

**THE COLVILLE TRIBAL BUSINESS COUNCIL
RULES OF PROCEDURE
LAW AND ORDER CODE AMENDMENT AND CODIFICATION**

GENERAL PROVISIONS

Rule 1 Definitions

- (a) "Agency" means the Colville Indian Agency of the United States Department of the Interior, Bureau of Indian Affairs, Nespelem, Washington.

- (b) "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.

- (c) "CBC" means the Colville Business Council.

- (d) "Chair" shall mean the designated Chairperson or acting Chairperson of the Committee of the CBC.

- (e) "Code" or "CTC" means the Law and Order Code of the Colville Confederated Tribes.

- (f) "Code Reviser" means the official designated by the CBC as the Code Reviser pursuant to Chapter 1-6.

- (g) "Committee" means the Committee of the Business Council or its successor which has been delegated the authority by the Council to act and/or which typically acts on the Code amendment in question.

- (h) "ORA" means the Office of the Reservation Attorney of the Colville Business Council.

Rule 2 Purpose and Effect of Rules

These rules shall govern the amendment, organization and codification of the Law and Order Code of the Colville Confederated Tribes. The rules relating to the passing of new laws or amendments to the Law and Order Code are internal Council procedural rules. Violations of these internal procedural rules shall be dealt with through Council action or through the Council ethics process. 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 council and shall not be construed by the Tribal 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 Colville Confederated Tribes.

AMENDMENT OF CODE

Rule 3 Amendment Process

(a) Submission of Amendment; Proper Formatting: A proposed amendment to the Code shall be in writing and presented to the Committee with the primary authority over the subject matter of the proposed amendment. The amendment shall be submitted in a format approved by the Code Reviser. The proponent of the amendment is responsible for consulting with the Code Reviser to ensure proper formatting prior to submitting the amendment to the Committee. The Committee may reject consideration of any proposed amendment which is not properly formatted. All proposed amendments submitted to the Committee shall have a cover sheet containing:

- (1) A brief summary of the amendment;

- (2) The reason for the proposed amendment; and

- (3) The Code sections which would be amended (each numbered) or a statement that the

amendment would create new sections.

(b) Two Committee Meetings Required: Unless the Committee finds that an emergency exist, or the amendment involves a non-substantive language correction, all proposed Code amendments shall be considered in at least two Committee meetings prior to the Committee acting on whether to recommend passage or rejection of the amendment.

(c) Emergencies: If, by majority vote, an emergency is declared to exist, the Committee may immediately act on the amendment and forward it to the full CBC for final action.

For purpose of these rules, an emergency shall be deemed to exist if the Committee finds immediate action on the amendment is necessary for the preservation of life, health, property, order, natural resources or sovereignty of the Colville Tribes or its members. *The Committee shall immediately act on the amendment and forward it to the full CBC for final action (emphasis added 6/27/05).*

(d) Non-substantive Language Corrections: If the Committee finds the proposed amendment is a non-substantive Code language correction which creates 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 full CBC for final action.

(e) First Committee Meeting: If the amendment is not an emergency or anon-substantive language correction, the Committee shall first determine by majority vote whether the amendment warrants further consideration. If the Committee votes to further consider the amendment, the Chair of the Committee shall cause the proposed amendment to be place on the next or other future Committee meeting agenda, as deemed appropriate by the Committee, for the purpose of acting on the proposed amendment. The Chair shall then immediately route a copy of the proposed amendment to the Code Reviser with the date of the next Committee meeting when the amendment will be acted on.

(f) Duties of Code Reviser on Proposed Amendment: Upon receipt of the proposed amendment from the Committee chair, the Code Reviser shall:

(1) Ensure that the amendment is in proper format and make corrections as necessary. If major formatting corrections are necessary, the Code Reviser may with the concurrence of the Committee Chair, send the proposed amendment back to the proponent for reformatting and resubmission to the Committee.

(2) Route the proposed Code amendment to the Executive Director, ORA and all heads of all departments or programs which may be affected by the proposed amendment.

(3) In consultation with ORA, check for conflicts with existing Code sections.

(4) Cause the Code amendment cover sheet to be posted at the four District Community Centers, and where practicable, the amended text, with the notice of the date when the Committee will act upon the amendment. The notice shall also state that written comments may be sent to the Office of the Code Reviser and the date when they must be received for consideration. The Code Reviser shall provide copies of the proposed amendments to any interested party upon request.

(g) Second Committee Meeting: At the second Committee meeting scheduled for action on the amendment, the Committee may:

(1) Recommend adoption of the amendment as proposed;

(2) Reject the amendment as proposed;

- (3) Recommend adoption of the amendment with changes;
- (4) Forward the amendment to another Council Committee for review,
- (5) Table the amendment further solicitation of comments or review, or
- (6) Take any other action as the Committee deems fit.

All Committee meetings where the Committee is acting upon an amendment to the Code shall be open. The Committee may receive or solicit public comment as it deems fit. Nothing in these rules is intended to limit the discretion of the Business Council to hold further Committee meetings or other public meetings to solicit comments on the proposed amendment.

If the Committee recommends passage of an amendment to the Code, the recommended amendment shall be placed on the next Special or Regular Session of the CBC for final action.

