

NOTICE OF PROPOSED RULEMAKING- SEEKING PUBLIC COMMENT (Second Reading)

The Chippewa Cree Tribal Business Committee passed the Second Reading to the proposed Legislation Process Ordinance. The publication of this notice on March 18, 2023, continues the public comment period for another thirty (30) days, originally published on March 6, 2023. During the next thirty (30) days, anyone with an interest in the proposed Ordinance can submit a written comment offering feedback on the proposed Ordinance. All written feedback must be submitted either via e-mail to Elinor Nault enault@cctcourt.org or Dan Belcourt danbelcourt@aol.com via mail:

**Chippewa Cree Tribe
Attn: CCT-OAG
96 Clinic Road North
Box Elder, Montana 59521**

Please direct all feedback and questions to the e-mail address or mailing address listed above.

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

96 Clinic Road
Box Elder, Montana 59521

Resolution No. 21-24

TO APPROVE A LEGISLATIVE PROCESS ORDINANCE FOR THE CHIPPEWA CREE TRIBE FOR TITLE 1 CHAPTER 1.3 AMENDMENTS, MODIFICATIONS, ADDITIONS TO THE CODE

WHEREAS the Chippewa Cree Tribe Business Committee is the governing body of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, Montana by the authority of the Constitution and Bylaws of the Chippewa Cree Tribe approved on the 23 day of November 1935;

WHEREAS, the Chippewa-Cree Tribe Business Committee has the authority to enact Ordinances including a Comprehensive Law and Order Code pursuant to Article VI, Section 1, Subsection (p) of the Chippewa Cree Tribe Constitution and Bylaws (Amended 2004);

WHEREAS, pursuant to their inherent sovereignty, Constitution and Bylaws of the Chippewa Cree Tribe, the Chippewa Cree Tribe Business Committee is charged with the duty to promote and protect the health, security, and general welfare of the Chippewa Cree Tribe and its members;

WHEREAS, the Business Committee recognizes the need to improve the tribe's legislative process for developing and approving tribal policies, codes and ordinances;

WHEREAS the Business Committee provides a uniform and systematic process that will protect and strengthen tribal sovereignty;

WHEREAS the Business Committee desires to adopt a Tribal Legislative Process Ordinance immediately including amendments, new sections or rescissions of the Code that shall be initiated by the affected department, unless the CCBC directs the department or the OAG to do so.

First Reading. The initiating department shall prepare the first draft with the consultation of the AOG, standing sub-committee and other affected departments to make revisions, and present to the standing Sub-Committee for approval.

Second Reading.

1. Once the standing Sub Committee has reviewed and final changes have been incorporated, the Amendment shall be presented to the CCBC for final approval. Public comment shall be sought if appropriate; comments shall be referred to CCBC Recording Secretary who will send to the initiating Department.
2. The OAG shall review the amendments for Constitutional and federal compliance and CCT Code conformity and make recommended changes.

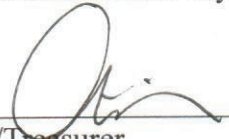
Third Reading - Once the public posting time has ended and the community recommendations have been reviewed and incorporated the amendment shall be brought back to the CCBC for final action.

If required, the Amendment shall be posted to the community public for twenty (20) days.

No. 21-24

THEREFORE, BE IT RESOLVED, the Business Committee hereby approves the adoption of Tribal Legislative Process Ordinance 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 (9) members of whom nine (9) members constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this day March 6, 2024 and the foregoing Resolution was duly adopted at said meeting by the affirmative vote of eight (8) members for, and zero (0) member against zero (0) and the resolution has not been rescinded or amended in any way.


Chippewa Cree Tribe Business Committee Chair


Secretary/Treasurer

CHIPPEWA CREE TRIBAL
LAW AND ORDER CODES
(Feb. 4, 1987)

TITLE I– General Provisions

Legislative History:

Resolution #21-24: Approved March 5th, 2024 “TO APPROVE A LEGISLATIVE PROCESS ORDINANCE FOR THE CHIPPEWA CREE TRIBE FOR TITLE 1 CHAPTER 1.3 AMENDMENTS, MODIFICATIONS, ADDITIONS TO THE CODE”

TITLE 1

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GENERAL PROVISIONS

Chapter 1 ESTABLISHING AUTHORITY AND COURTS

1.1 Constitutional Authority

The code of the Rocky Boy's Reservation is adopted pursuant to the authority vested in the Business Committee under Article VI, section (1) of the Constitution of the Chippewa-Cree Indians of the Rocky Boy's Reservation.

