

**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 authorizes and empowers the Tribal Business Council to exercise all necessary sovereign authority - legislative and judicial - for the purpose of asserting the jurisdiction granted in Article I of the Constitution; and
- WHEREAS,** On the 2nd day of December, 1985, the Tribal Business Council, via Resolution No. 85-260-C, enacted certain legislation regulating the conduct of gambling within the exterior boundaries of the Fort Berthold Reservation, which legislation is codified as Chapter 27 of the Code of Laws of the Three Affiliated Tribes; and
- WHEREAS,** Certain officers of the Fort Berthold Tribal Court have recently apprised the Tribal Business Council that a patent conflict exists between certain provisions included in said Chapter 27 and Section 50 of Chapter 4 of the Code of Laws; and
- WHEREAS,** Sections 8.7 and 8.9 of Chapter 27 of the Code of Laws provide respectively that (1) a Reservation gaming organization shall not accept checks as and for the cost of participating in any gaming activity and (2) no action based on a gambling debt may be maintained in the Fort Berthold Tribal Court; and
- WHEREAS,** Section 50 of Chapter 4 of the Code of laws authorizes the Three Affiliated Tribes to criminally prosecute any member of the Tribes who has allegedly issued a check without having an account or sufficient funds in an account when payment thereof is demanded; and

**WHEREAS,** Such officers of the Fort Berthold Tribal Court have further informed the Tribal Business Council that certain members of the Tribes have issued to certain Reservation gaming organizations checks without sufficient funds as and for the cost of participating in gaming activities and that such Tribal members are, therefore, subject to criminal prosecution in the Tribal Court, but for the inconsistent provisions set forth in Sections 8.7 and 8.9 of Chapter 27 of the Code of Laws; and

**WHEREAS,** It has become obvious to the Tribal Business Council that there does, in fact, exist an undeniable conflict between the above - identified provisions of the Code of Laws of the Three Affiliated Tribes and that, in the interest of justice, such conflict should be forthwith resolved by means of an appropriate amendment to Chapter 27 of the Code of Laws;


**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council, pursuant to its Constitutional authority, hereby amends Section 8 of Chapter 27 of the Code of Laws of the Three Affiliated Tribes by deleting therefrom Sections 8.7 and 8.9 in their entirety.

**BE IT FURTHER RESOLVED,** That said legislative amendment 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, 7 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 29 day of January, 1988; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 7 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 29 day of January, 1988.

  
Secretary, Tribal Business Council

**ATTEST:**

  
Chairman, Tribal Business Council