

House Study Bill 214

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the recognition and enforcement of civil
2 judgments, orders, and decrees issued by a tribal court of a
3 federally recognized Indian tribe.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2138HC 82
6 rh/es/88

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1 1 Section 1. NEW SECTION. 626D.1 TRIBAL COURT CIVIL
1 2 JUDGMENT, ORDER, OR DECREE == RECOGNITION AND ENFORCEMENT ==
1 3 SCOPE.
1 4 A civil judgment, order, or decree issued by a tribal court
1 5 of a federally recognized Indian tribe in this state may be
1 6 enforced in a court in this state in the same manner and to
1 7 the same extent as a civil judgment, order, or decree of any
1 8 court of a sister state which is entitled to full faith and
1 9 credit in this state under any of the following circumstances:
1 10 1. The judgment, order, or decree involves a matter or
1 11 controversy solely between members of the federally recognized
1 12 Indian tribe.
1 13 2. The judgment, order, or decree involves a matter or
1 14 controversy solely between the federally recognized Indian
1 15 tribe and members of the tribe.
1 16 3. The judgment, order, or decree involves a matter or
1 17 controversy solely between the tribe or members of the tribe
1 18 and a nonmember of the tribe who has expressly consented to be
1 19 subject to the jurisdiction of the tribal court.
1 20 Sec. 2. NEW SECTION. 626D.2 VALIDITY OF TRIBAL COURT
1 21 CIVIL JUDGMENT, ORDER, OR DECREE == COURT DETERMINATION.
1 22 In determining whether a tribal court civil judgment,
1 23 order, or decree of a federally recognized Indian tribe is a
1 24 valid judgment, order, or decree, the court shall examine the
1 25 tribal court record to assure that all of the following
1 26 conditions are met:
1 27 1. The tribal court had jurisdiction of the subject matter
1 28 and over the person named in the judgment, order, or decree.
1 29 2. The judgment, order, or decree is final under the laws
1 30 of the rendering court.
1 31 3. The judgment, order, or decree is on the merits.
1 32 4. The judgment, order, or decree was procured without
1 33 fraud, duress, or coercion.
1 34 5. The judgment, order, or decree was procured in
1 35 compliance with procedures required by the rendering court.
2 1 6. The judgment, order, or decree was procured only after
2 2 sufficient notice and an opportunity for a hearing was allowed
2 3 on the merits of the cause of action.
2 4 7. The judgment, order, or decree does not conflict with a
2 5 previous final and conclusive judgment of an Iowa court.
2 6 8. The judgment, order, or decree is not contrary to a
2 7 settlement agreement entered into between the parties prior to
2 8 the judgment, order, or decree rendered by the tribal court.
2 9 9. The court proceedings comply with the requirements of
2 10 the federal Indian Civil Rights Act of 1968, 25 U.S.C. }
2 11 1301=03.
2 12 10. The cause of action on which the judgment, order, or
2 13 decree was based and the judgment, order, or decree are not
2 14 inconsistent with any law of this state or repugnant to the
2 15 public policy of this state.
2 16 Sec. 3. NEW SECTION. 626D.3 TITLE.
2 17 This chapter may be cited as the "Recognition and

2 18 Enforcement of Tribal Court Civil Judgments Act".

2 19 EXPLANATION

2 20 This bill creates new Code chapter 626D relating to the
2 21 recognition and enforcement of tribal court civil judgments,
2 22 orders, and decrees issued by a tribal court of a federally
2 23 recognized Indian tribe.

2 24 The bill provides that a civil judgment, decree, or order
2 25 issued by a tribal court of a federally recognized Indian
2 26 tribe in this state may be recognized and enforced in the
2 27 courts of this state in the same manner and to the same extent
2 28 as a judgment, decree, or order of a sister state which is
2 29 entitled to full faith and credit in this state if the
2 30 judgment, order, or decree involves a matter or controversy
2 31 solely between members of the federally recognized Indian
2 32 tribe, involves a matter or controversy solely between the
2 33 federally recognized Indian tribe and members of the tribe, or
2 34 involves a matter or controversy solely between the tribe or
2 35 members of the tribe and a nonmember of the tribe who has
3 1 expressly consented to be subject to the jurisdiction of the
3 2 tribal court.

3 3 The bill provides that in determining whether a tribal
3 4 court civil judgment, order, or decree of a federally
3 5 recognized Indian tribe is a valid judgment, order, or decree,
3 6 the court shall examine the tribal court record to assure the
3 7 following: the tribal court had jurisdiction of the subject
3 8 matter and over the person named in the judgment, order, or
3 9 decree; the judgment, order, or decree is final under the laws
3 10 of the rendering court; the judgment, order, or decree is on
3 11 the merits; the judgment, order, or decree was procured
3 12 without fraud, duress, or coercion; the judgment, order, or
3 13 decree was procured in compliance with procedures required by
3 14 the rendering court; the judgment, order, or decree was
3 15 procured only after sufficient notice and an opportunity for a
3 16 hearing was allowed on the merits of the cause of action; the
3 17 judgment, order, or decree does not conflict with a previous
3 18 final and conclusive judgment of a court of this state; the
3 19 judgment, order, or decree is not contrary to a settlement
3 20 agreement entered into between the parties prior to the
3 21 judgment, order, or decree rendered by the tribal court; the
3 22 court proceedings comply with the requirements of the federal
3 23 Indian Civil Rights Act of 1968; and the cause of action on
3 24 which the judgment, order, or decree was based and the
3 25 judgment, order, or decree are not inconsistent with any law
3 26 of this state or repugnant to the public policy of this state.

3 27 LSB 2138HC 82

3 28 rh:rj/es/88