1.2 Prior Inconsistent Ordinances and Resolutions

Any and all Code provisions or ordinances inconsistent with, or in conflict with, or contrary to the spirit and purpose of this Code are hereby repealed and have no effect.

1.3 Amendments, Modifications, Additions to the Code

The code may be amended by ordinances. The adoptions of Tribal Ordinances which effect modifications, additions, or deletions to this Code shall be codified and incorporated in a manner consistent with the numbering and organization of this Code.

LEGISLATIVE PROCESS ORDINANCE

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- II. Scope and Authority**
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GENERAL PROVISIONS

I. PURPOSE

The purpose of this Code shall be to delineate procedures that will streamline and provide for a uniform procedure to develop, modify or rescind identified sections of the Law and Order Code of the Chippewa Cree Tribe.

II. SCOPE AND AUTHORITY

A. This Section shall govern the amendment, organization, and codification of the Law and Order Code of the Chippewa Cree Tribe. The rules relating to the passing of new laws or amendments to the Law and Order Code are internal CCBC procedural rules.

B. Any violation of the procedures specified in these rules shall, in and of itself, have no legal effect on any Code amendment adopted by the CCBC and shall not be construed by the CCT Court or otherwise to influence in any way the force and effect of any of the provisions of or amendments to the Code of the Chippewa Cree Tribe.

III. DEFINITIONS – the following definitions shall apply to this Code.

A. “**Amendment**” means any additions, deletions or other changes to the Code, including the passage of entirely new laws, which add new titles, chapters or sections.

B. “**CCBC**” means the Chippewa Cree Business Committee.

C. “**CCT**” means the Chippewa Cree Tribe of the Rocky Boy’s Indian Reservation.

D. “**Code**” or “**CCTC**” means the Law and Order Code of the Chippewa Cree Tribe.

E. “**Committee**” means the Committee of the CCBC or its successor which has been delegated by resolution the authority by the CCBC to act and/or which typically acts on the Code amendment in question.

F. “**Committee Recording Secretary**” means the Secretary of the specific Standing Committee that is proposing changes to the CCT Law and Order Code.

G. “**OAG**” means the Office of the Attorney General for the Chippewa Cree Tribe.

H. “**RECORDING SECRETARY**” means the secretary of the Chippewa Cree Business Council who is responsible for recording and filing the minutes and actions of the CCTBC.

IV. FORMAT

A. Standard format for codification of the Code shall use the following format:

TITLE ____
Chapter _____

Section 1.

Section 1.1

Section 1.2

Section 1.3

(a)

(b)

History

B. Expansion of Code

Any new Chapters added to certain Titles or creation of new Titles by the CCBC shall be designated identifying numbers that follow sequentially from the Chapters already identified in the Title.

C. Amendment Formatting

1. All proposed amendments to the Code shall be in proper Code format using a 12-font size and using the Times New Roman font and shall be formatted as provided above. Amendments which create new code sections or chapters shall be identified as such.

2. Proposed amendment of existing Code sections shall be indicated by underlining language, which is to be added to the section and striking through language, which is to be deleted. Once voted on, the corrections shall be accepted in the document and a clean copy presented to the appropriate parties.

V. AMENDMENT PROCESS

Updates to the CCBC Code, including amendments, new sections or rescissions of the Code shall be initiated by the affected department, unless the CCBC directs the department or the OAG to do so.

A. First Reading. The initiating department shall prepare the first draft with the consultation of the standing Sub-Committee and other affected departments to make revisions, and present to the Standing Committee for approval.

B. Second Reading.

1. Once the standing Sub-Committee has reviewed and final changes have been incorporated, the Amendment shall be presented to the CCBC for final approval. Public comment shall be sought if appropriate; comments shall be referred to CCBC Recording Secretary who will send to the initiating Department.

2. The OAG shall review the amendments for Constitutional and federal compliance and CCT Code conformity and make recommended changes.

C. Third Reading - Once the public posting time has ended and the community recommendations have been reviewed and incorporated the amendment shall be brought back to the CCBC for final action.

