ATTACHMENT A

CONSTITUTION AND BYLAWS OF THE THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION

PREAMBLE

We, the Arickara, Gros Ventres, and Mandan Indians of the Fort Berthold Reservation, in North Dakota, eagerly embrace the opportunities for self-rule, and in order to enjoy the blessings of liberty and justice; to intelligently protect our vested rights under existing treaties and the Constitution of the United States; to guarantee to our posterity a more hopeful future; to preserve and develop our real estate and resources; to promote educational efficiency for the enhancement of good citizenship; to promote the general welfare of the three tribes; to make possible a more hopeful, self-sustaining, and honorable living, socially and economically, do with deep consciousness of God, as our sovereign, ordain and establish this Constitution for the Three Affiliated Tribes of this Reservation.

ARTICLE 1-JURISDICTION

The jurisdiction of the Three Affiliated Tribes of the Fort Berthold Reservation shall extend to all persons and all lands, including lands held in fee, within the exterior boundaries of the Fort Berthold Reservation as defined by the Act of March 3, 1891. (26 Stat. 1032) to all lands added to the Fort Berthold Reservation by Executive Order of June 17, 1892; and to such other persons and lands as may hereafter come within the jurisdiction of the Three Affiliated Tribes, except as otherwise provided by law. (As amended by Amendment No. VIII, approved by the Secretary of the Interior's delegate on March 11, 1985.)

HISTORICAL NOTE

The prior Article I in the initial Indian Reorganization Act tribal constitution, as approved by the Semestary of the Interior on June 29, 1936, provided as follows:

ARTICLE 1-TERRITORY

The jurisdiction of the Three Affiliated Tribes of the Fort Berthald Reservation shall extend to Indian Trust and Tribal lands within the confines of the Fort Berthald Reservation. as defined in the treaty of September 17, 1851; to Hew lands outside of such boundaries; and to such other lands, within or without such boundaries, as have been or may be hereafter added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II - MEMBERSHIP

SECTION 1. Membership. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of:

- (a) All persons whose names appear on the membership of the Tribes as of October 2, 1974.
- (b) Any persons born before the effective date of this amendment and to any member of the Tribes who was a resident of the Reservation at the time of birth of said person.
- (c) All persons of at least 1/4 degree Indian blood of a federally recognized tribe provided at least 1/8 Indian blood be of of the Gros Ventre, Mandan and/or Arickara Tribes.

SEC. 2. Dual Enrollment.

(a) Persons enrolled with another tribe and who have received benefits from such tribe in the form of land or payments shall not be eligible for enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation, provided that inherited interests shall not be considered as being benefits.

(b) A person eligible for membership with the Three Affiliated Tribes of the Fort Berthold Reservation and another tribe shall relinquish whatever rights of membership he may hold in the other tribe as a condition to his enrollment with the Three Affiliated Tribes of the Fort Berthold Reservation.

SEC. 3. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership rolls from time to time as determined by such ordinances.

HISTORICAL NOTE

1975 Amendments, which are presently in effect, made three changes as follows: (i) Section I was adopted by Amendment No. VI; (ii) a new Section 2 was added by Amendment No. VII; and (iii) the former Section 2 was renumbered as Section 3 by Amendment No. VI. The three amendments were approved by the Secretary of the Interior's delegate, Area Director Harley D. Zephier, on December 12, 1975.

The prior Article II was in the initial Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936. It reads as follows:

ARTICLE II - MEMBERSHIP

SECTION 1. The membership of the Three Affiliated Tribes of the Fort Berthold Reservation shall consist of all persons of Indian blood whose names appear on the afficial census roll of the three tribes as of April 1, 1935; and all children born to any member of the tribes who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The Tribal Business Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership, the adoption of new members and the revision of the membership talls from time to time as determined by such ordinances.

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal

Business Council.

SEC. 2. The Tribal Business Council shall consist of (7) members. The Chairman of the Tribal Business Council shall be elected at large by a majority of all of the votes cast for the Office of Chairman. The six (6) other Council members shall be elected from segments, one Council member to be elected from each of the following segments by a majority of all of the votes cast for the office of Council representative from that respective segment:

White Spield1	representative
Twin Buttes1	representative
New Town/	
Little Shell	representative
Mandaree1	representative
Four Bears1	representative
Parshall/	,
Lucky Mound1	representative

SEC. 3. The boundaries of the segments shall be described as follows:

White Shield: That part of the Reservation starting at a point intersecting the eastern boundary and the McLean-Mountrail County line, thence westerly on that line to its junction with Hwy #37, thence southerly on that line to the thread of Deep Water Bay, thence along that thread to its junction with the thread of the Missouri River, thence southerly and westerly along the thread of the Missouri to the extreme southeasterly corner of the Rèservation boundary, thence north approximately two miles, thence due west to the line of the

eastern boundary, thence due north to the point of beginning.

Twin Buttes: That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southernmost border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

New Town/Little Shell: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Mandaree: That part of the Reservation starting at a point at the junction of BIA Hwy #4 and the western boundary of the Reservation, thence due south to the thread of the Little Missouri River, thence eastward and northward along the thread of the Little Missouri River, to the thread of the Missouri River, thence northward and westward along the thread of the Missouri River to the northern boundary of this segment, the northern boundary starting at the point of origin eastward along BIA #4 to the junction of Hwy #22, thence along the line connecting the northern boundaries of Sections 32, 33, 34, 35, and 36 of T. 151 N. eastward to the thread of the Missouri River.

Four Bears: That part of the Reservation lying within the northern and western Reservation boundaries with the thread of the Missouri River as the eastern boundary, the southern boundary being a line running eastward along BIA Hwy #4 to the junction of Hwy #22, thence along the northern boundaries of Sections 32, 33, 34, 35 and 36 of T. 151 N. eastward to the thread of the Missouri River.

