

**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 3 of the Constitution of the Three Affiliated Tribes specifically grants to the Tribal Business Council all necessary sovereign authority -- legislative and judicial -- for the purpose of exercising the jurisdiction maintained by the Tribes, subject to any limitations imposed thereon by the statutes of the United States; and
- WHEREAS,** Certain officials of the Fort Berthold Tribal Court have informed the Tribal Business Council of their recommendation that Chapter 4 of the Code of Laws of the Three Affiliated Tribes be supplemented with an additional criminal offense constituted by the act of obtaining the services of another person or entity without making payment of the requisite compensation therefor; and
- WHEREAS,** It is the considered judgment of the Tribal Business Council that fairness and equity dictate that the Three Affiliated Tribes afford to Indian and non-Indian individuals and business enterprises, engaged in the provision of services for compensation, an effective legal means to pursue relief from persons who have obtained their respective services, whether by deception, fraud, or other means, without having made payment of the requisite compensation therefor;
- NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby adopts and enacts the following legislative provision to be incorporated within and designated as Section 61 of Chapter 4 of the Code of Laws of the Three Affiliated Tribes of the Fort Berthold Reservation:

Theft of Services

It shall be unlawful for any person to:

1. Intentionally obtain services, known by him to be available only for compensation, by deception, threat, false token, or other means to avoid payment for the services; or

2. Having control over the disposition of the services of another to which he is not entitled, knowingly divert those services to his own benefit or to the benefit of another not entitled thereto.

In those instances wherein compensation for services is ordinarily paid immediately upon their rendition, as in the case of hotels, restaurants, and comparable establishments, absconding without having made payment or making provision for payment therefor shall constitute prima facie evidence that the services were obtained by deception.

Upon conviction of the offense herein, a person shall be sentenced to:

1. Payment of a fine in the maximum amount of Two Hundred and 00/100 Dollars (\$200.00); and/or

2. Incarceration in the Tribal detention facility for a maximum period of ninety (90) days.

In addition, it shall be mandatory, upon conviction, that the person shall make full restitution to the victim of the offense herein.

BE IT FURTHER RESOLVED, That the legislative provision adopted and enacted herein shall become effective immediately.


C E R T I F I C A T I O N

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 Special Meeting thereof duly called, noticed, convened, and held on the 18 day of September, 1987; 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.

Dated the 18 day of September, 1987.


Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council