D. If required, the Amendment shall be posted to the community public for twenty (20) days.

VI. POSTING OF NOTICE/COMMENT

A. All Committee meetings where the Committee is acting upon an amendment to the Code shall be open to the public.

B. Modifications or development of the Code shall be posted to the public for thirty (30) days. The Committee may receive or solicit public comment as it deems fit.

VII. FINAL REVIEW/APPROVAL

A. Once the public comment period has ended, and the Committee has incorporated the comments, the OAG shall review the modification and send back to the Committee for further clarification/revision.

B. The OAG, along with the Committee representative, shall then forward the amendments to the CCBC who shall review and approve, deny or send proposed code back to the Standing Committee for additional development and may recommend an additional comment period.

C. If approved, the OAG shall recommend the appropriate place for modification. The Chippewa Cree Business Council shall have the authority to provide final review and approval of the document.

VIII. NON-SUBSTANTIVE CORRECTIONS

If the OAG determines that the proposed amendment or a technical error with no new requirements, obligations, prohibitions, or other material changes in the existing Code, it may immediately act on the amendment and forward it to the CCBC for final action.

IX. REFERENCES AND CITATIONS

A. Any references to the Code in any regulation, policy, resolution, court opinion or other material adopted or produced by any department or entity of the CCT following any duly adopted re-codification, reorganization, or other changes to the extent necessary and practical.

B. When referencing or citing a provision of the Code, such as a provision may be referenced or cited as follows: The letters "CCTC" followed by the appropriate Title, Chapter, and Section numbers, and where applicable, the letters and numbers of the referenced subsection in parentheses.

IX. RECORDING SECRETARY'S RESPONSIBILITIES

A. The Recording Secretary shall be responsible for filing any Resolutions passed by the CCBC or its Committees, including amendments, modifications or rescissions of Chippewa Cree law.

B. The Recording Secretary shall ensure that all appropriate or affected departments are provided final copies of the amendments to the Chippewa Cree Tribal Code, as well as to posting on the appropriate locations and website.

C. The Recording Secretary shall be responsible for assisting the Office of the Attorney General in ensuring the amendments or any additions to any Chippewa Cree Law shall be codified in the existing Code of Laws.

X. COURT ADMINISTRATOR’S RESPONSIBILITIES

While the Recording Secretary is responsible for filing and maintaining a record system of the resolutions, ordinances and laws, and other duties listed in Section IX.above, the Court Administrator shall be responsible for:

A. Developing and maintaining a law library which contains laws, resolutions, ordinances and amendment of the Chippewa Cree Tribe Law and Order Code, including judicial decisions rendered by the Chippewa Cree Tribal or any Court of Appeals, for use by the public, attorneys, clerks and judges as allowed (access to juvenile and sealed files shall be restricted unless duly approved by a judge).

B. Ensuring that all laws and ordinances passed by the Chippewa Cree Business Council are brought to the attention of the Chippewa Cree Judiciary so they can be interpreted and implemented by the Chippewa Cree Tribal Court System as applicable.

C. Assist the OAG and CCBC Recording Secretary in ensuring that any amendments or modifications to the Chippewa Cree Law & Order ordinances are incorporated into existing laws and ordinances.

XI. CODIFICATION OF AMENDMENTS

A. Once the CCBC has approved the amendments through Resolution, the OAG, with the assistance of the CCBC Recording Secretary shall codify the amendment and ensure that the amendment is inserted into the electronic version of the Law-and-Order Code.

B. The CCBC Recording Secretary shall ensure that a copy of the Resolution and the amendment is disseminated to all CCT departments and enterprises.

C. The Court Administrator shall be responsible for maintaining a current copy of all code amendments as well.

1.4 Availability of Code

Copies of this Code and any amendments shall be kept available for public inspection during regular business hours at the office of the Clerk of the Court. Copies will be made available at cost to anyone who requests the Code.

1.5 Authority to Make and Enforce Administrative Rules The Business Committee may appoint sub-committees to establish rules in areas such as court and resources administration. Rules made by each sub-committee will not be in effect until: (1) they have been posted in a public place and made available upon request for at least thirty (30) days; and (2) any comment made on the proposed rules are considered by the sub-committee.