Parshall/Lucky Mound: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Missouri River, to the thread of Deep Water Bay, thence easterly on a line to a point approximately one and one half miles due north to Hwy #37 and continuing along Hwy #37 to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its junction with the line of the eastern boundary, thence north on that line to the point at the junction of the 48th parallel, thence westerly on that parallel to the point of beginning.

[As smeeded by Amendment IX, effective July 2, 1986 charging referendum vote September 1, 1970, Resolution No. 70-89]

SEC. 4. The Tribal Council shall have authority to change the segment boundaries, subject to the approval of the voters of the Reservation at any regular or special election.

SEC. 5. Within three (3) days after the installation of the successful candidates for Council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a Vice Chairman, a

Secretary, and a Treasurer from its own members; and from within or outside its own members, it may elect or appoint a Sergeant-at-Arms and such other officers and committees as it may find necessary.

[This section amended by Amendment No. I. effective October 16, 1956 and further amended by Amendment No. III. effective September 10, 1974.]

SEC. 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

(As amended by Amendment No. 1, effective October 16, 1956.)

HISTORICAL NOTE

The initial Article III of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, reads as follows:

ARTICLE III - GOVERNING BODY

SECTION 1. The Governing Body of the Three Affiliated Tribes of the Fost Berthold Reservation shall be known as the Tribal Business Council.

SEC. 2. The Tribal Business Council shall consist of ten members elected from communities as follows: Nishu. 2 representatives: Elbowoods, 1: Shell Creek. 2: Santee. 1: Independence. 2: Little Missouri-Red Butte. 1: Beaver Creek. 1.

SEC. 3. For the first election of a Tribal Business Council, and until otherwise changed as provided herein, the boundaries of the communities thall be described as follows:

<u>Mishy</u>. - That part of the Reservation east of the Torrie Road and north of the Missouri River, to the Reservation line north and east.

Elhowands - West of the Nishu community, north and east of the Hissouri River, and south of township 149 north. Ranges 89, 90, and 91 west.

Sonice - Township 149 north and larges 89 and 90 west.

Shell Creek. Township 150 north and ranges 90, 91, 92, and 93 west. lying north and east of the Messours River.

Independence . That pass of the Reservation lying west of the Missouri River

and north of the Little Missouri River.

Little Missouri-Red Butte. - That part of the Reservation lying south and east of the Little Missouri River and extending eastward to a north and south line tunning through the Antelope Woman place.

Bravet Creek - That part of the Reservation south of the Hissouri River, the west boundary being a north and south line running through the Antelope Woman place, and extending castward to the southeast corner of the Reservation.

SEC. 4. The Tribal Business Council shall have authority to change the community boundaries. subject to the approval of the voters of the Reservation at any regular or special election.

SEC. S. The first election of the Tribal Business Council shall be held within 30 days after the adoption and approval of this constitution, and shall be called and supervised by the Superintendent of the Reservation with the cooperation of the present Tribal Business Committee.

SEC. 6. Within 3 days after the first election of a Tribal Business Council, that Council shall meet and organize by electing a chairman, a vice chairman, a secretary, and a treasurer from its own members, and from within or outside its own members, it may elect or appoint a tergeant at arms and such other officers and committees as it may find necessary.

SEC. 7. The members of the first Tribal Business Council shall serve until the first Tuesday in September 1938, and until their successors are elected and qualified.

AMENDMENTS:

1956 Amendment 1 provided as follows:

Article III - GOVERNING BODY - of the constitution shall be amended by striking Sections 1 to 7 inclusive and substituting therefor the following:

ARTICLE III - GOVERNING BODY

Section 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

Sec. 2. The Tribal Business Council shall consus of 10 members elected from segments of the Reservation as follows:

Western Segment 3 Representatives
Northern Segment 1 Representative
Northeestern Segment 1 Representative
Eastern Segment 3 Representatives
Southern Segment 2 Representatives

Sec. 3. The boundaries of the segments shall be described as follows:

Western - That part of the seservation bounded on the East by the
Garrison Reservoir and on the South by the Little Missouri River arm of the
Garrison Reservoir.

Northern - That part of the reservation bounded on the West and South by the Garrison Reservoir and on the East by the Shell Creek arm of the Garrison Reservoir.

Hortheastern - That part of the reservation bounded on the West by the Shell Creek arm of the Garrison Reservoir and on the South by the Lucky Mound Creek arm of the Garrison Reservoir.

Eastern - That part of the reservation bounded on the South and West by the Garrison Reservoir and on the West and North by the Lucky Hound Creek arm of the Garrison Reservoir.

Southern - That part of the reservation bounded on the North by the Garrison Reservoir and on the North and West by the Little Missouri River arm of the Garrison Reservoir.

Sec. 4. The Tribal Business Council shall have the authority to change the segment boundaries, subject to the approval of the voters of the reservation at any regular or special election.

Sec. S. Within 3 days ofter the election for councilmen has been held, the newly elected Tribal Business Council shall meet and organize by electing a chairman, a vice chairman a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a sergeant at arms and such other officers and committees at it may find necessary.

Sec. 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

1970. The 1956 segment boundaries were changed by referendum vote on September I, 1970 to read as follows:

Western: That part of the Reservation starting at a point at the junction of the western boundary of the Reservation with the 48th parallel of north latitude, thence east along the 48th parallel to the thread of the Missouri River channel, thence southerly and easterly along the thread of the Missouri River, to the juncture of the thread of the Little Missouri, thence westerly following the thread of the Little Missouri to Its juncture with the western boundary line of the Reservation, thence northerly along that line to the point of beginning.

