINE ENFORCEMENT

I. Jurisdiction:

- A. The Tribe and the Secretary shall have concurrent civil jurisdiction to enforce this ordinance and regulations promulgated hereunder. The Tribe shall take preference, and federal agencies shall defer upon request of the Tribe, for prosecutions of violations of this Ordinance and the regulations promulgated hereunder.
- B. The Tribal Court shall have jurisdiction over all actions initiated under this Ordinance, which are prosecuted by the Tribe.
- C. In actions in which the Tribe defers jurisdiction, the proper forum for adjudication shall be determined jointly by the Secretary and the Tribal Prosecutor.

II. Civil Actions:

A person who is alleged to be in non-compliance with a provision of this code or an applicable regulation contract or permit is subject to a civil suite. Actions in Tribal Court will be adjudicated pursuant to the Tribal Law and Order Code.

III. Federal Prosecution:

Nothing in this code shall be deemed to preclude federal prosecution for violation of applicable federal laws, nor shall a federal prosecution preclude the filing of a civil complaint by an authorized officer in Tribal Court.

IV. Authorized Officer's Authority and Duties:

All authorized officers shall have the authority and duty to enforce this Ordinance and regulations thereof and shall possess additional authority to serve subpoenas and other legal process issued by the Tribal Court.

V. Determination of Identification and Membership:

- A. An authorized officer who, after investigation, has reasonable grounds to believe that a person has failed to comply with a provision of this Ordinance or regulations shall identify himself/herself to such person and request that such person produce personal identification which documents the person's name, home address and enrollment status with the Tribe.
- B. A person who refuses to or cannot produce evidence of identification may be subject to the Bond Procedures of this Ordinance.

VI. Inspections:

- A. The Department Head, the Secretary and authorized officer may conduct inspections of forest lands, forest products and permits as necessary for the purpose of insuring compliance with this Ordinance and the Regulations and to insure that no material damage occurs to forest resources as result of forest products harvesting activities.
- B. Authorized officers may conducts inspections of personal property, including vehicles, in possession of any person an authorized officer has reason to believe has engaged in activities regulated by this Code in order to assure compliance with this Code. Inspections shall be conducted in such a manner as to afford protection of individual rights.
- C. Upon finding that sawlogs are stolen from the Tribal forest, an authorized officer may investigate suspects and sawlogs. Investigation shall include, but not limited to, matching of growth rings of sawlogs. The officer may ask sawmill for cooperation. It is a responsibility of the sawmill to fully cooperate

with the Department. In case of failure of cooperation, the sawmill may be charged with trespass or theft or both.

VII. Seizure of Forest Products:

- A. An authorized officer, who has reason to believe that forest products are involved in trespass, may prohibit the removal of such forest products from Reservation land or seize such products for safekeeping and use of evidence of trespass.
- B. When there is reason to believe that Indian forest products are involved in trespass and that such products have been removed from the Reservation, the Secretary shall immediately notify the owner of the land or the party in possession of the trespass products that such products could be Indian trust property involved in a trespass and that no action to remove or otherwise dispose of such products may be taken unless authorized by the Secretary. The Secretary shall cause Indian forest products that can be positively identified to be sold where practicable to recover their value for the beneficial Indian owners prior to deterioration.

VIII. Seizure of Equipment:

- A. An authorized officer who has probable cause to believe that trespass activity has occurred may seize and take possession of the equipment involved in the trespass activity when such equipment is present within Reservation boundaries. All equipment seized shall be kept in the custody of the Department for use as evidence unless otherwise ordered by Tribal Court.
- B. When the Secretary has probable cause to believe that trespass activity has occurred, he/she may seize and take possession of the equipment involved in the trespass activity when such equipment has been removed from the Reservation. All equipment seized shall be kept in the custody of the enforcement agency for use as evidence unless otherwise ordered by a court of competent jurisdiction.

IX. Administrative Appeal of Seizure:

Seizures of forest products and/or equipment made pursuant to the Sections 8.07 and 8.08 may be appealed to the Director and Sub-Committee.