Copies of all rules, whether proposed or in effect, shall be available for public inspection during regular business hours at the office at the Clerk of the Court, and the offices of the Business Committee

1.6 Creation and Establishment of the Courts

The Rocky Boy's Tribal Court is established pursuant to Article XII and Article VI, section 1 (p) of the Constitution of the Chippewa-Cree Indians of the Rocky Boy's Reservation.

1.7 Composition of the Chippewa-Cree Courts of Appeal Upon the enactment of this Title, the Rocky Boy's Tribal Court shall provide, by court rule, an appellate court for the review of the decisions of the Rocky Boy's Tribal Court.

1.8 Powers of the Court

The Tribal Court shall be a court of general civil and criminal jurisdiction and shall hear appeals from administrative bodies as provided by the Code or Ordinances of the Chippewa-Cree Tribe.

1.9 Choice of Law

The Tribal Court and appellate court, in all actions, shall apply the laws, ordinances, customs, and traditions of the Chippewa-Cree Tribe. In the absence of Tribal Law in civil matters the court may apply laws and regulations of the United States or the State of Montana. Where doubt arises as to customs and traditions of the Tribe, the Tribal Court may request the advice of recognized Tribal elders.

CHAPTER 2 JURISDICTION

2.1 Criminal Subject Matter Jurisdiction

Jurisdiction of the Judicial Branch shall extend to any and all offenses which affect or concern the Tribe or its members when occurring within the exterior boundaries of the reservation or on any other land or property owned or controlled by the Tribe or adjacent, dependent Indian communities.

2.2 Civil Subject Matter Jurisdiction

Jurisdiction of the Court shall extend to all civil actions arising in whole or part within the exterior boundaries of the reservation or on any other land or property owned or controlled by the Tribe or adjacent, dependent Indian Communities.

2.3 Personal Jurisdiction:

- (1) The Court's criminal jurisdiction shall extend to any Indian, including Canadian Indians, who commits an offense enumerated within the Code of Offenses within the exterior boundaries of the Rocky Boy's Reservation.
- (2) The Court's civil jurisdiction shall extend to any person within the exterior boundaries of the Rocky Boy's Reservation, and to persons who are parties in causes arising out of contacts with the reservation in matters in which the Court has subject matter Jurisdiction.

CHAPTER 3 SOVEREIGNTY

3.1 Adoption by Reference Not a Waiver

The adoption by the Business Committee of any law by reference into this Code shall not constitute a waiver or cession of any sovereign power or jurisdiction of the Tribe or in any way diminish such sovereign power or jurisdiction. The effect of adoption by reference shall be the addition of the adoption law to the law of the Chippewa-Cree Tribe.

3.2 Application of the Law of Other Jurisdictions

Application of the law of other jurisdictions by the Tribal Court under the choice of law section of this Code shall not constitute a waiver or cession of any sovereign power or jurisdiction of the Tribe or in any way diminish such sovereign power.

3.3 Sovereign Immunity

The Tribe shall be immune from suit in any civil action, and its officers and employees immune from suit for any liability arising from the performance of their official duties, except as required by federal law or the Chippewa-Cree Constitution and By-Laws, or as specifically waived by a resolution or Ordinance of the Business Committee.

LIMITATIONS ON ACTIONS

4.1 Civil Actions.

Unless otherwise specifically provided in the Code, the following limitations on the bringing of civil actions will apply:

- (1) Any authorized action against the Tribe or its officers or employees arising from the performance of their official duties must be commenced within one (1) year of the date the cause of action arose; and
- (2) Any other action must be commenced within three (3) years of the date the cause of action arose; except that any cause of action based on fraud or mistake must be commenced within three (3) years of the date the aggrieved party discovered or reasonably should have discovered the facts constituting the fraud or mistake.

4.2 Criminal Actions.

(1) A prosecution for any offense must be commenced within two (2) years of the occurrence of the offense.

(2) The period of limitations does not run during any period in which the offender is not physically located on the reservation or when a prosecution had been initiated in another jurisdiction against the offender for the same conduct.

CHAPTER 5 PRINCIPLES OF CONSTRUCTION

5.1 When Applied:

The following principles of construction apply to all of the Code unless a different construction is obviously intended:

(1) Masculine words shall include the feminine, feminine words shall include the masculine, singular words shall include the plural and plural words shall include the singular.