Northern: That part of the Reservation starting at a point at the Junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of the Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its function with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Horsheastern: That part of the Reservotion starting at a point at the junction

of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of the Missouri River, then southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly in a line to a point approximately 1-112 miles due south of North Dakota Highway Route 37, thence due north to that road and continuing along that highway route to a point intersecting the Melean-Mountrail County line, thence easterly on that line to its juncture with the line that divides ranges 87 and 88 West, thence north on that line to a point at the juncture of the 48th parallel, thence westerly on that parallel to the point of beginning.

Easiern: That part of the Reservation starting at a point approximately 1-112 miles due south of North Dakota Route 37, thence westerly to the thread of the Deep Water Bay, thence along that thread to its juncture with the thread of the Missouri River, thence southerly and easterly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles, thence due west to the line that divides ranges 87 and 88 West, thence north on that line to its juncture with the McLean-Mountrail County line, thence west on that county line to its juncture with Route 37, thence southerly along Route 37 to a point where it curves sharply to the west, thence due south from that point until the point of beginning.

Suthern: That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern-most border of the Reservation, thence eastward along that border to a point on that line one mile beyond Between Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the paint of beginning.

1974 Amendment III provided as follows: Senions 2, 5 and 6 of Article III, GOVERNING BODY, shall be deleted and replaced by Sections 2(a), 2(b), 2(c) and 5 which shall read as follows:

See 21a). The Tribal Business Council shall consist of a chairman elected at large and ten (10) members elected on an at large basis to represent segment of the reservation as follows:

Western Segment Northern Segment Northeastern Segment & Eastern Segment

Southern Segment

3 Representatives
1 Representative

1 Representative

3 Representatives 2 Representatives

See 2(b) While condidates for each of the ten (10) council member positions

(representatives) must qualify on the basis of the segment they propose to represent, they, as well as candidates for the office of chairman, thall be subject to an election open to all qualified voters on a reservation-wide basis, including those entitled to vote by obsence ballot.

In segments where there are three (3) representatives, the three (3) qualified candidates from each tuck segment receiving the highest number of votes shall be declared elected.

In the segment where there are two (2) representatives, the two (2) qualified candidates receiving the highest number of votes thall be declared elected. In segments where there is only one (1) representative, the one (1) qualified candidate from each such segment receiving the highest number of votes shall be declared elected.

Sec 11c1. The chairman of the Tribal Business Council shall be elected at large by a majority of all votes cast for the office of chairman. If no candidate for chairman receives a majority of the votes cast for that office at the general election, a special run-off election shall be held between the two (2) candidates which received the highest number of votes at the general election. The candidate receiving the highest number of votes at the special run-off election shall be declared elected as chairman.

Sec. 5. Within three (3) days after the installation of the successful candidates for council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a vice chairman, a secretary, and a treasurer from its own members; and from within or outside its own members, it may elect or appoint a tergeant at arms and such other officers and committees as it may find necessary.

ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SEC 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over, shall be eligible to vote at any Tribal election.

This section amended by Amendment No. I. effective October 16, 1956, and further amended by Amendment No. IV, effective September 10, 1974.]

SEC. 2(b). For the purpose of voting in Tribal Business Council elections exclusively, any eligible voter of the Three Affiliated

Tribes, whose place of legal residence is located outside the exterior boundaries of the Fort Berthold Reservation on the date of an election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his ballot at the appropriate segment polling place on the date of the election.

In the initial election actually voted in subsequent to the effective date of this Amendment, each such nonresident eligible voter shall be entitled to vote at the polling place located in the segment of his choice; provided, however, that such choice of segment shall be binding upon such nonresident voter in subsequent elections, until such time as he has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

[As amended by Amendment XI, effective July 2, 1986.]

SEC. 3(a). The general election of the Tribal Business Council shall be held on the Tuesday next after the first Monday in November in every even numbered year. In the event, however, that the general election cannot be held on said date, the election shall be held on a date designated by the Tribal Business Council, which date shall be within a period of thirty (30) days from the day heretofore specified.

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special runoff election shall be held between the tied candidates. The candidate who receives the higher number of votes in the special runoff election shall

be declared elected to such position.

In case of a tie vote in a runoff election for any position on the Tribal Business Council. a second runoff election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second runoff election shall be declared elected to such position. In the case of a tie vote in the second runoff election, the two (2) tied candidates shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which candidate shall be declared elected to the position.

[As amended by Amendment XII. effective July 2, 1986.]

SEC. 3(b). A primary election shall be held for each vacant position on the Tribal Business Council, which election shall be held on the Tuesday next after the third Monday in September in every even numbered year. In the event, however, that, pursuant to the authority granted in Section 3(a) of this Article, the Tribal Business Council should extend the date of the general election beyond the Tuesday next after the first Monday in November in a particular election year, the date on which the primary election will be held in such year shall be likewise extended for the same period as the general election has been extended.

[As amended by Amendment XII, effective July 2, 1986.]

SEC 3(c). The two (2) qualified candidates for each position on the Tribal Business Council, for which an election is being held, who secure the highest number of votes in the primary election shall stand for election in the ensuing general election. In the event, however, that any one qualified candidate for a

particular position on the Tribal Business Council should secure a majority of the votes cast for such position in the primary election, such candidate shall be declared elected to such position at the primary stage of the election and a general election shall not be held for such position in that election year.

[As amended by Amendment XII, effective July 2, 1986.]