X. Notice of Seizure:

The authorized officer simultaneously with any seizure occurring within the boundaries of the Reservation shall give written notice of the seizure to the party in possession of the forest products and/or equipment involved in the apparent trespass. Within a reasonable period of time thereafter, the Secretary shall affix a

trespass notice to the seized forest products and/or property and issue and official Notice of Trespass to the alleged trespasser and, if necessary, the possessor, buyer, processor, or other affected party. The official Notice of Trespass shall state that the Tribe alleges that a trespass has occurred, the basis for the allegation, and the basis for the seizure of forest products and/or equipment. All notice given shall include the statement that the seizure may be administratively appealed pursuant to Title 25 of the Code of Federal Regulations.

SECTION TEN CIVIL PENALTIES

I. Cases in Federal Court:

The measure of damages to be applied in cases of timber and related trespass in Federal court will be as prescribed by the Federal laws and Regulations.

II. Cases in Tribal Court:

A person found by the Tribal Court to have violated this Ordinance, the regulations, a contract, or a permit shall be found to have committed forest trespass and shall be subject to civil penalties as follows:

- A. A penalty not to exceed five thousand dollars (\$5,000.00) for each act of non-compliance. Each day of non-compliance shall, for the purposes of this subsection, constitute a separate act of non-compliance.
- B. Damages:

- 1. Except as provided in paragraph (b) of this section, treble damages shall be assess against any person who, without lawful authority, injuries, severs, or transports a forest product subject to regulation under this Ordinance. Treble damages shall be based on fair market value of the highest-valued product obtainable from the raw materials involved in the trespass.
- 2. Double damages, whenever a trespasser can prove that the trespass act was casual or involuntary, or that the trespasser had a reasonable belief that the land on which the trespass was committed was his/her own or that of the person in whose serve by whose direction the act was done. Double damages shall be based upon the fair market value of the highest-valued product obtainable from the raw materials involved in the trespass.

C. Cost:

- 1. Payment of reasonable costs associated with damage to Indian forestland including, but not limited to, rehabilitation, reforestation,

lost future revenue, loss of productivity, and damage to other forest resources.

2. Payment of all reasonable cost associated with the enforcement of these trespass regulations beginning with detection and including all processes through the prosecution and collection of the settlement or judgment, such as field examination and survey, damage appraisal, investigation assistance and reports, witness expenses, demand letter court costs, and attorney fees.

D. Forfeiture of all forest products and/or equipment involved in trespass.

III. Collection of Civil Penalties:

Payment of civil penalties may involve collection of cash, forfeiture of personal property and garnishment. Any cash or other proceeds realized from forfeiture of personal property or forest products damaged or taken in the trespass shall be applied to civil penalties and other expenses incurred by the enforcement agency or agencies damaged by the trespass. After disposition of personal property to pay civil liability penalties and enforcement cost to the trespass, any residual funds or remaining equipment shall be returned to the trespasser.

IV. Settlement for Trespass on Tribal Land:

- A. The Tribal Council may accept payment of damages in full in the settlement of civil trespass cases without resort to court action for cases, which arise from trespass activities, that occurred on Tribal lands.
- B. In the absence of a court decision, the Tribal Council will determine the procedure and approve acceptance of any negotiated settlements.
- C. The Tribal Council may, on a case-by-case basis, delegate their settlement authority under this section to the Secretary.

V. Power to Revoke or Suspend Privileges:

- A. In addition to pursuing other remedies provided by this Code, the Department may suspend or revoke, for a period not to exceed five years, the privilege of any person to harvest forest products whom:
 1. unlawfully harvests or processes forest products; or
 2. damages or destroys crops, personal property, Tribal property, notices, signboard, or other improvements while engaged in activities subject to this Ordinance and regulations.

- B. Department action taken pursuant to this section may be appealed to the Sub-Committee.

