

## Fort Belknap Indian Community

**A RESOLUTION OF THE FORT BELKNAP COMMUNITY COUNCIL ADOPTING TITLE 7 (LAW & ORDER), PARTS 1 THROUGH 5, INCLUDING PART 4 ATTACHMENT A; REPEALING AND REPLACING MOST OF THE CURRENT TITLE VII (MOTOR VEHICLES AND HIGHWAYS); PRESERVING SPECIFIED MOTOR VEHICLE ADMINISTRATIVE, DRIVER PRIVILEGE, TRAFFIC ENFORCEMENT, AND ROADWAY MANAGEMENT PROVISIONS ON AN INTERIM BASIS PENDING RECODIFICATION INTO A DIFFERENT TITLE OR PART OF THE FBIC CODE; SUPERSEDING IRRECONCILABLY CONFLICTING PROVISIONS OF EXISTING FBIC LAW; PROVIDING SAVINGS, TRANSITION, CODIFICATION, AND SEVERABILITY; AND DEFERRING TITLE 7, PARTS 6 THROUGH 8, PENDING FURTHER COUNCIL REVIEW.**

**WHEREAS, the Fort Belknap Indian Community Council (“Council”) is the duly constituted governing body of the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community (“FBIC”), Fort Belknap Indian Reservation (“Reservation”), Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13th day of December 1935; and**

**WHEREAS, under the FBIC Constitution and By-Laws, the FBIC Council is charged with the duty of protecting the health, security, and general welfare of the FBIC; and**

**WHEREAS, Council has undertaken a comprehensive review and modernization of the Laws of the Fort Belknap Indian Community, recognizing that piecemeal replacement of older code provisions can create uncertainty unless the adopting resolution clearly addresses repeal, supersession, transitional issues, and savings; and**

**WHEREAS, Council has extensively reviewed the proposed new Title 7 (Law & Order), Part 1 (General Provisions, General Principles, & Justifications), Part 2 (Offenses), Part 3 (Special Tribal Criminal Jurisdiction), Part 4 (Schedule of Offenses, Liability, & Other Considerations), including Part 4 Attachment A, and Part 5 (Victims’ Rights & Offender Registry), and comments, questions, concerns, and recommendations received to date have been incorporated into or otherwise addressed in the current drafts; and**

**WHEREAS, Council finds that adoption of Title 7, Parts 1 through 5, at this time is appropriate and in the best interests of the FBIC because those Parts have received substantial review and will materially improve the clarity, accessibility, and internal consistency of FBIC law governing general law and order matters; and**

**WHEREAS**, Council further finds that the current Title VII (Motor Vehicles and Highways) contains a mixture of substantive traffic provisions and separate administrative, driver privilege, traffic enforcement, youth processing, reporting, and roadway management provisions, some of which should be preserved temporarily and later recodified into a different Title or Part of the FBIC Code rather than silently repealed; and

**WHEREAS**, Council intends that the new Title 7 (Law & Order), Parts 1 through 5, shall be effective and controlling law as adopted herein, and that any preexisting FBIC code provision that cannot be harmonized with adopted Title 7, Parts 1 through 5, shall be superseded only to the extent of the irreconcilable conflict, except as otherwise expressly preserved by this Resolution; and

**WHEREAS**, Council has not yet reviewed proposed Title 7, Part 6 (Protection Orders & Judicial Exclusion/Community Protection Orders), Part 7 (Council Exclusion), and Part 8 (Criminal and Civil Forfeiture) to the same extent as Parts 1 through 5, and desires additional opportunity for review, discussion, and feedback before deciding whether to adopt those Parts; and

**WHEREAS**, Council finds that it is in the best interests of the FBIC to adopt this Resolution to provide clear rules regarding adoption, repeal, preservation, transition, savings, codification, and effective date.

