

ROSEBUD SIOUX TRIBE
Resolution No. 2020-117

WHEREAS, The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof: and

WHEREAS, The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and

WHEREAS, The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections 1 (k), and (m), and

WHEREAS, The Rosebud Sioux Tribe is authorized to provide for the protection of all minors, mentally incompetent and any others who need protection or assistance for reason of health, age, or other extenuating circumstances, pursuant to Rosebud Sioux Tribe Constitution and By-laws Article IV Section 1 (q); and

WHEREAS, The Rosebud Sioux Tribe Attorney General has recommended the Rosebud Sioux Tribal Council amend and/or repeal Rosebud Sioux Tribe Law and Order Code Title 5, Chapter 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, shall be amended and/or repealed, with amendments signified as underlined text, and repealed text with a strikethrough, in Attachment #1, and;

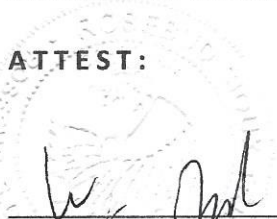
THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

BE IT ALSO RESOLVED, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

CERTIFICATION

This is to certify that the above petition Resolution No. 2020-117 and Ordinance 2020-09 was duly passed by the Rosebud Sioux Tribal Council for a first reading on May 14, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and zero (0) not voting and ratified on May 26, 2020. A second reading was held on May 26, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and one (1) not voting. The said resolution and ordinance was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:

The seal of the Rosebud Sioux Tribe is circular and features a central figure, possibly a Native American, surrounded by text. The text around the seal includes "ROSEBUD SIOUX TRIBE" and "1863".

Wayne Boyd, Secretary
Rosebud Sioux Tribe

A handwritten signature in black ink, appearing to read "Rodney M. Bordeaux".

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

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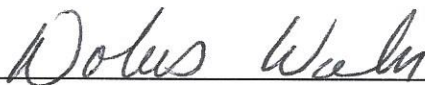
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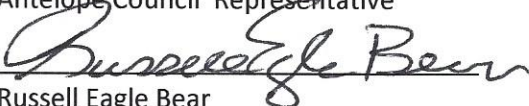
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Delores Totes Waln
Antelope Council Representative

5-13-20
Date

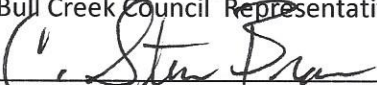


Russell Eagle Bear
Black Pipe Council Representative

5-14-20
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Lisa White Pipe
Bull Creek Council Representative

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Dwight Spotted Tail
Upper Cut Meat Council Representative

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Date

CERTIFICATION

This is to certify that the above Resolution No. 2020-117 was duly circulated and signed by representatives of the Rosebud Sioux Tribal Council. Said petition was duly passed, as signed by a majority of the Rosebud Sioux Tribal Council.

ATTEST:

Wayne Boyd
Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
Rosebud Sioux Tribe

ATTACHMENT #1

AMENDMENT TO THE ROSEBUD SIOUX TRIBE

LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

AMENDMENTS TO ENACTED AS

ORDINANCE NO. 2020-09

5-18-4 Bootlegging

Any person who:

1. does not hold a tribal or state liquor license and a business license; or
2. who intentionally purchases, procures, trades, barter or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
3. with the intent to sell for profit, trade, barter or otherwise distribute to any third person.

is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as “any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution.”

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

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Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

A person convicted of Bootlegging While Alcohol Ban in Effect shall serve no less than One Hundred Twenty (120) days and pay no less than \$1000 fine plus court costs.

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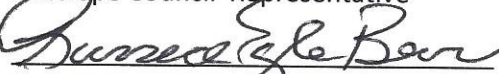


Delores Totes Wain

Antelope Council Representative



Date



Russell Eagle Bear

Black Pipe Council Representative

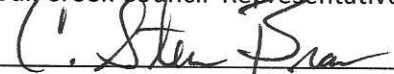


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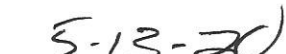
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ATTEST:

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Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney Bordeaux
Rodney Bordeaux, President
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rosebud Agency
Post Office Box 228
Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 05 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/05/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2019-13 (Amended: 04/22/2020)
Resolution No. 2020-102
Resolution No. 2020-103
Resolution No. 2020-104
Resolution No. 2020-105
Resolution No. 2020-106
Resolution No. 2020-107
Resolution No. 2020-109
Resolution No. 2020-110

Resolution No. 2020-111
Resolution No. 2020-114
Resolution No. 2020-115
Resolution No. 2020-116
Resolution No. 2020-117
Resolution No. 2020-118
Resolution No. 2020-119
Resolution No. 2020-120
Resolution No. 2020-121

Sincerely,

Lee A. Beardt
Superintendent

Enclosure

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2. who intentionally purchases, procures, trades, barter or otherwise secures any alcoholic liquor, malt beverage or other beverage containing alcohol or causes another person to purchase, procure, trade, barter or otherwise secure any alcoholic liquor, malt beverage; and
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Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

5-18-5 Bootlegging While Alcohol Ban in Effect

For the purposes of this statute, an alcohol ban may be defined as “any limitation placed on the sale, transport, or consumption of alcohol, whether it be by Presidential Declaration of a State of Emergency or Rosebud Sioux Tribal Council Resolution.”