SEC. 3(d). Notice of each primary and general election to be held in a respective election year shall be given by the Secretary of the Tribal Business Council to each eligible voter of the Three Affiliated Tribes at least thirty (30) days previous to the date on which the primary election is to be held, which written notice shall set forth the respective locations, dates, and times of both the primary and general elections. In the event, however, that the Secretary of the Tribal Business Council should fail to give the requisite notice in a timely manner as prescribed herein, the Secretary of the Interior, upon receipt of a petition signed by at least ten (10) percent of the eligible voters of the Three Affiliated Tribes, shall call such elections and give at least twenty-five (25) days notice to each such eligible voter, wherein are set forth the respective locations, dates, and times of both the primary and general elections.

[As amended by Amendment XIL effective July 2, 1986.]

SEC. 3(e). For the purpose of the 1986 Tribal Business Council election, the respective terms of office of each of the incumbent members of the Council shall expire upon the installation of those persons duly elected in the 1986 Council election. Each of the seven (7) positions on the Tribal Business Council shall be elected, in the 1986 election. The three (3) segment representatives elected to the Council in the 1986 election by the first, second, and third highest proportionate percentage

of votes cast in the respective segments and the person elected to the Office of Chairman shall each serve a four (4)-year term of office, each of which shall expire in 1990 upon the election and installation of the successors to such position, unless any such Council member is unable to serve throughout such term as provided for in Article V. Section 1. In the event that two (2) segment representatives elected to the Council should secure the same third highest proportionate percentage of votes, such tied Council members shall draw straws in a special lottery conducted by the tribal election board for the purpose of determining which of such members shall serve a four (4)-year term. The remaining three (3) segment representatives elected to the Council shall each serve a two (2)-year term, each of which shall expire in 1988 upon the election and installation of the successors to such positions, unless any such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

In the 1988 Tribal Business Council election and in the Council elections held every second year thereafter, three (3) segment representatives shall be elected to the Council, each of whom shall serve a four (4)-year term. The term of office of the Chairman of the Council shall expire in 1990, upon the election and installation of the successor to such office, and every four (4) years thereafter. The duly elected Council member shall serve for the respective specified terms of office, each of which term shall commence upon the installation of the elected Council member pursuant to Article I, Section 4 of the Bylaws of the Three Affiliated Tribes and shall expire upon the installation of the successor to such Council position, unless such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

[Section 3(a) added by Amendment X, effective July 2, 1986.]

SEC. 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SEC. 5. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SEC. 6. In the first election after the adoption of this Amendment, any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. In all succeeding elections, a qualified voter to be eligible to become a candidate must have resided in the segment he proposes to represent for a period of at least six (6) months next preceding the date of the election. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community.

[As amended by Amendment No. I, effective October 16, 1956.]

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of Tribal Chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate.

[New paragraph added to Section 6 by Amendment No. III, effective September 10, 1974]

HISTORICAL NOTE

The initial Article IV of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, reads as follows:

SECTION 1. All elections shall be by secret ballot.

SEC 2. Any member of the Three Affiliated Tribes of the Fort Berthold Reservation. who is eighteen (21) years of age or over, shall be entitled to vote at any election as which he or the appears at the polis in his or her community during official voting hours on election day.

SEC. 3. The regular election of a Tribal Business Council shall be held on the first Tuesday of September in even numbered years, beginning with 1932.

SEC. 4. Special elections may be called by a two-thirds vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least 10 percent of the qualified voters of each community as provided in Article VIII.

SEC. S. All elections shall be held under the supervision of the Tribal Business Council or an election board appointed by that Council, and the Tribal Business Council or the election board appointed by it, shall make tules and regulations governing all elections, and shall designate the polling places and the election officers.

SEC. 6. Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is 21 years of age or over, may become a candidate for the Tribal Business Council by filing a notice of his candidaty with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidates, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community.

1956. Amendment I approved by Secretary of the Interior Fred A. Seaton on October 16, 1956 reads as follows:

Anick IV - NOMINATIONS AND ELECTIONS - Sections 2, 3 and 6 of the

constitution shall be amended to read as follows:

Sec 25a1. Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is 21 years of age or over, shall be entitled to rote at any election.

Sec. 2161. Absence ballots will be furnished to any enrolled nonvestident member of the tribes upon request to the tribal secretary made 10 days before the election. The ballot must be returned to and reach the tribal secretary on or before the date of the election in order that it may be counted.

See 31a). Not less than 20 days not more than 30 days after the date on which this amendment becomes effective an election shall be held. At said election representatives to the Tribal Business Council from the segments as described herein thall be elected to serve until September 1958. Thereafter, the regular election of a Tribal Business Council shall be held on the first Tuesday of September in even numbered years.

Sec. 316). Notice of regular elections shall be given by the secretary of the Tribal Business Council who shall give to all enrolled members of the tribe 30 days notice of the time and place of the regular election. In the event the tribal secretary shall fall to give the appropriate notice, or in case a regular election has not been held, the Secretary of the Interior, upon the receipt of a petition signed by at least 30 percent of the adult members of the tribe, shall call such election and give 25 days notice. setting the time and place.

Sec. 6. In the first election after the adoption of this amendment any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least 15 days before the election in which he is to be a candidate. In all succeeding elections a qualified voter to be eligible to become a candidate must have resided in the tegment he proposes to represent for a period of at least six months next preceding the date of the election. At least 10 days before the election, the Secretary of the Tribal Business Council shell post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least 10 qualified voters of such community.

1974. Amendment III approved by Acting Deputy Commissioner of Indian Affairs

Raymond V. Butler on October 21, 1974 declaring the amendment to be effective on September 10, 1974 reads as follows:

Section 3(2) of Article IV. NOMINATIONS AND ELECTIONS, shall be amended

to read as follows:

Sec. 3(a). The regular election to fill all vocancies on the Tribal Business Council shall be held on the third Tuesday of September in even numbered years, or, in the event the election cannot be held on said date, on a date designated by the Tribal Business Council which shall be within thirty (30) days of the date heretofore specified.

