



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

**A Resolution Entitled: “Approval of Amendment to Section 5 of the Three Affiliated Tribes 1986 Use and Distribution of Liquor Ordinance”**

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution and By-laws of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** Article VI, Section 3 of the Tribe’s Constitution specifically authorizes the Tribal Business Council to exercise all sovereign authority, including legislative authority, necessary for exercising the jurisdiction granted by the Constitution; and

**WHEREAS,** Federal law set out in 18 U.S.C. § 1161 authorizes the sale of liquor in Indian Country provided that such transactions are done in conformity with the laws of the State in which the transaction occurs and in conformity with an ordinance duly adopted by the Tribe having jurisdiction over the area of Indian Country, and provided further that such ordinance is certified by the Secretary of the Interior and published in the Federal Register; and

**WHEREAS,** pursuant to the powers set out Article VI, Section 3 of the Tribe’s Constitution and the authority delegated to the Tribe by 18 U.S.C. § 1161, the Tribal Business Council adopted the Three Affiliated Tribes’ Use and Distribution of Liquor Ordinance pursuant to Resolution No. 86-212 –JC on October 8<sup>th</sup>, 1986; and

**WHEREAS,** The Three Affiliated Tribes’ Liquor Ordinance adopted regulations similar to the State of North Dakota’s regulations at the time of adoption, including Section 5 “Dispensing Prohibited on Certain Days”, which provides as follows:

No person shall dispense or permit the consumption of alcohol beverages on licensed premises after 1 a.m. on Sundays, before 8 a.m. on Mondays, or between the hours of 1 a.m. and 8 a.m. on all other days; or Memorial Day, Good Friday, Thanksgiving Day, Christmas Day, or after 6 p.m. on Christmas Eve, or between the hours of 1 a.m. and 8 p.m. on the day of the Tribal special, primary or general election.



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**WHEREAS,** State regulations governing the hours of operation for liquor establishments have been substantially modified since the time the Tribal Business Council adopted the Tribes Liquor Ordinance. Section 5-02-05 "Dispensing Prohibited On Certain Days" of the States Alcohol Beverage Laws now provides as follows:

A person may not dispense or permit the consumption of alcohol beverage on licensed premises between the hours two a.m. and twelve noon on Sundays, between the hours of two a.m. and eight a.m. on all other days of the week, or on Christmas Day or after six p.m. on Christmas Eve. In addition a person may not provide off-sale after one a.m. on Thanksgiving Day.

• **WHEREAS,** Because all liquor establishments are required to have both a state liquor license and a tribal liquor license and operate their establishments in accordance with the laws of both the State and the Tribe, the Tribal Business Council finds that it is necessary to amend the Tribe's Liquor Ordinance so that said establishments operate their businesses in conformity with both laws as required by federal law.

**NOW THEREFORE BE IT RESOLVED,** That Section 5 of the Three Affiliated Tribes Use and Distribution of Liquor Ordinance is hereby amended as follows:

**Section 5: Dispensing Prohibited on Certain Days:**

A person may not dispense or permit the consumption of alcohol beverage on a licensed premise between the hours two a.m. and twelve noon on Sundays, between the hours of two a.m. and eight a.m. on all other days of the week, or on Christmas Day or after six p.m. on Christmas Eve. In addition a person may not provide off-sale after one a.m. on Thanksgiving Day.

**BE IT FURTHER RESOLVED,** that this amendment upon its publication shall be incorporated into and made a part of the Three Affiliated Tribes' Liquor Ordinance and the current Section 5 of said Ordinance is hereby repealed.

**BE IT FINALLY RESOLVED,** that in accordance with 18 U.S.C. § 1161 this amendment shall be submitted to the Secretary of Interior for certification and publication in the Federal Register.

**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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 12th day of October 2006; that the foregoing



Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] voting. [ x ] not voting.

Dated this 12th day of October 2006.

Handwritten signature of Nathan Hale, Secretary of the Tribal Business Council.

Secretary, Nathan Hale  
Tribal Business Council

ATTEST:

Handwritten signature of Marcus Wells Jr., Vice-Chairman of the Tribal Business Council.

for: Chairman, Tex G. Hall  
Tribal Business Council

Marcus Wells Jr./Vice-Chairman  
Tribal Business Council



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**Resolution No. 06 -131- NH**



Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [ ] voting. [ x ] not voting.

Dated this 12th day of October 2006.

A handwritten signature in black ink, appearing to read "Nathan Hale", written over a horizontal line.

Secretary, Nathan Hale  
Tribal Business Council

**ATTEST:**

\_\_\_\_\_

for: Chairman, Tex G. Hall  
Tribal Business Council

Marcus Wells Jr./Vice-Chairman  
Tribal Business Council