(2) Words shall be given their plain meaning and technical words shall be given their usually understood meaning where no other meaning is specified.

(3) Wherever a term is defined for a specific part of this Code, that definition shall apply to all parts of this Code unless a contrary meaning is clearly indicated.

(4) This Code shall be construed as a whole to give effect to all its parts in a logical, consistent manner.

(5) If any provisions of this Code or the application of any provisions to any person or circumstances is held invalid, the remainder of this Code shall not be affected. The provisions of this Code are declared to be severable.

(6) Any typographical errors or omissions shall be ignored whenever the intended meaning of the provisions containing the error or omission is otherwise reasonably certain to the Court.

(7) In the resolution of any other issues of construction due regard shall be given to the underlying principles and purpose of this Code.

CONTEMPT OF COURT

6.1 Power to Impose Penalty

The Tribal Court and Court of Appeals have the power to penalize or punish anyone for contempt of the Court's judgment, orders or decrees and for conduct in or near the Court which shows disrespect for the Court.

6.2 Indirect Contempt

Indirect contempt is the knowing failure to comply with an order of Court to do, or not do, something for the benefit of a party, or is an interference with the process of the Court. Indirect contempt includes but is not limited to:

- (1) Disobedience of a subpoena, judgment or other order of the Court;
- (2) Falsely presenting oneself as an officer, attorney or council of the Court;
- (3) Detaining a witness, party to an action, or officer of the Court while the witness, party or officer is going to, remaining at or returning from a judicial proceeding;
- (4) Any other interference with the process or proceeding of the Court; and
- (5) Neglect or violation of duty by a person appointed or elected to perform a judicial service.

6.3 Direct Contempt

Direct contempt is a disrespectful act done in the presence of the Court or near to the court, which offends the dignity of the Court. Direct Contempt includes but is not limited to the following:

- (1) Disorderly, contemptuous or insulting behavior directed toward the Court during the course of a judicial proceeding;
- (2) Conduct or speech which tends to interrupt the course of a trial or other judicial proceeding;
- (3) Conduct which deceives the Court; and
- (4) Disobedience of the Court during the course of a judicial proceeding.

6.4 Procedure.

- (1) Contempt committed in the presence of the Court may be penalized by the court without a hearing to determine the facts which constitutes the contempt.
- (2) Contempt allegedly committed outside the presence of the Court may be penalized only after a hearing which establishes the facts constituting the contempt.

6.5 Fine for Contempt of Court

Contempt of Court may be penalized by a civil fine not to exceed \$500 for each instance of contempt.

Chapter 7 DEFINITIONS

7.1 Signature, Written Instrument

As used in this Code, “signature” shall mean any written signature, or any mark or thumbprint witnessed by the written signature of at least one (1) witness to the act. Wherever this Code shall refer to a “Written Instrument” that shall be construed to mean an instrument typed, printed, or written out in hand, and signed by the person who makes it.

7.2 Oath

As used in this Code, “Oath” shall mean “Oath or affirmation,” and “sworn” shall mean “Sworn by oath or affirmation.”

7.3 Court Date

As used in this Code, “Court Day” shall mean any and every day of the week, except Saturday, Sunday, and legal holidays, provided, that whenever a legal holiday shall fall on a Monday, the Saturday preceding that Monday shall also be a court day.

7.4 Enrolled Member

As used in this Code, “enrolled member” shall mean any person validly and currently listed on the official membership roll of the Chippewa-Cree Tribe of Indians of the Rocky Boy’s Reservation.

7.5 Jail, Juvenile Detention Facility, Detoxification Facilities, Overnight Facilities

As used in this Code, “Jail”, “Juvenile Detention Facility”, “Detoxification Facility”, and “Overnight Facility” shall mean whatever building or facilities are designated for those purposes by the Business Committee.

7.6 Person

As used in this Code, a “person” may be a citizen of this or any recognized tribe, or any state or territory and includes, but is not limited to, natural persons, corporations, partnerships, trusts, unincorporated organizations, business associations and any other organizations or entities involved in private or commercial activity.

7.7 Status or Treaty Indians

As used in this Code, “Status Indians” or “Treaty Indians” shall mean enrolled members of recognized Tribes.

7.8 Non-Status Indians

As used in this Code, “non-status Indians” means Indians who are not enrolled members of a recognized Tribe.