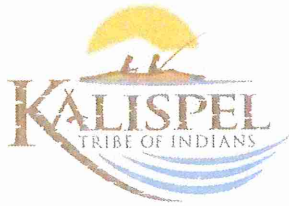


KALISPEL RESOLUTION NO. 2013-36



Kalispel Tribal Economic Authority
100 N. Hayford Road
Airway Heights, WA 99001
(509) 481-2479
(509) 481-2480 *fax*
www.kalispeltribe.com

RESOLUTION

WHEREAS, the Kalispel Business Committee is the duly Constituted governing body of the Kalispel Tribe by the authority of the Constitution and By-Laws for the Kalispel Tribe; and

WHEREAS, under the Constitution and By-Laws of the Tribe, the Kalispel Business Committee is charged with the duty of protecting the health, security and general welfare of the Kalispel Tribe and all Reservation residents; and

WHEREAS, the Law and Order Code of the Kalispel Tribe of Indians is the embodiment of Resolutions passed by the Kalispel Business Committee, for the purpose of protecting the lives, property, culture and natural resources of the Kalispel Tribe of Indians; and

WHEREAS, the current Law and Order Code, Section 3-11.01 "Applicable Law in Civil Actions" states:

"The Kalispel Tribal Court, in civil cases, shall apply the applicable laws, resolutions, ordinances, customs or codes of the Tribe, the laws of the United States and regulations of the Department of the Interior. As to any matters not covered by the above, the Tribal Court shall apply, in the following order of priority, state statute, state common law and international law."

; and

WHEREAS, the current language of Section 3-11.01, has been misinterpreted to give equal weight and authority to the "laws, resolutions, ordinances, customs or codes of the Tribe, the laws of the United States and regulations of the Department of the Interior"; and

WHEREAS, there should be no differentiation between Kalispel "laws" and Kalispel "codes"; and

KALISPEL RESOLUTION NO. 2013- 3e

WHEREAS, the Kalispel Tribe's intent regarding priority of applicable laws should be clarified; and

WHEREAS, the intent of the Kalispel Tribe was that the priority of laws be in the following order: the Law and Order Code of the Kalispel Tribe of Indians, Kalispel Business Committee Resolutions, Kalispel Tribe of Indians Ordinances, Kalispel Tribal customs, laws of the United States, regulations of the Department of the Interior, Washington state statutes, Washington state common law, and international law.

NOW THEREFORE, BE IT RESOLVED, that the Kalispel Tribe of Indians through the Business Committee amends Section 3-11.01 to state:

“The Kalispel Tribal Court, in civil cases, shall apply, in the following order of priority, the applicable laws, resolutions, ordinances, or customs of the Tribe, the laws of the United States and regulations of the Department of the Interior. As to any matters not covered by the above, the Tribal Court shall apply, in the following order of priority, state statute, state common law and international law.”

CERTIFICATION

The Kalispel Business Committee adopted the foregoing RESOLUTION at a meeting held on the 2 day of July, 2013, at the Tribal office on the Kalispel Indian Reservation near Usk, Washington, with the required quorum present by a vote of 3 FOR and 0 AGAINST.

R. Nema III vice-chair
GLEN NENEMA, CHAIRMAN
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2014)

Darren Holmes
DARREN HOLMES, SECRETARY
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2016)