**NOW, THEREFORE, BE IT RESOLVED** by the Council as follows:

**SECTION 1. RECITALS; FINDINGS; PURPOSE.**

- 1.1 The foregoing recitals are incorporated herein as findings of the Council as though fully set forth in this Section.
- 1.2 Council expressly finds and declares that:
  - 1.2.1 Adoption of the new Title 7 (Law & Order), Parts 1 through 5, is necessary and appropriate to protect the public health, safety, welfare, peace, and good order of the FBIC;
  - 1.2.2 Clear transition language is necessary to avoid uncertainty resulting from coexistence of newly adopted provisions with older code provisions during ongoing code modernization;
  - 1.2.3 Certain provisions from the current Title VII (Motor Vehicles and Highways) should be preserved on an interim basis and later recodified into a different Title or Part of the FBIC Code, rather than remaining within Title 7 (Law & Order); and

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1.2.4 This Resolution shall be construed liberally to accomplish those purposes.

## **SECTION 2. ADOPTION OF TITLE 7 (LAW & ORDER), PARTS 1 THROUGH 5.**

2.1 The following documents, in the form presented to Council and attached to the Resolution packet, are hereby approved and adopted as law of the FBIC and incorporated by reference as though fully set forth herein:

- Title 7: Law & Order – Part 1: General Provisions, General Principles, & Justifications;
- Title 7: Law & Order – Part 2: Offenses;
- Title 7: Law & Order – Part 3: Special Tribal Criminal Jurisdiction;
- Title 7: Law & Order – Part 4: Schedule of Offenses, Liability, & Other Considerations, together with Attachment A thereto; and
- Title 7: Law & Order – Part 5: Victims' Rights & Offender Registry.

2.2 The Parts adopted in Section 2.1 shall collectively be referred to in this Resolution as the "Adopted Title 7 Provisions."

2.3 The Adopted Title 7 Provisions are hereby enacted as official law of the FBIC, subject to the transition, preservation, supersession, savings, severability, and codification provisions of this Resolution.

## **SECTION 3. PARTS 6 THROUGH 8 NOT ADOPTED AT THIS TIME.**

3.1 Council expressly does not adopt at this time:

- Title 7: Law & Order – Part 6: Protection Orders & Judicial Exclusion/Community Protection Orders;
- Title 7: Law & Order – Part 7: Council Exclusion; and
- Title 7: Law & Order – Part 8: Criminal and Civil Forfeiture.

3.2 Those Parts are hereby deferred pending further Council review and feedback and shall have no force or effect unless and until separately adopted by future Council resolution.

3.3 Nothing in this Resolution shall be construed as rejecting the policy concepts reflected in those deferred Parts; rather, Council is reserving final action pending additional review.

## **SECTION 4. REPEAL AND REPLACEMENT OF CURRENT TITLE VII (MOTOR VEHICLES AND HIGHWAYS); INTERIM PRESERVATION OF SPECIFIED PROVISIONS.**

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- 4.1 Effective on the Effective Date stated in Section 11, the current Title VII (Motor Vehicles and Highways) is hereby repealed and replaced, except for the provisions expressly preserved by this Resolution.
- 4.2 The provisions listed in Exhibit A are expressly preserved and shall remain in full force and effect on an interim basis pending later recodification into a different Title or Part of the FBIC Code.
- 4.3 The preserved provisions identified in Exhibit A:
  - (A) Shall not be deemed part of the newly adopted Title 7 (Law & Order);
  - (B) Shall instead be treated as transitional, stand-alone provisions preserved by Council pending recodification into a different Title or Part;
  - (C) May be assigned by the Code reviser or other authorized codifier to an interim caption substantially similar to “Motor Vehicle Administration, Driver Privileges, Traffic Enforcement Procedures, and Roadway Management,” or another caption approved by legal counsel that accurately reflects their subject matter; and
  - (D) May be renumbered, reformatted, retitled, and internally reorganized by the Code reviser or other authorized codifier, provided no substantive change is made absent further Council action.
- 4.4 Except as expressly preserved by this Resolution, the prior substantive offense provisions of former Title VII are repealed and superseded for conduct occurring on or after the Effective Date.