CHAPTER ELEVEN BOND PROCEDURES

I. Bond Notices:

- A. In all cases to be adjudicated in Tribal Court in which a bond is required, an authorized officer shall prepare and issue a Bond Notice to a person alleged to be in non-compliance, allow him to read it, and have him sign the Bond Notice before the authorized officer takes possession of any cash or personal property bond.
- B. The Bond Notice shall include the following information:
1. the issuing authorized officer's name and badge number;
 2. the acts of non-compliance alleged, the Bond Schedule Amount for each, and the total amount;
 3. description of alternative methods of posting bond as set forth in this Ordinance;
 4. a warning that failure to appear in Tribal Court may result in entry of default judgment and forfeiture of cash or property bond in an amount sufficient to satisfy said judgment;
 5. notice that property impounded in lieu of cash bond may be redeemed at any time prior to the time of appearance during normal business hours at the issuing authorized officer's office by posting a cash bond or payment of damages, but post-judgment redemption must occur, if at all, within 30 days of the entry of judgment unless an appeal is timely filed; and
 6. the issuing officer's office address, telephone number, and business hours.
- C. Bond Notice shall be prepared in duplicate and a copy signed by the person alleged to be in non-compliance shall be filed by the authorized officer at his/her office with the copy of the Notice to Appear.

II. Cash Bond:

- A. A person alleged to be in non-compliance may post a cash bond with the authorized officer, in accordance with the Bond Schedule.

- B. Upon receipt of the cash bond, the authorized officer shall prepare a Bond Receipt for the amount received, which shall be on the form provided by the Department for the purpose, and which shall contain the name of the person involved, the serial number of the Notice to Appear issued for him, the date, the bond amount, and the signature and identification number of the issuing authorized officer. One copy of the bond receipt shall be issued to the person alleged to be in non-compliance.
- C. The person alleged to be in non-compliance shall sign the Bond Receipt and the authorized officer shall retain and file a signed copy with the filed copy of the Notice to Appear.
- D. If a person is found by the Tribal Court to be in compliance with this Ordinance and regulation, the bond amount shall be returned in full within five business days of dismissal. If a person is found liable or in default due to failure to appear, the bond shall be applied in satisfaction of the judgment, and any excess shall be returned to the violator.

III. Property Bond:

- A. For cases to be adjudicated in Tribal Court, the person alleged to be in non-compliance may post with the authorized officer any personal property, which the authorized officer reasonably values at an amount comparable to the required bond amount.
- B. Upon receipt of bond property, the authorized officer shall give to the person a Bond Receipt as provided in 10.22(2), except that instead of the cash amount received the receipt shall contain a complete description of the property including serial numbers.
- C. If the person alleged to be in non-compliance fails to redeem the property by posting a cash bond in lieu thereof, and if such person fails to appear or is found liable by the Tribal Court, bond property shall be disposed of. A person may redeem bond property during normal business hours at the authorized officer's office by posting a cash bond in an amount equal to the sum of the Bond Schedule amounts for the acts of non-compliance with he/she is charged, or by paying damages as determined by the Court, Redemption must occur, if at all, within 30 days of the entry judgment unless an appeal is timely filed.

IV. Cash Bond Fund:

Within one business day of being posted all outstanding cash bonds issued by Tribal authorized officer shall be deposited in an account established by the Tribal Council for that purpose.

V. Property Bond Storage:

All bond property accepted by Tribal authorized officer shall be deposited in the keeping of the Department for secured storage within one day of impoundment.

**SECTION TWELVE
MISCELLANEOUS PROVISIONS**

I. Severability:

If any section, provision, or portion of this code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this code shall not be affected thereby. The Tribe further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this code.

II. Effective Date:

This Code shall become effective on the date adopted by the Chippewa Cree Tribal Business Committee.

III. Repeal:

All ordinances and resolutions inconsistent with this code are hereby repealed. To the extent that this document imposes greater restrictions than those contained in any other tribal ordinance, the provision of this document shall govern.

D. Regulations:

The Sub-Committee shall adopt such rules and regulations, as it deems necessary to implement the objectives and purposes of this Code.

E. Amendments:

The Tribe may add to, modify, or repeal in part or in full when necessary to take care of unforeseen or unusual problems as prescribed by the Law and Order Code. The Sub-Committee may amend the regulations under this code when necessary.

