

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** Article VI, Section 5(1) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to adopt laws regulating the procedures of agencies and officials of the Three Affiliated Tribes; and
- WHEREAS,** There are currently numerous employees of the Three Affiliated Tribes who operate commercial motor vehicles in their respective positions within various Tribal programs and departments, and who are, therefore, required to maintain commercial drivers licenses; and
- WHEREAS,** It is the intent of the Tribal Business Council to develop and implement an alcohol and controlled substance testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and use of controlled substances by employees of the Three Affiliated Tribes who maintain positions as licensed drivers of commercial motor vehicles; and
- WHEREAS,** The Tribal Business Council has been informed that certain federal regulations, promulgated by the United States Department of Transportation and titled "Controlled Substances and Alcohol Use and Testing" (49 CFR Part 382), apply to Indian tribal governments, based on the express inclusion of tribal governments in the definition of the term "Employer", as set forth in 49 CFR Sec. 382.107 ; and
- WHEREAS,** In pursuit of the realization of the above-referenced intent of the Tribal Business Council and in conformity with the requirements of the above-cited federal regulations, the Tribal Business Council has caused to be developed and has reviewed and discussed the attached proposed Tribal regulatory law titled "Three Affiliated Tribes Policy Governing Alcohol and Controlled Substances Use by and Testing of Tribal Operators of Commercial Motor Vehicles"; and

WHEREAS, It is the considered judgment of the Tribal Business Council that the interests of the Three Affiliated Tribes would be well-served by the adoption and implementation of the attached Policy;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally enacts the attached regulatory provisions titled "Three Affiliated Tribes Policy Governing Alcohol and Controlled Substances Use by and Testing of Tribal Operators of Commercial Motor Vehicles", which provisions shall become effective immediately.

BE IT FURTHER RESOLVED, In view of the inclusion of 49 CFR Part 382 (titled "Controlled Substance and Alcohol Use and Testing") as Appendix 1 and part of the Tribal Policy enacted hereby, any amendments made to 49 CFR Part 382 shall be automatically adopted by the Three Affiliated Tribes upon the respective effective dates of any and all such federal amendments.

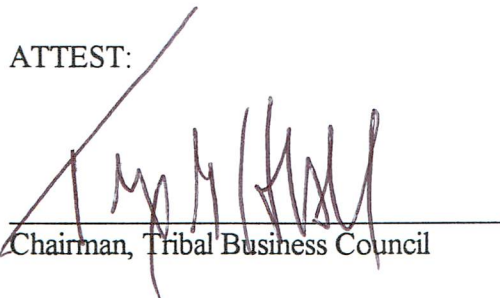
CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 7th day of March, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 members, 0 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 7th day of March, 2000.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council