**SECTION 5. SUPERSESSION; HARMONIZATION; NO IMPLIED REPEAL BEYOND IRRECONCILABLE CONFLICT.**

- 5.1 The Adopted Title 7 Provisions shall supersede preexisting FBIC code provisions only to the extent of any irreconcilable conflict.
- 5.2 To the fullest extent reasonably possible, the Adopted Title 7 Provisions shall be read in harmony with existing FBIC law.
- 5.3 If a provision of existing FBIC law and a provision of the Adopted Title 7 Provisions can reasonably operate together, both shall remain effective.

- 5.4 If a provision of existing FBIC law cannot reasonably be reconciled with a provision of the Adopted Title 7 Provisions, the Adopted Title 7 Provisions shall control, but only to the extent necessary to resolve the conflict.
- 5.5 Without limiting the generality of Section 5.1, this supersession rule applies to any irreconcilably conflicting provision contained in existing FBIC law relating to criminal offenses, motor vehicles and highways, offender registration, exclusion, expulsion, or related law and order subject matter, including, without limitation, existing Title 4, existing Title VII, existing Title 13, and existing Title 14, as amended, except to the extent a provision is expressly preserved by this Resolution.
- 5.6 Nothing in this Resolution shall be construed:
- (A) To silently repeal provisions of existing FBIC law that can be harmonized with the Adopted Title 7 Provisions;
  - (B) To adopt any deferred draft not expressly approved by Council;
  - (C) To impair the independent retained authority of the Council regarding exclusion, expulsion, or related territorial protective action under FBIC law, except as Council may expressly provide by later enactment; or
  - (D) To waive, limit, or diminish the sovereign immunity of the FBIC, the Council, any FBIC entity, or any FBIC official, employee, or agent.

## **SECTION 6. OFFENDER REGISTRY TRANSITION.**

- 6.1 Any person who, on the Effective Date, is already subject to a duty to register under prior FBIC law shall continue to be subject to a duty to register and shall, from and after the Effective Date, be deemed subject to Title 7, Part 5, Chapter 7.5.2, as adopted herein.
- 6.2 The FBIC Chief of Police, or their designee, is authorized to implement a reasonable transition process to bring existing registration files, notices, forms, and practices into conformity with Title 7, Part 5, including requiring updated information, photographs, and related documentation.
- 6.3 Unless a shorter period is required by law or court order, a person already subject to registration on the Effective Date shall update any missing or outdated information required by Chapter 7.5.2 within thirty (30) calendar days after the later of:
- (A) The Effective Date; or

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- (B) Written notice from the FBIC Chief of Police or their designee directing such update.
- 6.4 No prior registration obligation, registry-related order, registry-related warrant, or registry-related enforcement action shall be invalidated solely because Council has adopted Title 7, Part 5.
- 6.5 Existing registry files, records, notices, and law-enforcement coordination actions may be carried forward and used for all lawful purposes under the newly adopted Part 5.

**SECTION 7. TRANSITION; SAVINGS; NO ABATEMENT.**

- 7.1 Nothing in this Resolution shall be construed to abate, dismiss, release, extinguish, or otherwise impair any right, duty, liability, claim, cause of action, investigation, citation, complaint, petition, prosecution, proceeding, adjudication, judgment, sentence, probation condition, community-service obligation, fine, fee, restitution obligation, registry obligation, warrant, exclusion order, protection order, driving suspension, driving revocation, work permit, impoundment order, lien, collection action, appeal, or other matter that arose, was imposed, was pending, or was initiated before the Effective Date.
- 7.2 All such matters may be commenced, continued, enforced, completed, modified, appealed, or otherwise resolved as if this Resolution had not been adopted, unless application of a newly adopted provision is lawful and the FBIC Court determines that doing so is appropriate and not prejudicial.
- 7.3 Conduct occurring before the Effective Date may be investigated, cited, charged, prosecuted, or otherwise adjudicated under the law in effect at the time of the conduct, notwithstanding repeal or amendment, unless a later-applied provision is procedural, remedial, or otherwise lawfully applicable.
- 7.4 Existing orders, judgments, conditions of release, probation conditions, registry directives, exclusion directives, and driving privilege restrictions remain valid and enforceable until satisfied, expired by their terms, modified by lawful authority, or otherwise terminated.
- 7.5 Any reference in a pending or preexisting matter to a repealed code provision may, where reasonably feasible, be construed as a reference to the most nearly corresponding provision of the Adopted Title 7 Provisions or the preserved provisions identified in Exhibit A.