At the September, 1974 election the five (5) candidates elected secriting the highest number of votes and the successful candidate for chairman shall serve four-year terms, or until their successors are duly elected and fastalled.

In cases of a tile between elected condidates, those tied candidates shall draw straws (n a special lottery conducted by the tribal election board to determine which elected candidate shall serve a four-year term. The remaining five (5) candidates elected to the Tribal Business Council shall serve two-year terms. Thereafter, five (5) representatives shall be elected every second year to serve four-year terms. The term of office for chalmon shall expire in 1978 and every four (4) years thereafter. In each instance, the above officials shall serve for the specified term or until their successors are duly elected and installed, unless earlier removed from office.

In case of a the vote for any position on the Tribal Business Council such that the qualified representative, or representatives, from that particular segment is, or are, not elected, a special run-off election shall be held between the tied candidates for that position on the Tribal Business Council, in which all qualified voting members of the Three Affiliated Tribes shall be eligible to vote. The candidate or candidates receiving the highest number of votes in the special run-off election shall, in order of vote, be declared elected to fill the vacant position or positions on the Tribal Business Council.

In the case of a tie vote in two (2) consecutive special run-off elections held between the same ties candidates for a particular position on the Tribal Business Council, those candidates shall draw straws in a special lottery conducted by the tribal election board to determine which candidate shall fill the position on the Tribal Business Council.

Section 6 of Article IV. NOMINATIONS AND ELECTIONS, shall be amended by adding to it the following paragraph:

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the office of whole chairman by filing a notice of cardidacy with the Secretary of the Tribal Business Council at least

sisteen (15, says before the election in which he is to be a candidate.

1974. Amendment IV approved by Acting Deputy Commissioner of Indian Affairs Raymond V. Butter on October 21, 1974 declaring the amendment to be effective on September 10, 1974 reads as follows:

AMENDMENTIV
Section 2(2) of Article IV, NOMINATIONS AND ELECTIONS, shall be amended to read as follows:

See 21a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over shall be eligible to vote at any tribal election.

ARTICLE V - VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Council member or officer shall die, resign, or be permanently removed from the Reservation, or be removed from office for cause, the Council shall have full authority to appoint a qualified Tribal member from the segment where the vacancy occurs to serve the unexpired term of said member or office.

However, in case the Chairman's position becomes vacant due to the Chairman's death, resignation, permanent removal from the Reservation or removal from office for cause, the unexpired term of the Chairman shall be filled by a member of the Council, selected by a majority vote of the Council. In that instance, the Council shall promptly appoint, as herein provided, to fill the vacancy created by a Council member assuming the Chairman's position.

SEC. 2. The Tribal-Business Council may remove a member for cause by five (5) or more members voting for such removal, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a

designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to the removal or retention of such member.

SEC. 3. The Tribal Business Council shall, within one (1) year of the date of approval of this Section, enact an ordinance setting forth what constitutes cause for the removal of a Council member pursuant to Section 2 of this Article.

HISTORICAL NOTE

The initial Aniele V of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, reads as follows:

ARTICLE Y - VACANCIES AND REYOVAL FROM OFFICE

SECTION 1. If a council member shall die, resign, permanently remove from the reservation, or be removed for cause, the Council shall deciare such position vacant and shall elect to fill the unexpired term from a list of names recommended by a petition signed by a majority of the voters of the community in which the vacancy occurs, and provided that the person elected or appointed by the Tribal Business Council to fill the unexpired term shall be a resident of the community in which the vacancy occurred, and otherwise eligible for the office.

SEC. The Tribal Business Council may expel a member for cause by seven or mare members voting for such expulsion, but before any vote is taken on the matter, such member shall be given an opportunity to answer any and all charges at a designated meeting of the Council, and the decision of the Tribal Business Council shall be final as to expulsion or retention of such member.

Amendments:

Section 1 was amended by Amendment No. 111, effective September 10, 1974, as it presently appears above.

Sections 2 and 3 of Article V were amended as shown above by Amendment DL effective July 2, 1986.

ARTICLE VI - POWERS

SECTION 1. The Three Affiliated Tribes of the Fort Berthold Reservation, acting through their Tribal Business Council, shall have the powers granted by this Article; but any power

exercised through that Council shall be subject to a popular referendum as provided by this Constitution.

SEC. 2. The exercise of the powers granted by this Constitution is subject to any limitations imposed by the statutes of the United States or by this Constitution and Bylaws.

SEC. 3. The people of the Fort Berthold Reservation hereby grant to the Tribal Business Council of the Three Affiliated Tribes all necessary sovereign authority — legislative and judicial — for the purpose of exercising the jurisdiction granted by the People in Article I of this Constitution. Further, the People hereby authorize the Tribal Business Council to delegate to the Tribal Court such judicial power and authority as may be necessary to realize the jurisdiction granted by the People in Article I of this Constitution.

SEC. 3(a). To present and prosecute any claims or demands of the Three Affiliated Tribes, and to assist members of the Tribes in presenting their claims or grievances before any court or agency of government, and to employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

SEC 3(b). The People of the Three Affiliated Tribes, in order to achieve a responsible and wise administration of this sovereignty delegated by this Constitution to the Tribal Business Council, hereby specifically grant to the Tribal Court the authority to enforce the provisions of the Indian Civil Rights Act, 25 LJ.S.C. 1301, et seq., including the award of injunctive relief only against the Tribal Business Council if it is determined through an adjudication that the Tribal Business

Council has in a specific instance violated that Act.

SEC. 4. Any resolution or ordinance which, by the express requirements of federal law, is subject to the approval of the Secretary of the Interior, shall be presented to him, and he shall, within ten (10) days thereafter, approve or disapprove the same.

