

**HANNAHVILLE INDIAN COMMUNITY  
COMMERCE-TRIBAL IMMUNITIES  
TITLE 7, CHAPTER 4  
TRIBAL SOVEREIGN IMMUNITY**

**7.4.100 Title**

This Code shall be known as the “Hannahville Indian Community Sovereign Immunity Code.”

**7.4.101 Purpose and Authority.**

The purpose of this Chapter is to reaffirm the sovereign immunity of the Hannahville Indian Community (“the Tribe”) in all cases and circumstances.

**7.4.102 Sovereign Immunity.**

The sovereign immunity of the Tribe, its entities and employees, including sovereign immunity from suit in any state, federal or tribal court, is hereby expressly reaffirmed unless such immunity is waived in accordance with Section 7.4.103 and 7.4.105 by express, written resolution of the Hannahville Tribal Council.

Tribal entities, employees and officers are endowed with all the privileges and immunities of the Tribe. This includes sovereign immunity from suit in any state, federal, or tribal court.

**7.4.103 Waivers of Sovereign Immunity.**

- (1) Sovereign immunity shall only be waived by formal, written resolution of the Tribal Council expressly waiving sovereign immunity; provided, that such waiver shall not be general but shall be specific and limited as to the amount of damages which may be awarded, the relief that may be granted, the duration of the waiver, the grantee of the waiver, the transaction upon which the waiver was based, the property or funds of the Tribe subject to the waiver, the court or other administrative body having jurisdiction, and the applicable law. Such waiver shall be strictly construed and shall be effective only to the extent expressly provided and shall be subject to all conditions or limitations set forth in the resolution.
- (2) No waiver of sovereign immunity shall be deemed a consent to the levy of any judgment, lien or attachment upon property of the Tribe other than property specifically pledged, assigned, or identified in the resolution.
- (3) No waiver of sovereign immunity shall be implied or orally given effect in any circumstance for any reason whatsoever.
- (4) Employees and others are expressly prohibited from signing contract documents with third parties purporting to waive the sovereign immunity of the Tribe. Such contract shall be deemed unauthorized and invalid by the Tribal Council.
- (5) Waivers must meet any further requirements in Section 7.4.105.

**7.4.104 No Suit or Action Permitted Without Waiver of Immunity.**

No suit or action against the Tribe, its entities and employees related to the scope of their employment shall be allowed or maintained in any forum, whether tribal, state, federal, arbitration, or mediation, except as may be specifically authorized in accordance with this Chapter.

**7.3.105 Requirement to Attach Resolution Waiving Sovereign Immunity.**

To file an action in Tribal Court or any state or federal court or administrative body against the Tribe, its entities and employees, Petitioner must attach a copy of the Tribal Council resolution that (1) meets all the conditions in Section 7.4.103, (2) expressly waives sovereign immunity for the benefit of the claimant; and (3) authorizes with specificity the claims alleged and relief requested in the complaint.

The tribal court clerk shall not accept (or allow to be filed) complaints against the Tribe, its entities and employees with no Tribal Council resolution waiving sovereign immunity attached thereto.

If a claimant files a complaint with a resolution attached thereto, the court clerk shall schedule a show hearing within fourteen (14) days for the Tribal Court to make a determination as to whether the resolution attached to the complaint (1) meets all the conditions in Section 7.4.103, (2) expressly waives sovereign immunity for the benefit of the claimant; and (3) authorizes the claims alleged and relief requested in the complaint.

The Tribal Council Secretary must be present at the show cause hearing to testify about the Tribal Council meeting minutes.

There shall be no appeals from any dismissals from this show cause hearing.

**7.4.106 Sanctions.**

The Court may grant sanctions, fees and costs against attorneys/litigants if a pleading addressed in this Chapter is brought in bad faith, without any basis in law or fact, or solely for delay.

**CERTIFICATION**

The foregoing Hannahville Indian Community Tribal Sovereign Immunity Code, including procedures waivers was enacted by the Tribal Council of the Hannahville Indian Community in regular session on the 13th day of June 2022, by vote of 9 for, 0 opposed, and 0 abstaining, at a duly called meeting at which a quorum was present.

 Kenneth Meshigaud T.C.

Kenneth Meshigaud, Chairperson



Anna Larson, Secretary