- 7.6 No person shall acquire a vested right in the continuation of a repealed procedural or remedial mechanism merely because the mechanism existed before adoption of this Resolution.

**SECTION 8. SPECIFIC PRESERVATION OF PREEXISTING MOTOR-VEHICLE ADMINISTRATIVE AND DRIVER-PRIVILEGE ACTIONS.**

- 8.1 Any driving suspension, revocation, work permit, reinstatement condition, reporting requirement, impoundment directive, or other administrative action lawfully imposed under the preserved provisions identified in Exhibit A before the Effective Date shall remain valid and enforceable.
- 8.2 After the Effective Date, any matter governed by a preserved provision in Exhibit A shall continue to be administered under that preserved provision unless and until Council recodifies or amends that subject matter by later enactment.
- 8.3 The repeal of non-preserved portions of former Title VII shall not be construed to terminate or invalidate any administrative enforcement mechanism that is expressly preserved by Exhibit A.

**SECTION 9. CODIFICATION; CLERICAL AUTHORITY; CONFORMING CHANGES.**

- 9.1 The Code reviser, legal counsel, and/or other authorized codifier are hereby directed and authorized to:
- (A) Codify the Adopted Title 7 Provisions in the FBIC Code;
  - (B) Separate, relocate, and recodify the Exhibit A preserved provisions into a different Title or Part of the FBIC Code on an interim basis pending later substantive recodification;
  - (C) Update internal numbering, headings, captions, cross-references, formatting, pagination, grammar, punctuation, capitalization, spelling, and citation style;
  - (D) Correct manifest clerical, typographical, formatting, and scrivener's errors; and
  - (E) Make conforming, non-substantive changes necessary to implement this Resolution.
- 9.2 No action authorized by Section 9.1 may make a substantive change to the law adopted or preserved by this Resolution.

- 9.3 If any internal cross-reference in the Adopted Title 7 Provisions or in the preserved provisions becomes inaccurate because of codification, renumbering, or partial repeal, the Code reviser or other authorized codifier may substitute the most nearly corresponding accurate cross-reference without further Council action, provided the substitution is non-substantive.

**SECTION 10. SEVERABILITY.**

- 10.1 If any section, subsection, sentence, clause, phrase, exhibit, or application of this Resolution is held invalid, unlawful, or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Resolution, which shall remain in full force and effect to the fullest extent permitted by law.
- 10.2 Council expressly declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, phrase, and exhibit hereof, even if any one or more portions were later declared invalid.

**SECTION 11. EFFECTIVE DATE.**

- 11.1 This Resolution shall take effect immediately upon adoption.
- 11.2 The Adopted Title 7 Provisions shall govern from and after the Effective Date, subject to the savings, transition, supersession, and preservation provisions of this Resolution.

**SECTION 12. DIRECTION FOR FUTURE REVIEW.**

- 12.1 Council directs that the deferred Title 7, Parts 6 through 8, be scheduled for future review and presentation to Council at a later date.
- 12.2 Council further directs that the preserved provisions identified in Exhibit A be reviewed and presented to Council in the future for permanent recodification into one or more separate Titles or Parts of the FBIC Code.

**BE IT FURTHER RESOLVED** that the Council hereby approves this resolution.

**BE IT FINALLY RESOLVED** that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

**ATTEST:**

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RW  
Randall Werk, President  
Fort Belknap Community Council

Audena Wing  
Audena Wing, Secretary-Treasurer  
Fort Belknap Community Council

**CERTIFICATION**

I, the undersigned as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of ten (10) members of whom 9 members, constituting a quorum, were present at the meeting thereof, duly and regularly called, noticed, convened and held this 6 day of April 2026; that the foregoing Resolution of the Fort Belknap Indian Community Council was duly adopted and approved by the affirmative vote of 8 for; 1 opposed; 0 not voting; 0 temporary absent; 0 absent; and that the said Resolution has not been rescinded in any way.