(h) Action by CBC on the Amendment: Upon receipt of a Committee recommendation to amend the Code, the CBC shall vote to enact the amendment, reject the amendment, or send it back to Committee. Action to enact the amendment shall be accomplished by resolution, and such resolution shall have attached a copy of the Code amendment in the proper format, and the date when such amendment is to go in to effect. If no such date is specified, such amendment shall go into effect on the date when the Code Reviser certifies the amendment pursuant to CTC § 1-6.

(i) Code Reviser Final Formatting and Certification: Upon passage of an amendment to the Code, the amendment, together with the resolution adopting it, shall be forwarded to the Code Reviser. The Code Reviser shall convert the amendment into the final Code format and incorporate the amendment into the Code with a written and dated certification of amendment in conformity with the provisions of CTC § 1-6-4,5,6,7.

(j) Superintendent Review: If the Colville Constitution requires that the amendment shall be reviewed or approved by the Superintendent of the Agency, a copy of such amendment shall be sent to the Superintendent.

CODIFICATION OF CODE

Rule 4 Codification

Following the date of adoption of these rules, any amendments or other revisions to the Code adopted by the Business Council that affect codification, organization, references, formatting or other structural features of the Code shall be as follows:

(a) Organization, Chapters, Titles: The Code shall be organized in groups of “Chapters” with similar subject matter. Each subject matter grouping shall be designated as a “Title” of the Code, and shall be identified by a whole number. For example, the second Title of the Code, covering Rules of Procedure, shall be designated Title 2.

(b) Numbering and Division of Chapters: Chapters (formerly identified as Titles or Ordinances) shall be designated an identifying number under its Title grouping and shall adhere to the following numbering system: Each Chapter shall be identified by the Title number followed by a dash (-) and the whole number designated sequentially for that Chapter. For example, the first Chapter in the first Title of the Code shall be identified as Chapter 1-1, the next as Chapter 1-2, and so on. When necessary, Chapters may be further delineated into “Subchapters”, (formerly identified as Chapters), followed by “Parts”, which are not numbered, but rather identified by name.

(c) Identification and Division of Sections: Chapters, Subchapters or Parts are further divided into Sections which shall adhere to the following numbering system: Each Section shall be identified

by the Title number followed by a dash (-), then the Chapter number followed by a dash (-), and the whole number designated sequentially for that Section. For example, the first Section of Chapter 1-1 shall be identified as CTC § 1-1-1, the next as 1-1-2, and so on. Sections may be divided into Subsections which shall be designated sequentially by small letters in parentheses in alphabetical order. Subparts of these subsections shall be designated by whole numbers in parentheses. Subparts may be further divided into Sub-subparts designated by capitol letters in parentheses.

Rule 5 Standard Format

The standard format for the Code Codification is shown below:

Title 1

Chapter 1-1

Subchapter
Part

1-1-1 Section
(a) Subsection
(1) Subpart

(b) Subsection
(1) Subpart
(A) Sub-subpart
(B) Sub-subpart

Rule 6 Example

An example of the new codification system is as follows:

TITLE 2 RULES OF PROCEDURE

CHAPTER 2-1 CRIMINAL ACTIONS

SUBCHAPTER JURISDICTION

SECTION 2-1-1 Jurisdiction - Generally
The Court shall have jurisdiction over all offenses enumerated in this Code, or in other enactments of the Council.

SECTION 2-1-2 Extradition
SUBSECTION (a) If a person is charged with a violation of the laws of any other tribe or reservation or the federal or a state government, the Court may order that he be delivered up to the proper authority, provided that a copy of a warrant, or proof of its existence, is presented to a judge of the Court, and that such appears to the Court to be in the best interest of justice.

Rule 7 Expansion of Code

Any new Chapters added to certain Titles by the Business Council shall be designated identifying numbers that follow sequentially from the Chapters already identified in the Title. For example, if Title 5 has three Chapters in it (designated Chapters 5-1, 5-2, and 5-3) the next Chapter added to that Title shall be designated Chapter 5-4.

Rule 8 Amendment Formatting

All proposed amendments to the Code shall be in proper Code format as provided above. Amendment which create new Code sections or Chapters shall be identified by placing the word

“NEW SECTION”, or “NEW CHAPTER” prior to the proposed amendment language.

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. An example of proper amendment formatting is as follows:

1-6-2 Code Reviser Appointed

~~The Court Administrator of the Colville Tribal Court is hereby established and appointed Code Reviser for the Confederated Tribes of the Colville Reservation. The Colville Business Council shall designate and appoint a member of the Council’s Staff as the Code Reviser. The Council may assign the Code Reviser other duties as the Council sees fit.~~

(Example for illustrative purpose only).

Rule 9 References and Citations

Any references to the Code in any regulation, policy, resolution, Tribal Court opinion or other material adopted or produced by any department or entity of the Colville Confederated Tribes following any duly adopted re-codification, reorganization or other changes in the material referenced shall conform to and reflect such changes to the extent necessary and practical. When referencing or citing a provision of the Code, such provision may be referenced or cited as follows: The letters “CTC” followed by the appropriate Title, Chapter, and Section numbers, and where applicable, the letters and numbers of the referenced subsection in parentheses. For example, when citing subsection (a) above, the citation should read CTC § 2-1-2(a).

(Adopted 2/18/99, Resolution 1999-97)