[Anicle VI - Powers. Sections 1 through 4 amended by Amendment No. VIII, effective March 11, 1985.]

- SEC. 5. The Tribal Business Council shall have the following powers, the exercise of which shall be subject to popular referendum as hereinafter provided in this Constitution.
- (a) To manage all economic affairs and enterprises of the Three Affiliated Tribes of the Fort Berthold Reservation in accordance with the terms of a charter to be issued to them by the Secretary of the Interior.
- (b) To create and maintain a Tribal Business Council fund by accepting grants or donations from any person. State, or the United States, or by income from the Tribal enterprises, or by levying assessments of not less than 10 cents and not to exceed \$1 per year per capita on the qualified voters of the Three Affiliated Tribes, and to require the performance of labor in lieu thereof, provided the payment of such per capita levy shall be-made before any person shall vote in any election held more than 6 months after the date of said levy.
- (c) To administer any funds or property within the exclusive control of the Tribes to make expenditures from available Tribal funds for public purposes of the Tribes, including salaries or

other remuneration of Tribal officials or employees. Such salaries or remuneration shall be paid only for services actually rendered. All expenditures from the Tribal Business Council fund shall be by resolution duly passed by the Council to such effect, and the amounts so paid shall be matters of public record at all times.

- (d) To negotiate with the Federal, State and local governments on behalf of the Tribes, and to advise and consult with the representatives of the Interior Department on all activities of that Department that may affect the Fort Berthold Reservation.
- (e) [Stricken by Amendment No. 11, effective December 22, 1961.]
- (f) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Three Affiliated Tribes prior to the submission of such estimates or projects to the Bureau of the Budget and to Congress.
- (g) To purchase land of members of the organization under condemnation proceedings in courts of competent jurisdiction.
- (h) To regulate the inheritance of real and personal property, other than allotted lands, within the territory of their jurisdiction.
- (i) To make assignments and leases of Tribal lands, and otherwise to manage Tribal lands, interests in Tribal lands, and property upon such lands, in conformity with Article IX of this Constitution.

(j) To protect and preserve the property, wildlife, and natural resources of the Tribes; to regulate hunting and fishing on all lands within the jurisdiction of the Tribes; and to cultivate and preserve native arts, crafts, culture, ceremonies and traditions.

HISTORICAL NOTE

Article VI - Powers, Section 5 (1) was amended by Amendment VIII, effective March 11, 1985. The prior subsection (j) reads as follows:

(j) To protest and preserve the property, wildlife, and natural resources of the tribes: to regulate hunting and fishing on tribal lands; and to cultivate and preserve native art, crosts, culture, ceremonials, and traditions.

- (k) To make recommendations to the Superintendent of the Fort Berthold Agency, the Commissioner of Indian Affairs, or the Secretary of the Interior, concerning the appointment and removal of employees assigned to duty of the Fort Berthold Reservation.
- (1) To adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials of the Reservation.
- SEC. 6. Likewise subject to popular referendum, the Tribal Business Council may exercise such further powers as may in the future be delegated to the Three Affiliated Tribes of the Fort Berthold Reservation by the Secretary of the Interior or by any other duly authorized official or agency of government.
- SEC. 7. Any rights and powers heretofore vested in the Three Affiliated Tribes of the Fort Berthold Reservation, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of

the Fort Berthold Reservation through the adoption of appropriate Bylaws and Constitutional amendments.

HISTORICAL NOTE

The initial subsection (e) of Article VI of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, which was stricken by amendment II on December 22, 1961, reads as follows:

(e) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, which may be authorized or executed by any authorized official or agency of the Government, provided that no tribal lands shall ever be sold or encumbered, leased for a period exceeding 5 years, except that mineral lands may be leased by the Tribal Business Council for such longer periods as may be provided by law.

(NO ARTICLE VII)

ARTICLE VIII - REFERENDUM

Upon a petition signed by at least 10 percent of the qualified voters of each community, demanding a referendum on any proposed or enacted ordinance or resolution of the Tribai Business Council, the Council shall call an election and the vote of a majority of the qualified voters voting in such referendum shall be binding upon the Tribal Business Council, provided that at least 30 percent of the eligible voters shall vote in such referendum.

ARTICLE IX-LAND

SECTION 1. The Tribal Business Council shall have authority to manage and lease or otherwise deal with Tribal lands and resources in accordance with law and to prevent the sale, disposition, lease or encumbrance of Tribal lands, interest in lands, or other Tribal assets.

SEC. 2. Tribal lands. The unallotted lands of the Fort Berthold Indian Reservation and all lands which may hereafter be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as Tribal lands and no part of such lands shall be mortgaged, sold, or ceded, except as permitted by law and then only with the consent and approval of the Secretary of the Interior. Tribal land shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the Tribes as hereinafter provided.

SEC. 3. Leasing of Tribal land — (a) Tribal land may be leased by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods as permitted by law. (b) Grazing permits covering Tribal lands may be issued by the Tribal Business Council, with the approval of the Secretary of the Interior, for such periods of time as permitted by law.

SEC. 4. Assignments of Tribal Land — (a) The Tribal Business Council may by ordinance, approved by the Secretary of the Interior, provide for granting and tenure of assignments of Tribal land to members of the Tribes. (b) Any member of the Tribes who owns an allotment or any share of heirship land or patent-in-fee land may voluntarily transfer his interest in such land to the Tribes in exchange for an assignment to the same land or for other land of a proportionate share in other Tribal assets.

SEC. 5. Use of Unassigned Tribal Land — Tribal land which is not leased or assigned, including Tribal timber lands, shall be managed by the Tribal Business Council subject to the

approval of the Secretary of the Interior, for the benefit of the members of the Tribes.