DATE: \_\_\_\_\_

Audena Wing  
Audena Wing, Secretary-Treasurer  
Fort Belknap Indian Community Council

## EXHIBIT A

### PROVISIONS OF FORMER TITLE VII (MOTOR VEHICLES AND HIGHWAYS) EXPRESSLY PRESERVED ON AN INTERIM BASIS PENDING RECODIFICATION INTO A DIFFERENT TITLE OR PART OF THE FBIC CODE

The following provisions of former Title VII (Motor Vehicles and Highways) are expressly preserved by Resolution No. \_\_\_\_\_, notwithstanding the repeal and replacement of the remainder of former Title VII. Except as expressly preserved below, all other provisions of former Title VII are repealed and superseded as provided in the adopting Resolution.

- (1) **Former Title VII, Part 2, Section I, Subsection 1.1 (“Civil Nature of Part II”)**, but only to the extent necessary to construe and administer the preserved civil-regulatory and traffic-enforcement provisions identified in this Exhibit A, and only to the extent not inconsistent with the newly adopted Title 7, other applicable FBIC law, or applicable court rules.
- (2) **Former Title VII, Part 2, Section II, Subsection 2.11 (“Speed Limits”)**, but only to the extent that it addresses: roadway-management authority; establishment, modification, notice, posting, or administration of speed limits or speed zones; and the legal effect of posted speed-limit designations. Any substantive offense language, fine language, or other enforcement language in former Subsection 2.11 that is inconsistent with the newly adopted Title 7 is superseded.
- (3) **Former Title VII, Part 2, Section II, Subsection 2.13 (“Traffic Control and Signs”)**, but only to the extent that it addresses: traffic-control-device authority; placement, designation, posting, maintenance, or administration of traffic control signs, signals, barricades, markings, or related roadway control measures; and other non-substantive roadway management authority. Any substantive offense language, fine language, or other enforcement language in former Subsection 2.13 that is inconsistent with the newly adopted Title 7 is superseded.
- (4) **Former Title VII, Part 2, Section II, Subsection 2.14 (“Motor Vehicle Operating Standards”)**, but only to the extent that it addresses non-duplicative administrative or remedial matters, including: proof of insurance verification; insurance-based impoundment; release authority; towing and storage responsibility; and related vehicle-administration procedures not otherwise addressed by the newly adopted Title 7. Any substantive offense language or penalty language in former Subsection 2.14 that is inconsistent with the newly adopted Title 7 is superseded.
- (5) **Former Title VII, Part 2, Section III (“Enforcement”)**, Subsections 3.1 through 3.5, specifically: 3.1 Enforcement Responsibilities, 3.2 Default, 3.3 Fines, 3.4 Hearing Procedure, and 3.5 Miscellaneous Guidelines.

- (6) **Former Title VII, Part 3, Section I (“Criminal Nature of Part III”), Subsections 1.2 through 1.5, specifically: 1.2 Processing of Youth, 1.3 Work Permits, 1.4 Reinstatement Fees , and 1.5 Reporting Requirements.**
- (7) **Former Title VII, Part 3, Section I, Subsection 1.7 (“Police Authority”).**
- (8) **Former Title VII, Part I, Section I, Subsection 1.3 (“Definitions”), but only to the extent necessary to construe and administer the preserved provisions identified in this Exhibit A until such provisions are amended, repealed, or recodified.**
- (9) **Former Title VII, Part 3, Section I, Subsection 1.6 (“Definitions”), but only to the extent necessary to construe and administer the preserved provisions identified in this Exhibit A until such provisions are amended, repealed, or recodified.**
- (10) **The preserved provisions identified in this Exhibit A: are interim and transitional only; shall remain in force only until later amended, repealed, or permanently recodified by Council; shall not be treated as part of the newly adopted Title 7 (Law and Order); shall instead be maintained separately pending recodification into a different Title or Part of the FBIC Code; and shall be subordinate to the newly adopted Title 7 to the extent of any irreconcilable conflict.**
- (11) **For avoidance of doubt, no provision of former Title VII not expressly listed in this Exhibit A is preserved.**