

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 of the Tribes and of the enrolled members thereof; and

WHEREAS, Section 5 of the Constitution authorizes the Council to adopt regulating procedures for the Tribe, its agencies, and officials; and

WHEREAS, The Three Affiliated Tribes participates in and regulates lawful gaming activities authorized by the Indian Gaming Regulatory Act, 25 USC 2701, et seq., and utilizes these revenues to improve the health and welfare of our tribal nation; and

WHEREAS, Pursuant to federal law and the Indian Gaming Regulatory Act the governments of the Three Affiliated Tribes and the State of North Dakota formulated a binding agreement known as "GAMING COMPACT BETWEEN THE THREE AFFILIATED TRIBES AND THE STATE OF NORTH DAKOTA", dated October 7, 1992, for the conduct of Class III gaming on the Fort Berth old Reservation; and

WHEREAS, Governmental Representatives of the Fifty-fifth Legislative Assembly of North Dakota is considering submittal and approval of a Bill directly relating to the formal operations of the GAMING COMPACT BETWEEN THE THREE AFFILIATED TRIBES AND THE STATE OF NORTH DAKOTA", including any further Creation, Renewals and/or amendments thereof;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Business Council, after full and complete review of the language of the proposed North Dakota Legislative Bill relating to the Tribal-State Compact, hereby do not oppose the Bill's submittal and approval by the State Legislature.

BE IT FURTHER RESOLVED, that the Tribal Business Council is in agreement that they have considered and will support passage of the Bill only in its original form as presented to the Tribal Business Council, and, subject to further review and action by full Council, do not support any amendments or deletions to the Legislative Bill being considered.

BE IT FINALLY RESOLVED, That it is understood and affirmed by the Tribal Business Council that passage of this resolution in no way surrenders or otherwise affect the legal rights or protections of the Three Affiliated Tribes pursuant to the Compact already in existence.

Fifty-fifth
Legislative Assembly
of North Dakota

_____ BILL NO.

Introduced by

A **BILL** for an Act to provide for approval of amendments and renewals of tribal-state gaming compacts and to create an open records exception for tribal gaming financial information submitted to a state agency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Tribal state gaming compact - Definition. A tribal state gaming compact is a duly executed agreement between the state of North Dakota and a federally recognized Indian Tribe as approved by the Secretary of the Department of Interior of the United States pursuant to the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.].

SECTION 2. Tribal gaming records not subject to disclosure - Exceptions. Except as provided in each tribal state gaming compact, all tribal gaming records, including trade secret and proprietary information as defined in Section 44-04-18.4, submitted to an agency of this state are confidential and are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.

SECTION 3. Tribal state gaming compact - Creation, Renewals and Amendments. The governor of North Dakota or the governor's designee may represent the state of North Dakota in any gaming negotiation the state is requested to participate in pursuant to 25 U.S.C. Section 2701 et seq by any Federally recognized Indian tribe and may, on behalf of the state, execute a gaming compact between the State and a Federally recognized Indian tribe, subject to the following.

1. If the Legislature is not in session at the time gaming negotiations are being carried out, the Chairman and Vice-Chairman of the Legislative Council or his designee may attend all negotiations and shall brief the Legislative Council on the status of the negotiations;
2. If the Legislature is in session at the time negotiations are being carried out, the Majority and Minority leaders of both houses, or their designees, may attend all negotiations and shall brief their respective houses on the status of the negotiations;
3. The compact may only authorize an Indian tribe to conduct gaming that is permitted in the state for any purpose by any person, organization or entity;
4. The compact may not permit gaming that is otherwise specifically prohibited by Federal law;
5. For the purposes of determining what gaming is permitted by the state, all games of chance that Indian tribes are allowed to conduct under those Tribal-state gaming compacts presently in effect will be presumed to be gaming that is permitted by the state for any purpose by any person, organization or entity;

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6. The compact may not allow gaming to be conducted by an Indian tribe on locations not already permitted under those Tribal-state gaming compacts presently in effect;

7. The compact may not obligate the State of North Dakota to appropriate state funds (except the state may perform services for reimbursement)

8. If the legislature is not in session when the negotiations are concluded, the governor must send a copy of the compact as finally negotiated to each member of the Legislative Council at least 21 days before the compact is signed;

9. If the legislature is in session when the negotiations are concluded, the governor must send a copy of the compact as finally negotiated to each member of the legislature at least 21 days before the compact is signed.

10. Prior to execution of any proposed Tribal-state gaming compact or amendment thereto, the governor must hold at least one public hearing on the proposed compact or amendment.

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 3rd day of March, 1997; 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 this 3rd day of March, 1997.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:

Arvin Dillette
Chairman, Three Affiliated Tribes