For the purposes of this statute, it shall be no defense that a Presidential Declaration of Emergency was lifted or the alcohol ban was rescinded by Rosebud Sioux Tribal Council prior to arraignment on this charge. The alleged act must have been committed on a date when the ban was in effect.

Any person who fulfills each of the elements covered in 5-8-4 above during an Alcohol Ban is a Class A Offense.

5-18-6 Mandatory Minimum Sentences

A person convicted of Bootlegging shall serve no less than sixty (60) days and pay no less than \$300 fine plus court costs.

A person convicted of Bootlegging While Alcohol Ban in Effect shall serve no less than One Hundred Twenty (120) days and pay no less than \$1000 fine plus court costs.

ATTACHMENT #1
AMENDMENT TO THE ROSEBUD SIOUX TRIBE
LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29
AMENDMENTS TO ENACTED AS
ORDINANCE NO. 2020-09

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LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

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LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29

AMENDMENTS TO ENACTED AS

ORDINANCE NO. 2020-09

A person convicted of Bootlegging While Alcohol Ban in Effect shall serve no less than One Hundred Twenty (120) days and pay no less than \$1000 fine plus court costs.

ROSEBUD SIOUX TRIBE
Resolution No. 2020-117

WHEREAS, The Rosebud Sioux Tribe is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and pertinent amendments thereof: and

WHEREAS, The Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-laws; and

WHEREAS, The Rosebud Sioux Tribal Council is authorized to promulgate and enforce ordinances for the maintenance of law and order, and to safeguard the peace and morals, and general welfare of the Tribe, pursuant to the Rosebud Sioux Tribe Constitution and By-Laws Article IV Sections1 (k), and (m), and

WHEREAS, The Rosebud Sioux Tribe is authorized to provide for the protection of all minors, mentally incompetent and any others who need protection or assistance for reason of health, age, or other extenuating circumstances, pursuant to Rosebud Sioux Tribe Constitution and By-laws Article IV Section 1 (q); and

WHEREAS, The Rosebud Sioux Tribe Attorney General has recommended the Rosebud Sioux Tribal Council amend and/or repeal Rosebud Sioux Tribe Law and Order Code Title 5, Chapter 18, PROTECTIVE CUSTODY AND RELATED CRIMES, 5-18-4, 5-18-5, and 5-18-6, shall be amended and/or repealed, with amendments signified as underlined text, and repealed text with a strikethrough, in Attachment #1, and;

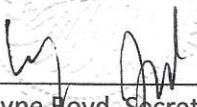
THEREFORE BE IT RESOLVED, that the Rosebud Sioux Tribal Council amends the Rosebud Sioux Tribe Law and Order Code enacted as RST Ordinance No. 2020-09; and

BE IT ALSO RESOLVED, that the effective date of the amendments to the Rosebud Sioux Tribe Law and Order Code Title 5, Chapter Eighteen, PROTECTIVE CUSTODY AND RELATED CRIMES, shall be final upon approval by the Rosebud Sioux Tribal Council.

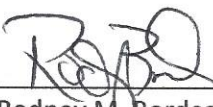
CERTIFICATION

This is to certify that the above petition Resolution No. 2020-117 and Ordinance 2020-09 was duly passed by the Rosebud Sioux Tribal Council for a first reading on May 14, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and zero (0) not voting and ratified on May 26, 2020. A second reading was held on May 26, 2020, by a vote of fifteen (15) in favor, zero (0) opposed and one (1) not voting. The said resolution and ordinance was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:



Wayne Boyd, Secretary
Rosebud Sioux Tribe



Rodney M. Bordeaux, President
Rosebud Sioux Tribe

**ATTACHMENT #1
AMENDMENT TO THE ROSEBUD SIOUX TRIBE
LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29
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is guilty of Bootlegging as a Class B Offense.

Exception: Persons who work as servers, waiters, waitresses and bartenders for businesses who have a state or tribal liquor license are exempt from enforcement of this statute as long as their employer has either license and they are acting within the scope of their employment and not contrary to any ordinance of the Rosebud Sioux Tribe.

Where this statute conflicts with RSTLOC 10-1-33, this statute shall govern criminal prosecutions.

5-18-5 Bootlegging While Alcohol Ban in Effect

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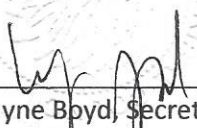
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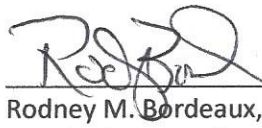
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Rodney M. Bordeaux, President
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LAW AND ORDER CODE TITLE FIVE, CHAPTER 28 & CHAPTER 29
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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Rosebud Agency

Post Office Box 228

Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUL 07 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 07/06/2020 have been reviewed and re-routed to the appropriate branches.

Resolution No. 2019-42
Resolution No. 2020-45
Resolution No. 2020-117
Resolution No. 2020-123
Resolution No. 2020-132 (Amended: 06/17/2020)
Resolution No. 2020-133 (Amended: 06/07/2020)
Resolution No. 2020-142
Resolution No. 2020-143
Resolution No. 2020-144
Resolution No. 2020-145

Resolution No. 2020-146
Resolution No. 2020-147
Resolution No. 2020-148
Resolution No. 2020-149
Resolution No. 2020-150
Resolution No. 2020-151
Resolution No. 2020-152
Resolution No. 2020-153
Resolution No. 2020-154

Sincerely,

Ira Dean Wilson
Superintendent

Enclosure