SEC. 6. Acquisition of Land by Tribe — The Tribal Business Council of the Three Affiliated Tribes is hereby authorized and empowered to acquire by purchase, exchange of Tribal land, relinquishment, or otherwise any lands or interests in land for and on behalf of the Three Affiliated Tribes under such terms as may be agreed upon provided the acquisition is approved by the Secretary of the Interior.

HISTORICAL NOTE

Article IX — LAND was amended in its entirety by Amendment No. II, effective December 22, 1961. The initial Article IX of the Indian Reorganization Act Constitution approved by the Secretary of the Interior. Harold L. Ickes, on June 29, 1936, reads as follows:

ARTICLE IX - LAND

SECTION 1. Allotted lands, including heirship lands, within the Fore Berthold Reservation thall continue to be held as heretofors by their present owners. It is recognized that under existing laws such lands may be inherited by the heirs of the present owner, whether or not they are members of the Three Affiliated Tribes. Likewise it is recognized that under existing laws the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State laxes and may be mortgaged or sold. The right of the individual Indian to hald or part with his land, as under existing law, shall not be absogned by anything contained in this Constitution, but the owner of testricted land, may with the approval of the Secretary of the Interior, voluntarily convey his land to the Three Affiliated Tribes either in exchange for a money payment or in exchange for an assignment covering the same land, as hereinafter provided.

SEC. 7. The unallotted lands of the Fort Berthold Reservation and all lands which may herester be acquired by the Three Affiliated Tribes or by the United States in trust for the Three Affiliated Tribes, shall be held as tribal lands, and no part of such land shall be mortgaged, sold or ceded. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Three Affiliated Tribes, or leased, or otherwise used by the Tribes, as hereinafter provided.

SEC. 3. In the leasing of tribal lands or the granting of grazing permits,

Departmental grazing regulations shall be observed and no lease or permit shall be granted to a nonmember unless it shall appear that no Indian cooperative association or individual member of the Three Affiliated Tribes is able and willing to use the land and pay a reasonable fee for such use.

SEC. 4. In any standard assignment of tribal lands which are naw owned by the tribe or which may be hereafter purchased for the tribe by the United States, or purchased by the tribe out of tribal funds, preference thall be given, first, to members of the tribe who have been born since the allotment of land on the Fort Berthold Reservation and who have reached legal age and desire to establish a home but have no land or interests sin land; and second, to heads of families which have no allotted lands or interests in allotted lands but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value. Such economic unit shall be determined from time to time by the Tribal Business Council. No allotted member of the tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be allenated shall be entitled to receive an assignment of land as a landless landian.

The Tribal Business Council may if it sees fit, charge a reasonable fee based upon the value of the land at the time of approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless indians, and shall be known as "Standard" assignment.

SEC. S. If any member of the tribe holding a standard assignment of land thall for a period of two (2) years, fail to use the land so assigned or shall use such land for any unlawful purpose his assignment may be canceled by the Tribal Eusiness Council after due notice and an apportunity to be heard. and the said land may be assigned in accordance with the provisions of section 4 of this Article.

Upon the death of any Indian holding a "standard" assignment his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Three Affiliated Tribes who would be eligible to receive "standard" assignments.

SEC. 6. Assignments under this section that be known as "exchange" assignments. Any member of the tribe who owns an allotment or any share of heirship land or potent-in-fee land may voluntarily transfer his interest in such land to the tribe in exchange for an assignment to the same land or other land of equal value. If the assignce prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

SEC. 7. "Exchange" assignments may be used by the assignce or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to

tent the land at a teasonable fee, such assignments may be leased to nonindians, in the same manner as allotted lands.

SEC. 8. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Business Council to his heles or devises subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devises who is not a member of the Three Affiliated Tribes, except that a life assignment may be made to the surviving widower, widow, or child of the holder of such assignment.

(b) Such lands mayo not be reassigned to any heir or devises who already holds more than 320 acres of grazing land, or other land or interests in land

of equal value, either under allotment or under assignment.

(c) Such land may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than one hundred and (160) sixty acres, and no area of trigated land shall be subdivided into units smaller than forty (40) acres except that land used for buildings or other improvements may be divided to tuit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Business Council shall liste to such heirs or devisees grazing permits or interests in tribal lands of the same value as the assignments of the decedent.

(d) If there are no cligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of tection 4 of

this Acticle.

- SEC. 9. Improvements of any character made upon assigned lands may be bequenthed to and inherited by members of the Three Affiliated Tribes under such regulations as the Tribal Business Council shall provide. Ho permanent improvements shall be removed without the consent of the Council.
- SEC. 10. Assignments may be exchanged between members of the Three Affiliated Tribes by common consent in such manner as the Tribal Council thall designate.
- SEC. 11. Tribal land which is not leased or assigned, including tribal timber reserves, shall be managed by the Tribal Business Council for the benefit of members of the entire tribe, and any cash income derived from such land shall occur to the benefit of the tribe as a whole.
- SEC. 12. Tribal funds in the United States Treasury may be used, with the consent of the Secretary of the Interior, to acquire land, under the following conditions:
- (a) Land within the Fort Berthold Reservation or adjacent to the boundaries thereof, excepting allogments not in heirship status, may be purchased by or for the Three Affiliated Tribes.
 - (b) Land owned by any member of the tribe who desires to leave the

reservation permanently may be purchased by the tribe under such terms as may be agreed upon.

SEC. 13. Applications for assignments shall be filed with the Secretary of the Tribal Business Council, and shall be in writing setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the Council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed with the Secretary of the Tribal Business Council, and may, if he to desires, appear before the Tribal Business Council to present evidence. The Secretary of the Tribal Business Council shall furnish the Superintendent or other officer in charge of the azency a complete record of all actions taken by the Tribal Business Council on applications for assignments of land and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe. Forms for assignments shall be prepared by the Tribal Business Council, subject to approval by the Secretary of the Interior.

