

**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 granted by the people of the Three Affiliated Tribes in Article I of the Constitution; and

**WHEREAS,** The Tribal Business Council has been requested to review the current penalty imposed by the Fort Berthold Tribal Code upon conviction for driving a motor vehicle while under suspension or revocation; and

**WHEREAS,** Section V3a of the DUI Statute included in the Tribal Code currently prescribes a mandatory minimum penalty of a fine in the amount of two hundred dollars **and** confinement for a period of ten days for driving under suspension or revocation; and

**WHEREAS,** It is the considered judgment of the Tribal Business Council that a mandatory two hundred dollar fine and ten-day jail term for a first offense constitutes an unreasonable penalty and that this penalty provision should be amended, so as to provide the Fort Berthold District Court with a degree of discretion in sentencing to enable the Court to impose sentences which are more reasonable and fair under the particular circumstances of the respective defendant and offense;

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby amends Section V3a of the DUI Statute included in the Fort Berthold Tribal Code to read as follows:

“The court may impose a maximum sentence of six (6) months in jail or a fine of five hundred dollars (\$500.00) or both, but the court must impose a minimum sentence of four (4) days in jail or a fine of fifty dollars (\$50.00). Forty-eight (48) hours of said jail term must be served consecutively.”

Resolution #97- 238-DSB

BE IT FURTHER RESOLVED, That the amendment approved hereby shall become effective immediately.

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 Regular Meeting thereof duly called, noticed, convened, and held on the 9<sup>th</sup> day of October, 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 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 9<sup>th</sup> day of October, 1997.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council