

**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,** The Three Affiliated Tribes believes education for its youth is of the highest importance; and
- WHEREAS,** A number of public schools located entirely within the Fort Berthold Reservation provide education for Tribal members of the Three Affiliated Tribes from grades K through 12, including the New Town Public School District No. 1; and
- WHEREAS,** Approximately 80% of all students attending the New Town Public School District No. 1 are members of the Three Affiliated Tribes; and
- WHEREAS,** Because the New Town Public School District is entirely within the boundaries of the Fort Berthold Indian Reservation, the New Town Public School District No. 1 now receives Impact Aid funds as a part of its funding mix to replace monies that otherwise would be available from property taxes on land held in trust by the United States for the Tribe and for individual Tribal members, which accounts for approximately 20% of its total budget; and
- WHEREAS,** The bulk of the remaining funds received by the New Town Public School District is from other Federal sources; and
- WHEREAS,** The New Town Public School District No. 1 is now constructing an addition to its high school facility which will cost a total of \$700,000; and
- WHEREAS,** The Superintendent of the New Town Public School District No. 1, along with the President of its School Board, have requested the Tribe to seek an exemption from state sales tax for all materials purchased for the high school addition project; and
- WHEREAS,** The Three Affiliated Tribes has previously gone on record in Resolution No. 95-62-DSB as recognizing New Town public schools as Tribal schools, operating with the Tribe's overall education plan; and

*Three Affiliated Tribes
Mandan, Hidatsa, and Arikara Nation*

LEGAL DEPARTMENT

Tribal Administration Building
HC3 Box 2
New Town, North Dakota 58763
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June 16, 1997

Gary L. Anderson
Director, Sales and Special Taxes
Office of State Sales Tax Commissioner
State Capitol Building
600 East Boulevard Ave.
Bismarck, ND 58505-0599

Re: Request for Letter Requesting Sales
Tax Exemption for School Expansion Project
New Town Public School District No. 1

Dear Mr. Anderson:

This letter is to request a sales tax exemption for a project occurring on the Fort Berthold Indian Reservation, namely the expansion of the New Town High School being funded by New Town Public School District No. 1. The total project cost is approximately \$700,000. In the past, your office has granted sales tax exemptions for projects that were being constructed within the Fort Berthold Reservation which benefit primarily the members of the Three Affiliated Tribes, and sales tax exemptions have been granted similarly for projects on other reservations.

In this case, the New Town Public School District No. 1 now has a student enrollment of about 750, of whom approximately 80% are Indian students, and almost all of those Indian students are Tribal members of the Three Affiliated Tribes. The school receives less than 20% of its total funding from property taxes. The bulk of its funding comes from the Federal Government, including 20% of the total from what is known as Impact Aid, provided as a supplement for schools located on Indian reservations where there is little taxable property.

Funding for the project in question comes from several sources: \$300,000 has been derived from a mill levy for a building fund; \$500,000 from cash reserves of the School District, and \$100,000 from the rent fund, which are monies obtained from rental of district owned property. A sales tax exemption on this project will allow much needed furnishings to be provided to the school.

Letter to Gary L. Anderson
State Sales Tax Exemption
June 16, 1997
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Also enclosed are two resolutions passed by the Tribal Business Council of the Three Affiliated Tribes. The first, passed on February 23, 1997, as Resolution No. 95-62-DSB, recognizes the New Town Public Schools as an Indian school for the purpose of seeking what is known as ISEP funding under P.L. 100-297, known as the Indian Education Act. The second, passed on June 16, 1997, formally authorizes this request for a sales tax exemption represented by this letter.

As this project is being built entirely within the Fort Berthold Indian Reservation and will benefit primarily Tribal members, the Three Affiliated Tribes believes that this project falls within the exemption to sales taxes found at North Dakota Century Code Section 57-39.2-04(1), sales of tangible property which the State of North Dakota is prohibited from taxing under the Constitution and laws of the United States.

We would appreciate receiving your letter confirming the Sales Tax Exemption for this project as soon as possible. Please direct the letter to the undersigned at the above address.