ARTICLE X-AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment when requested by a two-thirds (2/3) vote of the Tribal Council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters.

BYLAWS

ARTICLE I - DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Business Council shall preside at all meetings of the Council and direct the work of its officers. He shall appoint, subject to the approval of the council, such standing committees and special committees and other officers as the business of the tribe may require.

In the absence of the chairman from any regular council meeting or any special meeting regularly called, the vice-chairman shall preside in his place, and he shall have all the privileges, duties, and responsibilities of the Chairman in his absence.

SEC. 2. The Secretary of the Tribal Business Council shall conduct all correspondence of the Council, shall keep all records, minutes of meetings, and an accurate roll of members by communities. He shall receive all petitions, applications and other papers and prepare them for the action of the Council. He shall promptly submit a copy of the minutes of each Council meeting to the Superintendent of the Agency. He shall perform such other clerical duties relating to the business of the Council as it may direct.

SEC. 3. The Treasurer of the Tribal Business Council shall accept, receipt for, keep, and safeguard all funds in the custody of the Council, whether they be Tribal funds or special funds for which the Council is acting as trustee or custodian. He shall

deposit all such funds in a bank or elsewhere as directed by the Council and shall make and keep a faithful record of such funds, and shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody to the Council at regular meetings and at such other times as requested by the Council, his reports to be in writing and matters of record. He shall not expend or otherwise disburse any funds in his possession or in the possession or custody of the Tribal Business Council except when he is authorized to do so by resolution duly passed by the Council. All checks shall be signed by the Treasurer and shall be countersigned by the Chairman of the Tribal Business Council, and all checks issued prior to July 1, 1940, shall be approved by the Superintendent of the Reservation.

The books and records of the Treasurer shall be audited at least once each year by a competent auditor employed by the Council, and at such other times as the Council or the Commissioner of Indian Affairs may direct. The Treasurer shall be required to be under a surety bond satisfactory to the Council and to the Commissioner of Indian Affairs.

SEC. 4. The Tribal Business Council, or an election board appointed by it, shall certify to the election of the duly elected Council members within 3 days after the election, and the newly elected Councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows: "I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the

duties of Councilman to the best of my ability.

SEC. 5. The duties of all appointed committees and officers shall be clearly defined by resolution of the Council at the time of their appointment, and such committees and officers shall report from time to time as required by the Council, and their activities and decisions shall be subject to review by the Council at any time.

ARTICLE II-SALARIES

The Tribal Business Council may prescribe such salaries for Council members and Tribal officers appointed by the Council as it deems advisable, from such funds as may be available, provided that no compensation shall be paid to any Tribal officer out of any Tribal funds except by resolution duly passed and approved by the Council, and subject to popular referendum the same as other powers of the Council, and further provided that no compensation shall be paid to any Tribal officer out of Tribal funds under the control of the Federal Government except upon a resolution stating the amount of the compensation and the nature of the services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

ARTICLE III - MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council shall be held at such place as may be designated by the Tribal Business Council, on the second Thursday of each month.

SEC. 2. Special meetings may be called by the Chairman or by any three Councilmen who shall notify all members of the Council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the Council approves a shorter call in an emergency.

SEC. 3. Five (5) members shall constitute a legal quorum of the Tribal Business Council.

SEC. 4. In the absence of the Chairman and Vice Chairman, if a quorum is otherwise present, the Secretary shall act as Chairman until a temporary Chairman is selected.

SEC. 5. At the first meeting of a newly elected Tribal Business Council, it shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

HISTORICAL NOTE

The initial Article III of the Indian Reorganization Act Constitution approved by the Secretary of the Interior, Harold L. Ickes, on June 29, 1936, reads as follows:

ARTICLE III - MEETING OF COUNCIL

SECTION 1. The regular meetings of the Tribal Business Council thall be held at Elbowoods, N. Dak., on the second Thursday of each month.

SEC. 2. Special meetings may be called by the Chairman or by any three councilmen who shall notify all members of the council at least twenty-four (24) hours before the time of convening such meeting unless a majority of the council approve a shorter call in an emergency.

SEC. 3. Seven members shall constitute a legal quorum of the Tribal Business Council.

SEC. 4. In the absence of the Chairman and Vice Chairman if a quorum is otherwise present, the Secretary shall act as chairman until a temporary chairman is selected.

SEC. S. At the first meeting of a newly elected Tribal Business Council. it

shall establish by resolution a regular order of business such as: Roll call, reading of minutes of previous meeting, report of Treasurer, report of committees, unfinished business, new business, etc.

AMENDMENTS:

SECTION 1 was amended by Amendment V, effective September 10, 1974., to read as it appears above.

SECTION 3 was amended by Amendment IX, effective July 2, 1986, to read as it appears above.

ARTICLE IV. ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and attached Bylaws, when adopted by a majority of the qualified voters of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation, voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those qualified shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in effect from the date of his approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 11, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to members of the Arickara, Gros Ventres, and Mandan Tribes of the Fort Berthold Reservation and was on May 15, 1936, duly ratified by a vote of 366 for, and 220 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 [48 Stat. 984], as amended by the act of June 15, 1935 [49 Stat. 378].

GEORGE W. GRINNELL
Chairman of Election Board.

ARTHUR MANDAN,
Chairman of the Business Council.
PETER H. BEAUCHAMP

Secretary

W. R. BEYER, Superintendent.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Three Affiliated Tribes.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 3. 1936.

JOHN COLLIER,

Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior
[SEAL]

WASHINGTON, D. C., June 29, 1936.