

**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,** Pursuant to Section 16 of the Indian Reorganization Act the Three Affiliated Tribes (the "Tribe") has adopted a Constitution and By-laws which 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 Tribe and its members, and Article VI, Sections 5(b) and 5(c) of which specifically authorize the Tribal Business Council to do business; and

**WHEREAS,** The Three Affiliated Tribes now owns gaming facilities in which Class III gaming is conducted pursuant to a Tribal state gaming compact approved by the Secretary of Interior and pursuant to the Indian Gaming Regulatory Act [P.L. 100-497, 25 U.S.C. §§ 2701 et seq.] on December 11, 1992, by publication in the Federal Register of that date; and

**WHEREAS,** The Tribe is presently conducting gaming under an approved Tribal gaming ordinance, approved pursuant to letter of the National Indian Gaming Commission dated March 8, 1995, a copy of which is attached hereto, and which was subsequently published in the Federal Register; and

**WHEREAS,** The Tribe, in conjunction with all of the other four gaming tribes operating casinos in North Dakota, has negotiated a new gaming compact with the State of North Dakota, acting through its governor, Ed Schafer, pursuant to 25 U.S.C. Section 2710 that according to its terms will take effect when it is approved by the Department of Interior; and

**WHEREAS,** The compact provides for games which are consistent with the applicable standard for the scope of gaming in the State of North Dakota, which state allows the gaming contemplated in this compact "by any person for any purpose"; and

**WHEREAS,** The principal new terms of the compact, or changes to the existing compact, are, among other things:

- (1) higher betting limits, at least double of all betting limits described in the compact presently in effect;
- (2) new games, including slot tournaments and roulette;
- (3) ten percent of the net profits of the casino are to devoted to economic development, and no further restriction is made on the manner in which the profits or proceeds of the casino may be spent by the Tribe, (other than that the Tribe must always have at least

\$7,500 in the regulatory account established to pay for the state's regulatory oversight functions under the compact, which is already in the compact);

(4) a requirement that all employees are to covered by a worker's compensation and unemployment insurance benefit package at least comparable to benefits provided by the State of North Dakota;

(5) a requirement that state political subdivisions and the Tribe must work together in good faith to reach agreements regarding the provision of local services;

(6) a requirement for a study of gaming addiction problems, the cost of which shall be shared by the state and all of the Tribes in a specific service area, along with the continuation of efforts by both parties regarding gaming addiction; and

(7) a term of ten years from the expiration of the present compact in December, 2002, with a renewal clause for an additional five years provided that the gaming enterprise of the Tribe remains in compliance with the Compact, and automatic renewals for five year periods after that so long as neither party gives notice of non-renewal or the North Dakota State legislature does not indicate its desire to terminate the compact upon a two-thirds vote of both houses; and

**WHEREAS,** Pursuant to the Indian Gaming Regulatory Act, 25 U.S.C Section 2710, the Tribe desires to have the new compact approved by the Secretary of Interior at the earliest opportunity following the execution of the compacts by the Governor and the other Tribal Chairmen, now scheduled for September 29, 1999; and

**WHEREAS,** Nothing in the Compact contravenes any of the requirements for tribal-state gaming compacts as contained within 25 U.S.C. Section 2710;

**NOW, THEREFORE, BE IT RESOLVED,** That the Chairman of the Three Affiliated Tribes Tribal Business Council is hereby authorized and empowered to execute the heretofore mentioned Tribal-state gaming compact on behalf the Three Affiliated Tribes and to present and deliver such executed Tribal-state gaming compact to the Governor of the State of North Dakota for his signature and to present and deliver such fully executed Tribal-state gaming compact to the Department of Interior for review and approval by the Secretary of Interior; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** That the Chairman of the Three Affiliated Tribes Tribal Business Council is authorized and empowered to take such further action as may be necessary for approval of the Tribal-state gaming compact to be obtained.

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 23<sup>rd</sup> day of September, 1999; 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 23<sup>rd</sup> day of September, 1999.

Daylon Spotted Bear  
Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

Tex G. Hall  
Tex G. Hall  
Chairman, Tribal Business Council