Sincerely,

Thomas M. Disselhorst
Staff Attorney
Three Affiliated Tribes

cc: Ed Slocum, School Superintendent
Marcus Wells, Jr., New Town School Board President

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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 best interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** P.L. 100-297, Title V, Part B, Section 5203, declares the following to be the policy of the United States Government.
1. The Congress recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational services so as to render such services more responsive to the needs and desires of those communities.
 2. The Congress declares its commitment to the maintenance of the federal government's unique and continuing trust relationship with and responsibility to the Indian people through the establishment of a meaningful Indian self-determination policy for education which will defer further perpetuation of federal bureaucratic domination of programs.
 3. The Congress declares that a major national goal of the United States is to provide the resources, processes, and structures which will enable tribes and local communities to affect the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve the measure of self-determination essential to their social and economic well-being.
 4. The Congress affirms the reality of the special and unique educational needs of Indian peoples, including the need for programs to meet the linguistic and cultural aspirations of Indian tribes and communities. These may be set through a grant process.
 5. The Congress declares its commitment to these policies and its support; for federal relations with the Indian Nation.
 6. The Congress hereby repudiates and rejects House Concurrent Resolution 108 of the 83rd Congress and any policy of unilateral termination of federal relations with any Indian Nation.
- WHEREAS,** P.L. 100-297, Title V, Parts A & B provides for the provision of grants for the operation and administration of tribally controlled schools by tribal organizations in a manner which provides for greater self-determination, true local control, more realistic financial conditions without diminution of federal responsibility; and
- WHEREAS,** The School Board of New Town School on the Fort Berthold Reservation and its community desires to provide the best possible educational opportunity for all children within its district; and

- WHEREAS,** The New Town School as the representative educational body for its community believes that the provisions of Title V of P.L. 100-297 provides the best available structure, support and continued improvement in local control for their respective educational programs and services; and
- WHEREAS,** The New Town School Board confirms and pledges their individual and unified support and commitment to the Three Affiliated Tribes of the Fort Berthold Reservation in its governmental role of providing educational leadership through tribal resolution, standards and ordinances as provided in its Constitution and By-Laws and federal laws and regulations; and
- WHEREAS,** The New Town School District through it's elected school board shall maintain local control as outlined by North Dakota Century Code; and
- WHEREAS,** All current employees shall continue to be employed by the New Town School District except as provided for under existing New Town School District Policies governing reduction in force and non-renewal/dismissal procedures; and
- WHEREAS,** The majority of students of the district are Native American enrolled members, the Three Affiliated Tribes recognizes the New Town School District as an Indian Organization for the purposes of applying for and receiving ISEP as a grant school eligible for Direct Funding; and
- NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council hereby authorizes the New Town School Board to apply for grants for school operation as provided in P.L. 100-297, Title V, Parts A & B, in the manner and time as will fulfill the requirements of Parts A & B and the communities needs as determined by the local School Board.

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 23rd day of February, 1995; that the foregoing Resolution was duly adopted at such Meeting by the Affirmative vote of 6 members, 0 members opposed, 0 members abstained, 1 members not voting, and said Resolution has not been rescinded or amended in any way.

Dated the 23rd day of February, 1995.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council

WHEREAS, The North Dakota State Tax Department has in the past granted sales tax exemptions for facilities constructed within the boundaries of the Fort Berthold Indian Reservation that are constructed primarily for the benefit of Tribal members, similar to the request being made;

NOW, THEREFORE, BE IT RESOLVED, the Tribal Business Council hereby authorizes its Legal Department to make a formal request to the North Dakota State Tax Department for a sales tax exemption specifically for the New Town Public School District No. 1 high school expansion project, pursuant to existing law.

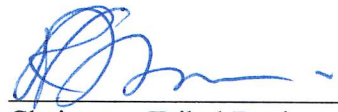
CERTIFICATION

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 Special Meeting thereof duly called, noticed, convened, and held on the 17th day of June, 1997; 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 this 17th day of June, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council