

**ORDINANCE  
OF THE GOVERNING BODY OF THE  
CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD NATION**

**BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED  
SALISH AND KOOTENAI TRIBES THAT AMENDMENT NO. 35 SHALL  
AMEND ORDINANCE 103A AS FOLLOWS:**

**TITLE I**

**CHAPTER 2 - COURTS**

**Part 9 – Rules of Appellate Procedure**

**Rule 3. Record on Appeal.**

After the first sentence in Subsection (2), add the following sentences:

(2) .... An official transcript can be a digital recording on compact disk or other applicable technology, and formatted in a secure manner so that the content cannot be altered. At their own cost, any party can take the compact disk or other applicable technology to a transcriptionist if they desire a printed transcript. If a party gets a printed transcript as described above they are under no obligation to share it with the other party.

Delete the final three sentences of Subsection (2), and

Amend the end of Subsection (2) as follows:

(2) .... The cost of producing the digitally recorded transcript shall be borne by the Appellate Court. Costs of a transcript are among the costs of appeal that may be awarded by the Court of Appeals to a prevailing party as provided in Rule 20. Unless the non-prevailing party was granted leave to proceed in forma pauperis, the Court of Appeals in its order of judgment will direct the non-prevailing party to reimburse the Court of Appeals for the costs of producing the transcript. If the parties to an appeal reach a settlement, each party agrees to split the costs of producing the transcript unless stipulated differently in the parties' settlement agreement. In the case of a settlement involving a party granted leave to proceed in forma pauperis, the other party agrees to pay the transcript costs. If both parties are granted leave to proceed in forma pauperis, the Appellate Court will cover the transcript costs.

**Rule 11. Appeals in Forma Pauperis.**

Add the following sentence prior to the last sentence in Rule 11:


The following presents a presumption of inability to pay costs and fees: a sworn affidavit or proof of income that indicates the indigent party's income is less than 200% of federal poverty guidelines.

**CERTIFICATION**

The foregoing resolution was adopted by the Tribal Council on August 30, 2016, with a vote of 10 for; 0 opposed; and 0 not voting, pursuant to the authority vested in it by Article VI, Section 1 (a), (l), (n), (p), (q), (r), and (u) of the Tribes' Constitution and By-Laws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

  
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Chairman, Tribal Council

**ATTEST:**

  
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Tribal Secretary